

*Leave of Absence*

*Wednesday, December 20, 2006*

**SENATE**

*Wednesday, December 20, 2006*

The Senate met at 1.30 p.m.

**PRAYERS**

[MADAM PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Madam President:** Hon. Senators, I have granted leave of absence from today's sitting to Sen. The Hon. Satish Ramroop, who is ill, and Sen. Ato Boldon, who is out of the country.

**SENATORS' APPOINTMENT**

**Madam President:** Hon. Senators, I have received the following correspondence from His Excellency the President, Professor George Maxwell Richards, T.C., C.M.T., Ph.D.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency, Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator Satish Ramroop is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with immediate effect and continuing during the period of illness of the said Senator Satish Ramroop.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 20<sup>th</sup> day of December, 2006.”

*Senators' Appointment*  
[MADAM PRESIDENT]

*Wednesday, December 20, 2006*

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T. Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MR. ANTHONY SAMMY

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

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ANTHONY SAMMY, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Ato Boldon.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 20<sup>th</sup> day of December, 2006.”

**OATH OF ALLEGIANCE**

*Senators Joan Hackshaw-Marshlin and Anthony Sammy took and subscribed the Oath of Allegiance as required by law.*

**BAIL (AMDT.) BILL**

Bill to amend the Bail Act, 1994, brought from the House of Representatives [*The Attorney General*]; read the first time.

*Motion made*, That the next stage be taken at a later stage of the proceedings. [*Hon. J. Jeremie*]

**Sen. Mark:** Madam President, I object. [*Crosstalk*] You are going to put the question; before you put the question we have to object.

**Madam President:** You object? [*Crosstalk*]

**Hon. Senator:** Just sit and vote “No”.

**Sen. Mark:** When we last met in this Parliament, no one indicated to us that we would have to be here today. Madam President, you know and I know that it is not the first time and it is not the second time.

**Madam President:** Senator, please do not make a speech.

**Sen. Mark:** I am suggesting that the Government has brought a measure that requires support under Standing Order 48(1). You are aware that under this Standing Order we need 15 clear days to study the material. It is an abuse of process and power. The Parliament cannot be seen and cannot be used as a carnival band.

**Madam President:** Please, please, Senator. [*Interruption*] Sen. Mark, will you please sit down.

**Sen. Mark:** But I have a right to stand. [*Crosstalk*]

**Madam President:** Please, Senator; sit down. I will put it to the vote.

*Question put.*

**Sen. Mark:** Division! Since you do not want us to talk, let us vote. [*Crosstalk*]

*The Senate divided: Ayes 22 Noes 6*

AYES

Saith, Hon. Dr. L.

Yuille-Williams, Hon. J.

Jeremie, Hon. J. [*Crosstalk*]

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Piggott, Hon. A.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Titus, R.

Abdul-Hamid, Hon. M.

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Kangaloo, Hon. C.  
 Hackshaw-Marslin, Mrs. J.  
 Mc Kenzie, Dr. E.  
 Deosaran, Prof. R.  
 King, Mrs. M.  
 Seetahal, Miss D.  
 Anmolsingh-Mahabir, Mrs. P.  
 Khan, Bro. N.  
 Ali, B.  
 Cropper, Mrs. A.

NOES

Mark, W.  
 Gopeesingh, Dr. T.  
 Kernahan, Dr. J.  
 Ahmed, Mrs. R.  
 Sammy, A.  
 Mungalsingh, H.

*Question agreed to.*

**Madam President:** Senators, I just want to draw your attention to Standing Order 9(4).

**PAPERS LAID**

1. The annual audited financial statements of National Helicopter Services Limited for the year ended September 30, 2004. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. The annual audited financial statements of National Helicopter Services Limited for the year ended September 30, 2005. [*Sen. The Hon. C. Enill*]

**ORAL ANSWERS TO QUESTIONS**  
**Integrity Commission**  
**(Lack of Funding)**

**13. Sen. Wade Mark** asked the hon. Attorney General:

Could the Attorney General inform this Senate whether the Integrity Commission is being starved of funding and adequate resources in order to conduct and complete these investigations into the various complaints referred to it?

**Sen. Mark:** Madam President, if I may, seeing that the Attorney General was aware that we were meeting today—

**The Attorney General (Sen. The Hon. John Jeremie):** Madam President, the answer is not yet ready. I need a further week on it.

*Question, by leave, deferred.*

**Madam President:** What about the answers to questions Nos. 14, 15 and 16? These were deferred for two weeks?

**Sen. Dr. Saith:** Yes.

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

**Chief Justice's Court Matter**  
**(Details of)**

**14. A.** With respect to the recent court matters involving the honourable Chief Justice, could the hon. Attorney General provide the Senate with a list of the names, status and rank of all Attorneys-at-Law who represented:

- i. Director of Public Prosecutions (DPP) and/or the Deputy Director of Public Prosecutions;
- ii. The Commissioner of Police; and
- iii. The State?

**B.** Could the Attorney General also provide the Senate with:

- i. A list of all the fees paid to these Attorneys;
- ii. A breakdown of all the expenses involved in connection with this matter in the Privy Council in London; and
- iii. The names of all the Attorneys including state Attorneys who addressed the Privy Council?

**Integrity Commission**  
**(Investigation of Complaint from PSA President)**

15. A. With respect to the complaint made to the Integrity Commission by the President of the Public Services Association against the Minister of Health regarding a conflict of interest in the Chronic Disease Assistance Programme (CDAP), could the hon. Attorney General inform this Senate if the investigation has been completed;
- B. If the answer to (A) is in the affirmative, could the Attorney General indicate to the Senate what were the findings of the Integrity Commission;
- C. If the answer to (A) is in the negative, could the Attorney General state:
- i. The reason(s) for the delay in bringing this investigation to a conclusion; and
  - ii. The expected date for the completion of this investigation?

**Integrity Commission**  
**(Investigation of Complaint from Maha Sabha)**

16. A. With respect to the complaint made to the Integrity Commission by the Maha Sabha regarding the award of a Radio Broadcast Licence to a company owned by Mr. Louis Lee Sing; could the hon. Attorney General inform the Senate whether the investigation has been completed?
- B. If the answer to (A) is in the affirmative, could the Attorney General inform the Senate of the findings of the Integrity Commission; and
- C. If the answer to (A) is in the negative, could the Attorney General inform the Senate:
- i. The reason for the delay in bringing this investigation to a conclusion; and
  - ii. The expected date for the completion of this investigation?

*Questions, by leave, deferred.*

**Trinidad and Tobago Housing Development Corporation (HDC)  
(Details of)**

**Sen. Basharat Ali** asked the hon. Minister of Housing:

- 19.** A. Could the Minister advise whether the Trinidad and Tobago Housing Development Corporation is exempt from the Central Tenders Board Ordinance in accordance with section 29(1) of the said Act?
- B. If the answer is in the affirmative, have rules been laid in Parliament in accordance with section 29(4) of the said Act?
- C. If the answer is in the affirmative, please advise the date on which they have been laid?

**The Minister of Public Administration and Information and the Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Madam President, I have discussed this matter with Sen. Ali. I will like a deferral of one week.

*Question, by leave, deferred.*

**EVIDENCE (AMDT.) BILL**

Bill to amend the Evidence Act, Chap. 7:62 [*The Attorney General*]; read the first time.

**BAIL (AMDT.) BILL**

**The Attorney General (Sen. The Hon. John Jeremie, S.C.):** Madam President, I beg to move,

That a Bill to amend the Bail Act, 1994 be now read a second time.

Madam President, this afternoon I begin with an apology and an explanation as to why we are here today. When the Leader of Government Business rose a week ago yesterday to wish to all the compliments of the season, we knew then that the Bail Bill of 1994 would run out on December 22, 2006, but we judged that we would meet in the New Year to proclaim the Act. We wished that proclamation to be, as with its initial enactment, an act of a unified Parliament. So that we wished to enact, not only the Bail Act, but we wished to introduce certain pieces of legislation which, although not connected to the act of crime specifically, the Opposition UNC, as it then was, had wished to see enacted.

Those provisions included primarily, but not exclusively, the Equal Opportunity Act, which has worthy and laudable goals, but which both the High Court and the Court of Appeal have held to be unconstitutional in the case of *Seurath and Others v. the Attorney General of Trinidad and Tobago*. It was our intention to enact, not only the Bail (Amdt.) Act, but to lay every piece of legislation agreed to with the Opposition UNC at the crime talks.

Subsequent to our leaving the House a week ago Tuesday, the Leader of Government Business in the other place, the Minister of National Security and I, looked at the bundle of legislation and judged—and I think correctly, given the occurrences of the last 24 hours—that even though we would raise the fury of the Opposition UNC, the interest of the people of this country would not be served if we were to allow, even for one second, the provisions of the Bail Act to lapse.

In arriving at that decision, we put country first. We put ourselves at the mercy of the Opposition, who we knew would use the opportunity to speak, as they have done, of the broken promises. I urge this Senate to allow us to treat with this matter so that the people of Trinidad and Tobago will not be prejudiced. The Bill is part of a package of crime legislation which the Government and Opposition agreed to earlier this year. The other pieces were the DNA Bill, the Breathalyzer Bill, the police package, the Criminal Injuries (Amdt.) Bill and the regulations to support that Bill, and the Equal Opportunity Bill.

Consistent with its undertakings and in good faith, the Government delivered to the Opposition, in April of this year, a package of legislation including discussion drafts of each of those pieces of legislation. What followed were convulsions in the Opposition UNC. The Government heard nothing from the Opposition, but more than that, we had no partner to which we could speak on these matters. That is, as they say, the unvarnished truth. We had no partner to speak with further, in relation to the crime package.

Later this year, specifically on Wednesday, October 04, 2006, we sought a unilateral approach. We introduced the Breathalyzer Bill in the other place. The Opposition protested. The Bill was committed to a Joint Select Committee of both Houses and the work of that committee is ongoing. That Bill, as does the Bill before us, requires a special majority to be enacted. We need the support from the Opposition, or if not from the Opposition, certainly from the Independents, for this Bill to become law.

Two days ago, we laid the DNA Bill before the House—again in unilateral fashion—on the same day that we laid the Bail (Amdt.) Bill. The Criminal Injuries (Amdt.) Bill and the regulations to support it will be laid very early in the



New Year. That Bill and those regulations do not require Opposition support, but in the spirit of consultation we have agreed to pass them to all Members of the Opposition, fractured as they now stand, so that they can discuss and revert to us with any comments they might have on it. So we are not taking the approach that because those Bills do not require a special majority, we will not consult with them.

I dare say, even in relation to the police package which we passed earlier this year, we now have regulations to support the package. Those regulations are merely for affirmative resolution. They shall go to the other side; as will the Constitution amendments which we are proposing to enact before we proclaim the police package.

What that, in effect, means is that all the promises made by the Government side during the crime discussions, which enabled us to pass this Bill in this House on this day one year ago to this day, would have been kept; save and except for the Equal Opportunity Bill. That is the one major exception. We have not been able to keep our word with respect to that particular piece of legislation.

Madam President, I will give an explanation for that this afternoon. It was impossible to pass the Equal Opportunity Bill a year ago, because, at that time, the judgment of the local Court of Appeal was outstanding. It was only delivered on that Bill in January of 2006. That is in the case to which I referred before, the case of *Seurath and Others v. the Attorney General*.

In that case, the Court of Appeal ruled that the Act was unconstitutional for a number of reasons. Even as we speak today, an appeal in that very matter is pending before the Privy Council. As premature as it might seem to proceed to enact this piece of legislation before the highest court in this land, that is, the Privy Council has had the opportunity to pronounce on the law, the Government has committed to do precisely that. That is to say, we have committed to bring the legislation within the next 90 days. We did so on the promptings of the Congress of the People in the other place two days ago.

Madam President, hon. Senators, not even that concession was sufficient to persuade our colleagues on the main Front Benches of the Opposition to support the Bail (Amdt.) Bill. The Equal Opportunity Act is now on appeal before the Privy Council, so that it would be premature for us to sit here as legislators and predict comments, and there have been some valuable comments coming out from both the Court of Appeal and the High Court as to what is exactly wrong with that Bill.

We undertook in the other place to bring that piece of legislation, even before the Privy Council has finally deliberated on it. In other words, we will be

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incorporating the suggested amendments by the Court of Appeal and the High Court. We will have the time, within 90 days, to clean up the legislation as the Privy Council wishes, but we will certainly put the special majority certificate on it and we will certainly attempt to make all the changes we can, based on what has been telegraphed to us to be wrong with the Bill by our local courts.

The opposition UNC said on Monday that they could not trust us to bring the Equal Opportunity Bill. We gave an undertaking that we would bring the Bill within 90 days and we sought an extension of the Bail (Amdt.) Act for one year. The Opposition UNC on the Front Benches said that they could not trust us and that we should bring the Bill within three days and lay it on the table. The Members on the Back Benches in the other place recognized that would be impossible.

The compromise struck between the Congress of the People and the Government was that we would bring the Equal Opportunity Bill, as amended as best as we could, to bring it into conformity with our Constitution, based on the suggestions made by our High Court and our Court of Appeal, within 90 days, and that the Bail (Amdt.) Act would last only for that period of time. In 90 days we come back, having laid the Equal Opportunity Bill, the Criminal Injuries Compensation (Amdt.) Bill, the Bail (Amdt.) Bill and the regulations to support it. The DNA Bill is already laid. The Breathalyzer Bill is in Joint Select Committee and there are certain necessary amendments to the police package, which the Ministry of National Security saw to be critical to the functioning of the package subsequent to our passage.

I want to pay tribute to the hon. Member for Pointe-a-Pierre who, in her sterling contribution in the other place, suggested that the Government should demonstrate, in concrete terms, its resolve to the Equal Opportunity Bill within that period of time, 90 days. Support was promised to the Bill in exchange for that undertaking to extend the life of the Bill for 90 days, as I have said. The Government acceded to that request in the other place on Monday. The Prime Minister immediately ordered me to have the Equal Opportunity Bill come before the Cabinet this week. The Government shall lay the Bill well within the 90 days stipulation which was agreed to before.

We undertook to lay the Bill, aware it has been declared, not once, but twice, to be offensive to the Constitution in its present terms. We undertook to fix the Bill, even though it is even now the subject of litigation, so that it is not possible to do comprehensive justice to everything that might be said in the Privy Council. We undertook to lay the Bill at this stage, because that was the price to be paid to keep the citizens of Trinidad and Tobago covered by the provisions of the Bail (Amdt.) Bill.

I said in the other place that laws alone cannot solve our crime problems and, specifically, our kidnapping problem. But as a society we must be aware that that law can sometimes constitute, as I said in the other place, a lever. Better and more effective policing is required. The use of DNA technology is required. The use of state-of-the-art detection methods is required and greater reliance on technology as a tool of detection and less on accomplice evidence. All these are important tools required in the fight against crime.

Madam President, when our forefathers came to this land, they faced untold dangers and horrendous circumstances. They endured indentureship and slavery. They endured those indignities and more. They endured suffering, fear, the indignity of colonialism and the hardship of poverty. Today, we have challenges too; we have a serious challenge of crime and, specifically, the crime of kidnapping and, more specifically, the crime of kidnapping for ransom. We are not speaking here of the case where a man might take away his girlfriend from her parents for a night or two, as reprehensible as that might be. The real kidnapping which strikes fear in the heart of every citizen of this country is the kidnapping of the type which occurred last night, the Naipaul kidnapping; kidnappings for ransom.

That is the main challenge which we face in relation to crime. None of us here on this side, at this time, would run from these challenges. None of us are prepared to throw up our hands and say that the Opposition is being difficult, the criminals are too resourceful, the problems too great or the difficulties are too many. Madam President, we do not take the easy way out of anything. If there is a problem, it must be solved. If there is a difficulty, it must be faced. If there is a lever, we ask as Archimedes did, when explaining the principles of a lever hundreds of years ago, "Give me room and I will show you how I can move the world." [Laughter]

We need a constitutional majority to enact this Bill. The Minister of National Security will provide details as to why the Bill is specifically necessary. For the crime of kidnapping for ransom, the numbers have fallen by 70 per cent in the year that we have had the Bill. The law has proven to be a powerful deterrent. Deterrence can be measured. We say deterrence has been measured in the drop in kidnappings. Other things have happened; the Minister will tell us what those things are. The fact is that this law has been in place at a time when the country has seen a 75 per cent reduction in the rate of kidnappings for ransom.

With those few words, I beg to move.

*Question proposed.*

**Sen. Wade Mark:** Madam President, let me begin by extending the Opposition's fullest solidarity and support to the Naipaul family whose daughter, as the Attorney General indicated a short while ago, Vindra Naipaul, was snatched from her car in front of her home by gun toting criminals, a few hours ago. This incident occurred just a few hours prior to the releasing of Debbie Ann Singh. Our prayers are with the Naipaul family at this time. We hope that she will be released safely back into the hands of her family and loved ones.

The Attorney General, my good friend, had a lot to say about the basis, origins and genesis, virtually, of the Bill currently before this honourable Senate. He did, however, shock and surprise me, somewhat, when he said that he could not find a partner to engage in discussion on such important pieces of legislation that he and his Government deemed so necessary that they have now unilaterally decided to table them in the Parliament without the consultation of the Opposition.

Mr. Basdeo Panday, the hon. Leader of the Opposition and former Prime Minister, my honourable friend very ungraciously described as a convicted criminal; a former Prime Minister, who has served this country for 40 years. He repeated it in the newspapers and in the Parliament. It is in the newspaper today that they cannot do the Attorney General anything in the other House, because Mr. Panday is no longer there. So he has licence to repeat and repeat and repeat that the hon. Basdeo Panday, a convicted criminal, led this country for six years and that is why the criminal justice system has collapsed in the country; the Opposition is responsible. That is what he said. It is in the newspaper and he has not denied it.

I find that to be most ungracious. You do not treat a former Prime Minister like that. [*Sen. Jeremie rises*]

**Sen. Jeremie, S.C.:** Would you give way, Senator?

**Sen. W. Mark:** No, in a short while. If we go to expose your role in the conviction of Mr. Panday, then you should be facing a jail term and you will become a convicted criminal. I will let my honourable friend speak now.

**Sen. Jeremie, S.C.:** Madam President, it was in the cut and thrust of debate in the other place that remarks were made. It is not relevant to the debate here. I know it might have stung Sen. Mark, but it is really not of any relevance.

**Sen. W. Mark:** It is in the newspaper and it is about the Bail (Amdt.) Bill, so whether it stung or did not sting me, the reality is that he said it.

The reason I raised that point is because Mr. Basdeo Panday and the UNC Opposition were not convicted criminals when PNM rode our backs to get the police package here. Mr. Basdeo Panday, the former Prime Minister and Leader of the Opposition, led the Opposition and he agreed with the Government, which included the Attorney General, the Prime Minister, Minister Martin Joseph and Camille Robinson-Regis. At that time, Mr. Basdeo Panday was the greatest thing since sliced bread; today he is a convicted criminal. The Opposition is to be blamed for the breakdown in the administration of the criminal justice system in this country, because we said that we were not supporting the Bill. Because we were not supporting the Bill, we were a bunch of criminals.

Madam President, it saddens me, because we have a lot to say about the Attorney General and many persons on the Front Benches. There will come a time when we will say it. I thought it was very, very ungracious.

The Attorney General is a political neophyte, an infant, “cyar” even walk in the footsteps of Mr. Basdeo Panday. He will never be able to reach his heights. [*Crosstalk*] Yes, because we are talking about a bill that he was instrumental in sitting with the Government to agree upon, that we came here last year December and supported. Mr. Panday was in support of that. [*Crosstalk*]

When I looked at the *Hansard* of Friday, December 16, we read where the Prime Minister spoke about matters like constitutional reform; that he, Mr. Panday and the Opposition had agreed on a manner and style of approaching this. There would have been discussions. You now have an Ellis Clarke Republican draft that is all over the place being debated. I want to quote from the Prime Minister’s statement:

“I want to reassure him that we have come to the table with clean hands, that is to say, we have come to the table in good faith.”

Is this good faith? The Government and the Opposition UNC agreed—and the Attorney General was there—one year ago, that there would have been discussions with the official Opposition. I am not talking about the breakaway factions; the election will deal with that. I do not worry about them. You are getting carried away temporarily; all that will be addressed, in the fullness of time. Sen. Dr. Saith is aware of that.

Madam President, here it is we agreed with the Government that we would give support to the police reform package, which we did. We honoured our side of the bargain. We met a second time with the Government and we agreed to the Bail (Amdt.) Bill; we came here and supported it. We lived up to our side of the

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bargain. When the Prime Minister said he came to this table in honesty, with sincerity and with the interest of the people completely at heart, we ask the question: Where is this manifested?

The Attorney General said to this country and to this honourable Parliament that a package of measures was drawn up and sent to the Opposition. Normally, the arrangement would be that the Government would invite the Opposition for discussions. The Government never did that on this occasion. We were invited by the hon. Prime Minister when it came to the police service reform package. The Opposition was invited by the Prime Minister when it came to the Bail (Amdt.) Bill, but, surprisingly, when it came to the other measures like the Equal Opportunity Bill, the DNA Bill, the Criminal Injuries Compensation Bill and the Motor Vehicles and Road Traffic (Amdt.) Bill, the Government did not find the time to call the Opposition.

Did you hear what my honourable friend said? He said that the Government could not find a partner; that there was confusion in the Opposition. Where was the confusion? There was a Leader of the Opposition. As soon as the court, headed by the Attorney General's friend, convicted Mr. Panday, immediately thereafter the President removed the Leader of the Opposition and within 48 hours we appointed, we supported and elected Mrs. Kamla Persad-Bissessar as the Leader of the Opposition. How could he tell this Parliament that he could not find a partner, when there was a partner, when there was a Leader of the Opposition?

The Attorney General is trying to pull wool over our eyes. We were the best thing like Dookeran is today; he is a patriot; he said that he showed maturity, because he supported the PNM. Once you do not support the PNM you are a convicted criminal. I want to tell Mr. Dookeran do not worry; "dey coming for he too".

**Sen. Montano:** We are still waiting for a cogent reason why you are not supporting the Bill.

**Sen. W. Mark:** Let me deal with some of the reasons, as my colleague, in this season of goodwill, has asked. I will like to describe, on behalf of the Opposition, and to characterize this attempt this afternoon, as really the Government's seeking to put a plaster to cover a wound that has turned into a festering sore. The hon. Attorney General has said that kidnapping for ransom has been reduced to 19, until last night; it is now 20. He alluded to and told the country that the Bail (Amdt.) Bill was responsible for the slow down in the kidnapping rate in the country.

He did not tell us that there was a new form of kidnapping taking place in the country. Have you heard about a coward tax? They are no longer taking your child or taking you or taking us, but they are coming to you and saying, "To prevent us taking you, yuh must mind us for the next how many years." That is a new form of terrorism and extortion taking place. I do not hear the Minister of National Security or the Attorney General talking to these issues.

When we supported the Bail (Amdt.) Bill back then, it was supposed to be a stopgap, short-term and temporary measure, in order to allow the Government to put its house in order with respect to the criminal justice system. That was the purpose of our supporting this measure at the time. This has not materialized. What we have is a virtual piecemeal, ad hoc approach which would provide virtual licence for further maladministration and incompetence on the part of this regime.

Madam President, we all know what is wrong in this country. The Government needs to address the ills of the criminal justice system. This measure will not stop kidnapping, as we have seen last night. What is needed is much, much money, resources and personnel in the justice system today. What we need is to redirect financial resources into the administration of justice and away from these tsunami centres and carnival centres.

Madam President, you would know, and the Attorney General has admitted, that the criminal justice system has many critical pillars. The police is one critical pillar in the criminal justice system of our country. I will like the hon. Minister of National Security to let us know what has happened with this Mastrofski, who I understand has been getting extension and extension. He "come" like a star in Hollywood; he is acting all the time; only extension, extension, extension. Every time this gentleman gets an extension, he gets \$3 million more. I will like the hon. Attorney General to tell this country what is the present cost to maintain this gentleman who was supposed to transform the police service in the last three years.

I understand that we have paid this man close to \$10 million or even above already. I understand that it is close to \$15 million; maybe the Minister will tell me if I am wrong. What have we seen? You cannot talk about bail without addressing the criminal justice system and the weaknesses and the deficiencies that exist within. How will the passage of this particular measure, which the Attorney General is using as a life and death arrangement here this afternoon, help to modernize the police service in this Republic?

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The police service is in a state of crisis in Trinidad and Tobago. We were all ashamed recently when there were trials in the courts of policemen who were supposed to protect and serve and “take bullet”. That is why we put “yuh” there; “yuh have to take bullet”. You are charged with that responsibility. If I am a soldier, I am prepared to die for my country. That is why I join the army, to defend my country. You could imagine police officers afraid to give evidence in the courts of Trinidad and Tobago. [*Desk thumping*] There is a breakdown in law and order and the Attorney General does nothing about it.

He is now talking about the DNA legislation, which he said he tabled only a couple hours ago in the other place. One year ago he told us, and the Prime Minister gave a commitment, that before this Bail (Amdt.) Bill came back again, they would have these things in place. One year later “dey now bring de Bill”. That is efficiency for you, PNM style.

What about the Forensic Science Centre? [*Desk thumping*] You are talking about backlog and backlog and backlog, thousands of thousands of cases; all these things are holding up the criminal justice system. What is the Minister of National Security doing about this? All we get from our honourable friend, who seems to be in his dying days, is that he is doing something with the British and “he promising” to do something with somebody else, and nothing is taking place. I feel sorry for him. “He not able, but he just would not go.” “He tired; he cyar perform; he weak”, but he just holding on to power.

It takes years to secure results from the Forensic Science Centre. We have asked and we want to make a plea today: Why do we not place in Tobago a Forensic Science Centre? Why do Tobagonians have to come to Trinidad for these things? I do not know if the hon. Minister has this on his agenda. To have the criminal justice system flowing and working efficiency and effectively, we need to digitalize the recording of evidence. We need to have what is called the computer-aided transcript system in all our courts.

Do you know that up to today magistrates take notes by long hand; they still write? And this is a country where the hon. Minister of Finance boasted that our gross domestic product (GDP) has doubled from the year 2001 to 2006 from \$56 billion to \$114 billion, yet still the justice system is in a state of collapse.

There is an urgent need to double the number of High Court judges and magistrates. We need to double the number of Magistrates' Courts so that justice could be delivered swiftly. Instead, we come here today to seek an extension of the Bail (Amdt.) Act, whilst what is needed is a more efficient and effective criminal system of justice in Trinidad and Tobago. [*Desk thumping*]



If we had an efficient and effective criminal justice system in our country, this no-bail provision for kidnapping would not be necessary, because there would be speedy and swift justice in our country, but the Government is not about that. The Government is about hounding out of office the Chief Justice; that is what it is about. What about the collapse of the witness protection programme? Do you know that in the year 2000/2001 we passed a justice protection programme? What has happened to that programme, hon. Minister of National Security? Why has that system not been effected after five years in office?

Instead we are witnessing a slaughter of witnesses in our country; witnesses are being murdered while the authorities continue to fiddle. How will the amendment of this Bail Act deal with the witness protection programme? How will it protect witnesses in the future? How will it protect witnesses in the future? This is all political gimmickry, public relations and mamaguy.

**2.30 p.m.**

Madam President, the murder toll stands at close to 361 as we speak and maybe it might have risen between the time I heard the last number to the time I address you. What is the Attorney General doing about that, can we expect special legislation to deal with murderers as how he is seeking to deal with kidnappers?

We call on the Government to deal with the malfunctioning justice system in our country. This knee-jerk one-off reaction of dealing with this particular problem will not work. The PNM has created a criminal monster in our country. It reminds me of the Medusa's head with this criminal monster we have here where as you cut off one head, two more spring up the following day. But instead of seeking to reason with the UNC and trying to make a case for justifying their failures and why they have not delivered, they seek to malign the United National Congress and engage in gamesmanship with others.

Madam President, the reality of our country today is that the society appears to be disintegrating slowly because of crime, and all the Government is seeking from the Opposition is support to plug leaks on a ship that is already sinking, people have begun to jump overboard and they come here simply to get what we call plugs to deal with a leaking PNM ship.

They had an entire year to fix the system in spite of all the difficulties, because the Attorney General has admitted that even though the Equal Opportunity Act has been struck down as being unconstitutional, and even though it is under appeal, the Attorney General, who I must say, reminds me of a person

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who says one thing one day and says another thing the following day. I listened to the Attorney General, I read what he said. He gave a commitment in the other place that within 60 days he will have the Equal Opportunity Bill here, he is now saying he wants 90, and he has now said further that it will be delivered very shortly, before 60 days.

So Madam President, there is danger all around our country and we do not get any kind of commitment, or we see no signs on the part of the Government that it will address the situation. I want to refer you to an article in the *Daily Express* dated Friday, December 15, 2006 under Letters to the Editor and there is a letter by Father Gerard Pantin entitled "Death and danger everywhere".

Madam President, everywhere there is death and danger facing our nation; nobody is safe in this country any longer. In five short years, Trinidad and Tobago has been transformed under the PNM into a horror house, a horror society, a nightmare. With the greatest amount of resources in this country, the Government is still unable to manage and deliver basic goods and services to the people.

Madam President, you would know that one of the first responsibilities of any government is to provide safety and security for its citizens, this Government has failed miserably to do so. I want to quote from the Servol Executive Director from the article to which I referred. He says and I quote:

"If I were to sum up in a few words the dissatisfaction that the people of Trinidad and Tobago are expressing with the present administration, I could sum it up in one simple sentence: we do not feel safe in our country.

We do not feel safe in our homes..."

He says:

"I seldom go out at night for this reason..."

He asks:

"Where are the police cars? If I were to venture a guess,... they are in the several graveyards..."

He went on, and I think this is very interesting and the Attorney General and Minister of National Security should take note of this.

