

*Acting Appointment**Tuesday April 12, 2011***SENATE***Tuesday, April 12, 2011*

The Senate met at 1.30 p.m.

**PRAYERS**[MR. PRESIDENT *in the Chair*]**PRESIDENT OF THE SENATE  
(ACTING APPOINTMENT)**

**Madam Vice-President:** Hon. Senators, I wish to inform you that the President of the Senate, Sen. The Hon. Timothy Hamel-Smith, is currently acting as President of the Republic of Trinidad and Tobago.

**LEAVE OF ABSENCE**

**Madam Vice-President:** Hon. Senators, I have granted leave of absence to Sen. The Hon. Mary King and Sen. Subhas Ramkhelawan, who are both out of the country.

**SENATORS' APPOINTMENT**

**Madam Vice-President:** Hon. Senators, I have received the following correspondence from His Excellency the Acting President, Sen. The Hon. Timothy Hamel-Smith:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency TIMOTHY HAMEL-SMITH,  
Acting President and Commander-in-Chief  
of the Armed Forces of the Republic of  
Trinidad and Tobago.

/s/ T. Hamel-Smith  
Acting President.

TO: MR. RABINDRA MOONAN

WHEREAS THE President of the Senate has temporarily vacated his office of Senator to act as President of the Republic of Trinidad and Tobago:

And WHEREAS the Vice-President of the Senate is acting President of the Senate:

NOW, THEREFORE, I, TIMOTHY HAMEL-SMITH, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 40(2)(a) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, RABINDRA MOONAN, to be

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temporarily a member of the Senate, with effect from 11<sup>th</sup> April, 2011 and continuing during the period that Senator Timothy Hamel-Smith has temporarily vacated his office as Senator.

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 11<sup>th</sup> day of April, 2011."

"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 Armed Forces of  
the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: ARCHBISHOP BARBARA BURKE

WHEREAS Senator Mary Kathleen King is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, BARBARA BURKE, to be temporarily a member of the Senate, with effect from 12<sup>th</sup> April, 2011 and continuing during the absence from Trinidad and Tobago of the said Senator King.

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 8<sup>th</sup> day of April, 2011."

"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. PARVATEE ANMOLSINGH-MAHABIR

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

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, PARVATEE ANMOLSINGH-MAHABIR, to be temporarily a member of the Senate, with effect from 12<sup>th</sup> April, 2011 and continuing during the absence from Trinidad and Tobago of the said Senator Subhas Ramkhelawan.

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 8<sup>th</sup> day of April, 2011."

#### OATH OF ALLEGIANCE

*The following Senators took and subscribed the Oath of Allegiance as required by law:*

*Rabindra Moonan, Barbara Burke and Parvatee Anmolsingh-Mahabir.*

#### PAPERS LAID

1. Defence (Pensions, Terminal and Other Grants) (Amdt.) Regulations, 2011. [*The Minister of National Security (Sen. The Hon. Brig. John Sandy)*]
2. Assisted Secondary School Teachers' Pensions (Amdt.) Regulations, 2011. [*The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday)*]
3. Teachers' Pensions (Amdt.) Regulations, 2011. [*Sen. The Hon. S. Panday*]

#### ORAL ANSWERS TO QUESTIONS

**The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday):** Madam Vice-President, I wish to make the observation that questions 41—43 border on violation of the Standing Orders. Question No. 41(b) violates Standing Orders 17(g)(2), and No. 41(c) violates Standing Order 17(b). Also, question No. 42 violates Standing Order 17(1)(b).

I know Sen. Hinds well enough, and I will not cast any aspersions, but these questions are really mischievous and they almost border on violating the Standing Orders. This Government has nothing to hide, so despite the fact that these questions border on violation of the Standing Orders, we shall answer them.

**Sen. Hinds:** Border!

**Madam Vice-President:** In light of statements by the Leader of Government Business, I will now ask that Senators ask the questions.

**Sen. Hinds:** Thank you very warmly, Madam Vice-President, given that they border on; apparently they did not cross the board.

**Prime Minister's Official Residence/Diplomatic Centre  
(Security Agency Responsible for)**

**41. Sen. Fitzgerald Hinds** asked the hon. Prime Minister:

- (a) Would the Prime Minister indicate which agency/entity is responsible for the security at the Prime Minister's official residence and Diplomatic Centre at St. Ann's?
- (b) Could the Prime Minister indicate who now heads the Security Unit at the said residence and Diplomatic Centre?
- (c) Could the Prime Minister further indicate whether the person at (b) recommended or ordered the removal of cameras from certain parts of the residence and Diplomatic Centre?

**The Minister of State in the Office of the Prime Minister (Hon. Collin Partap):** Madam Vice-President, I wish to inform the hon. Members of the Senate that the Executive Security Service (ESS) of the Office of the Prime Minister, officers of the defence force and Officers of the Special Branch of Trinidad and Tobago Police Service are responsible for security at the Prime Minister's residence and the Diplomatic Centre at St. Ann's.

At present, the position of Director of Security of the ESS, Office of the Prime Minister, is vacant; however, the day-to-day operations of the ESS are managed by Mr. Anthony Snaggs, Manager of Operations.

I wish to further inform hon. Senators that Mr. Anthony Snaggs neither recommended nor ordered the removal of cameras from any part of the Diplomatic Centre or the Prime Minister's residence. There have been changes which have led to the strengthening of security practices of the residence to provide enhanced security coverage.

**Sen. Panday:** Mischievous!

**Sen. Hinds:** Madam Vice-President, before I ask my supplemental, my friend is shouting that it is mischievous. He is casting aspersions on this Chair, which, as you know, has a duty to vet questions before they appear for answer in the Senate. [*Desk thumping*] So he is actually casting aspersions on this hon. Chair, and I take umbrage to that. [*Interruption*]

**Sen. Panday:** I said you bordered!

**Sen. Hinds:** I see. You border on the ridiculous. Notwithstanding, let me ask my friend a supplemental: Help us; what does ESS mean?

**Hon. C. Partap:** Madam Vice-President, as I said earlier, the Executive Security Service (ESS). If he had listened earlier, he would have heard it.

**Sen. Ramlogan:** Quite true; quite true! [*Desk thumping*]

**1.45 p.m.**

**Sen. Hinds:** Further supplemental, Madam Vice-President, since the hon. Minister indicated that the head—you called the name, what is the name of the individual, you called the name a while ago—anyway, since the person identified by the hon. Minister, according to him, did not order or recommend the removal of the cameras from certain parts of the residence, I would like to know from the hon. Minister who did.

**Hon. C. Partap:** Madam Vice-President, obviously my friend does not listen at all to anything, but he presupposes that cameras were removed, and as such, if he wants to pose another question, do it in writing and send it through the normal channels.

**Sen. Hinds:** Thank you very much, Madam Vice-President. One day we will find out, one day.

**Madam Vice-President:** Any supplemental?

**Sen. Hinds:** No, no.

**Madam Vice-President:** So can you proceed to question 42 please?

**Sen. Hinds:** Thank you very warmly, Madam Vice-President.

**Prime Minister's Advisor on Events  
(Role and Function of Person)**

**42. Sen. Fitzgerald Hinds** asked the hon. Prime Minister:

- (a) Would the Prime Minister state who is her Advisor on Events and explain and/or indicate the role and functions of that person; and
- (b) Would the prime Minister further explain what special duties does this officeholder perform that could not be done by the protocol officers and event-planners in her Ministry and/or other Government Ministries?

**The Minister of State in the Office of the Prime Minister (Hon. Collin Partap):** Madam Vice-President, I wish to inform the hon. Members of the Senate that there is no position of Advisor on Events at the Office of the Prime Minister. That is the answer to part (a). As such, part (b) of the question is not applicable.

**Madam Vice-President:** Any supplemental?

**Sen. Hinds:** No, Madam Vice-President.

**Sen. Panday:** “But Aye, Aye.”

**House in Tunapuna  
(Prime Minister’s Occupation of)**

**44. Sen. Fitzgerald Hinds** asked the hon. Prime Minister:

- (a) Would the Prime Minister indicate whether she was or is in occupation of a house, used as her official residence, situated at Pasea Road, Tunapuna?
- (b) If the answer to (a) is in the affirmative, could the Prime Minister indicate:
  - (i) for what period; and
  - (ii) who was the owner of this house/property at the time of such occupation?
- (c) Would the Prime Minister further indicate whether this house was or is now being guarded by any element of the state security forces? And if the answer is in the affirmative, which unit?
- (d) Would the Prime Minister also indicate whether this occupation was paid for by the State and, if so, what was the monthly and total cost of such occupation?

**The Minister of State in the Office of the Prime Minister (Hon. Collin Partap):** Thank you, Madam Vice-President. The answer to 44(a): I wish to inform the hon. Members of the Senate that there is only one official residence of the Prime Minister which is situated at La Fantasie, St. Ann’s, and as such parts (b) to (d) of the question are irrelevant.

**Sen. Hinds:** Madam Vice-President, that is not correct. The question as you can see, Madam Vice-President—this is obfuscation of the highest order. The question was, Madam Vice-President, “Would the Prime Minister indicate

whether she was or is in occupation of a house used as her official residence situated at Pasea Road Tunapuna?” And therefore I am demanding an answer to the question. Was not the Prime Minister in occupation of a house?

**Sen. Panday:** The question has been answered.

**Sen. Hinds:** At Pasea Road in Tunapuna?

**Sen. Panday:** The question has been answered.

**Hon. C. Partap:** Madam Vice-President, let me again repeat the answer. I wish to inform the hon. Members of the Senate that there is only one official residence of the Office of the Prime Minister which is situated at La Fantasie, St. Ann’s.

**Sen. Hinds:** Madam Vice-President, as you can see from the clear words of this question, there is no suggestion here that there is any other official residence. The words are “used as”, because we are aware that the Prime Minister occupied a residence at Pasea Road in Tunapuna, after she was appointed as Prime Minister and before she went into the residence at La Fantasie Road.

**Sen. Panday:** Madam Vice-President, I would like the hon. Senator to look at Standing Order 17(c). Where did you get that information from?

**Hon. Senator:** The papers?

**Sen. Hinds:** Madam Vice-President, it is your duty to ensure that questions are answered and I am in your hands.

**Madam Vice-President:** Hon. Senators, a question was submitted for answer, it has been answered, at least an answer has been provided by the Minister, and therefore it is not my place to decide whether the answer—because it would have gone through a procedure and a process. It is not my place to indicate whether such answer is right, wrong or indifferent, and so, if you have another question, Sen. Hinds, you can feel free to lodge another question.

**Sen. Hinds:** We are most grateful, Madam Vice-President.

#### RELATED BILLS

**The Attorney General (Sen. The Hon. Anand Ramlogan):** Madam Vice-President, in moving the second reading of the Anti-Gang Bill, I seek leave of the Senate to debate, along with this Bill, a Bill entitled, an Act to amend the Bail Act, Chap. 4:60, as they are interrelated.

**Madam Vice-President:** Hon. Senators, the Attorney General has indicated that both Bills will be dealt with at the same time, what is the wish of the Senate?

*Assent indicated.*

**ANTI-GANG BILL, 2010**

*Order for second reading read.*

**The Attorney General (Sen. The Hon. Anand Ramlogan):** Madam Vice-President, I beg to move,

That a Bill to make provision for the maintenance of public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity and for other related matters, be now read a second time.

You may recall, Madam Vice-President, that during the debate on these two Bills in, other place at their second reading, certain suggestions were made by Members of the Opposition with respect to improvements that could be made to both Bills. It was in those circumstances being receptive to these ideas and proposals from the other side and anyone who is interested in the progress and good governance of the country, that the People's Partnership administration, in keeping with its philosophy of listening and then leading, we felt that both Bills should be referred to a joint select committee and that was in fact done.

Madam Vice-President, that Joint Select Committee had a unique but a right and perfect blend of expertise and experience, drawing from Members from the Government side, Members of the Opposition and, indeed, our colleagues on the Independent Bench.

Permit me to highlight the Members comprising this Joint Select Committee. We firstly had the hon. Minister of Legal Affairs, Mr. Prakash Ramadhar, who is a very experienced criminal defence lawyer, and who brought to bear his experience from that perspective. We had the hon. Minister of Justice, Mr. Herbert Volney. Mr. Justice Volney as he was in a former incarnation, was able to bring the full scope and breadth of his knowledge and experience as a criminal law judge to bear on the deliberations of the Joint Select Committee.

We had the fine gentleman seated to my left, Sen. The Hon. Brig. John Sandy, Minister of National Security, who has served this country with distinction in the military forces and brought to bear his experience from that perspective.

We had a very intelligent lay contribution from the hon. Minister of Trade, Minister Stephen Cadiz, who was never reluctant to make known his views and was perhaps, as we know in local parlance, a better bush lawyer than sometimes the real lawyer.



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We had, of course, my learned friend, the Leader of Government Business, Sen. Subhas Panday, who is really, in San Fernando, a champion in the Magistrate's Courts.

**Sen. Panday:** And High Court. [*Desk thumping*]

**Sen. The Hon. A. Ramlogan:** Sen. Panday has a depth of experience in the Magistrate's Court that is really unparalleled in San Fernando. Of course he had practised in the High Court before, the Assizes, and that experience proved invaluable.

We had of course Minister Jairam Seemungal, Minister in the Ministry of Legal Affairs, who is also an attorney-at-law and who has a lot of experience in these matters.

My learned friend, Opposition Senator Fitzgerald Hinds, was there as a Member, and I must say that he made useful contributions that reflected his experience as a criminal defence lawyer and a former representative and a Member of Parliament for a constituency where this particular problem of gangs and violence is one that was quite prevalent. So he gave us an insight, not just from his private practitioner perspective, but also as a former Member of Parliament for a constituency that is troubled and bedevilled by these problems.