"I sound a warning to the present administration of Trinidad and Tobago who feel confident of winning the coming elections by a landslide: Take note of the recent example in St. Lucia in which the over confident incumbent was comprehensively defeated by the opposition on one solitary issue: the people did not feel SAFE in their country."

This is a Father, the gentleman in charge of Servol telling this Government to take warning because everywhere is death and danger facing our country and he is telling the Government: “Look, you see what happened to the former Prime Minister, Kenny Anthony, who went into the election boasting that he will win.” And all these false polls which tell the PNM that they have a comfortable majority, they told Anthony he will win and the masses came out and taught him a lesson that he will never forget. Father Gerard Pantin is warning the PNM that if it thinks the people of this country will continue to support this lack of security and safety, it has another bet coming. Your time is coming. That is what he was saying in this particular article.

Madam President, I also want to refer you to an article in the *Daily Express* of September 20, 2006 entitled “Paying to stay safe in Central”. It says:

“Criminal bullies have expanded their ‘business’ in Central Trinidad, where ‘coward tax’ is being paid to protect wives, daughters, sons and self. ‘A silent hell’ is how some Central proprietors have described their lives, with many saying that criminals now form the ‘real’ business community in the country.”  
[Desk thumping]

That is what they are saying, and he went on:

‘Let’s face it; criminals are the new business class... ‘I know because I am one of the cowards paying these men not to kidnap my wife, or rape my daughter or gun down my son outside our house. Kidnappings are not down, you know, we are just paying in installments instead.’

That is what is taking place in Trinidad and Tobago. So when the Attorney General is boasting that kidnapping is down, it is not, it has taken a new form.

It goes on to talk about the propaganda being spread by the Government in this article. He says he has paid every month since and after speaking to a businessman neighbour—

So the businessmen are paying—

**Sen. Mungalsingh:** I have been asked to pay.

**Sen. W. Mark:** Look my friend is saying that he has been asked to pay.

**Sen. Montano:** Did you pay it?

**Sen. Mungalsingh:** I would say more in my contribution.

**Sen. W. Mark:** He would say more in his contribution.

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Madam President, our Attorney General at one time held out promise. At one time you felt that the Attorney General was serious, but you realize that he, like his colleagues, just make false promises. Do you know what the new slogan is for the PNM? The people are now saying that they convert the acronym, PNM, to "Please No Manning", they do not want him in the next rounds at all. "I see dey take Rowley out of the picture; I hear he went to the Fraud Squad today, and I understand they have some conspiracy to geh rid ah Rowley." "Dey getting rid ah people one by one; dey geh rid ah the Chief Justice, dey geh rid ah Panday, now dey geh rid ah Rowley. Who is next, the Attorney General?"

**Sen. Jeremie, S.C.:** Maybe.

**Sen. W. Mark:** Hear what our illustrious and honourable Attorney General told this country sometime in January 2006. He said 12 justice bills coming in 2006. That is what the Attorney General told the country.

Madam President, this is in the *Trinidad Guardian* newspaper dated Thursday, January 26, 2006.

"Government is to table 12 Bills in Parliament this year to improve the administration of justice..."

Madam President, that is what we need. We need to improve the administration of justice and the Attorney General was on the right track.

"Speaking in the House of Representatives last Monday, Jeremie listed the Bills as, the Civil Registration Bill..."

Madam President, where is that Bill? Attorney General, where is that Bill? No Bill. "He promised, he ain't deliver." He told the country he was going to bring the Change of Name Bill. Where is it? "The Attorney General promised, he ain't deliver." The Vital Statistics Bill, words, more promise, no delivery.

Madam President, the Consumer Fair Reporting Bill. He said he would have brought it to this Parliament and there is none. I am sure the hon. Christine Kangaloo must be a dissatisfied lady.

**Sen. Jeremie, S.C.:** Senator, will you give way?

**Sen. W. Mark:** No.

**Sen. Jeremie, S.C.:** Okay.

**Sen. W. Mark:** "In a short while, leh meh go on, I will give you a chance just now. I in full flight, allow meh to continue."

“Madam President, he also promised the Personal Property Security Bill, that ain’t come yet.” The Miscellaneous Provisions (Marriage) Bill; “that ain’t here yet”; the Trademark Bill, where is it? The Copyright Bill, where is it? Today he brought one; the Evidence (Amdt.) Bill. “If he didn’t come today, that was coming next year. So one Bill out of 12 so far, and the last one, Proceeds of Crime (Amdt.) Bill. So out of 12 Bills, he told the Parliament and the country on oath, he will be bringing 12 Bills to deal with the administration of justice and out of the 12 Bills, all the Attorney General has tabled is the Evidence (Amdt.) Bill.

**Sen. Jeremie, S.C.:** Thank you so much, my friend. I know you will have a chance to drink some water now. All the Bills you referred to are really Bills which deal with the Ministry of Legal Affairs vital statistics, none of them deal with the administration of justice per se. I do not know if you are quoting from the *Trinidad Guardian* or from where you are quoting.

**Sen. W. Mark:** “It is de *Guardian*.” Is that right?

**Sen. Jeremie, S.C.:** If you quote from “de *Guardian*”, I cannot tell you whether it is right or wrong, what I can tell you is that none of those vital statistics bills; the Change of Name Bill, the Civil Registration Bill, “de this de that”—

**Sen. W. Mark:** What about the Proceeds of Crime?

**Sen. Jeremie, S.C.:** The Proceeds of Crime Bill is still being worked on, the Evidence (Amdt.) Bill is before you, the DNA Bill is before you—

**Sen. W. Mark:** Yes, I know.

**Sen. Jeremie, S.C.:** Those are things which deal with the administration—

**Sen. W. Mark:** All right. “Okay, thank you very much, AG. ” Madam President, he was misquoted here.

**Sen. Jeremie, S.C.:** The Copyright and Trademark Bill—

**Sen. W. Mark:** “All right, ah hear yuh. Take yuh seat leh meh talk nah.”

**Sen. Jeremie, S.C.:** We are friends.

**Madam President:** Please gentlemen; there are three of us standing.

**Sen. W. Mark:** Sorry Ma’am. I give him a chance; he has a bad habit you know. “I give him a lil inch, he want to take a yard.”

Madam President, Thursday, November 16 let me tell you about the other Bills he promised and “they ain’t come yet” even though they are not of a criminal

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nature in terms of the justice system. Data Protection Bill, “that ain’t come”; the Electronics Transactions Bill, “that ain’t come”; the Telecommunications (Amdt.) Bill, where is it? The Telecommunications (Amdt.) Regulations, where are they?

**Sen. Jeremie, S.C.:** Those are here.

**Sen. W. Mark:** “Oh gawd”, Madam President, the PNM means as you know, “Promises Never Materialize” apart from saying “Please No More Manning”. “AG, ah understand, yuh under pressure.”

Thursday, November 16, 2006: “Hinds—justice system is too slow”; Thursday, November 23, 2006: “Criminal justice system in serious danger—DPP”.

I was happy today when I saw this judgment, Sen. Seetahal, S.C. I want to get a copy of this judgment—

**Sen. Jeremie, S.C.:** I have one.

**Sen. W. Mark:** Could you pass it on to us, I will appreciate it.

**Sen. Jeremie, S.C.:** Yes.

**Sen. W. Mark:** Madam President, one of the critical pillars of the criminal justice system is to have an efficiently, well-oiled DPP. That office is critical and you know we have been hearing through the grapevine that there have been many attempts or incursions into that office, and many attempts have been made to invade that office.

**Sen. Jeremie, S.C.:** Madam President—

**Sen. W. Mark:** I did not say him you know, I say incursions. Did I refer to you?

**Madam President:** I cannot have both of you standing.

**Sen. W. Mark:** Is it a point of order?

**Madam President:** Is it a point of order, Senator?

**Sen. Jeremie, S.C.:** No, I am just asking my friend in the spirit to give way.

**Madam President:** All right, he is not giving way.

**Sen. W. Mark:** Madam President, hear what the headline is in today's newspaper: “DPP not subject to control supervision of AG”. Madam President, we have been receiving very disturbing reports about attempts by the Attorney General to invade and put the DPP under manners. [*Interruption*] I am telling you we are getting disturbing reports.

**Sen. Jeremie, S.C.:** I am just asking the Senator to give way. Sen. Mark, those reports are entirely inaccurate and unfounded. The Office of the DPP under a previous administration was brought to book by court proceedings initiated by the then Attorney General. No court proceedings have come and there is a built-in tension between the offices, but that has not spilled out into any difficulty. There is no war.

**Sen. W. Mark:** Madam President, it has been brought to my attention that they sought ways and means of disciplining the DPP when he put the Prime Minister under manners recently.

**Sen. Jeremie, S.C.:** Who is the “they”?

**Sen. W. Mark:** That is what I understand. That is the information reaching me.

**Sen. Jeremie, S.C.:** Can I assist my friend?

**Sen. W. Mark:** There is an attempt to imprison the DPP.

**Madam President:** Both of you sit! Gentlemen, you all know that both of you cannot be standing at the same time.

**Sen. W. Mark:** He will have a chance to speak again because he presented the Bill.

**Madam President:** Are you going to give way to him?

**Sen. W. Mark:** No, he is eating into my time now and I know you are going to tell me just now my 45 minutes have expired.

Madam President, all I am asking the Attorney General is whether in the last three years he has attempted to influence cases of a—

**Sen. Montano:** Madam President, that is improper motive.

**Sen. W. Mark:** No, no, I am asking a question, I am asking a question.

**Sen. Montano:** How can you ask a question like that?

**Madam President:** Please, both of you! Please Minister!

**Sen. W. Mark:** I am just asking a question, Madam President. I am not imputing anything, Ma’am; I just asked a question.

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

*Motion made*, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. T. Gopeesingh*]

*Question put and agreed to.*

**Sen. W. Mark:** Madam President, all I am saying is if you read this article carefully, and I want to read the judgment for you.

“Assignment of responsibility to the AG, under Section 76(2) for the ‘administration of legal affairs’ is subject to Section 79 of the Constitution. Under section 79, the President, acting with the advice of the Prime Minister, may assign to the PM or any other minister, responsibility for any department of Government...”

It goes on:

“There is no requirement under the Constitution for the AG to possess any legal qualification. The danger of political persecution or patronage is obvious and that result cannot have been intended by the drafters of the Constitution.”

This is what five Appeal Court judges are putting in writing, so there is something going on very funny.

**Sen. Dumas:** Nonsense! There is no relationship.

**Sen. W. Mark:** I am saying that there appears to be something going on very funny between the Attorney General and the Director of Public Prosecutions.

**Madam President:** Can we return to the Bail Bill now? Are we on the Bail Bill?

**Sen. W. Mark:** Madam President, I am on a very critical pillar that deals with the criminal justice system because the police, as you know, have not been actually conforming to the rules of the game and the Director of Public Prosecutions is on record as saying that the criminal justice system is in serious danger. That is what he is saying, and he is appealing for help, and it is not only him. We also have the Chief Magistrate, Sherman Mc Nicolls saying that the justice system is in peril.

Madam President, there are all these critical office holders talking about the state of the justice system in our country and what is the Attorney General and the Minister of National Security doing about these things? All we have taking place is that from time to time there is an anti-corruption bureau that continues to be under the control and supervision of the Attorney General and when files are sent



by the DPP through the Integrity Commission, it goes to the anti-corruption bureau and the Attorney General is in charge of that and he takes his time, but when it comes to the Opposition, whenever they send a file on Panday, Carlos John, or Duprey there is speedy action.

Imagine since September we were told in the newspapers that files were sent on a particular Minister of Government—

**Sen. Jeremie, S.C.:** Senator, will you give way?

**Sen. W. Mark:**—and you know what? “Ah coming.” Madam President, those files were sent, the DPP admitted receiving the file, he said he sent the file to the police. How can we talk about the criminal justice system in this country when there is the possibility of an Attorney General playing footsie with the criminal justice system? He is prosecuting who he wants to prosecute and covering up whom he wants to cover up. That is unfair.

**Sen. Montano:** Madam President, he must withdraw that.

**Madam President:** Yes. Please Senator, sit!

**Sen. W. Mark:** Okay, prosecute.

**Madam President:** No, you have gone too far.

**Sen. W. Mark:** With what?

**Madam President:** By suggesting that the Attorney General—whatever the words were—prosecute is one part.

**Sen. W. Mark:** Okay, I withdraw the prosecution part, he does not prosecute. I agree.

Madam President, I am reflecting and manifesting the concerns of the people. The people are saying that there is something wrong with the criminal justice system and they are saying that the Attorney General is playing footsie with the system. He is not appointing judges; he is not bringing the Bills—

**Madam President:** Senator, just one moment.

**Sen. W. Mark:** Yes, Madam President.

**Madam President:** I have allowed you to go on about the justice system, I have allowed you to talk about the DPP, et cetera, but really we are on an amendment to the Bail Bill.

**Sen. W. Mark:** But the Bail Bill is linked to the criminal justice system, Ma'am.

**Madam President:** But you have gone on too long. Come back to the Bill.

**Sen. W. Mark:** “You may find that I am talking too long, but yuh cyar tell meh I ain’t right.” “Ah right, but ah might be talking too long and maybe—”

**Sen. Montano:** Madam President, on a point of order, he cannot challenge your ruling. He is out of order.

**Sen. W. Mark:** I am not challenging the ruling of Madam President.

**Sen. Montano:** It is Wednesday before Christmas. “Good heavens man, how long have you been in the Senate and you don’t understand the Standing Orders yet?”

**Sen. W. Mark:** I am not challenging anybody.

**Madam President:** Senator, please come back to the Bail (Amdt.) Bill.

**Sen. W. Mark:** Madam President, I will never challenge you. I was in that Chair and I will take nobody challenging me when I am in the Chair.

**Madam President:** Thank you.

**Sen. W. Mark:** I will never challenge the President, so I take objection to what my friend is saying, or trying to impute. I am challenging the President? Not at all!

Madam President, these are areas we are concerned about—

**Sen. Jeremie, S.C.:** Senator, will you give way?

**Sen. W. Mark:** Yes, my friend.

**Sen. Jeremie, S.C.:** Thank you, Sen. Mark, for giving way on the Wednesday before Christmas in the spirit of the season. You drew references to certain remarks made by the Court of Appeal yesterday in relation to the role of the Attorney General and the Director of Public Prosecutions.

What the Court of Appeal did was no more than state the existing law with respect to the division of labour between the Attorney General and the DPP and it did not come about in unusual and sinister circumstances where there was a dispute, it came about in a case called *The State v Seeromanie Maraj-Naraynsingh and Elton Ramasir* also known as Pat, respondents. Dana Seetahal, S.C. appeared for the appellant—

**Sen. W. Mark:** “We doh need to know that, we know that already.”

**Sen. Jeremie, S.C.:**—and Mr. Hudson-Phillips and Mr. Lawrence Maharaj for the first and second respondents. It had nothing to do with a dispute between the Attorney General and the Director of Public Prosecutions.

**Sen. W. Mark:** Okay, very good.

**Sen. Jeremie, S.C.:** So there is nothing sinister.

**Sen. W. Mark:** Madam President, I take the point my colleague has made but it was just instructive to note, based on information coming from the DPP's office that somehow there appears to be incursions. That is all.

Madam President, hear what Father Gerard Pantin concluded on this matter of crime and safety of our citizens. How many killers or kidnappers have been caught by the State since this Bill was passed on December 16? I understand the Attorney General said sometime ago, nine or 10.

This is what Father Gerard Pantin said and I quote.

“We citizens are not impressed by massive projects—”

This is a very influential priest.

“—like multi-storied skyscrapers or waterfront properties. Our main priority...”

And he speaks to me here.

“—is that we should feel safe in our country,”

I support that. That is the first priority of any country and any government and I would venture to suggest not a single citizen feels reasonably safe in present day Trinidad and Tobago.

### **3.00 p.m.**

That is what we have to deal with, not to come here and try to “mamaguy” the population and say you want an extension for 90 days. Ninety days to do what? What do you want 90 days to do that you could not do in a year?

We are very concerned about the state of the criminal justice system and the failure of the Government of this country, particularly through the office of the Attorney General, to deal with the present deficiencies in that system. Listen to what the Director of Public Prosecutions said in the *Guardian* of November 23, 2006:

“For the first time, Director of Public Prosecutions Geoffery Henderson has stated that the criminal justice system is in serious danger.”

I think the Attorney General supported him, if I am not mistaken:

“At the heart of it, the DPP said, was the number of cases which were being surrendered by the State, due to witnesses disappearing or simply refusing to give evidence.”

The Government has been in power for five years and a few months. They are about to come to the end of their long journey. People are waiting to exhale and get rid of this albatross called the PNM! It is weighing down the necks of people! People want to go to the polls, and here we are being told by the DPP five years and two months later, that the justice system is in serious danger; witnesses disappearing or refusing. He goes on:

““You only have to look at statistics to realize that many witnesses seem to be intimidated, to the point where they refuse to come to court. It is a serious cause for concern. There are even police officers who are afraid to give evidence,”

Madam President, if a police officer reaches the stage where he is afraid to give evidence, where are we? What is this Bail (Amdt.) Bill going to do to rectify that problem? I am saying this is a band-aid, a plaster. You are fooling the country! We want to tell the Government, that appears to be always looking up at skyscrapers in order to avoid the stench of raw blood on the ground and rotting corpses that are being murdered like stray dogs every day in this country; we want the Government to put their heads on the ground and stop looking up at skyscrapers. They do not want to face the harsh reality! We cannot support this measure in its present form. We do not like to fool the country and fool the people. We must tell the people the truth. The sentiments of the people on the ground is that the PNM’s ship is sinking and the people know that plugging one leak like what we are trying to do today will not solve the problem.

The Government is incompetent and it has been pursuing misguided policies and those policies are not working in the interest of the country and the citizens. So we call on the PNM to wake up! Smell the coffee! You are sleeping! You are bringing measures that will not work and, therefore, we on this side would find it extremely difficult to lend any support to this measure until we are able to get firm assurances from the Minister that certain demands that we had made in our discussions would be met within the shortest possible time.

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

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Madam President, I rise to participate in the debate on the Bail (Amdt.) Bill, 2006. The Attorney General, in piloting the legislation, had indicated that he had left it to the Minister of National Security to provide this honourable Senate with more details as they relate to the immediate issue of kidnappings. My hon. colleague raised a number of matters. He talked about the criminal justice system; the transformation of the police service under the leadership of Prof. Mastrofski; the modernization of the police service; DNA; the forensic science centre, et cetera. In the amount of time I have available to me I would try my very best to address as comprehensively as possible the issues raised by the hon. Senator.

Let me, from the outset, indicate that the information that I present to this Senate is information provided by what I consider to be the competent authorities. Later on when I talk about some of the challenges we face with respect to the implementation of the Police Service Reform Bills you would realize that there is a challenge that we really face in terms of responsibility for the Minister of National Security; responsibility for the Police Service Commission; responsibility for the Commissioner of Police.

I have said over and over, when everything goes right, the responsibility of the persons responsible are the police or some other place; when everything goes wrong, it is the Minister of National Security and the Executive, which is the Government, that is responsible. Yet at the same time there is a thin line that has to be drawn in terms of the Minister having responsibility for ensuring that the overall strategic direction of the police service takes place without, in fact, getting involved in the operational aspects. So that, for example, the Government can say to the police: "We have three major issues that we need to see addressed—one, bombings; two, homicides; three, kidnappings. At the end of the day we want to see how our resources are being organized in order to deal with that." In some instances we have made bold the intention to say: "For example, you need to establish a homicide bureau of investigations; you need to reorganize some operations of the police service so that it can focus its resources on the particular area of concern and give us the result."

Madam President, hon. Senators, it is no gainsaying that these are the realities. In 2005, kidnappings for ransom, as reported, was 52; to date kidnappings for ransom is 18, with the two that just occurred over the last 48 hours. Sen. Mark has now introduced—and, you know, he is not the first person. Earlier in the year in an attempt—I do not know if it is an attempt to make sure that law enforcement achieves no success that efforts are made to show that no progress is made.

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Earlier in the year some newspaper I will not refer to, introduced a new concept called “express kidnappings”. They defined express kidnappings and said there were 90 such express kidnappings.

It is not a question of hiding behind words or any such thing. Now I am hearing today something called a coward tax. So that even though the reported information is showing a decline—and I will come to the details—I am now hearing that there is some extortion tax that people are paying. If that is the case, then people are encouraging a certain development which is taking place. If it is that criminals are asking for protection money and people are actually paying the protection money and they know who they are paying, then they are encouraging a certain type of criminal activity.

Let me once and for all indicate to this honourable Senate and, by extension, the national population, to some extent how we have found ourselves in the situation of kidnappings for ransom and the increase in kidnappings. I am not any criminologist and perhaps I may stand corrected, but my little research has indicated that it stemmed from certain business individuals utilizing certain enforcers to get payments that may have been owed to them, to be paid. My understanding is that those enforcers must have been provided with the information: “John James is owing Martin Joseph so much money and I am getting trouble to collect and as a result I decide to use ‘X’, ‘Y’ or ‘Z’ to help me get the money.” Then these people start to realize: “Wait ‘nuh’, there is a benefit to be derived from this.” They are being provided with information on a whole host of people and as a result we started to see a proliferation of this thing.

If I am hearing about coward tax, clearly, no group of persons ought to be encouraging that development and as a result, ought to be reporting it to the police. If there is a concern, I am sure that there are ways in which the thing can be reported and the matter can be investigated and dealt with. It does not make any sense just talking about the fact that this thing exists and they know the people to whom they are paying this so-called coward tax. It is something that really needs to be addressed. I do not want to say take it to the police, but I would certainly suggest and I would ensure that the relevant authorities are made aware of this development and, as a result, address the development, if there is, in fact, such a development.

As I said, kidnappings for ransom in 2005, according to the information provided to me, was 52. The kidnappings solved were 17. I have here: Ransom Demanded in TT currency—this is in 2005—was \$71,600,000. Ransom paid—TT currency—\$4,558,883; ransom demanded in US currency, \$5,565,000; ransom paid, \$5,500 in 2005. That is the information.

With respect to 2006 when the information was provided to me, it was then 16; over the last period, two. So it is now 18. Kidnappings for ransom solved of that 18 was seven. Let me just go back: The number of persons charged in 2005, 78; the number of persons charged in 2006, 19; ransom demanded in TT currency, \$18,694,500. Listen to the difference. Remember I said in 2005 it was \$71,600,000; in 2006, it is \$18,694,500; amount paid, \$305,470. Let me be the first to indicate this would be information provided to law enforcement. Sometimes it is possible that ransoms are, in fact, paid and the law enforcement is not informed, so that we could only provide you with the information that would be available to them.

In terms of demands in US currency in 2006, for some reason there was no demand in US currency. So we have seen a big drop, from 52 kidnappings for ransom in 2005 to 18 kidnappings for ransom in 2006. As a result, what we can say is that there is an overall reduction in the number of kidnappings for ransom, one; two, an overall reduction in the amount of ransom demanded and, by extension, in the amount of ransom paid.

Law enforcement says that the restriction in the easy access to bail as a result of this particular Act has served, in their opinion, as a deterrent. It is not the only thing. Other things, as we would talk about, would have been put in place that will also assist. But they have recognized that this piece of legislation has brought a certain amount of fear, not in the hearts of everybody, but at least in the hearts of some, that has resulted in what we are seeing here as it relates to the performance. Yes, one kidnapping is a kidnapping too much. We are clear on that. So that while 18 represents a tremendous reduction, the aim is to make this type of criminal activity, one that does not exist on the landscape. The chances of that happening leave a lot to be desired, but this Government is committed to making sure that law enforcement is provided with the resources to deal with this particular matter. [*Desk thumping*]

So that is the specific information. The other major item of concern—and Sen. Mark made the point, and every time I make the point, for some reason, again, it is—I do not want to say, misunderstood. The second major concern is the question of homicides. I have said over and over and it is a known fact that homicides represent almost the barometer of law enforcement worldwide, because it is easily measurable. At least you know a homicide. We have indicated, again, that this is another area where we have been asking law enforcement to spend a considerable amount of effort in the area of homicides. As at yesterday—because that is the information I have—December 19, 2006, the number of homicides at

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that time stood at 354. I heard Sen. Mark refer to some 360-something. As at yesterday, the number was 354. I do not know over the period yesterday to today what that number has changed to.

Let me indicate what we can see as it relates to the efforts made to deal with the question of homicides. In the first half of the year there were about 199 homicides; in the second half, 155 homicides. So what we are seeing, especially the homicides which are gang-related and drug-related for which law enforcement must pay some particular attention, we have started to see some reductions, especially in the areas where there were gang-related activities and as a result a lot of gang-related homicides. I can look at division by division and show it, but I would not bore this honourable Senate with that. What we have seen, however, is a certain amount of displacement taking place, because Trinidad and Tobago is a small place. So as you clamp down in the western division and in north eastern, you see it shifting to central and other places. So the law enforcement is faced with a challenge of making sure that what they do in the particular areas, can be applied in other areas.

Then we also have the whole question about sustainability and that is the real challenge—and the amount of resources, because in some areas you need to have a 24/7 presence. In those circumstances we have engaged the defence force and other protective agencies to assist. But then there are also other developments that are taking place. So I want us to understand that it is a series of activities that are designed to reduce the level of criminals and criminal activities that are taking place in our community.

So it is not as bad as it is. The levels are not acceptable, but let me tell you something. People came in this Senate and made certain kinds of predictions, as if they wanted it to reach to that, and that is the part that is a little upsetting. It is as if some people will not be content until the thing reaches—and one understands that it is being used as a means—and do you know what is very interesting? Whenever I come here; whenever I talk in any other place and talk about crime is not unique to Trinidad and Tobago, they do not want to hear that. They say: “I live in Trinidad and Tobago; do not tell me about what is happening in other places.” Yet at the same time, they are talking about what is happening in another place. So, obviously, crime is not just unique to Trinidad and Tobago.

We say crime is a Caribbean phenomenon. Let me put it again in the context of what is causing that. What is causing that is our location; that we are smack between producing countries and consuming countries and as a result we are a major transshipment area. What has happened is that as a transshipment—



**Sen. Ahmed:** You are rationalizing.

**Sen. The Hon. M. Joseph:** I am not rationalizing.

**Sen. Mungalsingh:** It is the communities you built that backfired.

**Sen. The Hon. M. Joseph:** Madam President, as a major transshipment point, we know that the drugs come accompanied by the guns. I have said it over and over, if it is that Trinidad is a transshipment point to North America and there are no other drop-off points, what happens is that the vast majority of the drugs will continue north; the guns that would have accompanied the drugs all stay here, because the guns do not have to go back north from whence they came. If there is another drop-off point—if it is Trinidad to St. Lucia—the drugs and the guns will continue to St. Lucia. If St. Lucia is the last drop-off point, all the guns stay there and then the drugs continue north.

That is the reason for the kind of violence taking police in all or most of those communities. What is the challenge we face in those circumstances? The challenge we face is to limit the inflow on our borders. That is the challenge. When we talk to law enforcement and we say: “Listen, we want you to get the guns off the street.” They say: “Before you even start talking about the guns off the street, try to find a way of stemming the inflow of the guns in the first instance.” So it is a twofold challenge.

What are we doing with respect to attempting to stem the inflow? Those are the assets; that is the air ship; that is the helicopter; that is the radar system. Let me just say one of the things that we are starting to see happen. You are starting to see a certain amount of increase in the ability to stop. Every time you hear the coast guard making a bust; every time you hear about some of the operations that are taking place in the gulf coast that is resulting in seizure of the drugs and guns, you are starting to reduce the inflow. Let me tell you what I understand. I understand on the street they are already starting to talk about drugs becoming harder, and as they become harder the competition in the communities becomes a little fiercer and, as a result, you start seeing some of the reaction.

So it is a very dynamic and complex issue that law enforcement is facing, and give them credit. Sen. Mark said: “When you swear to protect and serve you must take bullets.” He stood up and said: “You must just take bullets.” We have to make sure at the end of the day, whether we like it or not, and with all their weaknesses, they are the ones who are on the frontline. [*Desk thumping*] With all their limited success, they are the ones who are actually going after the criminals. We are here talking, but they are the ones and on the basis of what it is that we are

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saying, they are doing some things right and they need to be given credit for the fact that they are doing some things right. [*Desk thumping*] We may not be satisfied with the speed, but then we did not get there overnight.

I give hon. Senators the assurance and, by extension, the national population, that with the resources that are being provided to law enforcement, we are building the organization to last and you are going to see improved policing and, as a result, improvement in all the activities. Because criminals exploit weaknesses in law enforcement, you know. That is what they do. They look to see where they are going to be able to get away, and as we strengthen and improve our law enforcement capability, we are going to see certain types of results.

**Sen. Bro. Khan:** Could the hon. Minister indicate for me, please, if the radar takes up a pirogue?

**Sen. The Hon. M. Joseph:** Yes, it does.

**Sen. Bro. Khan:** Thank you.

**Sen. The Hon. M. Joseph:** Let me just touch on another matter that Sen. Mark raised, the question about the DNA legislation, and we have gotten a lot of criticism about the DNA. I am confident that we now have a DNA Bill that can satisfy the requirements that we need in a DNA Bill. There were some concerns—and it is a pity my colleague, Sen. Seetahal, S.C. is not here because I know she has expressed some concerns. At the end of the day, the current legislation, the one passed in 2000, had so many flaws that it was felt that the best thing to do was to come with a new Bill as opposed to attempting to make amendments.

What were some of the issues that the Bill—and I have said it here before and I will say it again: Inadequacy of the definitions of samples to be taken; the requirement for consent in order to obtain a sample; the persons by whom a sample is to be taken; the need for the establishment of databases; the statutory limitation for the destruction of a sample; the management of the DNA data bank and the use of DNA for paternity testing. The legislation has now gone through all the necessary stages; it has now been laid and I am confident that we now have a piece of legislation that would be able to address some of the challenges and concerns raised as a tool to fight crime. Let me say something else also.

**Hon. Senator:** It is PR legislation.

**Sen. The Hon. M. Joseph:** It is not PR legislation. This has had the input of experts from the United Kingdom. Stakeholders' meetings were held with various legal people from both Houses, et cetera. So this thing has been properly thought

out and, as I said, with the input of all the various stakeholders, so we know that when the legislation is passed it would be working. In the meantime—that is just from the legislative part—on the Forensic Science Centre’s part, it is preparing itself to ensure that when the legislation is proclaimed it would be able to be up and running.

During the period 2004—2006, the following measures were implemented to improve the performance of the Trinidad and Tobago Forensic Science Centre: The number of posts of scientific officers was increased by 12. To date, all these posts have been filled. This brings the total complement of scientific officers to 23. Additionally, one post of human resource officer and one post of accountant were created and filled in 2006. These two latter posts were created to allow the professional officers to devote all their time to technical work. The Integrated Ballistic Identification System (IBIS) was purchased. This system automatically compares marks of fired ammunition. Loading fired ammunition for crime scenes to IBIS allows law enforcement to identify when the same gun has been used in different shooting incidents. In addition, guns submitted to the centre are test-fired and loaded onto the IBIS to detect whether the gun was previously used during a shooting incident. Identifying these connections will provide intelligence information to assist in the investigation of crimes involving weapons.

To date, eight nationals of Trinidad and Tobago have been trained in the use of the system. The centre has been able to link 24 cases. Four scholarships were awarded to nationals of Trinidad and Tobago in 2005; two in DNA typing and two in document examination. The two persons in DNA typing have returned home and are now employed at the Trinidad and Tobago Forensic Science Centre. One of the persons trained in document examination has returned home and is employed at the centre. The other candidate is expected to complete her studies at the end of December, 2006.

As I said, the Government of Trinidad and Tobago requested the assistance from the UK with respect to the upgrading of the Trinidad and Tobago Forensic Science Centre and they assisted in the areas of firearm examinations and the review of the DNA legislation.

Measures to reduce the backlog of cases in firearms: Four nationals of Trinidad and Tobago were employed as junior scientific officers to be trained as firearm and tool mark examiners. Two of these were employed in February 2005 and have completed training. They were appointed scientific officers in October 2006. The two other nationals were employed in August 2006 and are at present undergoing training. This training will be completed in 2007. Two firearm

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examiners and one IBIS operator from the United Kingdom Forensic Science Service were employed in October 2005 for a period of three months and three firearm examiners from the United States were employed for a period of one year with effect from October 10, 2006.

**3.30 p.m.**

The above measures have resulted in 25 per cent reduction in the backlog of cases. Let me add the construction of a separate DNA laboratory to perform DNA typing. The officials of the United Kingdom Forensic Science Service and personnel from the Ministry of National Security advised that the present facilities at the Trinidad and Tobago Forensic Science Centre were not adequate to perform DNA typing. Cabinet agreed to the construction of a DNA facility in June 2005. Officials from the Ministry of National Security visited DNA facilities in the United States of America in April 2006 and design drawings for the laboratory have been completed. Construction is expected to begin in early 2007. To facilitate the speedy introduction of DNA typing in Trinidad and Tobago, Cabinet also agreed to the purchase of a temporary facility. This modular building is being retrofitted with all the necessary requirements of a DNA laboratory. This facility would be ready for use in February 2007. In terms of forensic and DNA to say that nothing is happening, nothing could be further from the truth.

Let me touch another area that Sen. Mark spoke much about. He spoke about the failure of the criminal justice system. I think he spoke specifically about the Witness Protection Programme. We need to know that the Trinidad and Tobago Justice Protection Programme is guided in its day-to-day working by the provisions laid out in the Justice Provision Act, 2000. Even though there is no regulation, the Justice Protection Act, 2000 is being used. The Justice Protection Programme gets the majority of its clients on the recommendation of the Director of Public Prosecutions (DPP).

Once a prospective participant is accessed, a memorandum of understanding is signed by the Justice Protection Programme and the participant. The memorandum of understanding lays out the responsibilities of both sides. At December 20, 2006, a total of 203 persons are being managed by the Justice Protection Programme of Trinidad and Tobago; 85 are witnesses and 118 are associates of witnesses. Of the 118, 87 are children of varying school ages. Many times people do not recognize this. Because of the nature of the Justice Protection Programme it is not widely advertised. Sometimes not only do you have to protect the witnesses, but also their immediate families. Trinidad and Tobago Justice Protection Programme is currently conducting its operation with

eight other countries, two extra regional. I have all the countries but I do not think that it is in the interest of national security to call the other countries with which we are engaged. Let it be known that there are eight countries and two extra regional countries. I cannot disclose the names.

Cooperation with countries is on a case-by-case basis. Sometimes, invariably our witnesses are not kept in Trinidad and Tobago. Because of our size it would be other countries. Trinidad and Tobago is providing assistance to two other countries at this time. Programme support issues such as psychological counselling; ensuring that children are properly placed at schools when relocated and access to medical care are some of the things we have to take care of. Training is made available to programme participants to help them restart their lives when it is deemed safe to do so. There is a note that says since the establishment of the Witness Protection Programme in 2003, we have not lost a witness by way of death. People could walk out the programme and do other things because of the nature of the programme. To say that there is no witness protection programme because of the fact that the Act has not been proclaimed is not correct. There is a witness protection programme and it is up and running. Because of the nature of the programme you cannot publicly say the persons are in the programme and where they are located.

Sen. Mark talked about where we are with respect to the Police Reform Bills. When we got approval for the Police Service Bill it could not be proclaimed without regulations. You must have the accompanying regulations because that is almost the blueprint. It is the Bible that determines all the operations. We asked Cabinet to establish a senior planning group to implement the operational aspect of the Police Bills. Let me say specifically that Cabinet is aware that on March 15<sup>th</sup> and 22<sup>nd</sup> respectfully, the undermentioned items of police legislation were passed in the House of Representatives and the Senate: the Constitution (Amdt.) Bill, the Police Service Bill and the Police Complaints Bill.

The Ministry of National Security in consultation with the Office of the Attorney General is reviewing the police regulations to give effect to section 78 of the Police Service Bill. In order to ensure effective implementation of these items of legislation, the Ministry of National Security in consultation with the Police Service Commission proposed the establishment of a senior planning group to focus on planning and implementing the various legal, administrative and financial provisions contained in the Bill. The senior planning group which operated on a full-time basis was comprised of one legal expert; one financial expert; one human resource expert; one law enforcement professional and one law enforcement professional with administrative skills.

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The mandate of this senior planning group was to outline major tasks to be undertaken and identify key persons in various government agencies and the private sector to perform specific tasks; establish various task groups whose members would be full-time as needed in accordance with relevant subject matters; outline major tasks to be undertaken for the Trinidad and Tobago Police Service to assume its new responsibility; review the consultants' proposals in respect of the governance structures which constitute the Ministry of National Security; Police Service Commission and the Trinidad and Tobago Police Service and make appropriate implementation strategies. The Ministry of National Security envisaged that the senior planning group will exist for a duration of not more than four months.

Unfortunately, we were overly optimistic in terms of the time frame. In the first instance, it took a while for us to identify and recruit these expert persons and for the persons to be engaged in the exercise. The exercise was completed in November 2006. In completing the exercise, as they looked at the regulations in some instances they realized that the regulations required an amendment to the parent Act. One of the key areas was the question of the assessment process as a means of determining suitability for persons in the First Division and from the Second Division to the First Division. At the end of the day when this is enacted the Commissioner of Police would be given full and comprehensive authority for the running of the police service. The role of the Police Service Commission would be different and as a result the responsibility of the Ministry of National Security would be different.

Earlier on in my contribution I spoke about the governance issues. As they sorted out these things to see whether or not the regulations needed the support of the parent Act, it took some time. We were not dragging our feet. First of all, we could not implement without the regulations. This is one of the Bills that cannot be implemented without proper regulations. Remember, we are dealing with a quasi military organization. These things would become departmental orders that police officers would have to use in order to discharge their responsibilities. The point is that we have now reached the point where that too has been laid or is to be laid in Parliament. My understanding as the Attorney General indicated in the interest of the discussion, the Opposition would be provided with copies of both the amendments to the Police Reform Bill and the regulations. I am confident that by January—I have no control over the legislative agenda, but early in 2007, we would be able to pass the amendments and implement the Bill. That is also behind us.

Sen. Mark said that we are not on the ground and do not seem to be concerned with some of the developments that are taking place. Earlier in the year we launched Operation 555. Last year I indicated that this was a mechanism designed to enhance the link between law enforcement and the citizens. The programme is going through certain stages. At present, you will see a series of endorsements. I take the opportunity to thank all the citizens of Trinidad and Tobago who have decided to publicly endorse the programme. I urge citizens to participate. Call 555.

Let me indicate the operational aspects of 555. We see the public education part but there is an operational aspect of 555 that is working well. There is almost a matrix that exists. There is an Incident Coordinating Centre. This has been patterned out of Trident in the United Kingdom and King Fish in Jamaica. I am not afraid to say because we are not reinventing the wheel. It is designed to go after serious criminal offences. It is working.

Sen. Mark raised the question about the transformation of the police service. He talked about Prof. Mastrofski and how much he is being paid. We have indicated that at the end of the day the Trinidad and Tobago Police service is the organization responsible for providing security and safety to protect and serve the citizens of this country. We have recognized that The Trinidad and Tobago Police Service contrary to the views of many people must be transformed and the transformation continues to take place. It is taking place step by step and agency by agency as we build the capacity of law enforcement. Much training, retraining and structural adjustments are being made to enhance and ensure that we have a better law enforcement capability. While Sen. Mark did not specifically speak to the presence of officers from the United Kingdom, we need to mention the fact that the presence of the 38 officers is assisting. People are saying that they are here and they are not seeing any reduction in crime. In terms of the major statistics that we are looking at, we are starting to see a reduction. As we build capacity and capability we would see as we go into 2007, better performance with respect to that.

Through the Special Anti-Crime Unit of Trinidad and Tobago (SAUTT) we have established a training facility, what we call a Specialist Crime Academy for comprehensive training of its personnel and members of the police service. This facility has conducted training in crime scene awareness; crime scene management; level one investigation; interviewing techniques and other subject matter training. The primary beneficiary of these programmes has been the police service. Over 400 members of the police service have been trained in the

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disciplines mentioned above. From early next year the academy would also offer courses and seminars in law enforcement leadership; management for senior police officers and similar programmes for other national security officials. Recently, we graduated our first crime scene investigators (CSI). It is amazing to see what they have been exposed to. I attended a mock programme. You would be amazed. It was like watching CBS. For the first time we now have the level of competence and capability that would inform our performance. We are seeing it in terms of the interface with the Inter Agency Task Force and the Homicide Bureau. [*Interruption*]

Sen. Seetahal, you were outside when I started to talk about the results that we are starting to see. We are building capacity to inform. The results do not happen overnight. The nice thing about it is that when all the pieces start to fall into place you would see a dramatic reduction in some of the areas for which we have concern.

Madam President, I thank you for giving me the opportunity to make this contribution in the debate. I hope that I have addressed some of the concerns raised by Sen. Mark. He talked about this legislation is a plaster for sore that is festering and what other things are being done to support. I hope that at the end of the day all of us would recognize the importance of this piece of legislation and pass it to give law enforcers another fillip in their continued fight to deal with some of the challenges that law enforcement faces in this country.

Thank you very much and a Merry Christmas to all.

**Sen. Prof. Ramesh Deosaran:** Madam President, this Bill essentially asks for an extension to an amendment which was passed sometime ago and indeed, a substantive debate took place on the particular amendment. Before I proceed, I do not think that I will have the opportunity for Christmas, so I wish all my colleagues on both sides of the Senate and my dear distinguished colleagues on the Independent Bench, Merry Christmas and a prosperous New Year. I say so not because it is ritualistic to do so, but I think that we need such wishes more than ever before in our lives given the environment in which we now live, some details of which have been provided here this afternoon. One speaker called it a chamber of horrors.

Those expressions are excusable because this morning I heard the husband of Mrs. Naipaul asking for the resignation of the Commissioner of Police and the Minister of National Security because in his words, nothing is being done. It might be unfair—I am not dealing with the devaluation of the statement; I would



come to that later on. I am dealing with the mood of a population that feels itself under siege, severe distress and the language of migration is quite predominant across all classes of the society. A blind man can see that and a deaf man can hear the rumblings all across the country. Let us not fool ourselves that somebody is doing something right and soon there would be a solution to this great fear and in some cases, the escalation of crime especially homicides.

It is with mixed feelings that I bring greetings to my colleagues, but out of necessity to keep us a bit cheerful and optimistic that we have a Government that would be responsible to pursue its objectives and keep the engagement in terms of public policy and crime prevention going. We have no other choice than to wish that the crime levels go down and that the policies enunciated a short while ago by the Attorney General and the Minister of National Security, work. Let us not fool ourselves again. We are not speaking about making laws for another country where people in a certain place are frightened and scared and we are safe.

Nobody is safe now in this country in terms of the way they feel. Nobody is safe whether they are protected by bodyguards, burglar proof or by German Shepherd. I am telling you the truth and it is my responsibility to sound this warning as ominous as it might sound. I had done so previously and that crime that we are seeing in Central had been predicted by some work we did five or six years ago, saying that with the increasing urbanization, commercialization, the rise in population density and misguided urbanization, you are setting up a recipe for criminality. What more can some of us do? That is why sometimes it is distressful to hear that we would do this; we are planning this; this would work and at the end of the day, this would happen and that would happen, to quote a famous remark by the Minister of National Security.

If I sound upset it is because that is the reality of the situation. If I did not I would be waning in my professional and constitutional responsibility. I am quite sure that some, if not all on the other side, recognize the seriousness of the situation. Perhaps, it is only when their son or daughter, husband or wife is kidnapped or murdered, they would feel the grief that goes beyond the statistics of what was in the first half of the year and the latter half of the year. There is no better way to prove it. This is a game that people play in criminology by using the statistics and trends.

We need this special majority because we are violating what the Constitution expects the country to be. Sen. Dr. Mc Kenzie what is in chapters 4 and 5 is how the country is supposed to be. We have to take emergency measures to ensure that what the Constitution promises normally are what we live by. I need to read

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the particular clause. There are others attendant upon the issue today, but I would read the particular clause that makes this Bail (Amdt.) Bill central to our discussion:

“It is hereby recognized and declared that in Trinidad and Tobago there have existed and shall continue to exist the following fundamental human rights and freedoms...”

That is why we call ourselves a democracy. We are becoming less of a democracy not necessarily through political dictatorship, but because of the fear of crime. What is the use of having a democracy which promises freedom of movement and you cannot walk and enjoy the parks, the roadside and shopping you would like to do? What is the use of having a democracy when you have to be caged up inside and fearful of going out after 6.00 p.m? That is not a democracy. There should be another name for it. That is why I believe that the Government has a very serious challenge on its hand.

The Attorney General in particular has a duty as a constitutionally endowed officer of this country and the Cabinet to take some leadership in ensuring that his colleagues—some more than others given the problem—deliver what they are supposed to with the expeditiousness, focus and the accountability that the citizens now demand.

The first human right and freedom in section 4 is:

“the right of the individual to life, liberty, security of the person.”

Let us not forget that. As passionate as he might sound we should excuse Sen. Mark for strident remarks. It is a situation deserving such great concern except that he has crossed the line, perhaps once or twice. Let us not lose sight of the major concern.

“security of the person and enjoyment of property...”

What more can I say? It is so obvious how many of us have properties, motor cars, big yards and fancy houses for which we have worked very hard to build and yet we do not enjoy those facilities. When you begin to think about it, crime and the fear of crime are a subversion of our way of life. Crime will strike at some but the fear of crime covers all. That is why the statistics only tell part of the story.

The last line which brings us into closeness with the Bill says:

“and the right not to be deprived thereof except by due process of law;”

which the amendment essentially seeks to accomplish. I thought that when the Muslimeen attacked Parliament and committed the insurrection on July 27, 1990,

that would have been the worst moment in the life of this country in terms of the fear of crime and the feeling of insecurity. I regret to say that that incident is becoming second to the conditions now existing in this country. I say so with concern but I say so to encourage the Government. The Attorney General who is less politically endowed than others coming from the background from which he came, a similar institution should recognize that this is not purely a political tussle or to demonstrate who is brighter than who. That is a matter that we are concerned about.

**4.00 p.m.**

We all know that, Madam President, so while there is a division here, a division there and a bargaining down there, with the multiplier effect down there, we all have to share a common concern and wish that things get better, and hope that the plan that the Government has really works, except to ask: How long must the country wait?

Let us be reasonable about this. This transformation that started two or three years ago—Sen. Mark is right and my distinguished colleague on my left, Senior Counsel, Sen. Seetahal, S.C., is right in asking the Minister, politely, just now: Well, what results?

Madam President, this thing about we would do this and we would plan this, we have a consultation here and so on, we have been hearing that for the last 10 years. I am not happy to say so. When Mr. Naipaul said on the radio this morning that the Commissioner of Police should resign, he said so out of grief, out of frustration. He just does not know what else to do or to say but to hold those responsible, accountable.

The Minister of National Security has the constitutional power but he is dancing around the issue. If you read the Police Service Commission Reports, 2002, 2003, 2004 and, more recently, 2005, you will see the same complaints being made against the police service and the police commissioner for not reporting properly to the Police Service Commission for officers absconding in their duties and the tribunal taking years to finalize disciplinary matters.

In one report from the Police Complaints Authority—that is where the Bail (Amdt.) Bill hinges you know, we are not speaking about bail in an insolated manner, we are speaking about the administration of justice when the police arrest the person and he is denied bail. Now that he has been denied bail the work of the police must become paramount in other consideration, otherwise we will be guilty

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of violating the Constitution for which we took an oath to upkeep. We cannot play careless and just say it is a simple Bill and we want to extend it for two years or cut it down to 15 months.

Madam President, in one of the police complaints reports—I am directing this to the hon. Attorney General too, because nobody seems to be taking on these things seriously. Recently, we had a meeting with the Police Service Commission outside in the corridor—it was a public meeting so, perhaps, I could make reference to it. The members of the commission said publicly: “We are frustrated too.” Do you understand how serious this is? They are the constitutionally empowered authority for discipline, promotion and transfer, so like Mr. Naipaul, they are fed up.

I would like the Attorney General in his capacity as a legal advisor to Cabinet to take this matter seriously in the Cabinet, in the first instance, and ask for some accountability and, as Sen. Seetahal, S.C. said just now, for some results. You cannot be spending taxpayers’ money and justify it by reports and planning units. You talk according to Mr. Naipaul; talk, talk, talk, talk, talk, talk, talk, talk, talk, talk, talk! I know politicians have an inclination and a duty to talk but really, as the hon. Minister himself might say, at the end of the day, we want to see some results.

This is not a matter of trade or taxation or a policy about importation of garments. This is a matter of life and death with people taking bets now as to whether the murder rate would not exceed 365, but exceed last year's. It is a bizarre situation we are in! The fright is causing us to do things to one another that we would have never done before. We are getting angry with one another. People blame me for crime! They say: What are you doing? They mean to say: What are you doing with the crime, doc? Prof., what are you doing with the crime? I would say boy—I would tell them just like Mr. Naipaul—I am fed up just like you are. There is a limit to what I can do and I must tell you in all earnestness, I think I have done as much as I could have humanly done. *[Interruption]* I do not want to say too much about that but that is how I feel.

I put this trust into the Attorney General's hand—sometimes we want to kill the messenger and it has emerged in this debate this afternoon—I am treating it as a debate so I am responding to some of the concerns. I have not come here with any prepared speech and to start to read as if nothing has happened before. I am putting that trust on him because I think he might be the most capable and positioned person to take that leadership, because it might very well be—he might not be concerned with the next election; he might just want to do his duty in the years that he has available to him in this current term. Once you put your sight on

the next election, your agenda changes, your language changes; you are thinking about winning the next time, and sometimes at some sacrifice to the political integrity. I see it in the Lower House, but that is another issue.

I believe—in fact, I will hear how the Attorney General responds and then I will know how to cast my vote, apart from the fact that I have two conditionalities to indicate as I proceed, because if bargaining is the name of the game, who am I? [*Laughter*] If you tell me you are bargaining down there—90 days and you give up this and you take this—

Madam President, you must remember something, I was not present at any crime talks. Nobody invited me so I am not going to subject myself to any arrangements made by any party or parties that did not include anybody, as far as I understand—I do not know if Sen. Dr. Mc Kenzie was invited.

**Sen. Dr. Mc Kenzie:** No, no, no!

**Sen. Prof. R. Deosaran:** I do not know if Sen. Prof. Ramchand might have been invited.

**Sen. Seetahal, S.C:** None of us were invited.

**Sen. Prof. R. Deosaran:** Perhaps, Sen. Basharat Ali might have been invited, so I had better be careful.

**Sen. Basharat:** No, no.

**Sen. Prof. R. Deosaran:** But certainly neither I nor my representative was invited to those critical talks that have us engaged here now as Independent Senators. We have become almost an anomaly in the exercise! We are not involved in something and here we are talking about something that others created and we have been called upon to mend and patch.

More than that, I do not accept very easily—with some difficulty, yes—that the crime talks or the progress of the three police bills and other legislation had to be stopped because of what happened to the Opposition benches. What you have to deal with is the Leader of the Opposition and let the others work out the system. That is what is constitutionally permissible. Your first mission is the constitutionality of the position and then let the politics play out. You should not get yourself, as a government, involved in the politics of the Opposition. You have a Leader of the Opposition with whom you started discussion—whoever the person is, I do not care, Madam President. The officer of the Leader of the Opposition should be the one with whom you should have engaged yourself and

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the negotiations. Let the front bench, the back bench and the middle bench, wherever those may want to find themselves exist, let them work it out; let them negotiate too. Because some of them have taken a risk in doing what they did and with that risk there is a price. You cannot use the politics of convenience to have things your way all the time. That is what has affected this Bail Bill here today that we have a change from two years to 15 months. This is the product of that kind of situation.

It is very regrettable that the political architecture of the current legalization is so derailed and deficient. That is not the way to bring something to the Parliament of a country. In fact, I will go so far to say that these crime talks seem to be, in effect, a sham and it should not be encouraged in the present circumstances, not with serious issues as crime where you need an agreement here and something conditional on that. I do not think so at all. Crime should be the uppermost issue from the beginning to end, uninterrupted by any, in substance, irrelevant matter.

In fact, if I were invited to the talks I would have said so. In fact, I have said so before; that is why I abstained when the Bills came. I could not understand bills like that coming to deal with the situation that we are in—

**Sen. Jeremie, S.C.:** Senator, would you give way? I was busy taking notes of what you were saying but it was pointed out to me that you did say that I said that the Bills were delayed because of difficulties with the fragmentation of the Opposition. What I actually said was that we had no partner. We delivered the bills to the Leader of the Opposition, as that person is today. We also took the added caution of sending the bills to all of the other fractions in opposition. It is not a question that the bills themselves were delayed; they were ready in April.

**Sen. Prof. R. Deosaran:** Thank you, Attorney General. I withdraw the remark about you saying so. It was the Prime Minister who indicated that in the Lower House. Madam President, I will bring the *Hansard* to show you because I saw it this morning. He said he could not proceed because of what he said happened—something on the Opposition benches—to the effect. If you will allow me I will produce the *Hansard* to show you the exact three lines where that remark was made in response to the Leader of the Opposition, Mrs. Kamla Persad-Bissessar. I apologize to the Attorney General for implicating him in this instance.

Of course, to me that is not really of any substantial value except to say that we are faced with this Bill as an emergency matter, hurriedly—Madam President, this is the third such incident and if I were on the Government side, silently, at least, I would be embarrassed; I might not say so. To come to Parliament in such a

hasty fashion—you adjourned to a date to be fixed—we are supposed to come out anytime we are summoned but suddenly you call us out almost the day before, for what reason, do you not have a roster? Do you not have a flowchart? Do you not have a matrix in this day and age of computerization? Somebody, in some office, is not doing the job that he or she is supposed to do and so the poor Attorney General has to come here and apologize to us. It is an apology I accept, however, in the circumstances; as to the end result, well, I will wait and see what happens throughout the debate.

The Government is really functioning at 10 per cent of its efficiency. Again I say so with regret and there are many reasons. Sen. Enill and one or two others have pointed out the difficulties in public administration, especially with respect to the efficiency of the service commissions, so there are reasons. The state of the game is, however, that the Government is really functioning at 10 per cent of its potential. We see from Sen. Martin Joseph's remarks how far they are away from dealing with the problems that exist. He has taken us, with due respect, into the promised land. This looks like Walt Disney.

Madam President, I want to point out two things. First of all—and I am sure our distinguished Attorney General knows this—the police commissioner has about seven delegated powers, which over the years he has not been using effectively. Time and time again the service commission will ask him what more powers you need, together with us, at the Select Committee meetings: What more powers do you want? He would say and it is in the *Hansard*: “I need no more to do my job of managing the police service.” There are certain acts of discipline he could take; certain acts of promotion, up to a certain level because most of our problems on an everyday basis reside from sergeant down. There are other executive issues—which we could leave for now—a bulk of problems which under existing legislation, things could be improved. So the Minister telling us that he is bringing legislation and a planning unit; he has sent four officers to go here and 10 to go there, Madam President, it is with great regret I say these things but the facts must speak for themselves otherwise what are we doing here.

In one of the Police Complaints Authority reports—and I direct the Attorney General to this—about 250 complaints have come from citizens for malicious prosecution by the police. Madam President, when we depend on this calibre of persons, from constables up, to be connected to this bail legislation in terms of initial arrest and you are faced with this amount of malicious prosecution—To put somebody behind bars without bail is a violation of the Constitution and must be so permitted only by a special majority. If they are going so far out in the same

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way we have to go so far out into the police service to make sure that you have, at least, a large number of police officers who can execute their responsibilities properly, fairly and judicially, but we are at risk. Of course, we have a lot of good police officers; I know a number of them, senior and junior, they come to me with complaints, but who is starting to ring the bell of accountability? I believe the Minister of National Security should be more forthright.

We told the Chairman of the Police Service Commission similar too. You are hiding behind bureaucracy and dancing around the problems whereas the people outside are suffering, grieving and, of course, blaming the Government. If you want to take all the blame without encouraging other agencies and personnel to do their job properly and expeditiously, well let the public judge. What more can I say? If that is the price you intend to pay by almost standing still or planning for next year, or planning for something next two or three years, whereas there is existing legislation and regulations to call people to account and enforce the discipline—but no, everybody wants to win a popularity contest. Everybody wants to be nice and to be invited to all the parties around town and shake hands and feel good. This is a feel-good season. This is a real treat. You make a speech where you dance around the issues and then you say at the end of the day—

Madam President, listen to another fact. I am happy that the rate of kidnapping has decreased. I will also admit that if you do a correlation, that is you just relate two things—we are not saying that one causes the other's difference, it looks to me that the “no bail” condition is working. If the “no bail” existed in that same period of time that kidnapping went down significantly, according to the Minister's figures, I think that is working. As to whether there are other contributors to that reduction, we do not know but taking it as it is, I am very happy and I am sure everybody on this bench is happy. I am sure Sen. Mark, too must be very happy that the rate of kidnapping is going down.

But then if giving no bail is a deterrent, you have no bail for murders, so how come the rate of murders is still climbing where you have the same condition of no bail facing you? That suggests to me that there are other things in the system that are causing the reduction. I am saying so because this is my profession. Statistics do not fool me; other things qualitative and quantitative, intervening and so on—

I say this so that we would not have any illusions; let us not drift into false comfort; we have to be very careful. We have the other issue where it was revealed by the Police Service Commission under enquiry—we asked them to enquire—Do you see how useful these select committees are? I will come to that later on. I have to come to that because the Government has to bail us out too.



Information that was revealed is that almost 1,000 cases have been dismissed in 10 Magistrates' Courts over a five-month period largely because of non-appearance of police officers. Sen. Yuille-Williams, through you, Madam President, these are serious issues. I am not here talking about the politics of the matter, I am talking about the substantive facts that must generate public policy, government concern and bring solace to a very distressed national community. When you tell me, as the Minister did, that the police are there to protect and serve, well, I must tell you that they have a rather strange way of carrying out that constitutional responsibility. That is why we have fears about the Breathalyzer Bill. That is why we have some concern. It is not because the law is not good, but we have to be careful about violating the Constitution by persons who lack integrity. Any constable could stop you and put you in some distress.

Madam President, as you know in the sociology of crime once you are arrested the whole country feels that you are guilty. This thing about being innocent until proven guilty is merely a legal term; a very finely tuned term but it has no sociological significance. Once they put their hands on you and it hits the headline, everybody would say: I knew he was a thief; I knew he was a drunkard; I knew he was this or that. That is the sociology of crime. All of us here have to be very careful. Do not wait until something happens to one of us then you would become concerned. We have families; we have friends who are subjected to some of the things I am talking about that is why I am imploring upon the distinguished Attorney General to take leadership even if he has to face the wrath of his colleagues; if that be the case.

The Leader of Government Business approached us, quite politely, and asked us if Sen. Martin Joseph could speak rather than one of us in the normal sequence, and we readily agreed because we are not here to obstruct; we are here to facilitate and to listen to what he had to say that would add value to the debate, not only in terms of getting this legislation passed but in bringing some solace to people like Mr. Naipaul and all the others; the 10-year-olds, the woman with 10 children who was murdered, all these people all over the countryside are grieving. If you look at the headlines and you read the grief that they are exhibiting; you read it as a father, a mother, a brother or as a husband, then you will feel.