**1.55 p.m.**

We had, of course, Independent Senator Corinne Baptiste-McKnight, who made sterling contributions, again, from a lay perspective, but clearly digested the material and analyzed all of the clauses that were before the Joint Select Committee. Independent Senator. Elton Prescott is always very meticulous and methodological in his contribution and this was no exception. He remained true to his reputation of being someone who is a perfectionist and very meticulous about his task. We had, of course, Opposition Member of Parliament, Miss Marlene McDonald and Opposition Member of Parliament, Mr. Colm Imbert, and they as well joined Sen. Hinds in making contributions on behalf of the Opposition, but perhaps Sen. Hinds led the charge in many areas on these two Bills.

We, of course, did not limit our deliberations to the expertise that we had, but we went outside of the Joint Select Committee and we invited representations from the Criminal Bar Association, the police service and, of course, we had had to consult with former Attorney General, Mr. Russell Martineau SC, who gave advice on the sentencing powers of the magistrates.

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Madam Vice-President, I propose to deal with each Bill separately, because, although they are interrelated, one is the Anti-Gang which introduces new offences and it is perhaps wise that we take that Bill first, because it then impacts on the amendments to the Bail Act.

Perhaps I can remind this honourable Chamber of the original intention and the main purpose for which the Anti-Gang Bill was brought, and that was to deal with the suppression of associations that have been established from unlawful purposes—in other words gangs—and for the better preservation of public safety and order. Towards this end, the Bill had created several new offences, and these new offences were geared to the suppression of gang-related activity and to reduce the number of gangs in our country. The penalties were quite severe, because we felt that a very potent and strong deterrent was needed to send a strong message and signal to the gangs that are terrorizing the country. Special emphasis was placed on discouraging the recruitment of children into gangs, because our intelligence and data showed that the age grouping was going lower and lower and dipping into the school population, and that was, we thought, a rather dangerous trend, so we sought to deal with that separately.

The involvement of law enforcement personnel in the crime business: I say “crime business” deliberately because crime has become a business in this country. Crime pays! If we do not cut off the blood supply that leads to that life of crime, that body would continue to grow and a minority of persons would continue to hold this country to ransom. It was for that reason we treated with members of the security personnel who choose to involve themselves in criminal activity with gangs and support them, whether tacitly, overtly or covertly—we treated with them in a separate and special way. We have also provided for the forfeiture of personal property that was used for the benefit of gangs and we sought to outlaw the possession of bulletproof vests, firearms and ammunition which were used in gang-related activity.

So, that was the original intention and purpose of the Bill that was brought before the Senate. The Opposition voiced several concerns, Madam Vice-President. They felt that the penalties were too severe in some cases and they felt there was a need—there was a feeling that we needed to rationalize and harmonize these penalties. It was for that reason we referred the matter to a Joint Select Committee, and, of course, at the Joint Select Committee we reflected upon the provisions and the clauses in the Bill, and had meaningful dialogue with a view to improving this legislation.

To start with the changes, the long title of the Bill was amended to, among other things, make clear the reference to discouraging the membership of criminal gangs and the suppression of criminal activity. The Preamble, it was felt, was, perhaps, a little abbreviated, and having regard to the nature of this legislation, the path-breaking nature of this legislation and the impact it would have on society, it was felt that the Preamble should be more detailed and it should highlight the fundamental changes that were going to be made. The new offences and the new penalties and the severity of the penalties, and a more unambiguous Preamble that spoke to these issues was felt necessary. The Preamble, if it clearly spelt out the reasons, purpose and the objects of the legislation, it was felt that this would in itself set the tone for the right and proper construction of the legislation itself when reading.

We looked at various models and it was felt that the best model was that of the South African model, and the South African anti-gang legislation was used with some modifications and inserted into our law. We have now, therefore, expanded the Preamble to include references to the fundamental rights and freedoms which we feel this legislation would touch and concern and these would include the recognition and protection of the right of the individual to protection of the law. The rapid growth in criminal gang activity throughout the country, the infringement of rights and freedoms, including, for example, the right to freedom of association, and, of course, what better to highlight the danger of such activity than the threat to public law, order and safety and too, indeed, economic stability of the country, because the potential to inflict social damage is a very real one.

Madam Vice-President, in dealing with this, one has to bear in mind that although you would be interfering with some of the rights that may be involved, the gangs in this country and the criminal elements have interfered and have been interfering with the fundamental rights and freedoms of our citizens, law-abiding innocent citizens, for quite some time now, and therefore, it is either we continue to bury our heads in the sand and observe and respect fundamental rights and freedoms on paper whilst the cancer of crime is eating away at the very body of our society, it is either we do that and ignore the raw and harsh reality that we face on a daily basis or we stand up as a country and understand that this legislation is targeting those who choose to involve themselves in a life of crime.

Madam Vice-President, jurisprudential thought and philosophy are based to a large measure in our Constitution and in our criminal justice system on the John Stewart Mills principle, and that principle simply means that you can do what you like, you can exercise all of the freedoms and rights given to you in law and you

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are allowed to enjoy them freely, peacefully and at your leisure, but what you cannot do is to bring harm to another human being who is a law-abiding citizen. Once the principle of harm comes into play then you have transgressed and you have violated a sacred social path embodied and enshrined in our Constitution between the State and its citizenry.

This anti-gang legislation is meant to deal with those who choose to breach that social path. They have made a conscious and deliberate decision to interfere and harm another law-abiding citizen, and if they choose to breach that social path, this Government says that they must forfeit some of their rights and freedoms, because they are exercising their rights and freedoms in a manner that is causing harm to others in our society.

I take you to the definitions. Madam Vice-President, the definition of a bulletproof vest was revised, because hon. Brig. John Sandy brought to bear his vast experience as a military officer, and it was felt that we should expand this definition to include an article of covering to deal with criminals who wish to invent and be rather innovative and design homemade armour to protect them when they are confronted by situations, either by the victim trying to defend themselves or, indeed, by the police officers when they actually confront them and a shoot-out ensues.

We have also expanded it to not just deal with the penetration of bullets, but to include other similar projectiles, because some of the explosives such as a hand grenade may carry pellets inside or become a lethal projectile when detonated and can fall within the definition and the mischief that we intend to deal with in finding a bulletproof vest.

We, of course, simplified the definition of a gang. It was felt that some of the adjectives and some of the words used, we did not need to have them because they were superfluous. So we have, in fact, taken out, “alliance”, “enterprise” and other similar terms and so on, and we have retained the basic similar component. So a gang now simply means:

“a combination of two or more persons, whether formally or informally organized, that through its membership or through an agent engages in any gang-related activity”.

That is a much simpler definition, it is user-friendly and easy to understand, and that was a deliberate decision on the part of the JSC, because since this legislation contains very severe penalties, we want to ensure that the people of this country, and in particular those who are in gangs, those who are thinking

about joining gangs, we want you to understand that this is the change in the law. This is the new law with new penalties, so you have a window of opportunity to change your mind and do a U-turn, so that we have simplified some of the terms so that they can understand it.

Madam Vice-President, provision was made in clause 5(2) of the original Bill for a convicted person who was a gang leader to be sentenced to a term of imprisonment for the rest of his natural life. That, of course, is a penalty second only to the death penalty and the Government felt very strongly that if you cut off the head and aim for the throat and go for the jugular and aim for the gang leader, we felt that that would send a strong message to the members of the gang, the young men and women, and that, perhaps, they may then dissipate. That is why we had such a strong sentence, however, it was felt by the Opposition that that was too strong and severe and we compromised in the interest of having a consensus and we have reduced it from natural life to a term of imprisonment for 25 years for the gang leader.

Madam Vice-President, two significant changes were made to the definition of “gang-related activity”. It was felt that the definition having been simplified, if two or more persons now constitute a gang, if they are embarking on an unlawful activity, that joint enterprise, any unlawful activity could run from low threshold criminal offences such as using obscene language and a parking ticket all the way up to murder and treason. It was felt that that would not be right having regard to the scope and intention of this legislation, which was really intended to deal with the violent crime and the serious offences that are being perpetrated. It was for that reason that we thought that we could list the serious offences in a schedule and that would constitute criminal activity or gang-related activity that would fall within the subject of this legislation.

### **2.10 p.m.**

Permit me therefore, to pause and take you to some of the offences that are now going to be subject to this Bill: Possession of imitation firearms in the pursuance of any criminal offence: Madam Vice-President, we have had a number of cases in this country where imitation firearms are used, but people are so scared because when the real is in the hand of the bandit they do not hesitate to pull the trigger. So you cannot take the risk, and there are a number of persons who seek to evade the law by having the imitation firearm and making all sorts of spurious claims. We feel that possession of imitation firearms in the pursuance of a criminal offence is sufficiently serious—it is already an offence and we feel that it is a sufficiently serious offence that, if it involves a gang, it should attract the penalties in this Bill.

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Larceny of a motor vehicle: Madam Vice-President, they often steal a car, change the number plate, and they use that vehicle to commit the crime so that way you cannot trace them. It is common knowledge in this country that when a car is stolen you really do not look to get it back, because what they do, if the criminal has stolen it as a means to an end, and it is but a prelude to a criminal adventure of some sort, when they are finished with the car it is burnt. So what you get is a car firebombed somewhere in some desolate, remote area in Trinidad and that is the end of that. It is a very serious thing.

You know when a law-abiding, decent citizen, mortgages his home or her home to buy a vehicle to work as a taxi it becomes an income generating asset to pay back that loan. Most of the time, they cannot afford fully comprehensive insurance. When that vehicle is stolen and firebombed, the bank still has to be paid. The man's house is on the line and he no longer has the car to generate any income.

I have known from my days in private practice when I wore a different cap, Madam Vice-President, that many persons have actually been led into a state of suicidal depression and some have actually committed suicide. Because you have reached a point of such utter desperation and helplessness and hopelessness that you really feel "There is no better option left for me." What else can you do? The bank is coming to sell off your home, you have lost the vehicle and you cannot really get the trauma out of your mind to move on with your life.

**Sen. Hinds:** [*Inaudible*]

**Sen. The Hon. A. Ramlogan:** No. Receiving stolen goods in the course of gang-related activity: Madam Vice-President, if we deal with the market for stolen goods, and we send a message to our citizens that the time has come to let the buyer beware, let the buyer beware, *caveat emptor*, let the buyer beware, because when you are about to purchase something there must be some responsibility on you to ensure that it is coming from a legitimate source.

If you are buying a thick gold chain from someone whom you know does not have a good job or from someone whom it is clear—you have reason to suspect—may be involved in a life of crime, then you are equally guilty of perpetuating that crime. That is why we have included it here, because the gangs seem to have a parallel gang with a very good supply and distribution network where they are able to sell off all the fruits of their criminal activity so that they can cash in on the hard cash.

We have, of course, made the new offences under the anti-gang legislation subject to this: gang membership, coercing or encouraging gangs, preventing a gang member from leaving and so forth, kidnapping, rape, grievous sexual assault, knowingly negotiating to obtain a ransom and an attempt to commit any of these offences.

Madam Vice-President, we have made all of these matters subject to this anti-gang legislation. What we have done is to take out what existed in the original Bill which tied the offence to a particular reason. So in the original Bill, the offence had to be tied, for example, to increasing the size or control of the geographical area that the gang operated in; in other words, to increase the turf, to intimidate or eliminate witnesses and so forth. We have moved away from the reason and the rationale for the illegal act and simply confined ourselves to the definition of the offence. The reason we have done that is because we felt that it would make the prosecution of the offence easier.

That distinct list of offences is one that targets the serious, violent crimes and the serious crimes that we feel, based on the information provided to us by the police service, the gangs are involved in. Now, of course, special attention will obviously be paid to the youths. Long gone are the days—and we have just commemorated the anniversary of the late Dr. Eric Williams—when we could say for the youths that the future of the nation lies in the school bag.

What they are carrying in some of those school bags would “land them up” directly in jail—knives, guns and drugs. That is where we have reached. We have reached a stage in our society where police officers have to be stationed in the school to ensure law and order in the school, so that those students who are interested in getting an education as a passport for upward social mobility, they must now subject themselves to study in that kind of environment—and the bullying starts from there.

We have seen what happened in the Gasparillo Composite School, “Student stabbed fighting for his life”. So the teenage indiscipline starts from the school, with the teenage miscreant who then steps it up as he goes along. It is that kind of recidivism that starts from the school as they graduate and they then gravitate towards the gang leader. They enjoy the embrace of the gang leader because they have gone unchecked from the school come up.

What we have sought to do is to treat the recruitment of children in a very harsh way and in a very severe manner. It is for that reason a person who recruits a child within 500 metres of a school will be liable to imprisonment for 20 years,

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and that of course is considered an aggravating circumstance in its own right. If you recruit a child outside 500 yards of a school, you will get 10 years, but if you go within 500 yards, then you get a much higher and double the sentence.

Madam Vice-President, we also thought that school was too narrow a definition, too narrowly defined, because youths exist in all sorts of other institutions and establishments. And therefore, we expanded it to include orphanages and any institution that provides technical and vocational training for our youths.

I take you now to the offences. We have created several new offences and we dealt with the first—a concern raised by the Opposition about criminalizing, what was thought to be the “bragging rights”. Madam Vice-President, the bragging rights really, where we had sought to criminalize the mere bragging or professing to be a member of a criminal gang, they felt that was a bit harsh and we acceded to the submissions made by our colleagues in the Opposition and on the Independent Bench, what we did in the end is we inserted that the provision should remain but we will modify it and insert the words, “in order to gain an unlawful benefit”. So mere boasting will not make the person liable, but what will happen now is that if you are professing to be a gang member in order to gain an unlawful benefit, that makes it an offence.

**2.20 p.m.**

Why did we do that? You see, in some parts of the country we have had instances where people dress a certain way, in full flowing garb, and they represent themselves, and image themselves as if they belong to a particular gang, religious sect or some sort of association, and they visit persons and they inform them that, “Look, we understand you are owing Mr. X money and we have come here to collect on his behalf.”

They are the court, law and order personified, and, basically, they threaten to kidnap your children if you do not cough it up. They are prepared to call off their assignment if you are prepared to meet their mobilization costs, and their mobilization fee is normally quite exorbitant. We had this problem in Central Trinidad for a very long time, and that is why we have dealt with the professing of being a gang leader, but we have now inserted “in order to gain an unlawful benefit”.

Perhaps I can pause to make the point that there is a legal process for those who feel aggrieved because someone owes them money or someone has wronged you, and that legal process is through the court. When the court rules in your favour, you will take a bailiff, a court marshal and you can go and levy on the person’s assets.



**Sen. Panday:** A licensed bailiff.

**Sen. The Hon. A. Ramlogan:** A licensed bailiff. But you cannot hire a gang and use that kind of underhand, highhanded tactic to go and threaten to kidnap someone, to blackmail them and extort money from them. That is what we are trying to deal with in that particular provision.

The sentencing power of magistrates: we received advice from Senior Counsel that, perhaps, crossing the 10-year barrier in terms of the sentencing power of the magistrates might not be a prudent course to adopt and that it would be wise to, perhaps, leave the sentencing for all the summary offences in the Act for a maximum of 10 years, so that it can remain within what we have traditionally grown accustomed to in terms of the sentencing powers exercised by magistrates in Trinidad and Tobago.

Bear in mind that the JSC recommended that the offence of gang membership should have a two-tiered penalty. A first-time offender who is a gang member will be tried summarily, that means before a magistrate, and he will be liable for a term of imprisonment of up to 10 years. For a subsequent offence, or a second offence, he would be tried on indictment in the High Court and liable to a term of imprisonment of 20 years.

So that if you are tried and convicted, and you have already ran afoul of this law, and you choose to remain in a life of crime and remain as part of a gang and to exercise the power that the gang brings in a way that will benefit you at the expense of someone else, it was felt that a joke twice is not nice—20 years; double the sentence the second time around.

You may recall that the definition of a gang leader was formulated and we found that the gang leader, being the head of the organization, it would be wise to, perhaps, define the gang leader separately, and we have utilized some of the management speak and concepts in the gang leader, because we have recognized that this crime is the business of crime and there is an organizational structure to the gang. So that based on the presentation made by the police service, it was felt that we need to look at the “gang leader” separately. So a:

“‘gang leader’ means the person who knowingly initiates, organizes, plans, finances, directs, manages or supervises any gang-related activity.”

In light of that, the JSC’s discussions revealed that some persons were—sorry, the penalty, as I said, was reduced from natural life to 25 years, but we have dealt with it separately. We have created two new offences regarding gang

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membership. It was felt that some persons may be coerced and forced, or encouraged into being gang members in some parts of the country, and the committee was of the view that such acts should be made an offence and a strong sentence should be imposed as a means of deterring the population of gang membership.

We wanted to send a strong signal, because we understand that many of the young men and women who find themselves in a life of crime, sometimes they come from single-parent homes; sometimes they come from poverty-stricken circumstances, and we know how the gang leaders work; the inducements they use to entice the young person to come and join the gang, and we felt that that kind of activity ought to attract a separate sanction.

Regarding the second new offence, the Joint Select Committee was informed during its deliberations that a young man was killed and it was reported that many other young members may be killed if they seek to leave the gang. Even if you wanted to make a change—there were some young men who would go and join the church, the mosque, the mandir, but as they come out, the gang leader or one of his henchmen is waiting outside, looking at them, staring at them; eyeballing them, wanting to know how they got permission to go there. They control your life. You have to get the permission of the gang leader, and he regulates your daily activity.

That is why, once they put you through the rigours and you pass the test to join—and in some cases the test includes proving your ability to pull a trigger and murder someone in cold blood. But if when you get in, you do not follow the strict codes of behaviour and you do not follow the hierarchical chain of structural command in the gang, then what would happen is that you run afoul of the saying: “Blood in, blood out”. You, yourself, may be murdered by the gang, because they do not want to run the risk of having a gang member outside there who may be a turncoat, who could then be a whistle-blower, or who would assist the police and so on. We felt that persons who engage in that kind of behaviour deserve separate and special treatment, and that has been done.

Regarding the sentence for the offence, it was felt that it should be a more severe one, since the perpetrator seemed prepared to murder someone who wanted to leave the gang. The point was also made that such a perpetrator was encouraging the existence of gangs directly, as well as indirectly, since when you kill one person that sends a message to the others, so that “every manjack will bat in their crease”. No one will leave after that.

So what we have done is that two significant changes were made, as recommended by the Joint Select Committee, to clause 8 of the original Bill, and that is the words “conceals or” were omitted. It was felt that a person who has knowledge of criminal activity but does not reveal that information to the authorities should be guilty of an offence, and the second change related to the removal of clause 1(d) to a separate clause dealing with the recruitment of persons to gangs.

A significant change to the legislation was the removal of fines. It was felt that if you included fines in the legislation, the gangs, once you are charged, or once you are convicted, they will then go and commit further crimes to raise money to pay off the fines, and the fines were so hefty, we felt that that by itself could lead to a crisis situation where the gangs feel that this now is a mandatory motivation, as it were, to go and commit further crime. So we have removed all the fines in the scheme of offences for this particular Bill.

Mind you, consequentially, what we have done as a corollary to that is to strengthen and beef up the forfeiture provisions and we have widened the scope and ambit of the assets that form part and parcel of what would be liable to forfeiture. We find that that is a useful move, because you can get back more than the fines by the forfeiture, by direct means.

There was much discussion on “harbouring and concealing”. In the end, we chose to insert a definition of “harbours” in this Act. “Harbours” now means giving refuge or shelter to another person or encouraging or supporting, whether tacitly or explicitly, that person in committing any gang-related activity. So it must be that you are encouraging and supporting, and we say, whether tacitly or explicitly, the person in committing the gang-related activity.

Now, this definition was adopted because it was felt that we needed to strike a balance for parents, social workers, sanctuary and rehabilitation homes and institutions, including the churches, the temples, the mosques, the NGOs, so that they would not be criminalized for their efforts, but at the same time we wanted to also protect society from those who occupy that kind of position, those who are in loco parentis, and they, nevertheless, tacitly or explicitly, encourage the criminal activity against law-abiding citizens by, perhaps, turning a blind eye to what is taking place when they know what is taking place. So based on the definition of “harbouring”, to merely give refuge or shelter to a gang member would not be an offence. The offence of harbouring is only committed if the harbourer also encourages or supports the gang member in committing any gang-related activity.

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The point was made during the presentations and discussion that, perhaps, parents of a gang member occupy a unique position in the life of the young criminal, and what we did to deal with that was, instead of a total exemption—because there are parents who actively encourage their children in a life of crime—what we have done is to say that, “If you are found to be tacitly or explicitly encouraging the criminal activity, you would be guilty of an offence”. We have also said that the sentence of a parent or person who is acting in such a capacity with respect to a child under the age of 18, you can have some mitigation if you are able to show that you were, in fact, making genuine attempts to rehabilitate the child. So that is a measure that would be available in appropriate cases.

I want to say that good parents who are genuinely trying to rehabilitate their child have nothing to fear whatsoever by this legislation. We discussed and debated this matter at length and the see-saw went one way and the other, and, really, we struggled to find consensus, and the ebb and flow of the debate was such that it took us a long time to actually reach a point of equilibrium and satisfaction whereby we now have some consensus with respect to the definition of “harbours” and what we now term as “concealment”, and I will come to that in due course.

So a gang member who is wanted by any member of the law enforcement authorities for a gang-related offence, that is a separate offence and that is 10 years; it is triable summarily and it carries a sentence of imprisonment for 10 years, twice the sentencing for harbouring.

**2.35 p.m.**

So in other words, if you know that the person in your back room is wanted by the police, they come knocking on your door, they are asking you whether X is home; whether he is here; do you know his whereabouts, if you choose to conceal that person, this is where the concept of concealment comes in. It is where you know that this person is wanted by the law enforcement authorities, and you choose deliberately to conceal and hide that person, then that is the crime of concealment that we refer to. We thought that it is a much more egregious and serious violation when compared to the mere harbouring, and we have treated it as such.

Recruitment of gang members: the recruitment provision was located at subclause 6(1)(d) of the Bill, and was placed at subclause (1). It refers to persons who are not children, it carries a simple 10-year sentence, a lowering of the

sentence where it was 25 years before. The Joint Select Committee was of the view that the recruitment of children was a matter of grave concern, and we have increased the sentence from 10 to 15 years, when you are recruiting children into the gangs. We agreed with a 20-year sentence that was originally there for recruitment of children within a 500-metre radius of a school or a place of worship. Because of the 10-year limit on sentences which can be imposed by the magistrate the offence was altered from summary conviction to conviction and indictment.

The time limit for police detention, this was another contentious matter. Madam Vice-President, you may recall originally the JSC recommended that a new provision relating to the time limit for police detention of suspects be placed at clause 13. Provision was made in the Bail (Amdt.) for an amendment to section 5 to allow a police officer to detain a suspect for up to five days, and that is without charge—pre-charge detention up to five days.

Provision was made for a senior police officer above the rank of superintendent to review and decide if to release the person, and that should be done within 24 hours, but it was felt that the five days would be too long. Concerns were voiced that the safeguard with respect to a senior police officer may not in practice and reality actually provide the kind of safety and protection for the person arrested.

So what did we do? We came up with a useful compromise, and the compromise was that we would have the right to detain the person for up to three days, after which they will make an application to a magistrate who could authorize a period of detention for a further three days. So in all, whereas we had five days of pre-charge detention before, but without the intervention of any judicial officer, what we now have is the possibility of six days, pre-charge detention, but the important intervention of a judicial officer after the third day. And there is an application form which is now placed in a schedule to the Bill.

Forfeiture of property: it was dealt with at clause 14 of the amended Bill. We recommended that the discretion of “may” be given to the court to order forfeiture of property, and that that “may” should be changed to “shall”. The property to be forfeited was expanded to include both personal and real property. So all the fancy jewellery “yuh wearin” that too can now be forfeited. It is our intention to poison the fruits of the crime, if we poison the fruits of the crime then they cannot enjoy it.

We want to rid the fruits of the crime so that they cannot taste and enjoy the fruits of their criminal endeavours. Now we have expanded the definition, so that it will cover the assets of the gang member or gang leader, it will now cover all profits, proceeds and instrumentalities—everything which served as a means to pursue their nefarious aims.

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Basically almost everything that they have earned from a life of crime will now be liable to forfeiture, and we have authorized the court to give directions with respect to the storage, investment and disposal of what is forfeited. We have agreed to retain the sunset clause which was in the original Bill for five years, and we have already looked at the schedule of offences.

The detailed scrutiny which allowed for a better understanding of the provisions of this Bill served as a platform upon which we had informed, rational and meaningful discussions. It is therefore a matter of great pride having chaired this Joint Select Committee, that in the other place when this matter was being debated there were only two contributions. I piloted the measure, and there was one contribution from the other side, and the Bill was passed unanimously. The JSC examined every provision of this Bill and deliberated on wide-ranging aspects. It included: the aim and philosophical underpinnings, the definitions, the type of offences, the penalties, the nature and gravity of the offence, the circumstance of the offender and, of course, the duration of the law itself.

The Government proposes to move one minor amendment to the first schedule at the committee stage of this Bill. However, the offence listed at item 4 as “receiving stolen goods in the course of gang-related activity”, it requires amendment, because it is not an offence known to law. So we will seek to delete “in the course of gang-related activity”, and we shall do so at the committee stage. I turn now to the provisions of the Bail (Amdt.) Bill.

Madam Vice-President, though containing provisions applying to criminal offences in general, this Bill is intended to work in tandem with the Anti-Gang Bill 2010, and it serves to enhance the State’s ability to deal with the staggering levels of gang-related crime. In its original form, we sought to empower the court with jurisdiction to deny persons bail when charged with certain offences which we have now put in the schedule to this Act. The denial of bail is a serious matter, but it is a measure that is important and necessary, because when they are out on bail they interfere with the prosecution witness. In some cases they do not just intimidate and harass them but they actually eliminate them. Then they commit further crimes to try and get rid of evidence that the prosecution could use. They seek to terrorize the families of the victim, and indeed the witnesses who are brave enough and willing to come forward to testify, and it was felt that we really ought to stamp that kind of behaviour out. We want to nip it in the bud, and given the serious nature of the offences and the kind of severe penalties, we felt that we ought really properly to deal with this in a special way.

So what we have done now is we have put in a built-in safeguard. In recognition of the fact that the Constitution gives a right of presumption of innocence, and we ought not to be depriving someone of bail for too long, what we have done is that after 120 days of reading of the charge, if the case is not started you have a right to apply for bail, and you can apply to the magistrate. That does not mean you will get it, of course, but it means you have an entitlement to apply for bail, but if the prosecution has evidence to suggest that this person is a real threat or another gang member on the outside is interfering, then they will deal with it appropriately.

Denial of bail for firearm offences: we have sought to deny bail to a person charged with specified offences involving the use of a firearm and permit me, Madam Vice-President, to say that all of the serious offences which I had outlined earlier, those are the offences that we are seeking to capture. Where the gangs seek to commit such serious crimes, we feel that there should be no bail for 120 days. In the case of parents, however, we felt that those parents or people who would be in that capacity, we would go to 60 days and that has also been done. So it is 60 days for the parents. Several changes were made, but in effect what we have done is to complement the Bail (Amdt.) Bill It will be a complement to the Anti-Gang Bill and they will operate in tandem.