It is quite fortunate that some of us have not yet been affected but I must tell you that I know friends and families who have been affected by murders and kidnappings and it has not been a pleasant experience.

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This is not a matter for political bargaining. I want the Government to keep its sight clear and straight on what is required. Whether you have two or three groups of Opposition people in the Lower House, deal with the Leader of the Opposition and put the cards on the table for transparency and not merely political bargaining. Let the country know what you are bringing and let the country know what you are getting on the other side and let the electorate eventually decide. That is what the Parliament is about. I do not understand this new feature of political bargaining, leaving out nine distinguished people from the bargaining procedure, who, I am sure, could have contributed immensely to the outcome, both in terms of legislation and other features of the Bill. Now you are having something about a back-bencher, Madam President, that does not make for good governance, to use a term by the distinguished Minister of Labour, Small and Micro Enterprise Development.

In fact, Madam President, it was a surprise to see the hon. Attorney General calling upon the Minister of National Security to justify the Bill. I thought the lesson we got from the Minister of Labour, Small and Micro Enterprise Development and that some Bills do not need any justification at all would have applied. How can you use Parliament to bring a bill and tell us “no justification”? Every Bill must have a justification! I would dread the day another Minister would come here and tell us that there is no need to justify this or that bill. It is horrible!

In replying to the Minister of National Security once again, and I have a lot of compassion for him. I must tell you I feel for him. If I were in his position—I marked here, “Minister also a human being”. I have to consider that aspect of it. What else can the gentleman do? He has come into the ministry—he cannot turn back the clock of time. There are things he cannot do overnight. We know all those things and that is why quite often I say when we are dealing with a Minister and public policy we are more directed, at least, those of us here, at the Government and its policy. Sometimes when we say Government we speak of it in perpetual succession; a government is a government, whether it is a PNM government or a UNC government. A lot of things my colleagues on the front bench did that I never liked; there were a lot of things they did not do that they should have done; I could enumerate all those things but of course that will not be appropriate to the moment. He as a human being might be wondering, well what more can I do.

Mr. Chin Lee was Minister of National Security dealing with bail matters too, there was a UNC Member in the Lower House—she has now gone across to the back bench—who used to be pounding the issue, demanding his resignation for

tea, breakfast and dinner. I told the country then that a resignation would have made no difference because so many of these issues are endemic, they are institutionalized, some of them are quite cultural and what you need is some expeditious, drastic action in certain quarters with a sensible understanding of the problem. The latter I believe we do not as yet have, and that is why Sen. Mark's concern about the vast expenditures without results is a serious issue, because the issue of crime, national security, is not properly conceptualized. We are getting carried away, Madam President, with great respect, with a lot of fancy United States labels.

**Madam President:** Hon. Senator, you have two minutes of your 45 minutes. I will let you finish that and then we will take the break.

**Sen. Prof. R. Deosaran:** Thank you, Madam President. I think we are all—not only the Minister of National Security, Sen. Mark—getting carried away with a set of fancy American labels. When you read the textbooks—he talked about zero tolerance—

#### **4.30 p.m.**

It is impossible to have zero tolerance in a country. There will always be some reason for crime, even at the minimal level, and I dare any police service in the world to really achieve zero tolerance. They are fancy American words. I heard the Minister using it. Mr. Chin Lee used to use it regularly. Then they went to the “broken windows” theory—fancy words. I am sure that Sen. Seetahal, S.C. knows what it means. They use it here as if they are tackling the theory and it will work, so there is no need for bail because everybody will not commit crime. The last one I am hearing is some planning unit and a lot of fancy American jargon for which I believe a lot of money has been unduly expended.

The new one is rendition. You hold people, lock them up, torture them and you call it rendition—another American term. Let us be careful. Those are some of my responses to the Minister of National Security and my opening remarks. After that I will respond to the Attorney General and Sen. Mark.

Thank you, Madam President.

**Madam President:** Let me take the extension one time and when we come back, we will continue. Hon. Senators, the speaking time of the hon. Senator has expired.

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

*Question put and agreed to.*

**4.32 p.m.:** *Sitting suspended.*

**5.05 p.m.:** *Sitting resumed.*

**Sen. Prof. R. Deosaran:** Madam President, for these 15 minutes I will be moving like a locomotive. I like the train. I told the whole country that already. I like the rapid rail, too.

**Sen. Prof. Ramchand:** I will not talk to you if you like the rapid rail, “nuh”.

**Sen. Prof. R. Deosaran:** Well, I am accustomed to losing friends.

Before I proceed and get a little more impassioned than I care to be, I want to put a matter for the attention of the Government, especially our very distinguished and diligent Leader of Government Business. Some of us are considering supporting this Bill, but there are two things they need to attend to in the interest of proper governance and respect for Parliament. There is a section in the Standing Orders that says that after a report of a joint select committee, governed by section 66A, is laid in the Parliament, in both Houses, it becomes a Parliament document, Sen. Titus, and that the Minister should respond 60 days afterwards.

In a previous case, the Minister of Education duly responded. That is a standard. This is a Parliament. This is not a Mickey Mouse house. This is not Walt Disney. The Parliament has an order, which must be abided by, otherwise how can you go to the schools and talk about delinquency? What moral authority would you have as a government to call upon other people to obey the law?

In the particular case, Madam President—and I bring it to the attention of the Government so that they can bail out the situation—a report was presented by the joint select committee of which I am chairman since June, six months now. Two reminders have been sent to the Minister concerned after a special report was laid in the interest of the country. The regional corporation system is falling down. I do not want to depart too far, but I need to make this remark. That report was to assist. The report generated from a meeting with the Tunapuna/Piarco Regional Corporation that Sen. Titus chaired. It was he, with passion, who lamented the situation and urged us to present an emergency report. Why is the Minister responsible not responding according to the law? Anything here governing these committees is validated by the Constitution. This is what it says.

**Sen. Dr. Saith:** What is the Standing Order?

**Sen. Prof. R. Deosaran:** 71B—lower down. So, I make no great fuss except that it does not look good. Secondly—I was absent on the day, but the distinguished Sen. Dr. Mc Kenzie told us that she had asked the Government not to threaten these committees with a seven-member majority; it would subvert the rule. If they have issues to raise, they should attend and challenge the speakers in the ordinary way of the rules of procedure, disagree and vote accordingly, but they should not make an impossible standard of seven because they want to “kill these committees”. That is really not the spirit of a Parliament that we all enjoy and work so hard to maintain.

I want a response this afternoon. If those two things can be corrected, then we will see that they have good faith to run this country properly and all of us would join in running the country properly where we can. I believe that matter of trust, which was mentioned earlier by the Attorney General, will be manifest on this occasion, at least to some extent, in a practical way.

I want to use my next 10 minutes on the question of displacement. This is important for the police to know and for the Government to know. If, as the Minister of the National Security said, when he attacks this spot, they move to another spot, Madam President, it is like the food prices issue. If they know that the developmental measures they are taking will result in such and such consequences, as a government they should take preventive measures. Who else can do it but them?

It is similar with displacement, which is a phenomenon in criminology. We all know you take care of other places by some predictive capacity in your database. That is why, again I say, through you Madam President, to Sen. Yuille-Williams, with a citizen safety programme, it can work, but you must have a proper database to know where and how to work it. The Minister does not have a clear conceptual grasp of the crime issue.

This brings us to the administration of justice issue, which was a prominent matter debated here this afternoon. Here, I think, the Attorney General, as messenger, is carrying a bit more blame than he is responsible for. When you speak about the virtual collapse of the Judiciary and the justice system, there are some things for which the Judiciary is responsible—the giving of bail—that is in the Constitution. When that goes all right, people will run away and so on, that is not the Executive’s problem. The police are the Executive’s problem; that is why we are encouraging the Minister of National Security, with some passion; otherwise if we say it too casually he may not take us seriously. I am learning from Sen. Dr. Mc Kenzie, that when I speak, I speak with passion and flair or no one listens. He is not even here to listen to me. That makes it even worse.

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He raised a very important issue—the drug policy. The Attorney General, I know, passed a book to him, which was recently presented to him. The book is *From Research To Policy*. The first paper in that book tells about the need to revise drug policy because the law enforcement approach from South America is not working and is causing more violent crimes and murders. The Paper is helpful and I draw it to the attention of the Minister of National Security, who should be grateful to the Attorney General, who took some copies and sent them to the Minister of National Security.

The witness protection policy is also an Executive function. When I say an Executive function, I mean that part of it is the Minister of National Security's and part the Attorney General's. But there is an important aspect that we have left out and these are dangerous waters because we still have to ask about the role of lawyers in the criminal justice system. I say so with great respect and trepidation. I know, when it comes to defence, they are very good at it. Of course, present company is properly excluded.

The role lawyers play by having three and four cases at the same time and the poor judge does not know if to deny the accused his representation. This is a breach more than a practice. Ask any judge or magistrate. What can the Attorney General do about that? Lawyers, therefore, must assist the Judiciary in having not only a fair trial, but also a proper trial; to let the country feel that there is not only a trial, but that there will be justice.

Sen. Cropper was explaining to me certain instances where a case was being called and it kept going on and on. So victims get doubly inflicted. They get inflicted in the first instance by a grievous crime committed against them—a debt—and, secondly, they have to wait so long. No wonder they disappear. The non-appearance of some witnesses is also due to the fact that these trials take too long to materialize for several of the reasons and we cannot leave out lawyers and the legal profession.

I remember Sen. Seetahal, S.C. wrote a column talking about ethics in the legal profession. She did not go as far as I thought she would have gone, but she, too, must have been fraught with trepidation because her colleagues do not take kindly to such interventions.

I have a concern about the Equal Opportunity Bill. In a nutshell and given the time constraint, that is not the proper bill to deal with the problem with which it seeks to deal. I say so briefly, but there are many arguments that I could use. There are three cases that came up for discrimination. There is one *L. J. Williams*

*v The State*. There is the *Orisha v TTT*, *Rambachan v TTT* and the Country Club case. In each of these cases, the distinguished judge—and they were pretty distinguished in those days—said that litigation through the normal court process is not the way to deal with prejudice discrimination. You need something more flexible; something like a mediation configuration. That is very important, but why are we pursuing this as if that will solve the problem we have in this country? It might be preferable to consider human rights commissions without having the intervention of an avalanche of lawyers.

There is more I can say on it, but let me wrap up by saying that the Attorney General should be more convincing because he has a point. If the Privy Council rules against certain aspects of the Equal Opportunity Act, he will have to come back to Parliament and re-engineer the whole process. I think he should tell his partners in the Lower House—and stand by it—that is not the way to go because he has a judgment pending by the Privy Council, which will cause him to do over the same things. That is not right. You cannot bring a bill under those circumstances where the Privy Council will give an imminent verdict to bring it here because you are bargaining. That is why this bargaining must stop. It is causing more chaos and it is cheating the public interest more than if the Government, as is normally the case, brings the legislation and lets the chips fall where they may.

In considering in the Lower House a group that is separate from another, he is giving that group more preference than the constitutionally mandated Independent Bench. I find that anomalous, whatever name they are called—COP or COPs—whatever legitimate rights they have, I do not think it should be so seriously considered in such a configuration.

Madam President, there are many more things I would have liked to say to help the Government to see the light or to help them where there is a weakness, and to encourage them to pursue relentlessly this fight against crime by their policies and, if they do so with trust and optimism, we will be willing to support them. Let us not forget the two conditions that I submitted to the Government for their consideration. It is something that Sen. Dr. Mc Kenzie has raised on a previous occasion.

Thank you.

**Sen. Dr. Tim Gopeesingh:** Madam President, this afternoon we are being asked to look at a Bill that is extending the life of the Bail (Amdt.) Act (No. 2), 2005 by 15 months. The Government believes that by doing that they will help solve the kidnapping and other crime issues. This is in the context of kidnapping.

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This Bill comes after the Bail (Amdt.) Act (No. 2), 2005, which sought to amend the Bail Act, No. 18 of 1994, to make certain violent offences under the Bail Act, 1994 and the offence of kidnapping for ransom under the Kidnapping Act, 2003, No. 21 of 2003, non-bailable offences. Those requirements rendered it necessary to have a three-fifths majority in the House because they were inconsistent with sections 4 and 5 of the Constitution and required to be passed by a special majority of three-fifths of the Members of each House.

That Bill that we are now being asked to continue is so that the court will not grant bail where a person is charged with a violent offence. In Part III of the schedule, where it states that a person who has been convicted on two prior occasions for any of the violent offences listed therein, I wonder if many of us are foregoing that part of the Bill and only looking at the Bill related to kidnapping. There is an area within that Bill that looks at violent offences and someone carrying out a violent offence on two separate occasions will not be given bail.

One of the clauses that we are discussing now, clause 5, sought to amend the Act by inserting a new section, that is, the offence of kidnapping for ransom as a non-bailable offence. What was important is that because we felt that the civil liberty of an individual could be taken away if he is not brought to justice very quickly, we ensured that if a person is not brought to trial within 60 days of the date of the charge, he could apply to a judge in chambers for bail.

There was a lot of confusion about what is meant by “brought to trial”. “Brought to trial”, the legal language, a number of attorneys sought to explain in the House at that time. That remains a controversial issue. So, the 60 days of bringing someone to trial really incorporate the whole administration of justice which Sen. Prof. Deosaran spoke about. During the apprehension of that person who has committed the kidnapping or a serious offence on a second occasion, that person must be brought to trial within 60 days.

So all the arms of the judicial system and machinery of the State, in terms of expediting that process to bring someone to trial, had to take place within 60 days. That is why, when we discussed this kidnapping Bill, it was important for us to look critically at the whole question of the administration of justice.

Clause 7 of that Bill indicated that the Act must continue in force for one year with the provision for its continuance for a further period by a subsequent Act of Parliament. This is what we are being asked to debate and give our consent to by a subsequent Act of Parliament, which today we are being asked to give, subject to the special majority requirements prescribed under the Constitution.



Madam President, the violent offences that were spoken about include manslaughter, possession and use of firearms with intent to injure, rape, grievous sexual intercourse, sexual intercourse with female under 14, sexual intercourse with female between 14 and 16, buggery, incest and so on. There are at least 12 areas here that came under consideration as violent offences. If someone was convicted on two previous occasions for any of those violent offences, they were denied bail and if after 60 days they were not brought to trial, they could apply to a judge in chamber.

Madam President, when we were discussing this Bill previously at a national level, when this was brought in 2004, the United National Congress team had serious reservations about the civil liberties and freedom of individuals. We expressed serious dissatisfaction with the way the Bill was formulated and decided not to support it. The general public looked at us as though we were against the people and we were not supporting the legislative package that the Government was bringing because we did not care for the people. That was far from the truth. We cared that the civil liberties and freedom of the individual would have been taken away and we sought desperately to ensure that the Government came up to scratch with this Bill.

I do not remember when they brought on the Police Reform Bills for the administration of justice—the Police Service Bill, the Police Complaints Authority Bill and the Constitution (Amdt.) Bill. We indicated that we would support them based on the fact that we wanted to have considered the Equal Opportunity Bill that we had passed in Parliament in 2000 and that this Government was not doing anything significant about ensuring that the Bill was brought to Parliament. We said that we would support the Police Reform Bills consequent upon the fact that they give us the assurance that they will bring the Equal Opportunity Bill before Parliament and it will be passed.

Only certain things needed to be done, certain regulations as the hon. Minister of National Security indicated. We had cause throughout the country. The Chamber of Industry and Commerce was asking for the renewal of corporation calls and they said that for sometime they had been persisting in their call to all 36 Members of Parliament for a heightened approach to the battle against crime. The Government went on a crusade, spending about \$5 million to \$10 million advertising that the Opposition was not supporting them in their legislation on crime and asking people to go to their 36 MPs and order them to support the Police Reform Bills.

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The Chamber of Industry and Commerce was calling on the relevant authorities—the Government and the protective and defence forces—to move aggressively and swiftly to bring the perpetrators to justice and to do all in their power to fight this scourge of crime on an ongoing basis. They called on the Opposition to close ranks with the Government on the issue. They said that we could not and must not continue to play politics with crime and the lives of our people.

Different commentators asked whether the passage of these reform bills would reduce crime. A writer, on April 26, 2005, wrote that maybe the Government thought that it could embarrass the UNC into supporting the Bills since the crime situation had gotten progressively worse. He wrote that the UNC might be seen as obstructionist for not supporting the Government in its endeavours to deal with the escalating numbers of death. This article was by Kelvin James Sr. writing in the *Newsday* of April 26, 2005.

### **5.30 p.m.**

There were commentators, far and wide, writing. When the Government gave the undertaking that they would bring the Equal Opportunity Bill to Parliament, based on the discussions between both sides—the Government and the Opposition, the Opposition, represented by the then Leader of the Opposition, Mr. Basdeo Panday, Mrs. Kamla Persad-Bissessar and Mr. Dookeran, and the Government side included the Prime Minister, the Minister of National Security and others—they agreed that they would bring the Equal Opportunity Bill. We decided to give them the support for the Police Service Reform Bills, to deal with the escalation in crime and the kidnapping issues. The Government reneged on its promise and one year later, after we had given the Government our support on these Police Service Reform Bills, the Government has failed to bring the Equal Opportunity Bill.

This is the core of society today. The Equal Opportunity Bill is an important aspect of our day-to-day living, in the context of what is happening in terms of crime as well. The Equal Opportunity Bill prohibits certain kinds of discrimination, to promote equality of opportunity between persons of different status, to establish an Equal Opportunity Commission and an Equal Opportunity Tribunal and for matters connected therewith.

In that Bill there were a number of considerations which we sought to deal with, by supporting the Government on the Police Service Reform Bills in the question of crime and kidnapping. We wanted to eliminate discrimination in relation to employment, in education, the provision of goods and service,

discrimination on the grounds of status, discrimination by victimization, and discrimination against another person, and if he treats the person victimized less favourably than in these circumstances, he treats or would treat other persons. There is the question of discrimination by victimization, discrimination by gender, race and ethnicity—a very important piece of legislation. That was the context in which we supported the Police Service Reform Bills and the Bail (Amdt.) Bill, which we are now being asked to extend.

We supported the Bail (Amdt.) Bill. The Equal Opportunity Bill was not brought to Parliament and today we are hearing from the Attorney General that they will bring it shortly. We understand that this Bill is ready. We are asking, if it is ready, why do we not stand down this House and discuss this in the context of the other Bail (Amdt.) Bill? This was promised. We are prepared to stay tonight, or come back tomorrow and the following day.

**Sen. Dr. Kernahan:** Christmas Day.

**Sen. Dr. T. Gopeesingh:** We will come back Christmas Day to have the Equal Opportunity Bill debated because this is the promise that was made to us.

**Sen. Jeremie, S.C.:** Would you give way, Senator?

**Sen. Dr. T. Gopeesingh:** No, he will have his time to respond to that. We do not have any difficulty with it.

**Sen. Jeremie, S.C.:** You said that you understand that it is ready.

**Sen. Dr. T. Gopeesingh:** We understand that it is ready and we are prepared to discuss it in the context—*[Interruption]*

**Madam President:** The Attorney General wants to let you know whether it is ready or not.

**Sen. Dr. T. Gopeesingh:** He can answer at the end. We are prepared to discuss it, so if he wants, at the end, if he tells us that they are ready, we on this side are prepared to come back tomorrow or the day after to discuss it.

**Madam President:** I need you to come back to the Bill. You have had a lot of—*[Interruption]*

**Sen. Dr. T. Gopeesingh:** Madam President, this is the Bail Bill. We are talking about the Bail Bill in relation to the Equal Opportunity Bill because the Bail Bill is related to the kidnapping issue. We only gave the undertaking that we will support it, based on this. We will not support this Bill now, because that has not been brought. It is quite clear.

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They used that as a propaganda, over a period of time, to cover up their own inadequacies and inefficiencies. They said that we were not supporting them. They cannot do that anymore because we supported them and they have the legislative package. One year later, this has not been proclaimed. In the administration of justice you have not proclaimed the three important Bills which you said will help the country and help to prevent crime.

**Sen. Montano:** Give us one cogent reason why you are not supporting it.

**Sen. Dr. T. Gopeesingh:** Because you promised that.

**Sen. Montano:** You cannot give us any, cogent—[*Interruption*]

**Sen. Dr. T. Gopeesingh:** I would not be disturbed by the irrelevance. Through you, Madam President. The Government is incapable of dealing with the crime issue and reducing the kidnapping situation.

We told them that in supporting this Bail (Amdt.) Bill, the mere passing of laws which you are asking us to do, would not solve the problem of crime and kidnapping. We must understand that. We must not mislead the public by telling them that.

**Madam President:** You are repeating yourself.

**Sen. Dr. T. Gopeesingh:** Yes, but some things need to be repeated.

**Madam President:** Not according to the Standing Orders, Senator. I am being very gracious to you.

**Sen. Dr. T. Gopeesingh:** We must not fool the public, Members of Government.

There is an imperative of applying and implementing the laws which we passed, the three Police Service Reform Bills, and there is need for efficient management and administration of justice in the country.

We agreed that we would have passed this law, as long as it satisfied four fundamental principles. The first was the protection against the abuse of power. The second, the protection of civil liberties. The third is that there would be no funding that would promote criminal activities, and fourthly that the political process must be free from criminal influence. All these are very relevant and pertinent today, as they were one year ago. The protection of civil liberties, no funding that would promote criminal activities and the political process must be free from criminal influence.

We resolved that we would make kidnapping for ransom a non-bailable offence and we supported that. I am afraid, today, we cannot support it because when we ensured that legislation was passed, nothing has been done since then, to reduce the criminal activities and all the kidnappings that have been taking place.

Permit me to give some statistics on the kidnapping issue. We had no kidnapping under a UNC administration between 1994—2000. Between 1994—2000, there was no kidnapping for ransom in this country whatsoever.

In 2001, there were six kidnappings for ransom; 2002, 29; 2003, 51; 2004, 28; 2005, 42; and 2006, 18; making kidnappings for ransom 174 under this present administration and 18 for this year.

Do you realize how many lives have been traumatized as a result of this? How many families have been traumatized? [*Interruption*] Yes, but we cannot support you, based on your promises and you had not been able to keep your promises. Of course, we care for the families. Passing the Bail Bill will not reduce the incidence of kidnapping in this country. How many persons have been arrested and charged for kidnapping and did not get bail under this legislation? I said there are more than 170 persons who have been kidnapped citizens. How many of those cases were solved and how many arrests were made and not given bail? We understand that out of 168, there were only two. How could passing this Bail Bill reduce the incidence of kidnapping, when 167 kidnappings were done and you have only been able to detain two without bail?

What is even more devastating is that this Government seems to be able to bring us to Parliament anytime they want. We have to do the work of the people. When you fail to prepare, you prepare to fail. When you fail to plan, you must be prepared to fail. This Government has demonstrated the worst competence, in terms of the legislative agenda, to have a whole year to deal with something like this and bring it on the eve to call back the Members of Parliament to debate something, which they should have sought to do a little while ago. It resembles the CWC 2007 Bill, when they brought it on the eve of the expiration of that.

How many cases? They said that this Bill will reduce the number of kidnappings, it is far from reality. One year later, they have done nothing about the reduction in crime. Madam President, there is another issue, in terms of the statistics related to kidnapping. In 2003, when we said that 51 were kidnapped for ransom, seven of those were children, five were rescued by police, six escaped and two were killed. That is laughter for the other side in the heckling. Two lives have been lost and 51 persons kidnapped in 2003. They speak today that they want to reduce kidnapping.

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In 2004, 28 persons were kidnapped for ransom, three children were kidnapped, eight were rescued by police, nine were released and one killed.

In 2005, 52 persons were kidnapped for ransom, five children in those, 15 were released, five were rescued by police, seven escaped and three were killed.

In 2003—2005, citizens of Trinidad and Tobago were killed as a result of kidnapping and this Government has the audacity to say that they are doing something about kidnapping and asks us to support a Bail (Amdt.) Bill, which has no direct consequence on what is happening, as far as kidnapping is concerned.

Fifteen children were kidnapped during the process of those three years. I do not have the statistics for 2006. Do you know how many were solved, in 2004? Seven cases were solved, but we understand that it is only recently that people, for the first time, were found guilty of a kidnapping issue, after 168 people were kidnapped. It is the first time that people were found guilty in the courts. One kidnapping is too much in this country. If we are saying that we will look at the whole issue of kidnapping, one kidnapping is too much.

When the Minister said that we had reduced it from over 50 to 18, he boasted about reducing it, does he insult our intelligence or the intelligence of the people of Trinidad and Tobago, when recently the wife of Ashmeed Ali, the pilot, was devastated and traumatized?

Last night, Mrs. Naipaul was kidnapped and the family is now being traumatized. It could be any one of us today or tomorrow. Every one of us who walks the street must be careful of what is happening. The Bail (Amdt.) Bill has no relevance to it.

It was the American writer and editor Winthrop Aldrich who said that the price of power is the responsibility of the public good. If this administration does not take the responsibility for this public good, of ensuring law and order and that people are not kidnapped, they have to take the responsibility and the blame and not bring a flimsy piece of legislation and ask us, in the 11<sup>th</sup> hour, to give you an extension of the Bail (Amdt.) Act by another three months.

They have usurped the authority as well by going to negotiate with a group that is not constitutionally recognized in this country in the Lower House. They went and sought collaboration with a group of Members of Parliament who are not constitutionally responsible for negotiating with them, when we have a Leader of the Opposition whom they should have recognized. What is unfortunate is that the Minister said that they had no partner to speak with further in relation to the crime package. They are claiming that we had the Bill. It is the responsibility of

the Government to bring the Bill to the Parliament. It is not the responsibility of the Opposition to bring the Bill to Parliament. You must bring the Bill. You try to fool the population all the time.

On the question of solving these kidnappings and crime, it seems to be only one in 1,000 cases where murders are committed and kidnappings are committed, as though, all these criminal activities are successfully prosecuted. You are not serious about dealing with the crime situation.

In this country, the crime rate, including kidnapping, is 30 per 100,000; it is 19 times the rate as in the United Kingdom and 16 times the rate as in Canada and this is what this Government is proud of—30 per 100,000 crimes and murders in this country, 16 times as in Canada and 19 times as in the United Kingdom.

I am trying to deal with the kidnapping and the crime situation. We have a major difficulty with the police service. Sen. Prof. Deosaran alluded to the reports of the Police Service Commission of 2003, 2004 and 2005. What comes out of this is what is responsible for the inability of this Government to deal with the criminal activity and the kidnappings and the abject, poor state of the police service at the moment.

There are a number of police officers who give their lives and who do yeoman service in protecting every citizen of Trinidad and Tobago. We have a police service where there is supposed to be 4,792 officers but we have 5,526 officers in the police service at the moment. There are approximately 1,900 police officers missing from the establishment. How, starting with that, could you think about successfully dealing with the crime situation, when your police service is depleted by 1,900 police officers?

The Police Service Commission Report of 2005 indicated that almost 509 other posts are in question. Permission to retire, 44; compulsory retirement, 109; retirement on the grounds of ill health, 13; resignation, 5; abandonment of officers, 18; interdiction/suspension from duty, 42—this is the state of our police service—allegations misconduct, 10; preferment of disciplinary charges, 88; court charges preferred against, 17; and discipline 342. Approximately 509 posts in the police service have questionable problems. When you subtract that 509 from it leaves 55. Our police service, which is supposed to have a complement of more than 7,000, has a shortage of almost 2,000 officers. What is this Government doing about it? We gave you the Police Service Reform Bills and the Police Complaints Authority Bill. We satisfied your requirements. We gave you the Constitution (Amdt.) Bill and nothing has improved. This is a report from the Police Service Commission, for 2005.

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The report of 2004, almost two years ago, speaks about compliance by the Commissioner of Police with delegated authorities. How can we solve the question of kidnapping, when the Police Service Commission is complaining that the compliance exercise by the Commissioner of Police, with the authority delegated to him by the Commission, has not been consistently timely?

Over the last year, the commission has addressed this question with the commissioner through regular structured meetings and the situation continues to fall short of the ideal. This is what the Police Service Commission has been saying in 2004. They repeated it in 2005. The relationship of the Police Service Commission with the Commissioner of Police falls short of the ideal. When you have the head of the police service, who is responsible for 5,000 police officers, who does not seem to have any responsibility to the Police Service Commission, how can we tackle the kidnapping situation? This is why, when we have over 160 kidnappings under this PNM administration, for the last four or five years, and only one set of people apprehended out of 168, how can we sit comfortably and accept that? This is untenable. You are talking about giving marks for contribution, take your marks now and see. You should have zero for your contribution towards ensuring that Trinidad and Tobago remains a crime-free country.

This is what the Commission says:

“However, untimely compliance with certain delegated responsibilities undermines the efficiency, morale and quality performance.”

The Police Service is saying that about the Commissioner of Police.

“The Commission perceives the tardiness in compliance as a personnel management issue, which impacts on its work.”

There is a variety of personnel management issues that they speak about. Acting appointments—they are unable to run the police service. This is why they wanted the Police Service Reform Bills passed, to give the Commissioner of Police the ability to manage the police service. He cannot manage.

In 2004, the commission made 46 acting appointments of officers in the First Division of the Police Service. That is the First Division which talks about the Deputy Commissioner of Police, Police Superintendents and so on. The Commissioner of Police made 487 acting appointments in the Second Division, in accordance with the powers delegated to him.



In 2004, they did not have the Police Service Reform Bills and they were saying that this is because they did not have the Bill, the commissioner was unable to do that because he needed the ability to manage the police service. We gave them that ability by passing the Bill with them. One year later, they still have not done anything about it. If I have to repeat it, I will repeat it. It means that you all have failed this country.

“The practice of protracted acting appointments in vacant offices is of great concern to the Commission and can be significantly reduced if performance appraisal reports are diligently done, required supervision carried out in a timely manner and effective monitoring undertaken. The Commission has begun to monitor this matter closely to ensure more efficient management control throughout the police service.”