I am very pleased to say that the Government was able to secure the support of our colleagues on the other side at the Joint Select Committee. We had two very experienced and distinguished Independent Senators who gave us the benefit of their views. The Bail (Amdt.) Bill—I know time is almost upon me—it is very short, and refers to and ties in with the Anti-Gang Bill. But suffice it to say, it was an enriching experience to chair this Joint Select Committee, and to see outside of the confines of the Parliament when we take off the partisan cap, and we put on the Trinidad and Tobago cap, how refreshing the contributions can be—

**Sen. Panday:** Although, Sen. Hinds had some difficulty in so doing.

**Sen. The Hon. A. Ramlogan:** —and whatever adjustments needed to be made were made, and the spirit of compromise prevailed and underscored all that we did, and it therefore, gives me great pleasure to say that this matter which received unanimous support in the other place, I expect that it will receive likewise, a trouble free passage, and hopefully unanimous support in this honourable Chamber, Madam Vice President, with those few words, I beg to move and thank you very much. [*Desk thumping*]

*Question proposed.*

**Madam Vice-President:** All Senators wishing to contribute may do so at this time. Please remember that you may speak on matters relating to both Bills at the same time. [*Desk thumping*]

**Sen. Fitzgerald Hinds:** Madam Vice-President, I thank you for the opportunity to make a brief contribution on this matter that is before us. I must admit, I am very troubled, [*Interruption*] because the performance of the Attorney General today was markedly different to that which I have seen before in this place. He sounded like an Attorney General, and I must say that he did a decent job, a fairly decent job, at explaining the provisions and some of the deliberations of the committee in which, as he stated I was a member. So it makes it less necessary for me to get into some of the technical and intricate matters that we traversed in the Joint Select Committee.

**2.50 p.m.**

He told us, however, that the criminals in the pursuit of their criminal and gang activity would burn your car and burn your home. This is real. Friday, I was in a matter in the court and we had to treat with a case where the vehicle was burnt after the kidnap, and that sort of thing. That is a frequent occurrence. I know several houses in my constituency, in Laventille generally, and in other parts of the country, that were the subject of these arson attacks. I know many families who had to vacate their homes, abandon their homes, flee and run to different parts of the country to escape the ravages of these marauders in their communities.

I thought the Attorney General would have gone a little further and told us here today that he would have used his office, therefore, in light of those stark and frightening facts that he has now come to know, to amend the Criminal Injuries Compensation Board and expand its remit perhaps and see how best he could have assisted—or the Government—persons who are the victims in those circumstances. But he had no such concern. A few months ago, however, he told us that he sought Cabinet approval and got an agreement to provide \$13 million for investigations by some attorneys-at-law and others into T&TEC, the SPORTT Company, Petrotrin and so on. I thought that he would have pressed Cabinet to allocate moneys and to expand the remit of the general philosophy of the Criminal Injuries Compensation Board, so that persons who are victims of these attacks could get some kind of satisfaction. But, no, it is investigation after investigation, and so the thing continues.



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He spoke about criminals holding people under siege, and that is quite true, Madam Vice-President. Not only Watson Duke, the Chairman of the PSA is under siege at this time—and clearly was put under siege by the Government—*[Interruption]*

**Sen. Panday:** You are wicked and mischievous.

**Sen. F. Hinds:**—but the criminals in other parts—let me define. I am being called wicked. Let me immediately define what a “gang” is. A “gang” means a combination of two or more persons—the Cabinet is about 27—whether formally or informally organized, that, through its membership or through an agent, engages in gang-related or criminal activity.

**Sen. George:** Well, then you get it wrong?

**Sen. F. Hinds:** Madam Vice-President, a government can be a gang. *[Crosstalk]* Look at the government in Ivory Coast that was just overthrown, the former President. *[Crosstalk]* A government can be a gang. I filed a question here today. I wanted to know whether the Prime Minister occupied space at Pasea Road in Tunapuna and they obfuscated. We just got the written answer. I wanted to know—because the country wants to know. It is possible—*[Interruption]*

**Sen. Abdulah:** Madam Vice-President, on a point of order.

**Sen. F. Hinds:**—that the owner of the house could have been a gang member.

**Sen. Panday:** Madam Vice-President, on a point of order. Sorry. Sorry. Let him have it.

**Sen. Abdulah:** Madam Vice-President, 35(1). I do not know what the hon. Senator going into the issue of an answer to a question has to do with the legislation at hand, nor should he be suggesting that government could be a gang as per the definition of a gang under the legislation, unless he is talking about Calder Hart.

**Sen. Gosine-Ramgoolam:** He is so inexperienced.

**Madam Vice-President:** Hon. Senators! Sen. Hinds, seeing that question and answer time has gone, the ruling has already been in terms of you filing supplemental questions. Should you so have supplemental questions, please do not revert to that time and those questions, and proceed with your contribution.

**Sen. Panday:** Standing Order 17(1)(g).

**Sen. F. Hinds:** Madam Vice-President, the Standing Orders require that it be relevant. If perhaps there is relevance, there is nothing to stop me from making reference to some other matter. Nothing! But I will be guided. I will be guided and I will continue. But the country wants to know these things and they will find out.

There are cases in our communities, and I encountered a case a few years ago, again, when I was Member of Parliament. A young woman told me that she was raped by a gang. I pleaded with the young woman to come with me or otherwise go to police and report this, and she refused. She pointed out the house in which she lived was her only option, and they had threatened that if she had gone to the police they would “burn down” her house and what they would do to her grandmother. So she refused. I lived through that. The thing is very, very serious.

The Attorney General told us about detention, pre-charge detention, but I have to remind him and his Government that before detention there has to be detection, and there has to be arrest. The job of the police and law enforcement has become considerably more difficult since this Government came to office. [*Interruption*]

**Sen. Panday:** Ooooh!

**Sen. F. Hinds:** Very early in your tenure, the Prime Minister of this country—if any criminals or gangsters who we are dealing with today had any doubts about the use of their technologies to communicate criminal or gang-related activity, the Prime Minister, by her recklessness, removed all doubts. Today, law enforcement will tell you elements of it, if you speak with them, that the business of detection and, therefore, arrest and, therefore detention, as is being urged by the Attorney General, has been severely hampered by the conduct of your Government, led by your Prime Minister. That is a fact. That is the fact. [*Crosstalk*] You all do not have a clue, you know. You all do not understand what you have done to this country!

**Sen. Baptiste-Cornelis:** Saved them from you.

**Sen. F. Hinds:** You do not have a clue. Madam Vice-President, I will not be distracted by my friend, the Minister of Health. She has enough issues to deal with, both internally and with the doctors in the health sector. I would not trouble you. Please, do not trouble me. You have your troubles already and they are contagious. Keep them to yourself. [*Desk thumping*] It is spreading like wildfire through your Cabinet.

**Hon. Senator:** And so do you.

**Sen. F. Hinds:** All I want to know in passing on this matter is: why would this Government show such hostility to law enforcement? Why is this Government behaving that way? I do not want to hark on the question, but I am determined to find out who is the owner of that house.

We know that the SIA kept records, in their attempts to fight crime in this country, on gangs and gang members. Suppose now the owner's name is on that list? We want to know, and in passing we also want to know what has become of those SIA records that this Government exposed and destroyed? Now we have no idea where they are. How are we going to implement this legislation? It is not about mere words. The thing is real. I explained to you some of the consequences of gang-banging, so called, in our nation. It is real. It is not a joke. I am not prepared to come here today and just speak loftily about passages in this Bill or clauses in this Bill. There is a reality on the ground to this, and this is one occasion when we have to deal with those realities.

These Bills, as you know, went to the other place, and the Government went kicking and screaming. They did not go as willingly as the Attorney General gave the impression today. They came to Parliament with these Bills from the other place—I thought you were bubbling up like an animated toy, or object, to object to my comments again, but Madam Vice-President, he is sparing you that. [*Interruption*]

**Sen. Panday:** Madam Vice-President, 35(1). [*Laughter*] I gave you a chance and you provoked me.

**Madam Vice-President:** Leader of Government Business, Members of the Senate, I would imagine that Sen. Hinds is coming around to some point in the debate. So, please continue. [*Desk thumping*]

**Sen. F. Hinds:** Thank you very much, Madam Vice-President. There was an occasion when I spoke in this Senate—I counted it in *Hansard* after—and 14 times members of the Government got up to interfere with my contribution. You all have a problem.

**Hon. Senator:** We do not have a problem.

**Sen. F. Hinds:** Fourteen times! You took a decision in Cabinet to obstruct the contributions of the Members of the Opposition. We know that! [*Desk thumping*] We considered the measures that that dangerous Government brought in the other place. The PNM, in Opposition, considered the measures that they had brought in this Anti-Gang Bill when it first came to be dangerous, to be anti-social and to be

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serious incursions into the rights and freedoms and liberties of the people of Trinidad and Tobago. So we jacked them up, constitutionally, and we held them by their “shorts and curlies” and send them packing to a joint select committee. They went kicking and screaming. [*Interruption*]

**Sen. Baptiste-Cornelis:** Curlies?

**Sen. F. Hinds:** We sat in the Joint Select Committee with them and brought to bear our experience, our wisdom, our understanding of this society, which they lack.

As a result, we were able to tame them, to subdue their excessive philosophies. I told you before, Madam Vice-President, that I had come to the conclusion that serious elements of that Government had the wrongful and mistaken impression that crimes in this country concern certain persons in certain areas, and they came to Government with a philosophy to fix them and to fix it, just like they did in relation to comments made by a former Chairman of the Public Service Commission. I had said that in this Senate. So once we got them in the cold, air-conditioned circumstances of the Joint Select Committee, we were able to restrain them and calm them from their excessive behaviour, and the philosophies that they came to Government with.

Madam Vice-President, what you would have seen today is the refining of their crude and ill intentions, by the Independent Bench and Members of the Opposition in the Joint Select Committee. [*Desk thumping*] That is what you would have seen. That is the reason why—you see, they should be telling us thanks. What they got over the two or three months in the Joint Select Committee was the benefit of 54 years of “PNMness”. [*Desk thumping*] An understanding of our society, we did that.

I think before the Minister of Public Utilities, Sen. George, continues to shout about here, he should fix the trash rack in the Caroni Arena. He should fix it.

**Sen. Baptiste-Cornelis:** We have plenty to fix that you messed up.

**Sen. F. Hinds:** I know, you seagulls.

**Sen. George:** I did not happen to approach anybody’s land.

**Sen. F. Hinds:** Madam Vice-President, you see, you hear. If you want to go there, we can. I am not afraid of that.

Madam Vice-President, they were wise enough. Recognizing that we had exposed them to the public, we had removed their mask and exposed their evil intentions, they needed, of course, our support, so they demonstrated a kind of humility which—I saw an editorial praising the work of the Joint Select Committee. We accepted it, but the writers of that editorial did not understand what happened and how we arrived at that. That is all right. I too am proud.

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So, I am certain now that the Government understands that crime is not confined to any geographical area or any particular community. It is not a Laventille thing, it is not a Carenage thing and it is not a John John thing. I want to teach them that. It is not only about Gypsy's "little black boy". Crime, Madam Vice-President, is a function of sin and all human beings are possessed of a sinful nature. Crime, I want to teach them, is a function of wickedness, selfishness, hate, sometimes stupidity.

**3.05 p.m.**

I have encountered many a person charged before the court, and when I interview them and prepare their brief and so on, you come to the inescapable conclusion that they acted out of sheer stupidity. Many young boys in this society get caught up in criminal activity and gang activity and gang-related activity purely on the basis of stupidity.

**Sen. Baptiste-Cornelis:** That is why we have the legislation.

**Sen. F. Hinds:** Mentoring Programme? [*Interruption*] I did receive an invitation—

**Sen. Baptiste-Cornelis:** All Senators did.

**Sen. F. Hinds:**—but I was unable to attend. But I will tell you this, I want to say this to my friend, the Minister of National Security, if I had brought the former Joint Chief of—Mr. Colin Powell, [*Interruption*]

**Hon. Member:** General.

**Sen. F. Hinds:** No, not his rank, the office he held was—[*Interruption*] no, no, when he was in the military, he was the Joint Chief of Staff. That is what I am talking about. Take your time.

**Sen. Brig. Sandy:** The Chairman.

**Sen. F. Hinds:** The Chairman. If I had brought him here, I would have taken him to the areas where his message would have been more appropriate, but you took him to the same NAPA that you spent many years criticizing. [*Desk thumping and interruption*]

I went to Texas as a Minister in the Ministry of National Security some years ago and encountered a very potent motivational speaker who was renowned across the United States for doing a great deal of work of similar vintage, and we

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invited him to Trinidad and Tobago and I brought him to Trinidad and Tobago. We took him to Morvant, we took him to Laventille and—he had a tight schedule—I also took him to the prisons where he met and spoke to hundreds of prisoners. That is on the record. That is what I might have done. But, of course, this Government does not operate that way. But at any rate, I hope that when the goodly General leaves Trinidad and Tobago, we would be able to disseminate the message and the work of the mentorship programme should continue. I wish the Minister of National Security very well.

Madam Vice-President, I was happy to read—and I would like to congratulate the elements of law enforcement: the police service, the Forensic Science Centre and others who were able to solve, as it were, the Daniel Guerra tragedy. I want to compliment them.

**Sen. Panday:** I would warn my friend that the matter is now sub judice and please do not prejudice anybody.

**Sen. F. Hinds:** I am complimenting law enforcement. It is public knowledge that they took the case—the investigation—to a point where an arrest was made, and someone is before the court, and I want to compliment them for that work.

I also want to say that I had the good fortune of piloting DNA legislation in this House against much opposition from the UNC when they were in Opposition.

**Sen. Panday:** Never, never!

**Sen. F. Hinds:** I did. That is true. You were not here, you were in the political graveyard where your brother put you for a long while. You were not here. [*Laughter and desk thumping*] You are half the man you used to be. You were taken out and the remainder of you was dusted off just to prop up this unseemly Government, but that is quite all right. Madam Vice-President, I do not want to be disturbed by my friend and let me continue.

**Sen. Panday:** I will deal with you.

**Sen. F. Hinds:** “You better deal with your colleagues.”

Madam Vice-President, we are attempting with this legislation to bring about change in the society, and I feel compelled to say to my friends, in particular my friends opposite, a wise man told me a few weeks ago, when a man wants to change other people—the community, the society and the world—but does not want to change himself, he enters politics; but if a man, he said, wanted to change himself and change others in the world, he quietly pursues the truth. I am urging

my friends on the other side to bear those words of wisdom in mind. As a bit of a let-off for a few individuals, he said, if however, such a man enters politics, notwithstanding, he quietly pursues the truth.