It goes on to talk about so many issues such as the lack of training by supervisors and officers and untimely completion of reports. All these issues relate to the fact that this country is failing because you have a failed police service and a Commissioner of Police who has not been able to bring his police service up to scratch.

Madam President, when we speak about the question of solving crime, murders and kidnappings, you all will remember this report done by Roger Hood and Florence Seemungal—A Rare and Arbitrary Faith.

**Sen. Jeremie, S.C.:** It is on the death penalty.

**Sen. Dr. T. Gopeesingh:** They said that it provides for the first time, an analysis of the kinds of murder that were committed in Trinidad and Tobago and the extent to which they resulted in a conviction for murder and a mandatory death sentence. Amongst the many findings, it reveals the sharp rise in gang-related and drug-related killings and a very large proportion of them—I know, Madam Minister, you do not like to hear about gang-related and drug-related killings.

**Sen. Yuille-Williams:** Why are you speaking to me and not the Chair?

**Sen. Dr. T. Gopeesingh:** She is, obviously, heckling and I have to draw her attention to it.

**Madam President:** It is not “she”. Speak to me, Senator.

**Sen. Dr. T. Gopeesingh:**—in which no suspect was identified. They said that the sharp rise in gang-related and drug-related killings and a very high proportion of them, 82 per cent, in which no suspect was identified—

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“The very low proportion of all murders...”

We are talking about homicides and this will include kidnappings to some extent.

“one in 20, resulted in the conviction for murder and the relatively high proportion where the prosecution had failed through being withdrawn or as a result of acquittal.”

We saw an example, just recently, through the courts, where the prosecution failed, resulting in an acquittal.

“The low proportion of convictions...”

He spoke about homicide.

“One in five defendants, among those indicted for and an even lower proportion, less than one in 10 after appeals have been heard.”

There is the low percentage of detection and conviction leaving all criminals free to reign as they want. One in a thousand will be caught. How would the Bail (Amdt.) Bill help the situation when this is going on? That is not going to deal with anything.

Madam President, we are living in dangerous times. The Attorney General spoke about this. I am quoting what the Attorney General said in December 2005:

“There is no doubt that we are living in dangerous times. The average ordinary citizen is gripped by fear of kidnapping, murder and other violent crime, the persistence of which is an affront to everything we can consider to be Trinidadian and Tobagonian and to all that we hold dear.”

These are the words of the hon. Attorney General in 2005. What has changed between then and now?

“I do not accept and I have never accepted that the current levels of crime are either permanent or even long-term. I believe, like the hon. Prime Minister said some months ago, that this is a temporary phenomenon; that is what a crime wave is.”

They are looking at the crime wave and the kidnapping that is taking place as a temporary phenomenon. I quoted the hon. Attorney General. Tell me if I am wrong in saying that?

Mrs. Naipaul who was kidnapped last night is a temporary phenomenon. That temporary thing will stop overnight just like that.

The wife of Ashmeed Ali and all the children who have been kidnapped and the 10 or 11 persons who have been murdered are temporary phenomenon. Like collateral damage, when people are shot, the Prime Minister said that there is collateral damage.

The Attorney General said—you must listen to your words of 2005:

“We...believe that in the near future when historians look back at Trinidad and Tobago, how it was able to solve its crime problem and see drastic reductions in the levels of kidnappings, murders and other crimes, they will look back to this day in this Parliament and this House as the beginning of that turnaround in making Trinidad and Tobago...”

That was in 2005. What turnaround are we seeing? There was a kidnapping last night and murders of over 350 for the year. One year later, he is talking about a temporary phenomenon and turnaround.

Law-abiding citizens have been asked to pay sums of money for the return of loved ones because of kidnapping.

“In other cases, kidnappings gone awry and have resulted in murder;”

This is what the Attorney General said.

“In other cases kidnappings gone awry and have resulted in murder; where things go right, they still go wrong, in this sense, because victims are scarred psychologically. Our society has been shamed.”

This is what the Attorney General said in 2005.

“Our society has been shamed.”

Our citizens have been traumatized. He has accepted that the citizens are shamed and traumatized and yet he has done nothing about the Bail Bill.

**Madam President:** In a speech you are allowed to give some quotations, but surely not to read the whole speech of another person, as a part of your speech. You have been reading that now for five minutes.

**Sen. Dr. T. Gopeesingh:** No, Madam President. I am guided by what you are saying. I will not disrespect what you are saying at all, whatsoever. I am guided by it. I wanted to show that the hon. Attorney General indicated that he is traumatized by what is happening. The citizens have been traumatized. What is different? I quoted you properly. Madam President indicated that I should not read. This is from the *Hansard*.

**Sen. Mark:** It is very legitimate. This is a failed Attorney General.

**Sen. Dr. T. Gopeesingh:** They are bringing this to us for us to pass the Bail (Amdt.) Bill. When we ask how many people have been put behind bars and have not been given bail—two people out of 168 kidnapping cases. You said that. Madam President, I can direct him to the part of the *Hansard* where he said that it was two people. Our Leader of the Opposition asked him that question in the other place and he replied that it was two. It is in the *Hansard*.

**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. Dr. T. Gopeesingh:** Thank you, Madam President. I want to touch on a few points before the 15 minutes expire. We talk about the administration of justice. These are things you ought to be critically aware of.

[MR. VICE-PRESIDENT *in the Chair*]

You are aware of it but you have turned a blind eye to it.

Mr. Vice-President, there are 42 courts in Trinidad and Tobago and all the courts are dilapidated. We heard the hon. Minister of National Security mention in one of his previous contributions, that steps are on the way to refurbish some of these courts, which is acceptable to us. We would love that. You are slow and tardy in the process. Why has it not been done? [*Interruption*]

**Sen. Joseph:** The courts?

**Sen. Dr. T. Gopeesingh:** The Magistrates' Courts.

**Sen. Joseph:** I, the Minister of National Security?

**Sen. Dr. T. Gopeesingh:** Was it you or the Attorney General? It must have been you. Yes, it is the Attorney General. What about the San Fernando Court? They want to catch criminals and people who do the kidnappings. They want to bring them before the courts for trial in 60 days and they do not have the court set up and working properly. They promised the night court. Where are these courts? The justice system in this country is totally broken down and going astray.

There is fight between prison officers and the prison commissioner. Prisoners are allowed cellphones in the jails. Within the jail, they are making calls to their people to go and execute kidnappings. That is the situation in Trinidad and Tobago, where people toss over the walls of the prison cell phones and marijuana. How do we know that there are no guns in the prison as well? What is the situation as far as the prison is concerned at the moment?

We have an untenable situation in Trinidad and Tobago, where approximately 85 police officers under the Special Anti-Crime Unit of Trinidad and Tobago, are working under questionable circumstances. Who is responsible for them? It seems as though the Commissioner of Police does not know what these officers responsibilities are. We want to know who these officers report to in the Special Anti-Crime Unit of Trinidad and Tobago, (SAUTT) and the Anti-Corruption Bureau. Those are two areas that seem to be reporting to the Attorney General.

**Sen. Joseph:** You asked a question, can I answer you?

**Sen. Dr. T. Gopeesingh:** No, you will answer. When he is summing up, he will respond to that. Take some notes; I have a few minutes left. I will not be disturbed.

**Sen. Joseph:** It is all right.

**Sen. Dr. T. Gopeesingh:** We want to know whether the civilian Brigadier Joseph is responsible for those police officers working in the Anti-Corruption Bureau and the Special Anti-Crime Unit. The Minister of National Security went to pains to tell the nation that he had to give a civilian status of Brigadier Joseph to run 82 officers in the Special Anti-Crime Unit.

**Mr. Vice-President:** Could you please get to the Bill we are discussing? That has nothing to do with the Bill.

**Sen. Dr. T. Gopeesingh:** Mr. Vice-President, when you are finished—You all want to muzzle us every day. We could be muzzled. When we go on the Monday night platform—You all want to muzzle us. Not the Vice-President. You want to muzzle us, but we will speak about it all the time.

**Sen. Mark:** It is not you.

**Sen. Dr. T. Gopeesingh:** Not the Vice-President. It is you.

**Sen. Mark:** They are trying to muzzle us, not Mr. Vice-President. Mr. Vice-President does not do such at all.

**Mr. Vice-President:** Sen. Dr. Gopeesingh, I am not going to be influenced by any remark coming from the other side, neither am I going to be influenced by any kind of sentiment expressed on your side. I want you to understand something. What has been happening is that Sen. Mark went over a number of things and you are going over the same things and you are straying a little bit farther, could you please stay within the confines of what we are discussing? That is all I am asking.

**Sen. Dr. T. Gopeesingh:** On the Minister's statement at the beginning, he spoke about the state-of-the-art technology in the police service, greater reliance on technology and important tools in the fight against crime. He said that criminals are too resourceful and it is in this context that I am responding to the statements made. He said that there has been a drop in kidnapping. All these things were spoken by the hon. Attorney General. I took copious notes.

**Sen. Mark:** We have a right to respond.

**Sen. Dr. T. Gopeesingh:** And we have a right to respond to it.

**Mr. Vice-President:** So far as kidnappings are concerned.

**Sen. Dr. T. Gopeesingh:** We want to know what the Brigadier would do when there is a kidnapping issue. With respect to the Special Anti-Crime Unit of Trinidad and Tobago, who is responsible for the officers there? Can the Brigadier take part in that parade? What is happening in this country—it is an illegitimate thing.

The hon. Minister indicated previously that they have to come to Parliament to regularize this Special Anti-Crime Unit of Trinidad and Tobago. The Anti-Crime Unit of Trinidad and Tobago is the unit that is looking after the kidnapping issues. When we speak about the Special Anti-Crime Unit being headed by a civilian brigadier and supported by the Minister of National Security, this is the most disastrous situation in Trinidad and Tobago.

**Sen. Mark:** Joe, is that your cousin?

**Mr. Vice-President:** Sen. Mark, please.

**Sen. Mark:** Sorry, you know Joseph, Joseph. Then we have Saith, Prakash and then we have Lenny all kind of things. Hazel Manning, Patrick Manning. It is a family affair.

**Sen. Dr. T. Gopeesingh:** In determining kidnapping, it seems as those there—*[Interruption]*

**Sen. Dr. Saith:** Basdeo Panday, Mikela Panday.

**Sen. Dr. T. Gopeesingh:**—is the necessity for high-powered type of equipment. The Minister indicated that they want to use high technology.

Why has VMCOTT been the state board to purchase these high-technology equipment? We thought that VMCOTT was a state company that was looking after the repair of vehicles, rather than buying spy equipment from Israel, which cost \$61 million. How will that assist in the kidnapping issue? It seems as though the spy equipment can only be used for tapping the telephones of Opposition people and looking at what the Opposition people are doing, but they are not doing the business of the State. We cannot make calls.

The Chief Justice can make calls from his home and in the next morning's newspaper you can see 10 calls, who he called and from what number. TSTT said that they did not give it, but they cannot catch the kidnappers who are making telephone calls and asking for ransom.

Mr. Vice-President, how could you have an administration of justice in this country when there is an absent Solicitor General for the last two years? A Solicitor General is an important aspect person. This is the person who looks after issues related to the Attorney General in his office and is responsible for many of the situations involving crime. If you have a Solicitor General who is absent for the last two years, what is happening? He brought four young lawyers to substitute for a Solicitor General. A Solicitor General has a constitutional responsibility. These four lawyers do not. He is operating in a situation where he wants to do everything and he is not vetted by the Solicitor General. He is free to run.

In closing, let me bring to the attention of the Senate, if you feel that you have been doing something against crime and kidnapping—[*Interruption*]

**Mr. Vice-President:** Senator, you see the finger-pointing.

**Sen. Dr. T. Gopeesingh:** I mean collectively.

**Mr. Vice-President:** Talk to me.

**Sen. Dr. T. Gopeesingh:** I want to bring to the attention of the Senate what the other side has been capable of doing over the last few years, as far as crime is concerned. They are as follows:

- *Trinidad Guardian*, Friday April 22, 2005

Wild, Wild West; Laventille man gunned down; Englishman shot in robbery; Cumuto housewife kidnapped; WPC home shut up;

*Bail (Amdt.) Bill*  
[SEN. DR. GOPEESINGH]

Wednesday, December 20, 2006

That is their accomplishment, in terms of kidnapping and crime.

- *Guardian*, April 22, 2005  
Murder 101; Army mourn soldier killed in Laventille;

It shows that the murder rate has been climbing all the time.

- *Newsday* April, 22, 2005  
Day of bloody murders

Is this something that is acceptable to this country? Murders and kidnappings go hand in hand. This is what this Government is proud of.

- *Daily Express* April 22, 2005  
Terror City; Citizens scamper; Man killed, woman wounded

The Prime Minister is talking tough on crime. He said if we have to lock down Tobago, Chaguanas and Cedros, we will lock them down.

**Mr. Vice-President:** Where are you quoting from?

**Sen. Dr. T. Gopeesingh:** This is the *Trinidad Guardian* of April 22, 2005.

**Mr. Vice-President:** Is that what you have in your hand?

**Sen. Dr. T. Gopeesingh:** I quote:

- There shall be no rest for the wicked. The Government will be on your heels.

This is when the Prime Minister talks tough on crime.

They talked about getting through to the gangs. They said that there are 500 bad men in 66 gangs. This is what the hon. Minister indicated some time in the past.

- *T&T Mirror*, Friday, July 01, 2005  
500 bad men

Every day they speak about bad men and gangs and they cannot solve the problem. This is where the kidnapping and murder is coming from. They have not accounted to the population for the 22 people killed by police bullets in 2004.

- *Sunday Guardian*, February 26

I am only quoting from the newspapers.



On Monday, March 27, 2006 one year later we have the same screeching headlines.

“Bloody March, deadliest month as the murder toll hits 100”

It is now 353. How would they, as a Government, feel proud?

“Seven killed in 48 hours; 100 murders.”

- *Daily Express*, Monday March 27, 2006  
“Government cannot evade the blame for crime.”
- *Daily Express*, Friday, April 22, 2005  
“Who is really winning the war?”

The criminals are winning the war. The criminals against the kidnapping.

- *Newsday*, Friday April 22  
“Desperate times need desperate action.”

What we want is action. My colleagues want action.

Sen. Dana Seetahal, S.C. indicated that they are talking about success but what are the results.

Another one was on Monday, April 25:

“The authorities are not helping us”

Where is the crime plan? They continue:

“Time for frontal assault; Doubtful proposal from desperate government.”

Is this something that they must be proud of? I will give them to you. Let them read it if they have not read it. When they see it in the newspapers they turn a blind eye to it. How can they feel comfortable in their own conscience seeing this occurring every day in the newspaper? They have the audacity and temerity to come to Parliament at this time and say that they are doing something for crime and kidnapping and that this Bail (Amdt.) Bill will help in solving the kidnapping situation. It continues:

“Cops under microscope”

Mr. Vice-President, this exercise here today—when we are asked to come out and which we have to do the people's business—is just an exercise in political gimmickry. It is an exercise in trying to hoodwink the population and trying to

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tell the population that the UNC will not support the Bail (Amdt.) Bill because we do not care about the population. If we did not care about the population, we would not have been filing these things all along. We want to ensure that there is no kidnapping in Trinidad and Tobago. One kidnapping is too much in Trinidad and Tobago.

We cannot support this piece of legislation that they are bringing to us because they have failed and they have reneged in their responsibility. They have failed in their promise to bring the Equal Opportunity Act. Bring it now, we will sit and debate both together and we will go from there.

Thank you very much.

#### PROCEDURAL MOTION

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Mr. Vice-President, I beg to move that the Senate continue its sitting until the completion of the debate on this Bill.

*Question put and agreed to.*

#### BAIL (AMDT.) BILL

**Sen. Dana Seetahal, S.C.:** Mr. Vice-President, may I say at the outset that the Bill before us, which is in fact a trivial piece of legislation merely to extend the life of Act No. 32 of 2005, is just that. But Act No. 32 of 2005 is, itself in my view—what someone termed last week, in relation to another piece of legislation—“a puny” piece of legislation. I know that certain persons took umbrage to that. Perhaps I should not use the word “puny”. It is deceptive.

Why I say this is because it has been touted again, up to today, as the no-bail legislation, as if this is the solution—we all know this is not so as we have said—to the kidnapping problem. We know that it is not, but this is how it has been touted.

In fact, the original Act of 2005, which we are seeking to extend, is no such thing. It is not a no-bail for kidnappers legislation. Every time I hear someone say that I get annoyed. All that it does is it provides for a holding period of 60 days, for persons charged with kidnapping for ransom. Let us get that straight. That might have the effect of possibly reducing, immediate activities of persons engaged in kidnapping.

You may have 10 kidnapping gangs in the country at any given time. I do not know if it is well known but I certainly know that kidnappers work in gangs. There might be two Santa Cruz gangs, a Sangre Grande gang, a Chaguanas gang,

a Mucurapo gang and another gang and they work in tandem together, and each person has his part. If you arrest and charge some members of a gang, then keeping them inside for 60 days would render that gang inoperable for 60 days. That is all that this Act that we are seeking to extend does, insofar as kidnapping for ransom is concerned. This headline “No bail for kidnappers”—As someone said earlier on, we have a presumption of innocence so it is not kidnappers. These people are charged with kidnapping. Per chance, they are guilty and belong to a certain gang, they will not be able to operate.

Why I say that it is puny and, in my view deceptive, is that it is held out to be possible in this Act that you can have a trial within 60 days. I heard, I think it was Sen. Dr. T. Gopeesingh say that there is some debate as to what “brought to trial” means. In my view there is no debate and there cannot be any debate, because a trial has to be a hearing of the evidence and a determination at the end of whether you are guilty or not guilty. That point was made clearly last week in the Court of Appeal, in relation to what is a preliminary enquiry and a trial. If you are charged with kidnapping for ransom, you need to go through the whole gamut of a preliminary enquiry and then you have a trial. There is no way that you can get a trial within 60 days, in this system, as we have it.

There are preliminary enquiries that take one year to be completed because of the nature of the evidence in kidnapping for ransom and sometimes there are many accused because you are dealing with gangs. While it can serve a useful purpose, there is nothing, no likelihood of any kidnapping for ransom trial being brought up within 60 days. Let us make that very, very clear.

It was alluded to by previous speakers that this Act that we are seeking to extend makes other provisions. Last December, when I spoke here I spoke of that other provision which, to my mind, is what the real benefit of the Act is; that is to deny persons who have two previous convictions for violent offences over the last 15 years of bail totally. There is no question of 60 days. There is no bail.

If we look at the whole bail legislative framework, we are talking about four situations. One: for murder, treason and piracy, no bail at all; for persons who have two previous convictions for violent offences which are listed over the last 15 years, no bail at all; for persons who have three convictions for certain offences over the last 10 years, then those persons would have to show why they deserve bail. The onus shifts. The fourth situation we are talking about is no bail for persons charged for kidnapping for ransom. That is only a minor part of the bail legislative framework. Of course, we have the common law right to bail, which of course, can be denied if good cause is shown. One of the reasons I

would like to leave here early today is so that I can deal with a bail application tomorrow in the High Court, which will be extensive. These bail applications can be very extensive. There are hearings at length for all other offences other than the ones that I have laid out.

My position is, having said that I consider it a deceptive piece of legislation, that the legislation, initially, was passed as a public relations exercise by both sides. Partly of the Government, in my view, as if this would have an impact on the kidnapping for ransom, and even though there may have been a reduction, I believe a significant one in this year, it is just fortuitous that it occurred during this time.

Anyone who knows what is going on inside of the situation—I am sure the Minister of National Security and the Attorney General would know this, it is not because of this Act that the kidnappings for ransom have been reduced. Persons who may have been arrested for kidnapping for ransom would have already been entitled to have bail after 60 days. I am sure many of those persons arrested in the last year, none of them have had a trial within 60 days. The regular principles of bail would have prevailed in respect of them. There might be other reasons which probably have something to do with the law enforcement, I would imagine. That is the Bill.

What I would like to see is when this Bill comes up in three months, as it will—because that is when it dies again, that we amend, as was promised last December—the Part II offences should include kidnapping for ransom.

If you recall, I just said that we have a second set of offences where there is absolutely no bail if you have convictions for two offences. But for some strange, unexplained, ridiculous and I cannot-understand reason, kidnappings for ransom are not included. There are all kinds of offences.

I was told by the Attorney General in December last year that it was as a result of the agreement by both sides. If that is so, then it really needed an injection of an input from this side, because what was done was that the Schedule in the original Act was repeated. Even though there was a consideration in section 5(a) for kidnapping for ransom, they did not include it. I cannot see that an Opposition would agree to having no bail for persons convicted of two violent offences, including things like larceny, sex intercourse with a minor or any actual offence, they included sexual intercourse with a female between the ages of 14 and 16. In other words, previous to 2005, that was not considered a violent offence.

Now, if you are a person who is a little debased and you are involved or engaged in sexual intercourse with females between the ages of 14 and under 16 and you have two such convictions in the last 15 years, then absolutely no bail for you, if you are charged with any serious offence after that. That is the point.

If that is felt to be so serious, or even ordinary robbery, why is it not that kidnapping for ransom, which is so prevalent and so serious, which is a crime against the person and property? It is one of the few crimes which involved offence to the person and property. There are property crimes such as larceny, robbery, malicious damage and offences against the person such as wounding. This one is both and it is not included. That is why I say that Act No. 32 of 2005 is unsatisfactory and I said it then. One would have thought that coming back today, the Government would have included this provision.

The Attorney General said that he knew that it would end. I have a quote from December 22. They took a concerted decision not to come back in January. I imagine if he knew there would have been a bring-up file; you BU something, then they would have had time to look at it so you would have come with the amendment and just include it. It would have been a short amendment to say include "kidnappings for ransom in Part II." I wonder why that was not done. I feel, that in some degree, it is reflective of the Government's failing to take into account what some Members—I speak for myself—on this side said. Because of the fact that we are not the partner, you do not have to bargain with us or what we say. Unless you need the vote, is not really important. It is disregarded.

You know why I said that? For the last three years I have asked the Minister of National Security, through the chairman, what is the position with SAUTT? I have written about it and I have said that it comprises members of the defence force and the police service and that in each legislation, the Police Act and the defence force, there is power to form the unit, but there is no power to form a joint unit.

### **6.30 p.m.**

If you have a head of one department, how can you give orders down the line? It was stated very clearly in a budget presentation about two years ago and subsequently the legislation would come to Parliament to make this unit legal. I have here an article: "Is SAUTT an illegal unit?" Again, that was raised by me on April 07, 2005 and I asked it again in this year's budget contribution and no one answered. I find that very disrespectful. I would not say it is operating illegally, because I do not know how it operates but I think the fact that you have one joint unit, must be addressed and it must be legitimized; it may be operating illegally; I asked that, because I searched through the entire Acts in both cases and it is not there.

Those are two things I would ask for undertakings from the Government that one, they include in the next three months amendment, kidnapping for ransom; they ought to want it, everyone ought to want it; and they explain what is the

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position with SAUTT and when is this coming. Because if you are operating illegally at one level, you cannot be asking the people in the country to follow the law because people look at what is going on. That is my position on that,. Those are the undertakings I would ask of the Government.

The Minister had talked about the DNA and I was looking at him outside when I was not here. Of course I know it is late and I have a copy of the Bill and although it is exactly 33 months after it was said to be available; it was promised; I think well of course, it is better late than never—as my colleague here was saying. Again, I wonder, you know we have lawyers working for the State; we have a legislative committee; why is it that these things have been shown to take so long? Why is it that in the last year, from January to now, we have been dealing with such trifling pieces of legislation? And I say this with no hope of contradiction. We have hardly had any serious bills to deal with. [*Desk thumping*] I think that I could get together a team of lawyers to draft some of these legislation in two months. I am not offering that, but it can happen; you can do it. You have people who can do it; you get them; you get the groups to work or contract it out, whatever; I am not suggesting that I do it. I am not looking for any work for anybody.

I am pointing out that it is too long; we are dealing with minor pieces of legislation; that something is not working there and if it is not working there, is it any wonder that we do not have swift detection, swift prosecution and swift justice? Is it any wonder then that in the police service you find police officers who do not do their jobs efficiently; why do they not do it, because they fear litigation? Why officers at the top do not write up other officers; do not say well, you have not performed or you have been sexually harassing someone? Why? Because they have to put it in writing, because they might be subject to lawsuits, litigation. That is one of the serious hindrances in the operation of the police service right now and I know that for a fact.

Another thing is that police officers do not like to go to court. They do not like to go to court because they do not like to give evidence; they do not like to be cross-examined; that is it. So you know what they do? They do not make any cases unless it is some hot shot police officer who has a murder and so on and you have clear evidence. They do not make cases where the evidence is not so clear that they would otherwise have to be cross-examined at length, or they organize a confession.

The point that I am making here is, our police officers for some reason are not trained properly to adduce evidence; to be cross-examined and to make notes in their pocket diary. These things are told to them maybe once. When I am interviewing officers—and I have to do it in the course of my job sometimes—I have a book called *Court Room Survival* which is for training for police officers to give evidence and I make copies and hand it out, so that they can prepare themselves. It is seemingly trivial things, maybe about 15 pages; you read it and then you come back and we go through the thing, but it is not done. There is some reason why, I do not know. I do not know why there is no continuous training in the service. I think it is because maybe they do not have the people or they look towards the DPP to do it or something is wrong there. If that were to be corrected, I dare say, you would have a lot more convictions in the criminal courts through the performance of the police service.

Mr. Vice-President, the other matter of the Forensic Science Centre, which was promised in 2002 by the then Senator, Minister Howard Chin Lee in his 2002 budget; never mind he did not remember when I reminded him in 2004 that he had said it, but he promised us and I have heard what the Minister has had to say and thank God, finally we are getting somewhere. And I can see that that would go somewhere in bringing proper detection in the operations of the police service. So we may get some evidence other than witness testimony and that is all that we have been asking for; persons who operate in the prosecution and persons who operate within the criminal justice system otherwise.

Those are my points in respect of the police service. There were a couple of other points that I wanted to make in respect of the legislation that has been passed in this Parliament that is waiting to be proclaimed. I have heard explanations given about regulations in one place, having to come back and all of that. It seems to me that if we pass legislation in this Senate and we go through it; we have spent time; we have amended it; we spent hours; people have waited here until 8 o'clock, 9 o'clock, 10 o'clock in the night and within a reasonable period there is no proclamation of that, I believe there must be something somewhere or if there is not we could make a procedural decision that there should be requiring the relevant Minister to come back to the various Houses and say what the position is. Because you know what will happen? These pieces of legislation will get lost.

You have legislation here that would have been passed after 20 years and not proclaimed. Do you know in 1985 it was found out that the Narcotics Act had never been proclaimed? It had been passed in 1961; 24 years after that it was found that it had not been proclaimed, because they did not remember. So you

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know what the then Attorney General had to do? He had to bring a proclamation to the House and get it back-dated to legitimize 24 years of prosecutions under the Narcotics legislation. In the interim—before he brought that up—for four days cases were thrown out. *[Interruption]* Nothing is impossible, through you, Mr. Vice-President. I am saying that therefore if you require the Attorney General—if it would not happen now—to come back to this Parliament within a reasonable time after any legislation that requires proclamation is passed and explain to us what is the progress it has made to give effect to that piece of legislation so it would be proclaimed, then it will not happen.

**Sen. Jeremie, S.C.:** Just remind me.

**Sen. D. Seetahal, S.C.:** Sorry?

**Sen. Jeremie, S.C.:** Just remind me.

**Sen. D. Seetahal, S.C.:** Yes, through you, Mr. Vice-President, to remind—I do not know; which Bills? The police package, the DNA was not; there are other pieces of legislation; some we have passed here and there are many others. There is a Land Act; a Children's Act; I do not want to go through, that is not my thing. There is a legislative team that the Attorney General has at his disposal. I would not say it is replacing the Solicitor General at all, but you have a legislative team and they could remind the Attorney General of that. I am sure they are very efficient; some of them I have taught so they should be.

The point though, Mr. Vice-President, is that all of these little slipshod things, like for instance, coming late with this; coming late with the sunrise legislation does not—

**Hon. Senator:** Sunset. *[Laughter]*

**Sen. D. Seetahal, S.C.:** sunset, it is the same thing; sunrise, sunset; you know what I mean; thank you—does not lead the public to have confidence that a Government that can forget these things would be efficient. It may be human—we are all human and you have errors—but when it comes to something in your face like this, it not just looks bad it gives people cause to think that they can get away with things and we do not want that to happen.

If we are serious about improving the criminal justice system to make it efficient; to make people who commit crimes feel and know and be aware that they can be detected and quickly prosecuted then we have to make all of these things work. There are many, many, many other things that I will not talk about now, because even though I can drag them into being relevant, it is still December 20, five days before Christmas, so until another time.

Thank you very much, Mr. Vice-President.



**Sen. Harry Persad Mungalsingh:** Mr. Vice-President, this is the first time I am addressing you and it is a privilege to do so. After listening to Sen. Mark, Sen. Prof. Deosaran and Sen. Seetahal, S.C. I am more than convinced of the need for an executive President who can select his own Cabinet of experts so that we can have a nation which is run properly and by people who are skilled in their fields and who know how to administrate ministries and get the job done. I sincerely hope that the CSI unit, which the hon. Minister announced, would lead this nation to Ms. Naipaul and bring her back home.

**Hon. Senator:** CSI?

**Sen. H. Mungalsingh:** Some special unit, he said he graduated 12 people recently; crime scene detection unit or something like that; he himself did not know the acronym for it.

Sen. Mark and Sen. Prof. Deosaran laid out with much clarity the issues underlying this Bill. Sen. Jeremie, S.C. pointed out that laws alone cannot change human behaviour. I am glad that he realizes that, as only last week in my contribution, I indicated to you that you cannot legislate behaviour. Sen. Joseph spoke about his solutions in addition to the Police Reform Bills and the regulations thereto.

Mr. Vice-President, I am aggrieved that I have to be here today. Professional colleagues on this side have to work; we have no resources whatsoever to go through Bills line by line and taxpayers expect us to protect them. This Bail (Amdt.) Bill should have been brought before this Senate since September 2006. This Bill has nothing to do with political power; it has nothing to do with the UNC; it has nothing to do with the PNM; it has nothing to do with COP. It has to do with the denial of rights of suspects in kidnapping cases to be granted bail; a constitutional right.

How can this Senate countenance such a fundamental denial of rights and treat with this on an emergency basis with spurious excuses? This is wrong. There is a simple thing as right and wrong and I think as human beings—forget politics—there is something as right and wrong and it is time we start doing what is right and as best as we humanly can—we are made in sin—avoid what is wrong. Bringing this Bill in a 48-hour emergency basis to talk about the rights of individuals is wrong. But that is not what took place. Is it that the Attorney General worked with the Congress of the People leader; not the constitutionally elected Opposition to work a 90-day deal?

**Sen. Jeremie, S.C.:** I do not know the man.

**Sen. H. Mungalsingh:** Could this Senate come—you said the same thing about Mr. Monteil or somebody else; I do not know, Mr. Fifi; let us go on. He distracted me, so let me repeat the line for the purpose of *Hansard*. Is it that the Attorney General worked with the Congress of the People leader—not the constitutionally elected Opposition—to work a 90-day deal and could this Senate countenance this? Is that right or is it wrong?

Imagine, Mr. Vice-President, playing with the Constitution by way of an arrangement without proper parliamentary procedure. If this Bill was brought in September, as Sen. Seetahal, S.C. said by a b/f, bring forward, everybody knows, everybody here has university degrees; you know you have something falling due in December, bring it forward in September; let the Parliament see it. If this Bill was brought in September then this entire Parliament would have had a clear opportunity to debate whether the Bill worked; the first Bill for a year, it worked or it did not work. That is what we have to discuss and we are missing the point. We have to discuss whether the last Bill, which was for a period of one year, worked or did not work; not a 90-day deal. We know all the horrors—which I will go into in a short while—about kidnapping.

I want to deal with the practical aspects of kidnapping as follows: (a) misguided urbanization; it is a beautiful, beautiful acronym, beautiful words, but they really mean race built communities; misguided urbanization and (b) police reform. The issue is not about—as Sen. Prof. Deosaran said—statistics; it is not about equipment; learn please, this is intelligent speaking. The issue is not about statistics; it is not about equipment; the issues are about the sociological structure of the society and sociological structure of the police force.

My contribution, Mr. Vice-President, I want you to be aware, is really to help my colleagues, as God is my witness, it is to help. The effect of this Bill would be the same as with all other Bills if it was passed; I will tell you why. As you are no doubt aware, this Senate has not affected more than 1 per cent of Executive decisions since 1961, and its usefulness as a body to help a helpless society is encapsulated in that fact. The intent of this Bill I know a lot about as a businessman, with a family who must protect them. Personally I would have migrated four years ago, but for my wife who physically resisted and asked me to stay back and try my best to contribute.

I want to go into the data of kidnapping and use the CSO data and some data which were organized by the research officer of the Leader of the Opposition's office. In the data I will use all kidnappings which include kidnappings for

ransom. I have one data which I will leave out, which was of those who were kidnapped, their race and I would deliberately leave that out because that would raise a whole hornet's nest and now is not the time or the place to look at the people who were kidnapped by race, which is an important item. In 1995, 80 kidnappings; 1996, 94 kidnappings; 1997, 80 kidnappings; 1990, 100 kidnappings; 1999, 136 kidnappings—

**Sen. Jeremie, S.C.:** He said none in the UNC time.

**Sen. H. Mungalsingh:** No, this is including all kidnappings.

**Mr. Vice-President:** Hon. Senators.

**Sen. H. Mungalsingh:** I am privileged since I have been in the Senate, God has sent me here to teach the Attorney General and I take this privilege with great honour. In 2000, 135 kidnappings; 2001, 152 kidnappings; 2002, 142 kidnappings. In 2003 there were 235 kidnappings—I will leave out the data by race; how that was distributed—detected 96 and those that came from the misguided urbanized areas, 91 per cent, those who were detected. In 2004, 177 kidnappings; 83 were detected; those that came from the misguided urbanized areas, 96 per cent. In 2005—race built communities—280; 163 were detected; 93 per cent came from the misguided urbanized areas. Up to May 31, 2006, 101; 52 were detected and 92 per cent came from the misguided urbanized areas.

Mr. Vice-President, the statistics are very clear. Individuals from the race built communities or the misguided urbanized areas—

**Mr. Vice-President:** You said you would not talk about race.

**Sen. H. Mungalsingh:** Okay—are kidnapping specific individuals. It is very clear that the PNM policies to the race built communities since 1961 have backfired big time—the source of its power—and have created communities that are lost, helpless and can only be controlled with the assistance of individuals who control these areas.

The laws of Trinidad and Tobago do not operate in these communities. That is a fact of life this nation must face. The truth must be told and this Senate must get up and tell people of this nation the truth. As a businessman, let me tell you in practise how kidnapping works and this is specifically for the purpose of *Hansard*. Your child is kidnapped; you call the police; after that call you call particular persons; you lead a two-pronged attack; the kidnapper now calls with his ransom amount; you and the police negotiate; parallel to that, you call your main prong of salvation; they negotiate too; their figure is usually less than the police and your figure by far; you give thanks. In one particular instance the

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police locked up the second negotiator and insisted that a higher figure be paid. The kidnapped child's parent got unto the second negotiator in the cell and was asked to trust him; first he has to be released after 48 hours and after that the child was released and the ransom paid; \$400,000 less; \$400,000 less.

This is a second truth that this Senate must face. I appreciated the comment of Sen. Kangaloo when she said, make sure that when Sen. Mungalsingh speaks about these payments in advance, this coward tax—we have a different word for it but it is not worthwhile talking about it—that it is real. I appreciate that comment because it is necessary that the truth be told, be faced and be examined.

I own the majority shares in a shopping mall in a particular location and I was telephoned that our building would be burnt down if we did not negotiate. I am an old soldier and I know the underground as anybody else; as the Minister of National Security knows it just as well. I know the people inside out below there as well, so I knew what to do. I immediately had my two pronged attack in place again. I called the police immediately; I reported the incident and I called my people on the ground to let them know what was happening. The call occurred at about 10.50 on that particular morning; I got another call at 11.10 on the same morning, about 20 minutes later with the same message, we need to negotiate with you; again the two-pronged attack, et cetera. I put in all my necessary arrangements; had people all around the building, et cetera, because it was not \$1 million; this was not \$2 million, this was a heck of a lot of money that could go up.

**Mr. Vice-President:** Was anybody kidnapped?

**Sen. H. Mungalsingh:** No, but it is important. I am responding to a particular statement she made—the Senator; not “she”—I apologize for that, Sen. Kangaloo.

**Mr. Vice-President:** No, I am asking you whether anybody was kidnapped.

**Sen. H. Mungalsingh:** I want you to be aware that in this area—and if the police need to contact me or if the Minister of National Security needs to contact me—nearly every single businessman pays a tax to ensure that their businesses are properly protected.

The second truth that this Senate must face—and there are 760,000 people who are non-Africans—is that not a single non-African trusts the National Security ministry and the race built police force.

**Mr. Vice-President:** Senator, Senator, you had made a promise not to go there.

**Sen. H. Mungalsingh:** I withdraw that statement.

**Mr. Vice-President:** I suggest that you withdraw that statement.

**Sen. H. Mungalsingh:** I withdraw it, Mr. Vice-President; I withdraw it. But I sympathize with the Minister as this has been a policy since 1961.

**Sen. Montano:** I know you know that you are not supposed to read your speech.

**Mr. Vice-President:** Senator, could you continue, please.

**Sen. H. Mungalsingh:** Why this is an issue is because the Police Reform Bills have to deal with it; we must bring it on the table. My neighbour for many years was John O'Halloran; my wife and I met him in the years when he was lost politically. He indicated that a clear directive of Eric Williams in 1961, after Capildeo threatened to bring Indians to Port of Spain with cutlasses, was that 90 per cent of the police force be of a certain particular race. Only the Minister can verify the split today of the police force and if this split is in the best interest of the nation, only the Minister can answer if the philosophy of this split as we see today, is primarily to keep others in check should they ever revolt against continued hegemony which, as everyone can see, is forced ripe without a moral centre.

Mr. Vice-President, we cannot continue to build policy on the basis of intuition and newspaper reports. The Minister of Finance comes to Parliament; asks for a particular sum without a graph to show the history or the future usage. The Minister of Labour, Small and Micro Enterprise Development comes to Parliament, criticizes everyone and this Parliament and still does not know how many children we have below age 16; how many are in school and the truancy rates at school. A Minister comes to Parliament and gives false data concerning dialysis.

**7.00 p.m.**

**Mr. Vice-President:** Sen. Mungalsingh, could you please get back to the Bill we are discussing. You have gone astray completely.

**Sen. H. Mungalsingh:** Thank you very much, Mr. Vice-President, but I just wanted to get to that essential point of moral centre, the Bill.

**Mr. Vice-President:** Could you please—; could you please—

**Hon. Senator:** Take a seat.

**Mr. Vice-President:** You see, you made a promise not to go racial, and just before you went into talking about where you are now, everything you said

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bordered on race. Now you are going astray again, I am asking you to confine your contribution to the Bill. Okay.

**Sen. H. Mungalsingh:** Thank you very much, Mr. Vice-President. Just for the purposes of *Hansard* and yourself, the only area that I may have barely strayed into the area of race was because I needed to focus on how the police is formed; how serious a problem that is.

**Mr. Vice-President:** Senator, we have passed that, could you please get back to Bill.

**Sen. H. Mungalsingh:** Okay. Mr. Vice-President, we cannot continue to build policy on the—or I passed that already. In closing and since you have basically asked me to leave out much of what I wanted to say, I will close. [Laughter]

I do not support this Bill on the basis of principles as follows:

- (a) There are no reasons why it should not have been brought earlier;
- (b) It is cheap politics, indicative or forced-ripe intellects;
- (c) It does not solve the problems unleashed by the policies of the PNM to their race built communities, the source of their power, which have backfired big time;
- (d) The only solution to kidnapping is a sustained macro-development plan for the race built communities which I would like this Senate to know, my wife and I have already drafted.

Thank you.

**Sen. Prof. Kenneth Ramchand:** Thank you, Mr. Vice-President. [Interruption] [Crosstalk]

**Mr. Vice-President:** Members! [Crosstalk] Members, this kind of exchange will not be tolerated, please on both sides.

**Sen. Mungalsingh:** You call me a—[By order of the Chair, remarks struck off the record]

**Hon. Senator:** Who?

**Sen. Mungalsingh:** You call me a—[By order of the Chair, remarks struck off the record]

**Mr. Vice-President:** Sen. Mungalsingh!

**Sen. H. Mungalsingh:** He called me a—[*By order of the Chair, remarks struck off the record*]

**Mr. Vice-President:** Did such a thing happen, Mr. Jaggassar?

**Mr. Jaggassar:** [*Inaudible*]

**Mr. Vice-President:** Let me ask you to strike that off the record please. Sen. Mungalsingh, if such a thing should come to your attention, or if that is the perception, could you please refer it to the Presiding Officer, so that something could be done about it, but such an out burst is definitely disgraceful.

**Sen. Mungalsingh:** Could I draw it to your attention now?

**Mr. Vice-President:** When such a thing happens, draw it to the attention of the Presiding Officer, not after the outburst. I have already asked for it to be stricken from the record. Let us continue please.

**Sen. Mungalsingh:** Could I draw it to your attention?

**Mr. Vice-President:** No. Please, Sen. Prof. Ramchand.

**Sen. Prof. K. Ramchand:** Mr. Vice-President, I do not want to repeat the descriptions of how far crime has gone in our society nor do I want to speak about how far the justice system has been frustrated of late. The facts are only too well known and the feelings are like a black cloud in our air. We are living in fear; we do not feel safe. Enough said. I really do not want to repeat the obvious.

Mr. Vice-President, in the debate on an Act to amend the Bail Act, 1994, the debate which took place on December 20, 2005, exactly one year ago, I read out clause 7 and I want to read it again.

"This Act shall continue for a period of one year from the date of commencement."

In that debate, Mr. Vice-President, I questioned the logic or the meaning of the one-year limit, this is what I said:

"I do not understand either the logic or the illogic of this. What are you going to find out after one year? Can you find out after one year that the Bill is not working or that the Bill is working and we will confirm it? Will you find out after one year that you should drop it? Is one year enough time for you to decide one way or another? What is the purpose of the limit of one year?"

Mr. Vice-President, I still have that question. So one year later, the Government remembers that the legislation was for one year only, time is running out and we

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are called out of recess to approve an extension. As I understand it, the Government originally asked for an extension or continuance of one year, but after the debate in the House of Representatives last week, the request is now for an extension of three months. I hope that my understanding is correct. If I am not correct, I hope the Attorney General will correct me.

**Sen. Jeremie, S.C.:** That is correct.

**Sen. Prof. K. Ramchand:** Thank you. In the debate of December 20, 2005, which was a hurry, hurry debate, no amendments were entertained and amendments were not entertained because the Government said it was urgent to pass the legislation now, now, now. So we let them go. But there were some very interesting suggestions, especially if I may say so, from the Independent Bench and these suggestions were not addressed by anybody. They just did not take us on. I do not know why. We do not belong to a political party and some people say, we are not elected. If we are not elected, neither is anybody else in the Senate elected, so I do not see why our opinions should not be addressed. That is what we are here for, not belonging to a political party and making suggestions which we hope people would argue or debate and consider; and we made some serious criticisms of that Bill which have not been taken on; which were not taken on then, and which were not taken on subsequently.

I, myself, found the Bill pretty amphibian; it was neither fish nor fowl; it was neither here nor there; it was neither what the Government wanted nor what the UNC wanted. I held then, that drug trafficking, kidnapping for ransom and negotiating for ransom, should be placed in Part I. I considered them non-bailable offences because a drug trafficker is a multiple murderer and the bringer of grief to families and because kidnapping for ransom and the related negotiating a ransom should be regarded as terrorist activity carried out against innocent people. Nowadays, Mr. Vice-President, the preferred target is women.

**Sen. Dr. Mc Kenzie:** Yes.

**Sen. Prof. K. Ramchand:** Children are traumatized by these torturers, so at that time, I felt these were not non-bailable offences and I still feel they are non-bailable offences. I really wish somebody could have engaged with this, could argue against it or even that some legislation might have come in-between to deal with this. No amendments came after we passed the Bill and now there seems to be little point in arguing because there is no time to make amendments. The Government's tardiness means that all we can do as responsible citizens is not allow the legislation to lapse; weak and ineffective as it may have been. It was weak and it was, I believe, ineffective.



Mr. Vice-President, I will not call it “putrid” and I take the point that I need not have said the word last week also. So let us put that on the record, I really ought not to have used the word last week. But the Bill of 2005 is weak. It was Sen. Seetahal, S.C. who pointed out last year that all the Government was achieving was the possibility of holding kidnappers for 60 days and that was all it was and she doubted whether you could have the speedy trial that the amendment to use her word “deceptively” offered.

In presenting the Bill this time, the Attorney General has not reported on what good came of the Act. He has not provided statistics about its use. How many people held for kidnapping for ransom were held for 60 days? How many were given a speedy trial? How many people with two previous convictions were denied bail? We got no report on the operations of the Act. To all appearances, it had no effect whatsoever and we did not get an account of measures taken by the Government since the passing of the Act in keeping with the agreement made with the then Opposition.

It is very clear from the Attorney General's presentation and from Sen. Mark's contribution at the time, that the agreement by the Opposition to support the Bill to amend the Bail Act, 1994 was contingent upon certain definite measures being legislated for and implemented by the Government before the sun set on the legislation. And here are the fine words of the Attorney General:

“It is a signal to us, the Executive, to make crime and the fight against it our most critical task; to urge the Judiciary to do all that is within its power to deliver justice quickly; to demand of the police that they shake off irresponsibility and keep us safe.

For my part, I commit to the more efficient discharge of my functions...and, in particular to do all that is within my power and ability to assist in the administration of the prosecution of crime...”

Mr. Vice-President, I think the Attorney General meant it—I do not know how I could look at you and call you Madam President. [*Laughter*] I know that the Attorney General meant it, but if you just listen to the recent statement of the Director of Public Prosecutions (DPP) you know that something has gone terribly wrong and none of these aims have been achieved. We are in shark waters. I am not laying blame, I am just saying that that was what the Attorney General said we would try to do. There was an agreement to undertake certain things in the year that was granted to the Government.

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Sen. Mark in that debate called for the building of DNA laboratories; he called for more resources to the Judiciary; he called for clearing the insane backlog at the Forensic Science Centre; he called upon Government to build the new Magistrates' Courts and new High Courts in Trinidad, particularly in Central Trinidad; to fund the appointment of 20 new magistrates and 20 new judges. He went on to say the Bail (Amdt.) Bill is part of a package of measures and the Attorney General would admit that that was in the agreement, measures including the Police Service Reform Bills, Constitution Reform and the Equal Opportunity Act.

Mr. Vice-President, I am just giving you a résumé of what was said and what was the agreement that came to the House; it came to us here. This Bill, the amendment Act, was a compromise, as I said, neither side was pleased with it; it was not exactly what each side wanted, but that is how compromises work. It was a compromise and there was an agreement and it looks as if none of the terms of the agreement was fulfilled certainly to the satisfaction of the Opposition.

So, I will say the amendment of 2005 does not appear to have served any purpose and the agreement with the Opposition has not been honoured to the satisfaction of the Opposition. Thinking about all of this and wondering where I will go; what I will do; what I will support, I ask myself what would happen if we did not pass the legislation before us? And the more I think about it, the more I realize the answer is, nothing. Nothing! Judicial officers will still have the power to grant or deny bail. They would have the power to use their discretion in light of the Bail Act, 1994 and their decisions can be informed and influenced by the thinking that went into the amendment of 2005. As I said, this amendment was not exactly what the Government wanted; the amendment was not exactly what the Opposition wanted. Sen. Seetahal, S.C. has justly called it a public relations exercise.

So you have an amendment that nobody much likes and now you are told—what is the crisis? What is the urgency of continuing a provision that was much ado about nothing in the first place? Why did the Government not let the sun set on it, rely on the regular principles of bail, rely on the Bail Act of 1994 and the spirit that led to the recognition that amendments were needed and come back another day, early in January 2007, with a set of amendments that they want with all their hearts and then let us debate like caring citizens?

But, Mr. Vice-President, I can offer a deal. The Government graciously accepted a failing mark which it received from a Member of the House of Representatives and they agreed to carry out in three months' time certain assignments that were clearly outlined. These assignments include: tabling the DNA Act, the Equal Opportunity Bill. I will add, amendments to the Kidnapping

Act to make kidnapping for ransom and negotiating for ransom non-bailable offences. I will add an amendment to Act No. 32 of 2005 to make trafficking in narcotics or possession of narcotics for the purpose of trafficking, a non-bailable offence. And I will add a call for the reintroduction of the Planning and Development of Land Bill before any decision is taken about setting up smelters in Trinidad and Tobago. So those are the terms and conditions that I will set down. If these conditions can be met and if we have water-tight guarantees, I would consider granting the Government a supplemental by supporting the Bill as amended in the House of Representatives.

Thank you. [*Desk thumping*]

**Sen. Raziah Ahmed:** Mr. Vice-President, I want to begin my contribution to the debate on the Bill, by thanking Sen. Seetahal, S.C. for describing the piece of legislation as puny and deceptive. I had been grappling with how this piece of legislation was supposed to bring some kind of relief to the country against the scourge of kidnapping that, although abated for a while, has now soared its ugly head and is coming with every bit of poison at women in our community.

She made it very clear what the original intent of the legislation was, that it was supposed to fast forward a system that will allow perpetrators of crime to get a trial within 60 days. She also made the point that on the basis of her experience, such a thing had not happened and that persons with two convictions, et cetera, were the people who would really not have the benefit of the bail. So she convinced me in her arguments that it was a deceptive piece of legislation.

I want to go back to the opening remarks of the Minister who presented the Bill when he started with an apology. I could not help but think that once more they have to apologize. I was willing to accept the apology, but I really could not accept the compromise or the explanation where he made it quite clear that he had met with certain Members in the other place and was able to bring some kind of legitimacy to his process. I began to think that while we have a position, we still want to seek the best intentions and to seek out the value that any piece of legislation can bring to us. But when you begin by saying that you negotiated with other people—that other speakers in this debate have already referenced so I would not go into that—who are not the legitimate negotiators, then we begin to wonder, if in this whole matter of dealing with criminal justice, we really understand the value and the virtue of integrity in the entire process. Because you cannot negotiate with the wrong people in the first instance and then try to present to the country that we are going to do it right, when you start at the top by doing it

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wrong. And so, I have to wonder whether, having heard all of the arguments, we are not just more confused about where we ought to go in our mission to reduce, to stagnate, to curtail, to circumvent this scourge of criminal activity that has unleashed itself on this community and this country in the past four or five years.

Mr. Vice-President, the Bill is an amendment to extend the time for what was a stopgap measure. But at the end of the 12 months, the criminal is still king and extending the right of the innocent to be innocent or rather extending the right of an individual to be deemed innocent until proven guilty by this piece of legislation in a stopgap measure, is that going to significantly dent homicides or kidnappings or anything else? You see, kidnapping is a unique kind of crime. It is intently premeditated; it is specifically economic in nature; it creates a target income in the pockets of the perpetrators; it is characterized by a network of operators; it is money-driven; and to put away a few perpetrators of this underground economic activity for a 60-day period in an industry, underground though it may be where there seems to be a ready flow of money, really it does not make much sense—60 days are nothing in the life of somebody who is intent on hurting others. You see kidnapping is about organized crime and it is an extensive operation and three months more of a piece of legislation does not convince me that anything is going to change. So three months is really an insignificant period of time when we are in that habit of coming to this honourable Senate with last-minute pieces of legislation on the ninety-ninth hour and legislation is being force-fed to the larger community, to the country as a whole, as though to prove we are working in Government. And I think that is where the deception really lies.

The hon. Minister in his introductory remarks went on to make the point, that one of the reasons when he was speaking specifically to 354 homicides as of yesterday's date in the country, he attempted to relate that statistic to what he described as a market awash with guns and drugs and that we were some kind of a transshipment point and that geographic location or that our strategic location fosters an unleashing of crime on an innocent country. And that I find very difficult to accept. I think that the only transshipment point that we ought to be, is the only relationship that we ought to have with bauxite, and nothing else could legitimize any other transshipment of any other source of money or income for any other group of people.

**7.30 p.m.**

The reality of social justice within the context of criminal justice, Mr. Vice-President, is that guns and drugs can flow like water, but if there is little motivation to use them, there will be no use of them. The naked truth is that there

is now a high motivation for elements of society to participate in the illegal gun trade and the use of guns to perpetrate crimes and the use of drugs to mislead people and earn incomes for themselves. The removal of a bail provision does not treat with the cause; it merely places a Band-Aid on a symptom of social problems within the country.

The Senator went on to beat his chest about the provision of a temporary DNA facility and the Witness Protection Programme. It is public knowledge that prominent persons who ought to know, because they are in the system, have vocalized that the Witness Protection Programme has not been working as it should. In fact, certain reports carried in other places have quoted witnesses being protected themselves, who are vehemently unhappy about the way they are treated in the programme. I think that the Witness Protection Programme has partnered, to use a word from the hon. Minister's introductory remarks, with too many hardened criminals too quickly and that it is ill-advised and that policy of partnering with hardened criminals on a regular basis needs to be revisited as a matter of urgency.

I wish to lend my voice to that of Independent Sen. Prof. Deosaran that the mood of the country is one of intense fear, especially among women; intense fear that our freedom to move about in the public domain, to participate in business, to be married to individuals who are perceived to have good jobs or to have some amount of savings, is a risk. It is an unnerving kind of feeling. You would have to be a woman to understand how that feels.

The mood of the country has changed almost overnight. When, initially, we were faced with this whole construct of kidnapping in this beautiful little country, we were all frightened and then we saw persons walk away free. Persons who had been brought to the courts have walked away free because of the disappearance of evidence, because individuals failed to give evidence or because of all kinds of anomalous reasons. I cannot see how imposing no bail for any period of time could create fear in the minds of anybody bent on doing crime for money; how it could prevent anything in this country. While the rest of us continue to live behind burglar-proof bars and gated communities, with all kinds of animals in the yard; living in fear, afraid to commute; women going down the highway looking in the rearview mirror too often to see whether they are being tailed. This is an untenable crossroad in the history of this country.

I used to live in another country where, on landing, we were advised that certain security measures were important to know, that something could happen to you and it was important to know how to respond. I never thought that in my

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country I would have to be forever looking in the rearview mirror; forever looking at the car driving in the lane on the other side, forever looking and thinking that the criminal justice system really will not protect me.

That is the sum total of everything that I have read and experienced to date and so I take recourse to a higher form of justice and that is my comfort and hope, because I cannot have hope and trust in the people that have taken charge of this country. I am grateful I can turn to a higher authority that can ensure that universal justice prevails.

Mr. Vice-President, I fear that the major effects of this Bail (Amdt.) Bill can lead to a multitude of cases against the State by persons who are incarcerated, imprisoned or kept behind bars without bail and who, after months of imprisonment, walk free because they are found to be not guilty. I am wondering whether we, the ordinary taxpayers, would have to pay for this in some form or fashion.

Talking about paying, and in particular reference to a question raised by Sen. Seetahal, S.C. about the Special Ant-crime Unit of Trinidad and Tobago, I could not help but notice something in one of the papers laid earlier today, the accounts for the National Helicopter Services. I raise this point because human resource management is extremely important in everything we do, because it determines success or failure in the end. I could not help noticing that the Special Anti-crime Unit came under the National Helicopter Services in terms of an asset and a receivable of \$34 million. I could not help noticing that under current assets and an accounts receivable of \$29 million. I could not help noticing, with particular respect to the human resource management and compensation of the National Helicopter Services Limited, that the pension plan had a loss of \$204,000. These are questions that are important, because if your pension plan is losing money, your delivery at work begins to suffer, because everything, at the end of the day, comes back to compensation and, "What is in it for me?"

So we have the National Helicopter Services' military types of equipment that are going to be used to help with crime intervention in this country, and we have the pension plan losing money. What does that say? Disgruntled workers are always a thing that is monstrous and to have a massive loss is very significant.

I cannot support this Bill in its current form. I do not see how it has anything to do with preventing wickedness and bringing down crime. I think it is a waste of our time. I am very sorry that we have been brought out here to discuss this matter, which could have been left for next year, properly revised.

I thank you.

**Sen. Brother Noble Khan:** Mr. Vice-President, thank you for allowing me to share some thoughts on the Bill before us whereby the period of the Bail (Amdt.) Act, 2005, will be extended.

It is to be noted that the Bill impacts significantly on what has been termed fundamental human rights and freedoms and this is evidenced, as the Explanatory Note states, the Act would be inconsistent with sections 4 and 5 of the Constitution of our Republic. There is need for a special majority of three-fifths of the Members of each House so that it could be passed.

You will recall, Mr. Vice-President, when the parent Bill was first introduced, some questions were raised; obviously, the appearance of this amendment indicates that all has not been achieved. A substantial amount of work remains to be done and, grim as it is, the 90 days will be woefully inadequate, despite the assurances given, the initiatives introduced and the successes claimed. There seems to be so much more to be done.

I suggested at the introduction of the 2005 Bill one year ago, that there should be collaboration, partnership and cooperation in meeting the negative challenges of crime, at that time. Again, I advance these three elements in the widest possible way, also involving the national community. One gets the feeling that there is much to be done.

If this is accepted within a strategic framework, our country is in a moving, dramatic situation where the negative of crime is one of its most conspicuous traits. One could understand, in this decisive moment, that it is inconceivable and unacceptable to ignore the moans and cries and allow them to die out in a void or go unanswered. This attempt now expected to carry hopes and expectation, raises questions. Will this engender elimination of the destruction that pervades?

Mr. Vice-President, it is both our right and duty to demand of our leaders to exert themselves, to effect a real leap that will place in focus law and order and its triumph. A review of leadership in the past would indicate that too often it was perceived that agendas and work for good were not for the nation as a whole. Others were considered adversaries or subjected to exploitation.

In espousing the strategy of using the technique to which I referred previously: collaboration, partnership and cooperation, in the mix of meeting the challenges of crime, may I indicate that today in crime, as in other areas of governance, the greatness of leadership ought to be measured by the universality of vision and a sense of responsibility towards all. We are all one family, to wit, even within the justice system. What obtains now could be viewed as not having

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adequately met the trust which was being reposed when the 2005 Act was originally passed, some one year ago. Each of us bears a responsibility in relation to the trust that we bear; our knowledge, our wisdom towards making and creating the desired society and civilization for ourselves, children and future generations. We cannot be spectators of our miseries.

As we have said in the past, I humbly urge that now is the time for action. Let it not be viewed that as time elapsed that incompetence, or worst yet, deceit, would be far, far from the minds when they reflect on this here.

Mr. Vice-President, these were some of my thoughts, as I reflected on what was before us. I commend it for what it is worth.

Thank you and may God bless us all. [*Desk thumping*]

**Sen. Anthony Sammy:** Mr. Vice-President, it is, indeed, an honour for me to address the Senate through you tonight. I rise to make my contribution to the debate on this Bail (Amdt.) Bill to extend the life by a further three months. Once again this Government is demonstrating clearly its incompetence and failure to plan ahead to put measures in place in a timely manner, a very simple exercise. [*Desk thumping*] How many persons have been arrested and charged for kidnapping and, therefore, did not get bail under this legislation?