**Sen. Brig. Sandy:** Thank you. [*Laughter*]

**Sen. F. Hinds:** But according to Benjai as well, he keeps good company. You are keeping very bad company, so I have some concerns.

Madam Vice-President, the philosophy of this legislation, as I said to you, we had to redesign it in the Joint Select Committee. I have described to you already what their philosophy was, and I want to read now the explanatory note to demonstrate what is the refined philosophy, the one that we could accept, the one that we signed on to, as it were, in the Joint Select Committee. This Bill, and I am quoting:

“...seeks to make provision for the maintenance of public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity and for other related matters. The Bill seeks, *inter alia*, to make it an offence to be a member or leader of a gang, to be in possession of a bullet-proof vest, arms or ammunition for use in gang-related activity, to participate in or contribute to activities of a gang, to support or invite support for a gang, to prevent a gang member from leaving a gang or to harbour or conceal gang members or to recruit persons, including children, in a gang. The Bill also seeks to confer on a Court the power to order the forfeiture of property used in connection with gang-related activity in certain circumstances. The Bill further provides that it shall remain in effect for five years after it comes into force.”

So that this Bill has a life of five years. Some Bills one year, some are, of course, indefinite, but this one is for five years, so we will have an opportunity—the stakeholders, as they operate the terms of this legislation—to see how it impacts on the problems that face us.

The Attorney General told us, in the other place, that there was a 20 per cent increase in gangs across the country, and I remember when a former Minister of National Security told the Parliament of Trinidad and Tobago, right here in this Senate, that there were 66 gangs and roughly about 500 and something members. There was alarm on the other side, scandal, and they made a whole lot of noise, “And if you know that there was so many gangs, what are you doing about it”, without realizing that all along things were being done—gangsters were being

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arrested, their vehicles and their homes searched, many were speaking foolishly before the courts, many were being sent to prison; some would have lost their lives when they confronted elements of law enforcement and those more trained personnel would have defended themselves, and by extension the society; some of them would have killed each other—but they behaved as though the thing was static, simplistic in the extreme. But now that they are in Government, they can see that there is a 20 per cent increase, and they are now grappling with the problem that any government would have had to face.

This is not a local issue, you know, this is a regional issue. About four years ago, I spoke to the Prime Minister in St. Kitts, still the Prime Minister. He mentioned to me that they were having a serious problem with crime. At that time they might have had about 30 murders for the year. But, for them in the little island of St. Kitts and Nevis, that was a major issue. I have noticed that they have continued to have serious challenges with drug dealers going there. In fact, in one of the islands recently a politician was shot. It is not a local or Trinidad issue.

**3.15 p.m.**

The land from which General Powell came is rife with gang-banging all over. The son of a police commissioner was killed recently in St. Kitts. I am just being reminded by my learned friend that the son of a police commissioner was killed. I do not know the details, whether it is some kind of action against him because of the work he is doing. I have no idea, but that is the reality, all across the United States. I know.

The young man whom I told you about, who I brought and took to the prison and not NAPA, I took him to Morvant and Laventille, not NAPA, like my friend, the Minister of National Security. I took him where we thought the thing mattered, so that they could feel, hear and touch, and he could reason with them in a session. He did, and the prisoners were so grateful when we did that exercise.

He told me about a situation where a woman on duty as a nurse in a hospital, received a call that her son was seen in a red-light district. She ran away from her job and went to that area to find her teenage son, to usher him home. The area was very dark and bushy, and apparently the very gang that he was in did not recognize, or maybe they did not know her, and they attacked her. She was brutally beaten and raped by his gang. This is a true story, real, because he met the young man in Texas.



The crime was so heinous that they took the youngster from New York where he was and they sent him for his rehabilitation quite in Texas, based on their interstate laws. He had interfaced with the guy directly and all they tried with this youngster, he could not come to terms with it. On the night before he graduated from the programme they had put him through, he committed suicide—real. I am sure General Powell would know about this and many other horrible things. It is not a local issue. It is a very, very serious situation. We have to become a little more moralist; not that we are perfect. No man is perfect. I am not. None of us is. We do not expect perfection, but moralist in the sense of understanding what is right and what is wrong and having the courage to pursue that which is right.

If a former Chairman of the Police Service Commission made a statement that was illegal, provocative and insensitive, I was expecting to hear the Attorney General and the Prime Minister come out and not only condemn it, but call on the President to fire him. I have not heard that from the Prime Minister as yet. Maybe she thought that she had a constituency, she did not want to trouble, because she knows full well that there are other elements of her Government who share that philosophy. She knows that. We have to lead from the front. This thing is real. I told you what my wise friend told me: “If yuh want tuh change de world and doh want tuh change yourself, yuh eh going no place.”

On the other hand, the PNM was out there through our leader, timely, bold and standing for principle. Immediately, he called on the President to deal with the Chairman of the Police Service Commission, immediately, in clear and unambiguous terms. I have not heard such a clear, unambiguous position coming from the Prime Minister, nor from the Attorney General. “Everybody ran and hide.” In fact, there are elements of the Government who supported it.

Let me turn again to the Bill. [*Interruption*] I am being—Madam Vice-President, I need your protection from the Minister of Public Utilities, Sen. The Hon. Emmanuel George. He has a running commentary going as I try to make my contribution, but that is quite all right. He “doh” want me to speak about question No. 45, but we will come again. We will find out.

The Bill tells us that a:

“‘gang member’ means a person who belongs to a gang, or a person who knowingly acts in the capacity of an agent for or an accessory to, or is legally accountable for, or voluntarily associates himself with any gang-related activity, whether in a preparatory, executory or”—concealment—“phase of any activity, or a person who knowingly performs, aids, or abets such activity;”

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This is a simple statement, and I hope that all the young people of Trinidad and Tobago would hear it and understand the implications of it.

I am aware, and I am sure by now the Minister of National Security is aware, that there are gang leaders in this country who recruit these young, pliable and malleable boys 13 years old or 14 years old. We had information at one time that a 13-year-old boy who was still excited with Bourbon biscuit and Chubby soft drinks, minor matters like that, they had taken him in and they broke him out by having him fire three shots into a man whom they had killed. They broke him out that way. These things happen. The Minister of National Security will know by now that in some cases when these 14-year-old and 15-year-old boys who operate with their gang leaders, who would have taken them away oftentimes, from single mothers, captured them.

There was an occasion when we got a report, that when the police arrested the young boy, he spent 48 hours in police custody and when he was released after, because they probably did not get evidence to charge him, as he got back into his community, the gang leader got a hold of him and beat him severely, as part of their debriefing, to find out what did they ask, if he “called anybody name,” who questioned him. They debriefed him. “Licks like rain!” He was badly beaten. These are the circumstances that some boys are experiencing in this country. This thing is very serious.

I want to make reference, because Jamaica is having a serious influence on Trinidad and Tobago. When I returned to Trinidad in 1994, from studying aboard for seven years, I was quite shocked at how the society had so transformed in a short seven years while I was gone. One of the things I observed, I always liked reggae music, I still do, but I was inspired by the likes of Peter Tosh, Bob Marley and Jacob Miller, the roots brothers; those who sang a spiritual and actual uplifting message, not the type that certain DJs play. [*Laughter*] I called no names. [*Interruption*] I did not call any names.

**Sen. George:** You know you are not referring to me. Your colleague would know who you are referring to. I grew up on Peter Tosh and Bob Marley.

**Sen. F. Hinds:** You did grow up on Peter Tosh and Bob Marley like me? Those brothers influenced my thinking. In fact, you would see today that I am a proud, proud, proud, Rasta, and strong, sober, clean, conscious and prayerful, because that was the influence that we had.

I have noticed that some of that kind of dub and slack music have found a comfortable place in the bosoms of the youth of Trinidad and Tobago. It shocked me. It surprises me. We had to ban one “fella” called Movado from coming here

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and others like him. I saw you all opened the door to him recently. I understand that he has rehabilitated himself and he now sings a more conscious song. I am happy to hear that.

Jamaica has had a serious cultural impact on the youth of this country. That is not to be doubted. Therefore, I think I can be at liberty to quote elements of a book entitled: *They Cry 'Respect'! Urban Violence and Poverty in Jamaica*, compiled by Horace Levy, directed with a foreword by Barry Chevannes. I want to quote from page 9 of the book where he, under the rubric of the history, was tracing some of the issues, in terms of gang violence and violence generally in Jamaica. I do this for good reason, because what is happening in Jamaica has influenced a large cross-section of the youth of our nation. It is real.

Some of them have Jamaican accents; just like children years ago had American accents by watching Sesame Street. He is talking about the history. He is really tracing the history. He begins by saying that people live good. There was a sense from his investigation that people felt very good about themselves in the 1940s and 1950s and perhaps as late as the 1960s. In Camp Town and other communities like that, there was commercial self-sufficiency. In a place called Zinc City, which I have never been to and I do not know, he is saying in this book:

“In Zinc City Jamaican-made shoes went for 10 shillings, coal was cheap and people ate chicken rather than chicken-back.”

Apparently there is a big issue between whether you could eat chicken and eat chicken back. Chicken back is more bone, I understand. I think Sen. Abdullah might know a little about this. I did not suggest that he only ate chicken back. I am saying that he lived in Jamaica. Do not laugh at the hon. Senator, my friend.

“All around, the cost of living was more tolerable and certainly not the oppressive burden it is today...Topping it all, even though ‘you didn’t have a fridge, a TV, or a gas stove, you were able to walk from Parade all the way to Park Town—Freedom is the best thing’ and ‘children could play in the park...That was from the 1940s into the ’60s. Residents and visitors could move freely...Anyone, even women returning from a dance late at night and alone, could walk without fear of being molested...Police, who were more integrated into the community, were looked to for advice and the ‘splitting’ of justice.”

I interpret that, I am not sure, meaning if there is a problem in the community the police can play the role of mediator and resolve it.

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Then he goes on in his tracing of the violent issues in Jamaica:

“Parents were very strict in the early days. They ‘kept the youth in check’...When you were sent to the shop, you were expected to hurry and not linger; so parents would spit on the ground and tell you to get back before the spit dried. Every child had several parents since everyone in the community had license to discipline children.”

I think this could be replicated and could be said about what Trinidad and Tobago was in those years, but unfortunately, those days are gone.

“Since the late 1970s, however, according to Park Towners and Zinc City people, there has been a relentless climb in the cost of living, while the availability of jobs and of training worsened.”

There is a link here between poverty and crime. I am almost certain that there is some link. I am not a sociologist but I asked a radio presenter this morning—I called to ask a question based on the conversation that was taking place—and listened to their responses: whether hurting other people, stealing from other people, raping other people and the gangland activity that we are talking about today, is ever justified because you do not have. That is the question I asked. It is something to contemplate, because there is a large body of opinion that feels and expresses the view that if you are poor, you can be justified in robbing someone or stealing from someone. I do not think so, but there are people who feel so.

Many of the songs, including some of the Reggae songs, suggest that. I have heard many people on talk shows in this country actually telling young people about the haves and the have-nots. But if this is correct—I do not know if it is—the 5 per cent that Watson Duke—his hand was probably twisted to accept, then we have a problem, because the children of those public servants would have to confront and sustain hardship when they lost an opportunity through negotiations that were suddenly aborted recently.

**3.30 p.m.**

So, Madam Vice-President, the author also talks about:

“...a decline in discipline, a downward shift in behaviour, values and attitude”

So, those were some of the circumstances that he identified, making the point, as I said earlier, that we have to lead from the front, and he explained here how politics played an important role in creating gang violence in Jamaica. Fortunately so far we have not gotten to that path as yet.

I can tell you boastfully that I took action in Laventille East/Morvant to ensure that we did not begin to go on that path, because I was under tremendous pressure from gang leaders, when I was MP, to get involved in the URP and other government programmes with my own assistance, so that they could control things and do things, but I was sufficiently learned, wise enough, courageous enough to stand up hard against that and boastfully could say today I did; never countenanced it.

Because one gang leader who had tried to associate himself with one political party, and then “the other one watching that”, he tried to associate himself—in fact, the history would show that the UNC had put a former well-known gang leader as a UNC candidate in a local government election in this country. That is a fact. And I read a few days ago that some UNC councillor’s name is being called with ownership of an unholy place somewhere in Mayaro; unhealthy too, “un-PNM”. [*Desk thumping*]

So, Madam Vice-president, these are very serious issues. And I am saying to you that they can be easily traced and replicated in Trinidad and Tobago, easily, and we have to be mindful of that. I want to, for the benefit of the youngsters who are no doubt listening to us, pay attention to clause 4 of this Bill. Clause 4, the so-called definition section, talks about recruiting, including counselling, procuring, luring, soliciting, inciting and inducing persons to become associated with gangs. In clause 5(3), a very important clause, because while I do not want to go into the Daniel Guerra issue, the nation knows that a police officer has been charged for that offence—the nation knows that.

**Madam Vice-President:** Senator, could you just kindly refer to the specific Bill that you are referring, clause—

**Sen. F. Hinds:** Yes, clause 5(3), Madam, Vice-President, of the Anti-Gang Bill says, and I quote:

“A person who is a police officer, prison officer, a member of the Defence Force, a constable appointed under the Supplemental Police Act or the Special Reserve Police Act, a member of a protective service agency or a person involved in law enforcement, and is a gang member, commits an offence and is liable on conviction on indictment to imprisonment for twenty-five years.”

So, the fact that you hold office in one of those organizations causes it to be seen, and I think quite naturally, with greater alarm and, therefore, the sentence on indictment would be as much as 25 years. I think this is a very worthwhile provision, but we must understand that not only military or paramilitary, not only persons who are so defined here, can be lured into criminal activity, not only that.

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In fact, many people in the society consider that when we have these debates we always talk about the little fella down on the street with the gun and the gangsters in their three-quarter pants, their excessive jewellery, their grills and all of that with their mouth full of gold, and all of that, yes. But they are saying and I am telling the Minister of National Security this: one of the issues you have to grapple with is that there is a large cross-section of the young in the society, who feel justified in doing the things we are dealing with here today, because they look at the top of the society and they see persons in suits, jackets and ties who they consider gangsters too.