In April this year, the Government, based on the crime talks held with the UNC, sent to the Opposition a bundle of legislation which we had agreed would be passed along with the Bail (Amdt.) Bill. As a series of measures, the bundle comprised the proposed Breathalyzer Bill, the proposed Criminal Injuries (Amdt.) Bill, the proposed Criminal Injuries Regulations, the proposed Equal Opportunity Bill, the proposed DNA Bill and many others. Why does this Government always try to rush through bills and amendments when it clearly had enough time to get its act in order? Why not pass the other Bills as promised? Where is the accountability of this Government to the people of this blessed country to ensure that things are done on time?

In the private sector this entire Government would have been fired a long time ago for not being able to achieve any of its agreed targets, objective and goals. [*Desk thumping*] I would like to recommend, as a businessman, that they all go on a course in strategic planning. [*Desk thumping*] They came here today to seek our support for an extension of the Bail (Amdt.) Act. After close to five years in office, they have not been able to deliver, because they care, as their slogan says.

Have they delivered on crime? No. Have they delivered on security? No. Have they delivered on kidnapping? No. Have they delivered on murders? No.



Are the prisons not in a state of crisis? I refer to a newspaper article in the *Express* of Friday 15 December, 2006, in the “Letters to the Editor” section, page 12. I quote from this article written by Victor Jardine of Woodbrook. This was an open letter to the Commissioner of Prisons:

“Sir, the fact that you went on TV to beg people not to throw drugs and weapons over prison walls shows that you and our Minister of National Security think on the same level.

You beg people not to commit crime, while he introduces expensive and useless initiatives—eye in the sky, blimps, costly advertising—advising the public not to commit crime.

The following methods, used singularly or in tandem, should correct your problem: perimeter fences; strategically placed watch towers; security cameras; regular foot patrols.”

This is the most important part of it:

“You do not stop crime by pleading with people, but by making it difficult for them to commit crimes and at the same time showing how easy it is to arrest and punish them.”

They have failed miserably. We have two Ministers of National Security, a separate Minister in charge of the National Security Council and several national security advisors, yet still no citizen of this country—at least they tell me—feel safe and for very good reasons.

Imagine this Government has extended the life of the Brigadier because it is pleased with his performance to lead an anti-crime unit. What performance, when the murder rate today is over 360? [*Interruption*]

**Mr. Vice-President:** I have been listening to you and I am saying: “Please, connect with the Bill we are discussing; please, connect with the Bill we are discussing.” Every time I said that, I saw you going further away from it. Could you please stay with the Bill we are discussing. [*Crosstalk*]

**Sen. A. Sammy:** Mr. Vice-President, all that I have said so far, in my opinion, has everything to do with this Bill. I respectfully submit this. [*Interruption*]

**Mr. Vice-President:** Sen. Sammy, apparently you misunderstood me. What I got up to express was not your opinion. [*Laughter*] Please, get to the Bill we are discussing. [*Crosstalk*]

**Sen. Mark:** He is connected.

**Mr. Vice-President:** Sen. Mark, if he is that useful and experienced, you should brief him before you let him go. Please, Senator, get back to the Bill we are discussing. [*Crosstalk*]

**Sen. Abdul-Hamid:** Stop selling Senate seats. “Yuh only selling Senate seats.” [*Laughter*] [*Crosstalk*]

**Sen. Mark:** I was not involved in the 1990 coup. Do you know that he went to Piarco to take over the airport? [*Crosstalk*]

**Mr. Vice-President:** Members, please. [*Mr. Vice-President knocks gavel*] [*Crosstalk*] Please, allow Sen. Sammy to continue

**Sen. A. Sammy:** I am trying the best way to deal with the Bill in front of us. What about the failure to deal with providing the police with what they need, which is all part of it in order to efficiently and effectively fight crime? Why, for instance, are 50 per cent of police vehicles down? What about witnesses being killed? [*Crosstalk*]

I come closer to home now: Kidnapping for ransom. We were told by the hon. Attorney General that this has dropped by 75 per cent, but this has been replaced by something similar to what applies in Jamaica, that is, the kidnappers now go to business people and demand protection money in order that their family not be kidnapped. [*Desk thumping*] The criminal justice system, as far as I am concerned, is in shambles. All we hear from the Government are statistics. Are people’s lives only statistics? The Minister said in a newspaper report that the murder toll would not pass 386. This was quoted on page 15 of the *Sunday Express* of December 16; as if this was some great achievement. People are statistics. [*Desk thumping*]

**Sen. Mark:** Imagine that!

**Sen. A. Sammy:** What an uncaring government. [*Crosstalk*] No, I am not a Fatima boy; I am a QRC boy.

**Sen. Dumas:** But a boy still. Is it that you are still a boy? [*Crosstalk*]

**Sen. A. Sammy:** At heart. [*Laughter*]

The first priority of any government is the protection of its citizens to give them a sense of safety and security to live without fear in their country. I was, indeed, very pleased to learn yesterday that finally after two weeks Mrs. Debbie Ali was released by her captors after a ransom was paid. A mother with children ages five and seven years, she was injured, she was traumatized, she was dehydrated and had lost weight.

Why are we sitting idly by while our women, our mothers, our daughters, our sisters are being violated in the worst ways? All the Minister of National Security comes to this Senate and presents are statistics. [*Desk thumping*] What an uncaring incompetent Minister. [*Desk thumping*] I am sorry that he is not here. Plan after plan that he has presented have all failed miserably. [*Crosstalk*]

Let me also deal with what has happened to my family and myself, so as to let you know why I am so concerned, why crime is so close to my heart and why it pains me so much.

**Mr. Vice-President:** Crime or kidnapping?

**Sen. A. Sammy:** Crime; I will come to kidnapping a little later, again. [*Crosstalk*]

Four and a half years ago, my uncle and aunt were robbed and shot and, today, my aunt is a cripple; that is why it is so close to my heart; that is why I feel so much about it. I heard that this chair is supposed to be a blight chair, but I do not believe in that. Two weeks ago they broke into my vehicle and stole all my belongings, including Senate papers. I do not know of what value it was to them; so crime has hit me right in the gut.

Lastly, let me come to the kidnapping last night of my dear friend, Vindra Naipaul, or as I call her "Vinny"; a mother, not only to her children, but to every employee; over 500 people; a hard-working woman. I mention woman again, because we are abusing our women. [*Desk thumping*] She is a hard-working woman and mother who was simply on her way home to have dinner with her family around 9.00 p.m. last night, after a hard day's work.

Only yesterday I spoke to Vinny around 4.00 p.m. We were talking about how she had continued to help her employees to live a better life. I am not saying that people should go to XtraFoods to shop, but if you go there you would see the difference in the culture of all the employees she has there, because she leads by example. Last night I was traumatized, because my dear friend was kidnapped, because this country could not protect her. [*Desk thumping*] We come here and listen to that other side heckling and making jokes on a very serious matter; I take objection to that.

**Sen. Dumas:** You want to be serious? Support the Bill; do not come here and talk stupidity.

**Sen. Abdul-Hamid:** And cry. [*Crosstalk*]

[*Mr. Vice-President pounds gavel*]

**Sen. A. Sammy:** The Government must stop giving lip service to our people. When you accept a job, you either perform or resign en masse. [*Desk thumping*] I, therefore, with all due respect, cannot support this Bill. In closing, if I had one wish, it would be that Vindra, my friend and my angel, an angel to many people, whether they are employees, suppliers or friends, will be released immediately by her abductors. That is my only wish for Christmas.

Let me tell you something, Mr. Vice-President, that lady is strong. Right now she is probably convincing those abductors to release her. She is so strong and good and, the most important thing is that she believes in God.

In closing, I will like to say season's greetings to all and to you, Mr. Vice-President.

Thank you.

**Sen. Dr. Eastlyn Mc Kenzie:** Mr. Vice-President, I want to say, from the very outset, that I support the amendment. I support the amendment, not because of any bargaining, but because of my own judgment. So there is no need for any bargaining to support the amendment. I reflected on the statistics and I noted the decline mentioned from the number of kidnappings for ransom last year versus this year, but I did not interpret it to mean that probably something was not working or so. I interpreted it to mean that probably, if the kidnappers knew that they would be imprisoned for two months without bail, they might think a second time. That is how I looked at it; they may think twice, because they know they would be imprisoned for, at least, two months without bail.

I do not want to say that I am warning the Government, but I want to sound the alarm of the danger of putting itself in a "must bargain" position to get Bills passed. It is a dangerous act and I want to suggest to you that you have some sort of monitoring or tracking system when you know that legislation will expire and you need to bring them to the Parliament to have them revalidated or what have you; but this "must bargain" position that you are putting yourself in is too frequent in too short a space of time. Not too long ago, we had the same thing with the International Cricket Council (ICC) Bill, the World Cup thing. It does not sound well and it does not look good.

I want you to look at that very carefully. Probably at the beginning or whenever you have a piece of legislation passed and you need to bring something later on in so and so month, somebody should take a note of it and remind the Government. I am a bit peeved and hurt; I will tell you why. I have a certain feeling, and I do not know how many other Senators on the Independent Benches have it, but I will say it as I feel and think, because that is my nature. It does not mean that I hold anything. Let me say it and I may be corrected.

I have the feeling that there appears to be a disregard for the Independent Senators. I know that there is a proposal that there be no Independent Senators; I have no beef about that. I know for certain that I did not apply to be here. I am sure nobody else applied to be here. When we deal with matters here, personally, I look at it from the good of the situation and I act as my own conscience tells me. I always say that I use my own two eyes to see. There is the appearance, an apparent disregard for the Independent Senators since the appointment of the Joint Select Committees (JSCs). I hope that my perception is wrong.

I say this too, not only from what I have been hearing about the bargaining and all that is going on, but also from my own experience of my Motion and the sort of reaction I got. I get the feeling that when the House of Representatives calls for a Joint Select Committee, it is okay; but whenever it originates from this House there seems to be, as we say in Tobago, “we fly pass we nest” so it gives you a sort of contempt, “Who do you think you are?” kind of thing. I hope that if this is a wrong impression, forgive me, but this is the feeling I get. I hope that if this is the impression, that something could be done.

Finally, let me say to the Government: Sen. Dr. Saith was not here when it was done, but I am still holding Hon. Yuille-Williams to a verbal sort of agreement that we have that the quorum in respect of Joint Select Committees would not be increased from three to seven. She promised to take it up with higher authorities. I understand that there is a move afoot to have them increase from three to seven. Until that happens, I will continue to trust the Government and to hold it to its word, based on the importance of the amendment and what I see it can do for a dent in the kidnapping for ransom situation in the country and what I interpret as the no bail situation or the holding of suspected kidnappers for two months without bail. I interpreted the decline in the number as a sign that this piece of legislation acted as a deterrent and on that basis I support the amendment.

Thank you.

**Sen. Dr. Jennifer Kernahan:** Mr. Vice-President, I empathize very strongly with the sentiments expressed by Sen. Prof. Deosaran when he expressed his total frustration with this “10 per cent efficiency” administration, as he referred to it. This administration, literally, does not know whether it is coming or going, because we adjourned this honourable Senate last Tuesday to a date to be fixed and then, suddenly, the administration realizes, “You know what; we need to reconvene the Senate, because we have to approve a critical bill for the security and stability of this country.” So they did not know that last week Tuesday when they adjourned the Senate? They do not know whether they are coming or going.

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They are indicating to the national community that this so-called critical piece of legislation needed to be addressed with urgency, but everybody on that side was sleeping.

Sen. Mark reminded us in his contribution that this is not the first time or the second time they have done this. It is either they are totally incompetent or they are shadow-boxing. According to an eminent calypsonian, Bro. Valentino, it seems when the Minister of National Security stood to speak this evening, he did not believe in his own chorus, that this piece of legislation is so critical to the safety and security of our citizens. I do not believe in it either and neither do many citizens of this country. I totally agree with the sentiments expressed by many Senators here this evening, that this piece of legislation is totally irrelevant to what is happening in this country and I will explain that later when I develop my point. Sen. Prof. Ramchand made the point that it was of no consequence. We could have passed it this evening; we could have passed it next year and it really does not make any difference to what is happening with respect to criminal activity in this country; but I will develop that point later.

I want to go back to the opening comments of the Minister of National Security when he spoke with all this pleasure, pride and passion about the implementation of certain programmes like the CSI. He spoke of the Witness Protection Programme, how it was up and running and that it had been around for such a long time. He spoke of the 555 programme and the need for this amendment to the Bail Act. He did not mention somehow the “Anaconda”, the “Baghdad” and “Macajuel;” he forgot about those programmes. But we have not forgotten; we know that all those are failed programs of the Ministry of National Security under this administration; a failed administration.

I think that any intelligent citizen will agree that fundamental to all the initiatives that the Minister of National Security outlined this afternoon in this Senate, fundamental to their being sustainable initiatives, you must have as a prerequisite, a highly trained, highly disciplined, tightly monitored, highly motivated, impartial and dedicated protective service to implement them. You must have the same in the prison service, the Coast Guard and the political directorate. You cannot talk to me about 555 and the Bail (Amdt.) Bill, if you have a situation where there is wide perception in the society that there is widespread corruption and illegality in the highest levels of the police service, the political directorate and in the people who are supposed to implement these initiatives.

We have a saying here in Trinidad: “You cannot put cat to watch milk”, and that is a fundamental concept. If you have a problem of a core group of persons in the highest levels of the different administrative entities in this country that are supposed to implement and protect our rights, freedoms and civil liberties, you are not going to get the job done; that is fundamental. I expected the Minister of National Security, having been in office for almost three years, to come to this Senate and tell us what were some of the initiatives he was taking to rid the country of this malignant core of corruption and illegality that infests and pollutes the police service and the defence force of this country; what steps are being taken to do the same with the political directorate.

If you are not going to do that, why waste the time of Members of this honourable Senate? I could have been home making my sorrel and black cake and that is important too, because that is part of our tradition. Do not waste my time to come here to ask me to pass a measure that has absolutely no relevance to anything that is happening in this country. More importantly than the sorrel and the black cake, what is happening here is that this Minister is continuing to frustrate the hopes, wishes and aspirations of our population to live with an acceptable measure of personal security, and that is basic. If you cannot live with an acceptable measure of personal security, nothing else matters. This administration has literally reduced big men to tears; that is what is happening in this country.

When I made the point about the core of corruption and the illegality in the protective services, it was not a joke. We recently had the spectacle of nine members of the defence force being charged with the kidnapping and murder of an American citizen; right now they are before the courts. The FBI came here and that was how they happened to hold those people. But what is happening in this country is that all these crimes are being committed, all these murders are being committed and you get no detection. You get nobody going to jail for them; nobody being charged. People are crying blood on the television all over this country for justice and there is no justice to be had. Nobody is being charged and held for these murders. Once they write it off as gang related, “your son dead and gone down”, nobody is charged for that; nobody to be brought to justice for that. Hundreds of young persons’ lives are being lost. All that human potential is being lost and they write it off as gang related; end of case; case closed. That is total injustice.

The Minister of National Security cannot talk about 555 and the Bail (Amdt.) Bill unless he deals with the fact that when you approach the police and give them certain information, the criminals come back to you and tell you what you did, five minutes after you do it. I agree with Sen. Prof. Deosaran when he said that

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we were experiencing in this country a total subversion of our constitutional right to life and liberty. We have lost it. That is a constitutional right. We do not have it. My life could be snuffed out in the morning; any one of us, and no one would be brought to justice. That is horrible; it is horrific and we ought not to consent to live in a society like this.

In addition to losing our constitutional right to life and liberty in the society, we are here this afternoon to take away another constitutional right that is guaranteed in the Constitution, the right to bail. That is why the Bail (Amdt.) (No. 2), Bill, 2005, says very clearly that this Bill requires a special majority. It says:

“This Bill seeks to amend the Bail Act 1994 to make certain violent offences under the Bail Act and the offence of kidnapping for ransom, under the Kidnapping Act, non-bailable offences. The Act will be inconsistent with sections 4 and 5 of the Constitution and is therefore required to be passed by special majority of three-fifths of the Members of each House.”

We recognize in this country, and we value that, a person is innocent until proven guilty. The right to bail is a fundamental constitutional right that you do not take away very lightly from our citizens. That is why we on this side are very wary that by the stroke of a pen, you can take away a person's rights. This is serious business, and as a responsible Opposition and as the alternative government of Trinidad and Tobago, we are sworn to protect the rights and privileges of the citizens of this country; this is exactly what we intend to do.

In his presentation the Minister spoke of these programmes and he quoted statistics purporting to show that we are now a safer and more secure people than we were a year or two ago. Sen. Sammy just made the point. The Minister was all excited and pleased in quoting his statistics and he mentioned certain successes of the programmes that he talked about. But I am certain that the pleasure and excitement that the Minister seems to feel is not echoed. It does not resonate with the 1.2 million people of this country; especially in the homes of citizens who have been the victims of the specified offences in this Bill before us, including kidnapping. The Minister is on his own with this one.

The pleasure and excitement that the Minister spoke with this afternoon is not reflected, I am sure, in the Naipaul home tonight, where there is grief, uncertainty and heartbreak. It is not resonating in the homes of all the people who have been kidnapped. Apart from all the brutality and torture that kidnap victims undergo, it changes your life forever. It changes your relationship with other people, the way you view the world, the way you operate, the way you walk, the way you deal



with your family and your children. You begin to acquire some sort of paranoia. Your children's lives become unbearable, because of that whole experience. It is a serious thing. Saying that the statistics show that it went down from 50-something to 19 or 20, the Minister mentioned, does not reflect the pain and horror that so many hundreds and hundreds of people in the society feel.

Even for families in Trinidad and Tobago who have not been kidnapped, it is like waiting for the shoe to drop. You do not know when you will be the next statistic. Where are the passion and excitement that the Minister emanated here today, in the homes and hearts of persons whose loved ones were dumped at the side of the road after being kidnapped? Can you imagine the horror that mothers have to live with for the rest of their lives? You mean to tell me that in this small country where we have a police service, a defence force, a Special Anti-crime Unit, and an army, that persons are kidnapping and dumping bodies all over the place with impunity and nobody knows anything about it; you cannot detect those crimes; you cannot put persons in prison?

Where is the pleasure and excitement in the homes of those persons who have to leave this country and run for their lives, leaving businesses and unemployed people behind? There is the trauma that comes with unemployment and the displacement of workers, because people have to shut down their businesses. What was the Minister so proud and happy about? These are the repercussions and offshoots of what is going on in this country. Reducing kidnapping from 52 to 19 is nothing to be proud of, in the context that you have a whole society traumatized. Reduce it to zero and then come here and crow; come here and talk business. [*Desk thumping*]

The Minister's passion is not shared by all of us. Some of us are able to employ security forces, are able to employ persons to guard their children, are able to put a lot of burglar proofing and sophisticated alarm systems in their houses. Included in the group that does not share the Minister's passion and pride, is a number of us who cannot afford to do all those things and who, as my colleague, Sen. Ahmed said, all we can do is depend on our faith in God to survive. We are living by the grace of God.

There is a lot of expectation on the part of ordinary citizens with respect to what the Bail (Amdt.) Bill is expected to accomplish. Apparently many citizens have been bombarded by a lot of propaganda, a lot of misinformation; "We have to pass this Bail (Amdt.) Bill this evening; come out of recess, because if you do not, hoards and droves of kidnapers and persons who commit serious offences will descend on the population and you will be inundated with all these criminal elements." This is the message that goes out there, that propaganda and "ol' talk" that has nothing to do with the truth.

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Sen. Seetahal, S.C. explained very well that although this Bill takes away the discretionary right of a magistrate with respect to a kidnapper who has two prior convictions in the last 15 years, that person can still go to a judge in chambers within 60 days and apply for bail. So what is the big deal with these 60 days in terms of taking this alleged kidnapper? Under our law a person is innocent until proven guilty, so if you take an accused person and say, "No bail for you, if you have two convictions within the last 15 years," and you take them out of circulation, this person is still entitled to go before a judge and apply for bail. This person can get bail.

At the end of all the hoopla and misinformation, I agree with Sen. Sammy that we have to ask certain questions. As far as I am concerned, this Bill was just a stopgap sort of mamaguy measure, if that word is parliamentary, to give the impression that this administration was doing something about kidnapping and attempting to allay the fears and insecurity of our people. We must not allow ourselves as citizens to be hoodwinked and befuddled by this administration and we have to focus on the root of the problem.

As Sen. Sammy said, I would have expected the Minister of National Security to give us some figures. He seemed to have a lot of statistics at his disposal, so give us some that really mean something. In the last year, how many people were denied bail, based on this new measure; how many kidnappers or would-be alleged kidnappers? How many of them actually applied for bail afterwards to a judge in chambers? How many of them actually got bail? How many of them were repeat offenders within that time? This would show that these persons were repeat offenders and really should not have been given bail, based on their history. Are there no statistics to back up his request for another year? He was just working on intuition or what? Or, do you throw some cards, you throw some dice and decide whether yes or no? How did they come up with the things they asked for? How did they decide on these measures and whether it has or has not worked? Where are these statistics? Where is the groundwork?

They cannot give us the answers we are asking for. They cannot do the groundwork. They cannot come up with the figures. But do you know what? The Attorney General of this country comes this afternoon before this Parliament and tells the people that he had been looking for a partner in the Opposition to fight crime, without success. I would like to ask him if that is the reason this administration decided to partner with the gang leaders whom they elevated to the status of community leaders. It seems that those are the only partners he has right now.

This administration has been holding these discussions in Crowne Plaza and Balisier House. They have been exposed, so that is not anything the citizens do not know about right now. These partners that the Attorney General has been looking for all over the place have exposed them in court. He exposed all their deals and what they agreed to in exchange for whatever. [*Desk thumping*] So those partnerships are working very well. I congratulate the Attorney General. He knows how to forge partnerships to get what he wants, which is perpetual power in this country. [*Interruption*]

**Sen. Jeremie, S.C.:** I want perpetual power?

**Sen. Dr. J. Kernahan:** These partnerships consisted of the guns and muscles that were used to steal the last general election. You are not fooling anybody. We want to know this afternoon where the real measures are?

**Sen. Jeremie, S.C.:** It is tonight; it is Christmas.

**Sen. Dr. J. Kernahan:** Tonight, thank you. Where are the real measures that you are going to bring to this Parliament and the people of this country to effectively fight crime? One of the first measures I am suggesting, instead of this Bail (Amdt.) Bill, which has absolutely no meaning or relevance to what is happening, is the detachment of this administration from the partnership with the criminal elements. You cannot do anything else without having accomplished that. I ask the AG to sever the partnerships he has made and forge new ones with the community groups, with the real community leaders who are working very hard to develop their communities, and with the Opposition, the alternative government. Establish new partnerships. You need to get rid of the old ones; that is the first measure.

I suggest to this administration, the AG and the Minister of National Security that the second thing they have to do is to clean up the police service; clean up the defence force; clean up all the institutions that are rotten and corrupt, because of the drug trade and the amount of money, \$50 billion in money laundering, that goes through this country. You cannot do anything without that. [*Desk thumping*] Is this Bill going to put away an alleged kidnapper or violent offender for 60 days, when all the drug barons are running around bribing everybody they can lay their hands on to turn their faces the other way, when serious crimes are being committed, when boats are coming in and things are being offloaded? This is where you have to go; you have to clean up your defence forces.

Another suggestion I will make to the hon. Minister of National Security is that he has to deal with the serious corruption in the ranks of the political directorate and their associates. When you have the top—a fish rots from the

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head—so eminently corrupt in the eyes of the world, the corruption index has shown that we have fallen, young people on the streets coming out of school, they are not going to take the police and corruption seriously, so you must have the political will to clean up this county.

**8.30 p.m.**

Madam President, the law must be seen to be an implacable force that you cannot bribe, threaten or intimidate, that is the only way we are going to clean up this country. As long as the law seems to be a force that you can bribe, threaten and intimidate you are going nowhere, because as I would show, you are isolating alleged offenders from this society right now by putting them in prison, it says nothing about the way the persons operate. In fact, I think they operate with more impunity, more calm and more collectiveness in prison than outside of prison. [*Desk thumping*] That is what is happening, and crime is rampant in this country because the prisoners have no fear of being caught; either because of the inefficiencies of the defence services, or the active connivance of the people who are supposed to be charging and putting them behind bars.

Madam President, the Minister has brought this Bail (Amdt.) Bill and as I said before a year ago, criminals are openly walking in our society with huge guns in communities like Morvant, Laventille and Belmont and as citizens we see them walking and do not know if they are police or thief because they are walking so bold you cannot believe they are not police. So you just have to avert your eyes and hope they are not coming for you. That is where we have reached in the society and the Minister of National Security ought to know that. Why is he coming to Parliament to fool the people of this country with pieces of legislation like this when he refuses to deal with the total lawlessness that is happening in our communities under his nose? [*Desk thumping*]

The Minister of National Security talks about 555, well, let me give him some statistics and some real live incidents about this 555. In Gonzales, an elderly woman witnessed a murder, she dutifully—like they always say every citizen should do his/her duty by going to the police—went to the police, reported the crime, denounced the person whom she saw perpetrating the crime, and the next day in broad open daylight a young man came—she was not at home, thank God—to her house, killed her dog, burned down her house, and openly said in the road that this will be the fate of any other citizen who chooses to go to the police and complain about crime if he/she saw anything. [*Desk thumping*] That is what is happening in our communities.

Madam President, is the Minister of National Security serious about 555 and that it is good and working so well? People are living in terror and fear in this community. Whole communities are fleeing from Gonzales, Belmont, Laventille and Morvant. You can get big concrete structured houses there for \$5,000 and \$10,000 because people no longer want to live there, it is impossible to live in those communities and that disease, that virus is spreading throughout the country. People are running like flies from these areas, they are running from the country and from that community, in five years under this administration. What is happening? And the Minister brings this big answer that the Bail (Amdt.) Bill will keep people off the streets for 60 days.

Madam President, this is a kind of jokey one, but it is still relevant. There is this popular bar owner in the East and his big boast was that he could never get robbed because he always has a lot of off-duty policemen liming in the bar. He used to pay them to lime and he felt so happy because he is operating on the long time thing that people are afraid of police, so as long as there are policemen there, people would not come to rob the bar.

One evening, a young man came to the bar and an altercation ensued between the young man and one of the policemen and the policeman roughed him up, so the young man promptly went outside, made a call on his cellular phone and five minutes after two carloads of heavily armed young men pulled up outside the bar—the G unit reach—when the owner of the bar turned around, all the policemen disappeared, everybody ran. It is arms they are dealing with you know, and they are not afraid of the police. This is the stage to which we have reached in this country. All the policemen ran. I would have liked to be a fly on the wall to listen to the conversation that ensued between the owner of that bar and the policemen when they came back.

Madam President, there is no fear by this new breed of highly armed and brutally fearless young criminals and, therefore, it is the hard-working, dedicated, nationalistic policeman, the one who wants to do his job well who is in the frontline of this battle and—as Sen. Mark said—“taking bullet”. That is the reality. While he is “taking bullet” and dying on the job in pursuit of his duty, the corrupt officers are taking the bribes and getting rich, illegal enrichment and everybody knows the score.

People know that you cannot buy a Cifero, have three wives, and maintain three houses on a corporal’s pay. [*Desk thumping*] It is simple mathematics. So once you see a corporal and a constable driving these big cars and maintaining three and four families living this lifestyle—does anybody check on these things? Is there no internal security? What is the Minister of National Security doing?

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There are serious corrupt forces in the police service that are corrupting the whole service and if this is the situation with our police, what about us the defenseless citizens? I do not have any gun to defend myself and my children as a single mother living with my children. What am I supposed to do? Run from this country, the land of my birth?

Over the last few years, we have been warning this administration that the criminal justice system is decaying. We have said that many times here and I remember saying in this Senate that it is going to reach a stage where judge, magistrate and police are going to be in danger and it has come to pass. The Director of Public Prosecutions (DPP) has said it and admitted it, eminent judges have admitted that the criminal justice system is no longer functioning in this country. So what are you telling me about 555 and 999 and all that?

Madam President, we only have to look at what is happening in the prisons to understand what is happening here and this is why this so-called Bail (Amdt.) Bill is so ludicrous, because what you are witnessing in the prisons of Trinidad and Tobago is the same thing that is taking place in the prisons of all the narco states in Latin America and Colombia, it is the same phenomenon taking place there, taking place here; that prisoners are taking over the prisons.

In those Latin American countries, it is the rival prison gangs who run the prison. There are no two ways about it. If you look at the documentaries, you would see that the rival gangs who are in prison run the prison from inside and their gangs from outside. That is what is happening in the Latin American countries and that is exactly what has started to happen here because of the total penetration of the corrupted influence of billions of dollars passing through this system with impunity.

So when you reach the point where the drug trade with all the violence and corruption deeply penetrating all the institutions; the prisons, police service, and the political directorate, bail is no longer an issue. Criminals do not have to be physically outside the prison to run their gangs and trade and to transport their guns and order hits and murder people. Does the Minister of National Security recognize that? This Bail Bill would have been relevant 10 years ago when people were afraid of police, when the prisons were under the control of the prison officers, when prisoners did not have cellular phones, when they did not have the kind of connections and guns in there, and when they did not have all the drugs they can get in there. They have their CEOs outside running their business when they are inside you know.

Long before a certain criminal came out of jail recently, somebody said to me: “He coming out of jail just now.” He is in jail for a couple murders well, so I said: “Why do you say that, why do you think he is coming out of jail just now?” The person said: “None of those witnesses are going to testify against him and he is going to come out.” That person told me that about a month before it actually happened and the witnesses apparently flew out of the country and he walked free. This is what is happening in this country. You do not have to be outside; you do not have to have bail to do anything you want to do as a criminal gang leader in this country. Everybody is operating normal from inside. They operate like a business. They have their CEOs, they have their hierarchy, people who come to check them, who take their orders and order the hits; and women are in the front line of this.