In fact, somebody told me down in Sea Lots—I went down there once to deal with a problem. I saw a story on Christmas day in the papers, and I could not have breakfast until I responded to it. I abandoned my breakfast Christmas morning and I went down to Sea Lots to find a young woman who the San Fernando Hospital had put out, because they thought she was sufficiently terminally ill, she was terminally ill and it was no point keeping her there, they put her on the street so she went back to her community in Sea Lots, and she was in absolute squalor.

**Madam Vice-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. F. Al-Rawi*]

*Question put and agreed to.*

**Sen. F. Hinds:** Thank you very much. [*Desk thumping*] As I was saying, so I went down there to deal with that problem and then I saw other things. So, I asked the leader of the group down there, a female interestingly, why not just get rid of this nastiness around here, the drugs and all the things? She told me, I do not know if it is true, but she told me without illicit activity they would not survive. Everything was illicit down there. But the point I really want to make is, she told me, come Friday night, come Saturday night, and come Sunday night you would be surprised to see the kinds of vehicles that come down there to purchase some of the illicit and nasty stuff. She told me that.

So, I say to the young people watch your friends, watch your company—I said that to a friend of mine here a thousand times—watch your steps, watch your mouth—not wash, watch—and if necessary wash, as the old people used to say watch your conduct. In fact, I had a little mantra that I said to my children from the time they could understand, I used to say and will still say to them really, keep away from slippery people, slippery places and slippery things. I hear it coming back from them sometimes in ways that make me happy because they understand the concept implicitly well.

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If anything else, I hope that this Government will embark upon a public education exercise not only the limited mentoring programme, and I must say that the hon. Brig. John Sandy, the Minister of National Security appears well meaning, he appears well meaning [*Desk thumping*] and my prayers are with you, my prayers are with you. I do not like the company you keep, I have a problem with that, but my prayers are with you and I do genuinely wish you very well. I wish you well. I say this because I remember him saying recently to the nation that he was set up and I now have to ask him, by whom? I am sure it was not anybody from on this side.

The SIA/SSA is an important agency in dealing with gang-related activity, and this is why early in my contribution I wondered seriously aloud, what has happened to the intelligence material gathered over the years by them? Some ended up in the press under that Government, and we heard recently from the Prime Minister and others—she is asking the commissioner what has become of it, the commissioner is saying, “I do not know”. All that is happening under the watch of the Minister of National Security. We saw as well that an amateur, unqualified and untrained was appointed to head that agency. Why? Why did this Government disrupt the SIA like it did, important as it is in dealing with crime? Why did this Government abolish the special Anti-Crime Unit? Why did this Government send all the Scotland Yard operatives who were here packing back home? Why is it?

**3.40 p.m.**

Who? We heard the leader of that organization recently, Colonel Griffith, tell the nation that Julie Browne was cleared. She did not falsify the résumé; but he stopped short of telling us who did. We would have thought that his investigation would have taken him there, so now there are more questions than answers.

We heard the other Minister in the Ministry of National Security say about that important agency, which is involved in dealing with anti-gang activities on the part of the State—and he was being called to order by the *Express* for speaking an untruth—that one Mr. Ganpat was appointed for two days and made to withdraw. Why?

We got information recently—and I hope it is not true—that not one, single, seagoing vessel was able to patrol.

**Sen. Brig. Sandy:** [*Inaudible*]

**Sen. F. Hinds:** Yes. There was a point recently—we got information; you were out of the country—when not one single patrol vessel of the armed forces here was able to hit the sea and not one aircraft was in the sky.

**Sen. Brig. Sandy:** Impossible!

**Sen. F. Hinds:** Impossible? You need to check it out! I hope it is wrong. Why has your Government been so hostile about national security issues? Why do you not want to answer my question about which house the Prime Minister was in and the terms and conditions? You have shown hostility to fighting gang behaviour in this country, notwithstanding all your lofty words. There is a large cross-section of the community asking whether you are obliged to do that because those who financed your campaign demanded it of you.

**Sen. Abdulah:** Madam Vice-President, Standing Order 35(5). The Senator is quite clearly imputing improper motives.

**Madam Vice-President:** I would like to indicate that I did not hear the Senator indicate by name, but I believe, Sen. Hinds, that you are bordering on speaking on the conduct of the Government as a whole. I would ask you to stay on the side of it. You just have a few more minutes.

**Sen. F. Hinds:** Madam Vice-President, I have no choice but to comment on the conduct of that Government and I think I am entitled to do that as an Opposition Senator.

In defence of the people's and the public's interest, these are serious questions; not a joke. Nothing that you have done since you came to office has given the people of this country any further or improved confidence in the management of crime in this country. Nothing!

**Sen. Panday:** Really? [*Inaudible*]

**Sen. F. Hinds:** This is why I ask these questions. In fact, in my opinion, you have shown hostility to it. All the things you have done are hostility to it and I have to ask myself why. So I did not come here today to pussyfoot and pamper you all; I came to deal with the real issues. We have a problem and we have to attend to it. [*Interruption*]

Trivializing? There are questions to be answered. As I told you earlier, from the reports I read in the newspapers, it was DNA evidence that was able to break a very recent case and I am proud of that. That is what we did and much more.



Mr. Vice-President, as I wind to my conclusion, I, too, would want to say that I am happy with the product of the deliberations of the Joint Select Committee. I participated in spirit and truth. We all did and we always would. Once this Government seeks our support—and we have had that 100 times—when we were in Opposition between 1995 and 2001, our then leader, Mr. Patrick Manning, approached the Prime Minister of the UNC, Mr. Basdeo Panday. They had collaborative talks out of which a number of amendments to the Constitution, the Police Service Act and such things came. It is in that context that we amended the responsibility of the Police Service Commission. We have always been very responsible and we will continue to offer that to this country.

**Sen. Panday:** And voted against your own Motion to appoint Stephen Williams as Commissioner of Police. Disgraceful!

**Sen. F. Hinds:** What a pity I do not have some more time so that I can tell you about other disgraceful things.

**Sen. Panday:** The Government brought a Motion for the appointment and you voted against it.

**Sen. F. Hinds:** There will be time enough. I will conclude my contribution by urging the Government to embark upon a public education programme so that the youngsters in the country will understand.

As I said earlier, I know of cases where, though we say that there is this basic tenet that ignorance of the law is no excuse, there are many people who get themselves into trouble and discover after that they have broken the law. *[Interruption]* The mentorship programme will deal with that.

As I conclude, I said at the top of my contribution that a government can be a gang and their friends too. I see there is brewing hostility by the management of CNMG, acting like a gang, terrorizing professional journalists to the point where they are complaining that they are being told by members of the Government that they should publish propaganda. That is gang behaviour.

**Sen. Panday:** PNM style.

**Sen. F. Hinds:** I ask the Government to leave the professionals in CNMG alone. Do not interfere!

Madam Vice-President, the journalists and the professionals are complaining against that Government. It is another revelation to them, but we always knew that this Government was dictatorial, misguided and came into government with a

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certain philosophy as espoused by a former Chairman of the Police Service Commission and given support before and after by some of my colleagues on the other side.

As I conclude, we, having participated in the deliberations of the Joint Select Committee, are expected to and will lend our support, unless something drastic happens during the course of this debate—you never know with that Government.

That apart, we worked hard on it; I think we have come with a product balancing the rights of the individual with the public right and the public interest and I, too, will join all of those who commend these measures as Trinidad and Tobago's latest effort, not the only effort, in its fight against gang activity and, more generally, criminal activities in Trinidad and Tobago.

I thank you.

**Sen. Basharat Ali:** Madam Vice-President, thank you very much. I am pleased to be able to make a relatively short contribution to the debate on the two Bills before us. I agreed quite easily with the Leader of Government Business over the weekend that we could do these Bills, the Anti-Gang Bill and the Bail (Amdt.) Bill, together because of what has been achieved in the Joint Select Committee meetings.

I must say that in the month of December when these Bills were first introduced in the other place and were being debated, I had a first read of the Anti-Gang Bill and was a little taken aback by the harshness—I do not like the word “draconian”—of some of the penalties. Having looked at the situation again and having noted from the Attorney General, some of those have been moderated, having looked at the situation in which we find ourselves in this country, I have come to the conclusion that we do need an Act as finalized by the Joint Select Committee and laid and passed in the other House.

Madam Vice-President, I congratulate the hon. Attorney General for the effort that has been put into this Bill. I do so on the basis that I have read the Bill from cover to cover. I have even read page 85, which talks about the attendance of the members.

I think that the Joint Select Committee made a sterling contribution in record time and I have come to the conclusion that our Attorney General must be a hard taskmaster and must have been a hard taskmaster with the support, in this case, of a group of people who represent, certainly from the point of view of the legal profession, the cream of our two Houses.

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I am pleased with what they have done in looking at both of these Bills, so I unreservedly support these Bills today. I say so on my behalf. We have six others to come on my Bench and they will say what they feel about it. I support it not only because of this Bill, but because of the general state in which we find ourselves in this country.

In the very short period between the April 01 and today, that is only 12 days—I am very concerned about where we are going. In the *Newsday* dated Sunday, April 03, 2011, there was this incident which the hon. Attorney General just mentioned en passant, where this young boy, a student of Gasparillo Composite Secondary School, was stabbed in what apparently was a fracas outside the school compound. I would like to read parts of this because I think it is important to understand what is happening.

This report by Stacy Moore says:

“The single stab wound that 14-year-old Micah Savary, a Gasparillo Composite Secondary School student sustained after being stabbed by another student not only penetrated his chest but the blade from the knife, his father said, pierced almost three inches into his heart.

The Form Two student of...Claxton Bay is still listed in a critical condition at the... (ICU) at the San Fernando General Hospital, and his father Jethron Savary, 40, is hoping and praying for the best.”

Apparently the incident occurred the previous Thursday, about March 31, which is not so long ago. Not only Savary, but three other students were stabbed in this fracas outside the school compound, they say.

**3.55 p.m.**

I have not heard anything else in the press so—I have not heard any follow-up on this, so I am hoping and praying that that young boy, 14-year-old Micah Savary, is okay, has survived this ordeal and is on his way to full recovery

What is bothering to me is that we have had no other report and it seems that these things die as soon as something else happens. The case is almost like it is cold, it is like a cold case in fact, purely because maybe the man has survived—I believe he would have but it is a serious matter. And I wondered when I read this and having gang activity in my mind at this time, it appeared to me as if it was a gang-related crime at the youth level because these are school children, in fact, they are under the age with which our Bill deals because our Bill in fact starts at—a child is up to 18 years of age, so they are less than that. And it upset me quite a lot. And the father—I had some sympathy for him because he said;

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“...in today’s society parents are to be blamed for the crimes of their children by failing to take up their roles and responsibilities as parents”.

And this is a man whose son had been stabbed. And he goes on to say:

“Every day I spot check my son’s schoolbag, when he leaving home for school. I open his bag on morning...even check his socks and shoes just to make sure he is going on the right path, because youths could easily get distracted. But there are parents out there who don’t do this.

On evenings after school, Savary said that he would usually pick up his son from school but on that day Micah had to travel as he (Savary) was pursuing a survival course in Port-of-Spain.”

So there you have an accumulation of events and which could have resulted in the loss of this young 14 year old.

So I was following this up and even the following day, Madam Vice-President, on “Monday 04, April” they are saying; “Cops search for student”, and the student they were searching for was the main suspect, the one who apparently would have used the knife. And there is a report which says that, according to police, that suspect had gone into hiding since the incident. Although he had reported to school and he was suspended, he cannot be found. And at this time the boy was still in critical condition.

So there we have a close call on the life of a young boy. And it really upset me to see that this has happened, but I would urge the hon. Minister of National Security that things like these need to be followed up. Even though the boy has recovered, that needs to be followed up, just to even save the youths who were involved in this incident, and as they say it may have been outside of the school compound, but they are children, age 14 at that time.

And Madam Vice-President, the next reason that I chose to support this Bill is a similar kind of incident. And that was on Friday, 08 April, a report of a “A Double murder in Barataria”. I came from that area in fact; I was born in San Juan/Aranguéz, so I know that area quite well. Barataria is on the border between San Juan and Morvant. This one here, if I may read again;

“A DOUBLE murder in Barataria on Wednesday night has pushed the homicide figure up to 116 for the year. Investigators said that at about 10.45 pm, relatives of 19-year-old Jevon Clarke reported hearing several loud explosions while at home on Ninth Street, Barataria.

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Aware that her son had been liming outside with two friends, Clarke's mother reportedly went out to find three men lying in a pool of blood in front of the gate leading to their home.

The two men... were identified as Enrique O'Brien, 27 and Errol Granger, 19."

One of them was a recent resident of the area, and the other one from El Socorro which is close by. So it is not that this is a home crowd even, but there it is these two persons died—a 19 year old and a 27 year old—and the other one was warded in a critical condition.

So what was this, then? Was this another gang-related activity? Because evidently they were shot, blood all about, several explosions, so this is the use of guns. I have heard nothing else after on this particular case, and it worries me because there it is they say, "Sgt. Ali"—not my relative—"of the Homicide Bureau is said to be continuing enquiries". But it seems that this has gone quiet and nothing has happened, so the question of detection to come to the next stage is what we seem to be lacking. So once again, it is an effort which we must make to try to get that going.

Madam Vice-President, I think I am getting paranoid about gangs because on April, 08, last Friday, the *Trinidad Express* had a report:

"Daylight robbery at downtown store.

Police are probing an incident in which two men staged a daylight robbery at clothing store at Aboutique Mall, Port of Spain yesterday."—that was on the Thursday;

"The incident occurred at V.S Fashions, which sells women's clothing, around 10.15a.m.

According to police, the manager and other employees were at the business place when two men entered the store, pretending they were customers.

Both men, police said, were pretending that they had firearms concealed in their clothing. One of them walked up to an employee and demanded that she hand over everything.

The woman handed the men an envelope which contained \$800 and additional \$600 from the cash register.

She was also relieved of her jewelry by the suspects who quickly made their escape along Frederick Street, the main shopping street in the city.

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Detectives Anderson Roberts David Ellies of the Port of Spain CID Task Force visited the scene and are probing the incident”.

Now, is this a gang activity because, according to the definition of a gang, two people form a gang? There it is, two people who appeared to be concealing a weapon, robbed with menace and, in fact, committed an offence under the Anti-Gang Bill. Because if you look at the Schedule of the Anti-Gang Bill, you will see that there are two items on that Schedule which could be treated as gang-related activities and they are, in fact, No. 13, “demanding money with menace”, that is one, and No. 16, “robbery”.

So there we are—there is an activity and it seems a small thing. Is it petty theft or is it part of a gang operating? I know there are gangs operating in downtown Port of Spain and other things like theft and things like that. So there we are, once again evidently nothing much happening. So, it is rather frightening. As I say, I am probably paranoid now, but it does meet some of the criteria that are in the Anti-Gang Bill, and we should be looking at whether they are part of a wider gang that goes about in the city and robs people, then we must work on that basis. We need to really get going more fully.

**4.05 p.m.**

These are the matters which prompted me to say that I yield and I agree that we have to take a sterner position, and what we have to do is to detect, in fact, for each of these cases that I have mentioned, and which may fall under that Bill which we have and which, hopefully, will be an Act in pretty short time, although I think there is a proclamation to be done on it.

In fact, Madam Vice-President, I do not have any comments on the Anti-Gang Bill itself, because I support what has been done there, and I think there is general support, from what we heard, even from the other place.

On the Bail (Amdt.) Bill, I looked at that rather very carefully and that had been passed, but I noted something on the Bail (Amdt.) Bill. We did a Bail (Amdt.) Bill as a miscellaneous provision not so long ago. That has been passed in the Senate, and I noted it has been read in the other House. So, are we going to have another amendment and how are they going to deal with it? I am not a lawyer, so I cannot say. I was hoping that the Attorney General would have been here, because I have some questions related to that for him. If they are going to pass that, then they have to go and do another amendment before consolidation, because that comes under section 5(2)(a) of the Bail (Amdt.) Act, because that is

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what we passed, to increase the non-bailable period from 60 days to 120 days. That is what that is all about. In the Anti-Gang Bill, that has become part of the Bail (Amdt.) Bill, because they do refer to Anti-Gang Bill in that respect. There is where we are on that one. How do they consolidate this if it is passed there?

Madam Vice-President, in fact, I had a query on the Bail (Amdt.) Bill, and it relates to clause 7 of the Bill where paragraph “1” is listed there as one of the offences, “recruiting a child to be a gang member”. Okay, that is the statement. Now “child” in the Anti-Gang Bill is someone up to the age of 18, and “child” in the Bail Act is someone under the age of 14. Also in the definition section, we find apart from “child” there is a “young person” and a “young person” means a person who has attained the age of 14 and is under the age of 16. So there are two definitions in the Bail Act itself, and it was unclear to me whether the “child” there was referring to the definition which is in the Anti-Gang Bill, but it is not included in the Bail Act. If that is the intent, then we need to have a suitable amendment.

I would like to ask the Attorney General or the Minister of State in the Ministry of National Security, Sen. The Hon. Panday, to look at it and see whether at the committee stage we may have to make an amendment. So that is a question I have. Madam Vice-President, that is as much as I can say on the Bill itself.

I would like very briefly to refer to the National Mentorship Programme which was launched yesterday. I was at NAPA for the occasion, hon. Minister, and I felt very uplifted at that function from more than one point of view; the two inspirational and motivational addresses by General Colin Powell and his wife Mrs. Alma Powell. It was really something which we needed to hear. I was really thrilled by hearing what they said. As I said, I felt uplifted in my spirit, and not only for that. In fact, I felt uplifted by the rest of the programme—that young boy, Aaron Duncan, who sang with the Mighty Sparrow. There were youth there who are great. I mean, this is a little boy, and the talent that I saw there was exceptional.

We have a young Calypso Monarch, and her calypso was very timely. The title referred to the lack of father; the father has gone and that is why Karen Asche sang, “Since You’ve Been Gone”, and her words were that you need a strong father figure, and there it is, she is saying it in calypso and, I think she did a marvellous job.

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I must compliment the hon. Minister of National Security for [*Desk thumping*] more than one reason, for getting together that programme which entertained and also which lifted us up. I was certainly lifted and anybody who was there—I think Sen. Cudjoe was there—who felt that way and it was something that we need. All we need to do now is to take hold of that Mentorship Programme and work it out. We all can be mentors in one way or another.

As I say, I come from humble circumstances from a rural area, but I did have strong parental support. When I needed other things—my father never went beyond primary education; my mother could not read or write, they could not assist me, but they made sure that I got assistance when I needed it, and that is part of mentorship.

I was listening on Saturday to one of the awardees from the Ansa McAl Foundation Award of Excellence, and Prof. Surujpal Teelucksingh was the awardee in science and technology, and went there with a little prepared acceptance speech. I was interested because he said that he was born in Cunupia, a rural town—hardly a town, more like a village—and that his mother was a widow at a young age, so his mother took the role of both mother and father in bringing him up. He made the point that she never spared the rod to spoil the child, so evidently he got his fair share of “licks” and, today, he is a brilliant professor working in the field of diabetes and such things, and he is an awardee of the Ansa McAl Foundation, 2011. So, I can feel some commonality with people like that.

I would be happy to assist in mentorship in my own way. I do it, because many young people come to me, and if I can, I help them, because if they are in my field of engineering, they come and ask me for advice. When vacation time comes, some of them would want a little training, so, if I can, I speak to my friends in the petroleum sector, and they often get there. I have helped them even to be placed and people to be adjusted.

There was this young graduate who was going from place to place and lost. I had a friend who said, “Well, look, find out whether you can do anything for him.” I got the young guy and sat him down and found out exactly what were his problems, and I called one group of people and said, “Well, look, this young man has everything that is there to develop. All he has in his mind is frustration and that can be corrected.” Today, this young man, who has graduated for a few years now, is doing very well, because I find out. So, that is the kind of thing that I do.



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Well, we have a little company and we do even—if the Minister of Health was here she would know that there is a School of Ophthalmology in Trinidad now. Last year, someone applied and we took her for a vacation training to come and see how the practice works, and this year someone has already applied and we are going to take her in. That is what we have to give back, and we all can do it.

So, hon. Minister, if I can help, at any time, I am always willing to. [*Desk thumping*] I am getting past the age, but we all have to be able to make a contribution to offer to the youngsters what we can, because we are supposed to be their role models; we who come here every day, and perhaps we can improve our role by improving our behaviour in Parliament. [*Desk thumping*] I often say that, and I say it deliberately. I speak of that, that we should have a greater deal of decorum in our business, because the people are looking at us on Channel 11. [*Desk thumping*] I know because many people stop me and look at me and say, “Well, you are from Parliament” and I would say, yes, and they would say that they like my contribution. Now, when they use that word “contribution” I know that they are looking often, because normally people would talk about a speech. So I know.

One day I walked from outside Parliament to Charlotte Street and four persons stopped me on the road, and they complained about some other people. [*Desk thumping*] I would not say who they complained about. [*Desk thumping*] They did complain about some other people. So, we have to be the exemplars, and we have to support the Minister’s programme with his other parts. I am sure all my colleagues here will be happy to make that kind of contribution in order that we may have a successful outcome and protect our young people and bring them into line and make them feel their worth. Self-worth is an important thing. If you do not have that, then you are lost and that is what we can all help to do.

So, my brief contribution here is on that basis. I know the hon. Prime Minister mentioned yesterday four items in dealing with crime namely, prevention, detection, conviction and rehabilitation. We are not doing great on detection, conviction and rehabilitation, and we are now entering prevention, and prevention is aimed at the most vulnerable, our children. So, I say, let us all work toward making them worthy citizens of this country.

I thank you. [*Desk thumping*]

**4.20 p.m.**

**The Minister of National Security (Sen. The Hon. Brig. John Sandy):** Thank you, Madam Vice-President. Madam Vice-President, hon. Senators, I am pleased to be allowed to join this debate on these two Bills, which serve, yet again, to indicate and demonstrate the Government's affirmative action with respect to crime and criminal activity in Trinidad and Tobago.

I want to commend my colleague, the Attorney General, for his presentation of this Bill and I trust that at the end of the afternoon, and I stress afternoon, we shall all agree to the passage of this important piece of legislation.

Before I go into my contribution, which will be considerably brief myself, I thought of referring to my colleague, Sen. Hinds, and some of his utterances, [*Desk thumping*] but then I thought probably they really did not deserve responses. [*Desk thumping*]. He used to be my beloved son in whom I am well pleased—I was well pleased, but I do not think I am so very well pleased. [*Crosstalk*] But I was tempted to say that I would take my seat and allow him, in the first instance, to indicate, to provide evidence, to provide statistics that detection has deteriorated, but I will not go there, because shortly thereafter, he was praising our law enforcers for breaking a case, [*Desk thumping*] so there is no need to refer to that.

And then, I was saddened when he made extreme efforts to degrade what occurred yesterday in Trinidad and Tobago and spoke about his colleague who came to Trinidad and he took him to the prisons. What I would like to tell the dear Senator, my very good friend, is that where we were yesterday, and because of the television coverage, it was beamed all over Trinidad and Tobago, and up the Caribbean, and in the prisons, and the Youth Training Centre, and the Boys Industrial School, so we had regional coverage.

I think he was—I do not know if he was ashamed, but he did not mention the person's name. If he had mentioned the person's name, I could say, "Well yes, I had heard of him". The person had no name, this person whom he brought and took into the prisons. But the person who came to us yesterday, the calibre of that gentlemen is universally known and respected and we chose to allow his message to be beamed all over Trinidad and Tobago and up the Caribbean as well.

Madam Vice-President, hon. Senators, this piece of legislation ought to attract simple passage primarily because of the fact that I was honoured to be part of that Joint Select Committee and we were guided by the eminence of legal experts; people like my dear friend, Sen. Elton Prescott, Sen. Beckles-Robinson,

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[*Interruption*] Oh, you were not part? I am sorry. Member for Port of Spain South, Miss Marlene McDonald, my learned friend Sen. Panday, the Minister of Legal Affairs, the Hon. Prakash Ramadhar and my dear friend, Sen. Hinds, as well. But because of the expertise and legal guidance that resided in that committee, we were able amicably, and with the kind of collaboration, cooperation and guidance, to come up with legislation that not only pleased Senators, but I am advised that at the other place there was limited debate because of what had come out of the Joint Select Committee.

Madam Vice-President, hon. Senators, permit me to respectfully direct your attention to past headlines in the newspapers:

- Gangs Infecting Trinidad and Tobago
- Epidemic of Gangsterism
- Tackling gangs
- Rise of Gang Violence
- Gangs have Doubled since Guerra's Murder
- Gangs of Trinidad and Tobago

All of these point to the fact that we have a problem with gangs and gang warfare in Trinidad and Tobago. And why do our young people get involved in gangs? Easy money, status—you know our youngsters have a way, some of them, they get into these gangs and the way they speak, changes, the way they walk, changes, they speak like those rappers. As one comedian once said, they walk like apes. Their whole demeanour changes, the mindset changes because of their involvement in that criminal activity and because of the company they keep. Status: to walk down the road in a certain way and say, “Yes, I am a gang member and so other people need to respect me.”

Another aspect is a sense of belongingness. Some of them, probably because of the lack of proper parenting, go elsewhere to gather that sense of belongingness that they miss. Madam Vice-President, I grew up in an environment where there was gang warfare. I grew up on Nelson Street, in the midst of gang warfare. The difference was, and I think I have said that in this Senate before, in those days gang warfare with the “Applejacks” and the “Silk Cats” and the “Thunderbirds” and the “Lawbreakers”, and gangs like that, as we used to say long time, “big

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stone” and “bottle” and you know you hear someone got stabbed here, someone got chopped. Today, the finality of the warfare, eradicating our stock of young men in Trinidad and Tobago is what is so frightening.

So it is the gun violence and the gun culture that has crept into your society and we ask sometimes: how did it happen? We look over our shoulders. How did we allow this to happen? So we have to deal with it. And this is why, Madam Vice-President, this Government is bringing these pieces of legislation here, both the gang and bail Bills, in an effort to add some element of legislation to ensure that we diminish the gang warfare, and as well, we do something about the bail.

Our children are lured into a life of criminal activity because of the absence of proper role models in our society. And this is why, Sen. Hinds, we are looking at programmes such as our mentoring programme. And this is why we are trying to—

**Madam Vice-President:** I was going to ask you if you wanted to complete the sentence, but if not, we will break for tea. Hon. Senators, it is 4.30 p.m. and we will take the tea break and resume at 5.00 p.m. This sitting is now suspended until 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

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

**Madam Vice-President:** Hon. Senators, before we left for the tea break, the Minister of National Security was on his legs. He spoke for 10 minutes, so you have 35 minutes remaining for your first session, Senator.

**Sen. The Hon. Brig. J. Sandy:** Madam Vice-President, as you so aptly indicated, prior to, as we used to say long time, “recess”, I was lamenting the fact that in my days as a youngster growing up, there was gang warfare, but the difference today is the finality which the instruments of war, if you may call them that, inflict on our young people, our young male population, and much to the detriment of that male population, in that, we are losing our young men in the area of criminal activity; young, strong men who otherwise would have contributed meaningfully to Trinidad and Tobago, not only now, but in the future.

The information from CAPA indicates that in 2001 there were three gang-related murders. This escalated to the point where in 2008 there were 278 gang-related murders; and then this started decreasing, in 2009, 179, in 2010, 75. This shows that there was a decrease, and we would like to think that it would continue that way. We feel that legislation like this would assist us in causing our gang-related criminal activity to subside.