Madam President, we have seen a woman gunned down outside the Golden Grove Prison a few months ago. She was the mother of one of the prisoners in jail. She went to visit her son and was gunned down right there because somebody put a hit on her to show him that they mean business. This is what we do to your mother, and then there was a grandmother who was recently killed and reportedly the hit came from inside the jail. So as long as there are corrupt prison officers, the corruption of the system, as long as you have the drug trade and money laundering going on, you cannot get rid of these phenomena. They will become endemic and penetrate more and more in the society until we literally do not know who to trust. You would not be able to trust the person sitting next to you in a society like this, because you do not know who will report your words, and what you are doing and so forth.

So the whole rationale for this Bail Bill is long past because the rationale for not giving accused persons bail was to separate them from the society, from their organizations and punish them. If you are not separating and punishing them and they are continuing their activities as normal, what is the point of this? It has absolutely no value. It is not worth the paper on which it is written and they are not fooling anybody; everybody knows that, including the Minister of National Security.

This is just a mamaguy; this is a front to make people feel that they are doing something about crime. They are doing nothing; they are not cleaning up the police service and the prison service, everybody taking what they have to take, going their own merry way smiling all the way to the bank and you come to waste my time this evening and all these Senators time to say you want 90 days because you made a deal with a “corpse” to come back and prove what? What are the statistics? What steps have you taken to eradicate this scourge in our society?

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Madam President, this Government is wasting our time. So we are saying this evening that the Minister of National Security is absolutely off the mark with this Bill; he is about 10 years behind time. He has no solutions to crime and to the fundamental causes of crime in this country and the reason is that they have partnered with the criminals and that is fundamental to the whole process here.

So the only way we will handle this problem as a civilized society is when an alternative Government takes the reins of power and brings this country back to the path of development, freedom and progress. [*Desk thumping*] This administration is totally incapable of doing that. It has embroiled itself with the most corrupt and criminal elements of this country in order to steal a general election and we are paying the price. We and the young children of this country are paying the price.

Do you know what is happening to those young children in our communities? They are being recruited by the drug barons and when they go in jail and they are not given bail, they send for their friends in the community. Tell so and so to come and he will come and say that he gives them so much thousands of dollars to do so, so, so. So what is the point of all this no bail and putting them behind bars and this and the other? They recruit the younger ones who are 11, 12 and 13 years to do the job that they would have done themselves if they were outside, totally corrupting the country from the root.

Madam President, did you see the case of a 12-year-old child who was charged for murder in this country? This is what we have come to under this administration because they are partnering with criminal elements in the society and this is why mothers have to hold their heads and bawl. I was so sorry when I saw that grandmother last night on television. She held her head and bawled saying all she had left were pictures of her grandson who was stabbed.

Young boys are stabbing and killing each other because of the climate of violence, guns and corruption which emanates from the top. It starts from the top and the partners they choose. They did not choose the NGOs to partner with, they chose those people so that is why to cover up all that they now have to bring this so-called Bail (Amdt.) Bill and have the entire country in uproar. Pass the Bail Bill (Amdt.), it will help us, it will do this, it will do that. All the misinformation! It is not going to help anybody; the criminals are free to continue their work outside or behind bars and everybody knows that. The Minister of National Security knows that and they are just filibustering and frustrating their expectations. People want to feel safe and secure so they will grab at any straw, anything they feel would help.



Madam President, we are here to tell them do not let this Government undermine and take away their fundamental rights and freedom for these spurious reasons which have no basis and no grounding in reality. We are warning the population that we are here, and it may look like we do not want to cooperate with the Government, and we have our own agenda and so forth. It has nothing to do with that and everything to do with the fact that we have to guard and guarantee the Constitution of this country with our lives because every Monday morning another constitutional right is being taken away by this administration and we have to guard against that because one of these days, if we do not, we would get up one morning and cannot open our mouths.

The Anti-Terrorism Act has been passed already and that will be used with good effect if they stay there to muzzle the people of this country. So we are not going to stand here and very easily roll over like those in the Lower House who are put there—the “B side” of the PNM. We are no “B side” of the PNM here. [Desk thumping] We are the serious, relevant, official Opposition of this country. We are no PNM “B side”. We are not the “right wing” of the PNM. We are here to guard the constitutional provisions and the rights of the people of this country and that is what we are doing.

We are telling the people of this country do not let them get you flustered, do not let them befuddle your brain, this has nothing to do with national security, it has nothing to do with advancing security or keeping criminals off the streets and if you really want to keep criminals off the streets, Madam President, I have outlined the measures. Clean up your act, stop partnering with criminal elements, clean up the police service and these are the things that will really bring peace and security to the people of this country.

Thank you, Madam President.

**Sen. Mary King:** Madam President, I know the hour is late and the Attorney General said that it is nearly Christmas Eve so I will be short. It may not be too sweet, but I will be certainly short. I also, like some of my colleagues, wrangle with the utility factor of this amendment. Is it going to have any real results or not? We are not here to frustrate the Government's legislative agenda, but to assist in getting the best Act we possibly can get. We are here to help each other do our work and we all have different aspects of our democratic system to support. I hope all of us here are in the business of building a country and strengthening our laws so that we can end up with a strong democracy. That is our purpose whether we are elected or nominated to the Senate. The Constitution does not differentiate between a Member of Parliament, so I do not think we should allow those who try to frustrate us in our work to do so.

*Bail (Amdt.) Bill*  
[SEN. KING]

*Wednesday, December 20, 2006*

The first item I would like to mention is the obvious lack of planning in getting this Bill to the House in an appropriate time frame. Madam President, the pillars of democracy require an independent Executive and Legislature. The fact that we in Trinidad and Tobago have no real distinction between the two appears to be catching up with the Government as it seems to be very tardy in getting much of the work done, and getting what appears to us—Bills are coming too often just before the deadline or just when we need an amendment and that really is not very good planning. It has happened three times in the very recent past, one with the Regional Corporations amendment extension, the World Cup Cricket and now today the Bail (Amdt.) Bill, so I think we really need some better planning from both ends; the Executive and Legislative planning process.

Madam President, the Constitution is the superior law of this land and the strengthening of our democracy is a very serious task before all of us and from this point of view I would like to support my colleagues who have already talked about the workings of the joint select committees.

These committees are established under the Constitution to ensure accountability and transparency, and to let the public know that their Government is working in their interest, yet somehow we get the feeling that when something is being aired before a joint select committee that may irritate the Government, then they are suddenly hustling to try to constrain the work of the committees either by the quorum or just not turning up for meetings.

I think the attack on the joint select committees, through trying to ensure that the quorum is raised to seven instead of three, will certainly not work in the interest of building a democratic State, and if we are building our system based on the British Westminster model, they are very clear in the setting up of their committees, and in their Standing Orders, the quorum of their committees is three or one quarter of the total Members of that committee. So I do not see why we are trying to outdo the Westminster system. How come it works for some things, but is not going to be allowed to work for others?

Madam President, we have a long list of Bills which have been due to be brought before us for at least two years, I think one or two are over the two years by now and the list includes the DNA, the Breathalyser and the Criminal Compensation. We have already passed the police Bills package and it is still not clear to me why these Acts have not been proclaimed. One excuse we are getting is that we need to bring the Regulations, but we have many other Acts in

operation without Regulations and there is another suggestion that we may have to change the Constitution again and bring another amendment to it. What kind of planning is this really? Why did we not foresee all these things when we were bringing the package of these Bills? [*Desk thumping*]

Madam President, it is not that we do not know we can also bring the Regulations with the Bill because we have been told today that we are bringing the Criminal Compensation for Injuries Bill and also the Regulations with it, so it is not that we cannot do it, it is simply that we are tardy and taking our time and the justice system, maybe, is not too important. I think we really need to get our act together if we are going to have an efficient Parliament getting the Bills through and getting them proclaimed in a timely manner. So perhaps the tardiness does bring us back to the fact that this Government cannot seem to be both the Executive, and also the overlaps we have in the Legislature, there maybe needs to be a proper distinction.

Madam President, we ought to be about ensuring that all our systems are working and that is what I think we want to happen. That is what we are here for so I do not think we should be delinking one aspect of our democracy from another aspect. The scrutiny of the Executive ensures accountability and transparency and, therefore, I would like to support my colleagues who have called for the proper functioning of joint select committees with a fixed quorum that is workable and practical because what is being suggested is certainly not workable and is not practical.

Also, one of my colleagues has asked that we ensure that the section in our Standing Orders which has to do with the Minister's comments, the Minister's Report on the reports of joint select committees should be really instituted. I believe there was only one Minister who came within the deadline of 60 days and who had a proper comment on the report. So if we are really trying to strengthen our justice system and democracy, let us do it all the way. That is all we are asking, and we did have a commitment—and Sen. Dr. Mc Kenzie has already alluded to it—that this issue of a quorum would be taken to the highest powers. We have heard nothing about it and we are hoping that we would hear something about it today as the issue has again been aired.

Thank you very much, Madam President.

**The Attorney General (Sen. The Hon. John Jeremie, S.C.):** Madam President, the contributions this evening have been wide and varied. I propose however, at this late hour to restrict myself—without meaning any insult to my good friends Sen. Mark, Sen. Dr. Gopeesingh and, of course, Sen. Dr. Kernahan—I am going to restrict my comments to some of the more substantial contributions which were made and by substantial I mean both in terms of time and the challenge which confronts the Senate this evening.

I think the Minister of National Security dealt with Sen. Mark adequately so I shall leave everything he said alone with one exception. He did raise the question of a Solicitor General in the Office of the Attorney General. That is not relevant to the Bail (Amdt.) Bill which is before us this evening, but I just thought, out of deference and respect to him, that I ought to provide him with an answer to that.

**9.00 p.m.**

Two years ago the Solicitor General at the time, Lynette Stephenson, left to take up higher office as the Ombudsman of Trinidad and Tobago. The task of filling the post of the Solicitor General, as a former Minister of Public Administration ought to know, is not that of the Executive; it is that of the Judicial and Legal Service Commission. In my view, they have advertised. There was someone acting in the post. That person had been seriously ill for one year now. He is someone who has certain health issues and he has been seriously ill for one year now, so that, really, the post had been vacant for one year, because someone was acting in the post.

I keep doing my part because, as you know, the Constitution has enshrined Service Commissions as independent bodies and done so for good reason. I keep doing my part to impress upon the Judicial and Legal Service Commission that a Solicitor General ought to be appointed. One has not yet been appointed, but I can assure you that the department has not—rumours to the contrary—ceased to exist. There are assistant solicitor generals; there is a deputy solicitor general and the work of the department continues. So the Attorney General continues to be advised by the Solicitor General's department.

A few years ago, coincidentally, seeing the need for transformation in the Ministry, I set up a process review team and that team is now headed by an individual who has sufficient years of call—I have heard you on your Monday night platform saying that these are junior officers. This is the Parliament of the Republic of Trinidad and Tobago. But that individual has sufficient years of call to be a judge of the Court of Appeal. He is the head of the process review team.

He provides advice to the Attorney General on fast-tracking matters and the services of that team have been invaluable to the work of the Office of the Attorney General and I think that you all have done the public servants who serve in that department a disservice on your Monday night platforms—

**Sen. Mark:** I did not know you used to listen to our Monday night meetings.

**Sen. The Hon. J. Jeremie, S.C.:** As a citizen I listen to the Monday night meetings.

In respect of Sen. Mungalsingh, all that I propose to say to him who said tonight that he was sent by God to educate the Attorney General, is that I have a deep faith and a belief in my God and he has not told me that you were sent here for that purpose. As a matter of fact, I prefer not to listen to you, because some of the words that I hear from your mouth are not consistent with some of the words which I would hear from my God. He also says to me that I should not use his name in vain and I think that you have done some of that this afternoon.

In respect of Sen. Prof. Deosaran who made a very lengthy contribution today—and I wish to take some time dealing with the points that he made—he said, first of all, that we did not submit our Bills to the office of the Leader of the Opposition. I think he suggested that the Bills were misdirected. But in full candour, that is not true. We did submit our Bills. There was an Opposition; we did submit our draft bills—

**Sen. Mark:** There is an Opposition.

**Sen. The Hon. J. Jeremie, S.C.:** There is a Leader of the Opposition. We did submit our draft Bills to the Leader of the Opposition. In full candour I say that, but there was human error and I admit that. It was not on the part of the Opposition; it was on our part, because we saw that there was disarray and we felt that it was difficult to find a partner to advance meaningful discussions with. The Member for St. Augustine had been a part of the negotiation team—the crime talks—and we were given to understand that certain material which went to the Leader of the Opposition did not find its way to the—there are some difficulties there which I prefer not to get into. But in any event, we felt that we did not have a partner for meaningful discussions. So there was human error and we take responsibility for that. I apologize for that and I gave the background in the Lower House.

The Bills are now before us. All of them in one form or the other have been laid—one is before a joint select committee—with the exception of the Equal Opportunity Bill. I gave a commitment with respect to that piece of legislation in the other place and I expanded on it this afternoon.

*Bail (Amdt.) Bill*  
[SEN. THE HON. J. JEREMIE, S.C.]

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Sen. Prof. Deosaran spoke to hodge-podge agreements—and I am using my own terminology. He said why did we give an undertaking with respect to that when we have not heard from the Privy Council as yet. I have heard what Sen. Dr. Mc Kenzie has said; what Sen. Prof. Ramchand said, to a certain extent, and it was echoed again in your contribution with respect to the way in which Independent Senators, as a block, are not dealt with. I think the reason is that Independent Senators are not a block. You are Independent. You are one on one. When I need to speak to Independent Senators—and I do at times and I did quite recently—I try to speak to each and every single one of you, because you are not a block and it is difficult for us in the same way as it is possible for us to negotiate with an Opposition, to negotiate with the Independent Senators one on one. It is impossible.

We did not make a pact with COP. We made a pact in the House of Representatives with elected Members of that House who were interested in seeing this Bill continue in force for a period of time. Sen. Seetahal, S.C. has pointed—before I do that, let me treat with your concerns first. The second point you raised, and it is a valid point, as all your points were, that is to say: How do we balance the rights of the individual against the rights of the many? We felt when we came last year that we were in a moment of real crisis and I think selective comments and remarks which I made then were repeated again tonight. But we felt that this Bill was one which required constitutional support because the Constitution contemplates exceptional circumstances and contemplates that in those exceptional circumstances a greater degree of unanimity of purpose would be required for passage of legislation.

So it is not that the rights guaranteed by the Constitution are absolute rights. The rights which are there can be taken away or can be suspended for a period of time, subject to us following due process and subject to, of course, the built-in constitutional guarantees. So that we felt then, as we do now, that this enactment was necessary to protect the rights of the many and as a serious Government we brought the argument to the Opposition. The Opposition accepted the argument then and subject to us protecting the civil liberties, they were the ones who insisted on a 60-day period, which Sen. Seetahal S.C. criticized; they were the ones who insisted on that and we had to live with it. It was not exactly what we wanted. So that is how we sought to balance the rights of the many with the rights of the individual.

You spoke about problems with the police service. I think the Minister of National Security has indicated that the Ministry of National Security is working assiduously on those matters. You spoke also to evidence and statistics, but how

else can we demonstrate to the people of Trinidad and Tobago that kidnapping for ransom has gone down? We cannot rely on the Members in front there to do the job, because they will tell us their job is to point to Trinidad and Tobago 20 years ago and say: “Remember that? This Government is the cause of all your misfortunes.” We have to point to those sta—sta—tistics.

**Hon. Senators:** Statistics.

**Sen. The Hon. J. Jeremie, S.C.:** Statistics. I am tired. It is not something which would afflict me at 4.00 o'clock in the afternoon. We have to point to those numbers. What the numbers tell us without any ambiguity is that last year, in 2005, there were 52 kidnappings for ransom in Trinidad and Tobago. This year the figures tell us that there were 18 kidnappings for ransom. That is a 75 per cent reduction. That reduction has occurred at a time when—colleagues, please.

**Sen. Mark:** I agree with you. [*Desk thumping*] Since you start, they talking.

**Sen. The Hon. J. Jeremie, S.C.:** That reduction has occurred at a time when this Bail Act, with all of its flaws, has been in place and we say that the Act has been a lever, a deterrent. We cannot tell you how many people were deterred from kidnapping, but we can say that the Act has been in force for a year; that there have been 18 kidnappings for ransom during that period of time and that there were 52 in the corresponding period in the year before when there was no Act.

So the fact is that kidnappings for ransom have gone down. The law has been in place for that period of time. Sen. Prof. Deosaran pointed to the statistics in respect of murder, but I say that murder stands *sui generis*, by itself—and I said that without fumbling so I am not that tired.

My point is that—and I am not the Minister of National Security but I think that persons who set out to commit homicide do not worry about being incarcerated for a period of time. In their matrix they are a different species of individuals from those who engage in the business of kidnapping for ransom. To support, what I say is that although there were 18 kidnappings this year for ransom, there was only one homicide taking place in respect of those 18. So that there was one homicide committed in respect of those 18 kidnappings for ransom. Those are the figures which have been given by the Ministry of National Security.

You described me not to be a politician but to be an academic serving in political office. I am just trying to see what Sen. Mark described me as. He described me as a political neophyte. I am not good at making political pacts but what I can say is that we made an agreement with elected persons in the other

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place; that agreement was necessary and it is before this Senate for us to carry it forward for a further 90 days, at the end of which time we would have laid, as the Opposition—I had to think of how to describe them. But the Opposition wanted us to lay the Equal Opportunity Bill. We would have laid that Bill within that 90 days. So that we would come back within that 90 days and we would ask this Senate to cure the defects which Sen. Seetahal, S.C. pointed out existed last year in this Act, which exist this year in this Act, but which will exist, I promise you, for only three more months. We have lived with it for 12 months.

Last year Sen. Seetahal, S.C. asked why we could not make these obvious changes to the schedules. The answer was that there was a pact with the Opposition and when we tried in the Lower House to make the change, because we realize—the Member for Pointe-a-Pierre pointed out that: “You had missed this.” When she pointed that out we tried to make the change but it was not accepted by the main Opposition, as it was then.

**Sen. Dr. Gopeesingh:** There is one Opposition.

**Sen. The Hon. J. Jeremie, S.C.:** There is one Opposition. With respect to the joint select committee, this is a point which both Sen. Prof. Deosaran and Sen. King have made. I have no authority to touch on the commitment made by Sen. Yuille-Williams but I will say, with respect to the ministries and their reporting, I will investigate the matter which you raised here on the floor of the Senate this afternoon. As to ministries not reporting back within the appropriate time, I will endeavour to rectify that situation. I will point out, however, that the Ministry of Education complied and also the Law Reform Commission in the office of the Attorney General complied with the request. [*Desk thumping*]

Sen. Prof. Deosaran also spoke about the issue of the collapse of the system of criminal justice and he spoke here about “dangerous waters”. He also recognized my position as Attorney General. Now, I have kept silent on this matter while others have spoken. So that you have had comments from two high court judges; you have had comments from the Director of Public Prosecutions. I have kept my silence and I will do so now for the time being, but a time will come when I, too, will speak on what is going on with the criminal justice system in this country. [*Desk thumping*]

**Sen. Seetahal, S.C.:** Is that a threat?

**Sen. The Hon. J. Jeremie, S.C.:** It is not a threat; it is a promise to the nation to be open and transparent and to discharge my duty without fear or favour. [*Desk thumping*]



Sen. Mark, in his usual trivial way said that the Attorney General had promised all of these Bills to deal with the system of criminal justice and he pointed to, I think, the births and deaths register and matters which really fell—

**Sen. Dr. Mc Kenzie:** Vital Statistics.

**Sen. The Hon. J. Jeremie, S.C.:** The Vital Statistics Bill, which really falls within the purview of the Ministry of Legal Affairs and do not impact on the system of the administration of justice. But these are the measures which impact on the system of criminal justice which this administration has enacted, not in 2006 because we saw the problem coming in 2005.

We enacted the Offences Against the Person (Amdt.) (Harassment) Act on June 23, 2005; we enacted the Summary Courts (Amdt.) Act; the Criminal Procedure (Amdt.) Act. We brought in paper committals; the Administration of Justice (Miscellaneous Provisions) Act. That Act dealt with 12 different pieces of legislation, from the Forgery Act to the Dishonoured Cheques Act. We dealt with Corporal Punishment (Offenders Over Eighteen) (Amdt.) Act; we dealt with the Indictable Offences (Preliminary Enquiry) Act; we dealt with the Anti-Terrorism Act; we dealt with the Bail (Amdt.) Act; the Supreme Court of Judicature (Amdt.) Act to increase the number of puisne judges and there is one coming again, and we dealt with the Family Proceedings (Amdt.) Act, which might not directly affect the system of criminal justice but I dare say is more relevant than the Vital Statistics Act to the system of criminal justice. So that is what we have been doing in relation to criminal justice.

Sen. Dr. Gopeesingh asked a question on—before I get to Sen. Dr. Gopeesingh, let me speak to Sen. Prof. Ramchand. Sen. Prof. Ramchand said that when he made his contribution last year he said with this Act we would not see the effects in one year and why not two years. I think that was his comment. That was our position as a Government when we went into discussions but, again, the Government has a constraint. We do not have a constitutional majority. So we sat with the Opposition and we discussed with them and they gave us one year. We took one year because one year was better than nothing, and we have worked with one year and in that year, whether it is by God smiling on us or by the legislation working, or by the legislation and other things that the Minister has done, working, we have managed to move kidnapping for ransom from 52 to 18. Those figures are there; they cannot be disputed. So that takes care of that particular comment.

Sen. Prof. Ramchand also pointed to flaws in the Bill which Sen. Seetahal, S.C. had pointed to last year and which again she has pointed to this year. I admit that there are flaws in the Bill and that we will deal with those if this Senate allows us to carry the Bill for three more months. We will deal with those flaws in that time. You raised, as well, the issue of drug trafficking and kidnapping occasioning bodily harm.

**Sen. Prof. Ramchand:** Negotiating for ransom.

**Sen. The Hon. J. Jeremie, S.C.:** Those are matters that I undertake to look at in good faith. There are difficulties with the Bail Act and there is a Privy Council decision dealing with the right to bail and the section in the Constitution which allows a single judge to invalidate legislation, notwithstanding unanimity on all sides. So that is a matter which we will look at. I undertake to look at that matter.

With respect to the land use issue, that is on a higher pay scale than me and I can give no undertaking with respect to that. I did say—and Sen. Dr. Gopeesingh did say—that there were no statistics provided with the Bill.

I turn now to Sen. Dr. Gopeesingh. He said there were no statistics provided by the Minister of National Security to justify bringing the Bill. How has the Bill actually worked beyond simply saying that we have the facts that we moved from 52 to 18? The Minister has shown me a document prepared by the anti-kidnapping unit in respect of which this year it shows that of the 18 kidnappings, the Bill has been used in seven instances and in respect of 19 accused persons. Two matters have been actually dealt with and dismissed for various reasons, but the Bill has been used in seven out of the 19 cases, which is more than one-third of the cases. I did say in the other place that it was used in respect of only two persons, so I was wrong. It is actually seven kidnappings in respect of which you had 19 accused persons.

Now I think, Madam President, that is as much as—I am looking to see whether there is anything else. Sen. Seetahal, S.C. raised a point which deals with her being able to find a team of lawyers and magically prepare legislation in three months' time.

**Sen. Seetahal, S.C.:** That was rude.

**Sen. The Hon. J. Jeremie, S.C.:** I am a lawyer; I am allowed to embellish, even at this late hour—to prepare legislation in three months' time. That is not the case. I have in my department trained parliamentary counsel and I caution her—because she is my friend—that lawyers are not parliamentary counsel. The

Attorney General, in their dispensation, made that error. What he thought was that any lawyer could draft legislation so that he refused to train any parliamentary counsel. None of them were sent to Cave Hill to do the legislative drafting course. Legislative drafting is a specialized skill. I cannot do it; Sen. Seetahal, S.C. cannot do it—

**Sen. Seetahal, S.C.:** I cannot do it? [*Laughter*]

**Sen. The Hon. J. Jeremie, S.C.:** She cannot do it; my friend, Sen. Kangaloo cannot do it—

**Sen. Seetahal, S.C.:** I taught the course.

**Sen. The Hon. J. Jeremi, S.C.:** She might teach the course. I taught criminal law and I cannot practise it. So it is a specialized skill and there is a department which is one of the better run departments in the Ministry, and the fact that it has taken them so long to come up with a DNA package is no fault of the department. Mr. Harripaul and Miss Salick who sit in the back there, are trained. Mr. Harripaul is one of my crack shots in legislative drafting. [*Desk thumping*]

**9.30 p.m.**

He and Miss Salick are here at any time of the night. She is a young mother who has to travel great distances to go home. They are loyal staff and they work hard. The fact that the DNA legislation took this long to come is no fault of theirs. It was a collaborative effort between the Ministry of National Security and the Chief Parliamentary Counsel. It involved agonizing work. They had to throw out one piece of legislation and create another piece virtually from scratch and one which would not require any regulations to work. All the forms are inside it. If we pass it, it would begin to work from day one.

This has to deal with the Special Anti-Crime Unit (SAUTT). In this country for years, we have had joint army and police patrols structured in a particular way with police officers functioning according to their rules with respect to their chain of command and the army functioning with a different chain of command and responsibility, to provide specific responsibilities to their police counterparts.

It has been a task force arrangement. It is an ad hoc arrangement. It is not illegal. While in Government I have had the fortune to travel to the United Kingdom and that authority has praised the efficacy of the unit. I am given to understand from the Minister of National Security that he would be taking steps in the very near future to institutionalize the unit. That is not to legitimize it because it is already a legitimate unit.

With these few words I beg to move.

*Bail (Amdt.) Bill*

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*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole Senate.*

*Senate in committee.*

*Clauses 1 and 2 ordered to stand part of the Bill.*

*Clause 3.*

*Question proposed, That clause 3 stand part of the Bill.*

**Sen. Mark:** In the next fifteen months.

**Sen. Jeremie, S.C.:** We have deleted the words “two years” appearing in line 2 to substitute the words “fifteen months”.

**Sen. Mark:** Could the Attorney General give us a specific time frame for the tabling of the Equal Opportunity legislation?

**Sen. Jeremie, S.C.:** In the other place we said within 90 days. I expect it would be sooner than that. That has nothing to do with the clause. You are not giving us support here. Are you giving us support here?

**Sen. Mark:** No.

**Sen. Jeremie, S.C.:** So why are you asking?

**Sen. Mark:** The Attorney General has been in very good spirits and we know that he is tired. He works very hard. We want him to share briefly with us as it relates to the implementation of the Police Service Reform package, when would the various pieces of legislation be proclaimed, finally? I know that you said earlier through the Minister of National Security that the regulations are about to be completed.

**Sen. Jeremie, S.C.:** It is not directly before us, but the Ministry of National Security has completed its exercise with respect to the regulations and we are ready to go. Very early in the new year.

*Question put and agreed to.*

*Clause 3 ordered to stand part of the Bill.*

*Preamble ordered to stand part of the Bill.*

*Question put and agreed to, That the Bill be reported to the Senate.*

*Bail (Amdt.) Bill*

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*Senate resumed.*

*Bill reported, without amendment.*

*Question put, That the Bill be now read the third time.*

The Senate divided: Ayes 24 Noes 6

AYES

Saith, Hon. Dr. L.

Yuille-Williams, Hon. J.

Jeremie, Hon. J.

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Piggott, Hon. A.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Titus, R.

Abdul-Hamid, Hon. M.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Hackshaw-Marslin, Mrs. J.

Mc Kenzie, Dr. E.

Ramchand, Prof. K.

Deosaran, Prof. R.

King, Mrs. M.

Seetahal, Miss D.

Anmolsingh-Mahabir, Mrs. P.

Khan, Bro. N.

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Ali, B.

Cropper, Mrs. A.

NOES

Mark, W.

Gopeesingh, Dr. T.

Kernahan, Dr. J.

Ahmed, Mrs. R.

Mungalsingh, H. P.

Sammy, A.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

#### ADJOURNMENT

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Madam President, before I move the Adjournment, I thank hon. Senators for responding on very short notice to our request to come to this sitting. I am pleased to see our female Senators could find a new red outfit for our sitting. [*Laughter*] I would not put you through another sitting before Christmas.

**Madam President:** I hope not. I do not have another red outfit.

**Sen. The Hon. Dr. L. Saith:** I want to convey that. In the end it shows that our commitment to the country transcends our inconvenience and difficulty. [*Desk thumping*]

May I wish all Senators, members of staff and you, Madam President, a Merry Christmas. [*Interruption*] My colleague said an uninterrupted Christmas and of course, a very prosperous New Year.

I beg to move that the Senate be now adjourned to a date to be fixed. May I indicate that when that date is fixed, we would debate the Home Mortgage Bank (Amdt.) Bill and the Bill to validate the collection of certain fees received under the Companies Act, Chap. 81.01.

**Madam President:** Hon. Senators, before we take the Adjournment, you would remember last week that Sen. Mark informed us about the death of his

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mother. I have some information about the funeral service which would be held on Friday 22<sup>nd</sup> December at the Woodbrook Pentecostal Church, Gallus Street, Woodbrook, at 9.30 a.m. After that the body would be cremated at the St. James Cinerary at 12 noon. Then, there would be a reception at the corner of Baden-Powell and Cornelio Streets, at 1.30 p.m.

Hon. Senators, let me join once more, hopefully, the last time before Christmas to say Merry Christmas and I wish you a happy and peaceful season. Does anybody want to say anything? I say it for all of you.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 9.45 p.m.*