We know that gang activity is not something of today, and this is not confined to Trinidad and Tobago. You read about other countries. You hear about the Mafia, Cosa Nostra and things like that, other organized criminal activity or other organized crime entities that lend themselves to gangs and gang warfare. Thank God in Trinidad and Tobago we have not escalated to that, and we hope that we do not. It is in that regard, therefore, the People's Partnership Government has brought these two pieces of legislation to this honourable Senate, to invite passage so that we may attend to the criminal activity in our beloved country.

Earlier on we heard the Attorney General indicate that some youngsters were threatened and bullied into gangs. Some, because of where they reside, are made to join gangs. Others, because of a fraternal desire to be one of the boys, they find themselves in gangs. But I think one of the principal indicators is the fact that most of these youngsters who emanate into gangs lack parental as well as senior citizen guidance, if I could call it that. It is always good to sit and speak with elders and they can advise you. As General Powell said yesterday, they would not have had two and three degrees, but the wisdom they would have acquired during the course of their lives, some of the things they themselves have experienced, as the young people say, they have been there, they have done that. It is good to sit and listen to them; but unfortunately we have lost that.

I said yesterday that we have dropped the proverbial ball. What has happened in our society is that we have lost the values and virtues that we as youngsters grew up with, when you needed to say, "Good morning" and "Good afternoon", "Please" and "Thank you" on numerous occasions. I have told the story already, when I was going to school and had to tell one of my mother's friends "Good morning" and "Good afternoon" on four occasions, passing in and going out, and the day we did not do it, you know—that is the thing; you had all these aunts and uncles who were there to nurture you and guide you, "John, do not do this or that", and they cared for you.

The other aspect of that upbringing, that "village raise a child" concept, was the fact that parents cooperated. In those days it was, "tantie" or "tanties, "Tantie this" or "Tantie that"; so when one of my aunties found that I was doing something wrong, if it required a slap or two, it meant that when I got home and my mom heard about it, there were a couple more. Madam Vice-President, it had nothing do to with what you did. As far as my mom or dad were concerned, you did something wrong, an elder saw you, caught you in the act and demonstrated that sense of parenting, which we lack today.

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Unfortunately we have some parents going into schools to abuse teachers. The teachers and parents were one in those days. That was how we knew it; that was how we grew up. We are longing to have those days come back. It is in this vein that we have brought these pieces of legislation to see if we can cause Trinidad and Tobago to revert to what we used to be, to some of the virtues and values that were instilled in us. We are talking about respect, honesty and integrity that we need to share with our young people. Give them a sense of worth; remind them that they are somebody, that they could make something of themselves. And I invite people like my good friend, Sen. Hinds—both of us came from challenged areas—to go back into those challenged areas and tell those youngsters, “I am from here; I made it; you can make it too, and let me show you how it is done.”

Initially they may rebel, but be tactful, nurture them and they would come to the fore; they will. I am asking all our adults in Trinidad and Tobago, through this media, to lend their expertise in whatever area. As I said, you do not have to have a degree in anything, but the wisdom of life, the experiences of life, and nurture our young people, in particular, our male youngsters.

This is why I am inviting the national community as well, all fathers, and all male adults, bring your sons and come. We had it planned for Father’s Day, but that coincides with Labour Day, so we do not want to compete with the fathers going down to Fyzabad and others things. We are having it on Saturday 18 at the Hasely Crawford Stadium. We are asking fathers to come. If you are a father here, and there are two boys down the road who do not have a father, bring them. Introduce them to what a father really is and guide them, because sometimes that is all they need. All they need is that little element of guidance, so they can progress in life. Show them there is a future for them.

I know other Senators have gone through the Bill, in some detail. I would simply like to highlight some areas, for instance, clause 5, which allows us to outlaw gangs, gang membership and those who profess to be gang members in order to intimidate others so that a profit could be derived. In other words, they are in it for the money. We are saying people like that, and especially the gang leaders, should be imprisoned for 25 years.

Clause 6 deals with the protective services, the defence force and personnel like that. We are saying, if you have taken an oath of law enforcement, be it to protect and serve or to defend, you ought not to get involved in any activity adverse to that oath you have taken. It irks me when I hear members of law enforcement agencies renting arms, selling arms and things like that. I have no proof that it has happened, but you hear it all the time.

They probably would not sit to consider the fact that, “If I was a member of the law enforcement fraternity, expected to be out there protecting Trinidad and Tobago, and I were to allow the enemy to acquire firearms and ammunition that could possibly be shooting back at me or one of my colleagues, should one of them drop, how would I feel to know that I was responsible for my colleague’s death?”

**Sen. Hinds:** They should have a conscience.

**Sen. The Hon. Brig. J. Sandy:** We ought to. The point I am making here is that I endorse the severity of the sentence, because of the circumstances involved, where people have taken oaths to—*[Interruption]*

**Sen. Hinds:** *[Inaudible]*

**Sen. The Hon. Brig. J. Sandy:** Precisely I could not say it better than my learned friend. But the fact of the matter remains, it happens, and when it happens we must send a clear message that we will not encourage, we will not accommodate, we will not allow that.

Madam Vice-President, we looked at clause 7. This is particularly important, because here is where sometimes, as was said earlier on, “blood in, blood out”. It is extremely difficult for youngsters, if they find themselves entrapped in gang activity in gangs and wanting to get out, and cannot get out, for whatever reason. Some of them try; some of them have been killed in the effort of trying. Gang members who behave like that and who impose that element of constraint on one of their colleagues who want to get out, they themselves are exposed to imprisonment, on conviction, for 25 years.

There is the aspect of initiation that was spoken about earlier, where in some gangs you must ensure that you shoot or kill someone to gain entry or acceptance. I am sure my learned Senior Counsel and, indeed, my colleague would know. We were all cadets and we all had initiation in the cadets. Certainly in the cadet band there was one we called the “bare rear”, where each member of your first camp, each member of the band, would lie there, you would drop your pants and everybody would hit you one lash on your bare rear.

**5.15 p.m.**

And until you have been bare-reared you do not feel a member of the band. You have been a recruit, you are in your first camp and there was a kind of eagerness to get through barerear, well after that you are now a member.

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So, I suspect it is a similar situation with gangs, you want to be part of it so you are eager to do whatever is necessary to be part of it, but that is the truth about it and they themselves who would prevent youngsters from getting out of gangs like that, they themselves are exposed 'upon conviction' to 25 years jail. And there is the aiding and abetting aspect of it, at clause 8, upon conviction a fine of \$500,000 and imprisonment for 20 years.

Now, in all gang activity, because it is a cohesive unit, there are different members with different things, like cars—the getaway cars—the people who house equipment after being stolen, people who house arms and things like that, those are the people who aid and abet and ought to be taken care of with the full brunt of the law. The use of firearms, ammunition, bulletproof vests—now, why would anyone want a bulletproof vest,? Because they want to get involved in some kind of illegal activity, they want to protect themselves because they expect that fire would be coming at them inasmuch as they would be pushing fire at others.

We looked at clause 11 which treats with recruiting of gang members, be they children or adults. Sometimes they are coerced into it as young people and threatened. Their relatives, brothers, sisters threatened themselves, because there might be a parent who is trying to keep her young son away from criminal activity. We are attempting here to get involved in community security to allow our young people to grow up with a sense of worth, the talent that abounds and it is not directed, not channelled in the proper area.

I grew up knowing competing in sports and culture; now they compete in guns and violence. This is what we have to get rid of. Bring them back into a system that accommodates growth, so that they can look at others and see this is not the way to go, and there are people around who care for them—and sometimes that is all they need, a little care, people who care for them to allow them to reach their fullest potential.

And here is where our parents came in. We are talking about mentorship: my two greatest mentors were my mother and father because they took me along the correct road. As I said earlier on, with the other aunts and uncles I had they were all mentors to me, because they really cared. We in this room here, in this august Chamber, I am sure each one of us can think of some child or children that we ourselves have nurtured or continue to nurture or continue to mentor, and once you allow these youngsters to know that they have worth, believe in themselves, that is what mentoring is all about.



It was clearly demonstrated yesterday, look at this youngster, this little child with the mighty Sparrow. That is a perfect example. So he came on the stage, and he is watching Sparrow and Sparrow opened his jacket and he “opened up” his jacket too. Perfect, perfect example of mentoring—[*Desk thumping*]—of what it can do; because that little child at the tender age of seven, he looks at him and says, “Okay, this is the King, so that is the way to do it”. That is what it is all about.

So that a youngster who is going astray, he looks at that father figure; that mentor says “No son, this is the correct way to do it, I did it so; and that is all. They need that nurturing, they need that mentoring, and I am asking all adults in Trinidad and Tobago to make—we are not asking much of them—make that oath, take that oath now, and say “You know what? I am a citizen of Trinidad and Tobago. I can make a difference. I can mentor one child and that would make a difference.” If each adult in Trinidad and Tobago were to do that, Madam Vice-President, you would find that criminal activity would plunge, and we will wonder what is happening.

This is all I am asking of my national community: get involved and assist us with our mentoring programme. Get involved and come out on the 18th of June and bring along a youngster, as a father and guide these youngsters. And when they recognize that someone cares—as General Powell said, he prefers—and I agreed with him and I am sure most of us here will agree with me—he prefers to get a spanking than his mother or father to say, “oh son, you shamed the family. I am disappointed in you.” And I have always said that, I prefer somebody to say, “I expect that of you” rather than when they tell you, “oh no, I never expected that of you”; “Oh no, Senator, I never expected that of you.” [*Laughter*]

But quite seriously, Madam Vice-President, this is what some youngsters need. This is what some youngsters need. They need to be guided so that they can be productive men and women of Trinidad and Tobago.

Madam Vice-President, we looked at the First Schedule and looked at some of the gang-related activities—possession of imitation firearms in pursuance of any criminal offence. Now, those of us who have had some acquaintance with firearms would tell you that there are some toy firearms that look like the real thing. I am one of those who will never agree with a parent purchasing a firearm. When you are a young “fella” you would buy a little caps gun but there are some of these firearms now that look like the real thing. They point it at you and people who know guns are afraid when this happens.

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There is also larceny of motor vehicles as one of them—you see the thing is, when gangs operate they need to be mobile. So, they know that those who go into the bank, they are robbing, they have got the getaway and things like that. In the area of gang warfare, they drive by and shoot and things like that. Receiving stolen goods in the course of gang-related activity. In most incidents, they say, “I did not know it was stolen”—sorry for you. Coercing and encouraging gang membership, we dealt with that a while ago. Recruiting a child to be a gang member: Now, Madam Vice-President, this is one of the areas that we must—and I am happy with the sentence offered there upon conviction, because you do not do that to a child.

We are asking that you nurture that child and bring that child into manhood or womanhood knowing that “I am someone of worth and I can do better with my life”. If you encourage that person into a life of crime at a tender age, sometimes they cause them to carry their weapons, their firearms, they cause them to carry drugs; because of their innocence sometimes they feel they will not be caught. We hear stories of the gangsters walking down the streets and a little boy walking behind but the little boy is carrying the weapon and things like that. So we need to curtail that kind of activity.

**5.25 p.m.**

Extortion: we have a number of business people in Trinidad and Tobago, we are told, who are victims of extortion.

Trafficking in dangerous drugs or being in possession of a dangerous drug for the purpose of trafficking; in most instances you would not find someone trafficking drugs in isolation. It is a team of them, a gang, because they need to have that kind of fraternity to watch out for each other.

Kidnapping for ransom: quite unlikely that kidnapping for ransom would be an individual criminal activity. People who have been kidnapped tell you that every day they hear a different voice, because these people change, the keepers would change as the time goes along. We have read *Bare Feet* written by Debbie Ali and her experiences with the dog, the biscuits and the men who were around her. She was such a brave woman to write. She said that she wrote those things so that other women would be aware of what she has gone through. She is convinced that Almighty God assisted her there and she made that promise that she would tell the world of what she had experienced.

So, when we speak about the activity of gangs and what they do, what they do to people, what they do to innocent people; the arson and sometimes the mass murders and things like that; when we hear of the things they do we must curtail

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gang activity in Trinidad and Tobago. As such, I am confident, Madam Vice-President, that we would be supported by our colleagues in this honourable Senate.

I will now briefly address my attention to the Bail Bill brought by this Senate, it is entitled the Bail (Amdt.) Bill, 2011 to amend the Bail Act, Chap. 4:60 so as to have the necessary alignment between relevant Acts—that is the Bail Act, Chap. 4:60 and the Anti-Gang Act, 2010. I would simply say with respect to that, that persons who are granted bail, in most instances they would go out there and commit other criminal activity to raise money for other things. We have seen instances where they would go out and intimidate witnesses, murder witnesses as was indicated before, distress families, people have to go into hiding; they have to develop witness protection programmes to ensure that these people are protected.

Quite apart from that, their colleagues on the outside would target witnesses as well, so we need to protect our people to ensure that these gang members and the other members of the gang themselves who terrorize the witnesses are put away. Most of them are repeat offenders. I have indicated earlier, many decades ago, operating with former Chief of the “Flying Squad”, Burroughs, when the joint operations—and he said to us, there are two types. He said there is the criminal and he said there is the lawbreaker. He said the criminal is a criminal, is a criminal, is a criminal. He will be a repeat offender. He is not going to change. The lawbreaker you have some chances with, and those are the types of people when they get bail they go out and they eradicate all the evidence that would be held against them.

So as I indicated, Madam Vice-President, these two Bills complement each other. We feel that in a situation such as what we are exposed to in Trinidad and Tobago that we ought to ensure that we make every effort to diminish crime and the incidence of crime in Trinidad and Tobago.

I trust that all Senators in this honourable Senate would support these complementary Bills, because they can only redound to a better Trinidad and Tobago, a safer Trinidad and Tobago, one that we would have people like Sen. Hinds assisting us in our “Fathers bring your sons and come”, in our mentoring programmes that we need so much in Trinidad and Tobago to make this a better society.

I thank you. [*Desk thumping*]

**Sen. Faris Al-Rawi:** Thank you, Madam Vice-President. It is good to see you in the Chair again although we do miss our President but he is very capably seconded today by your stead. Thank you.

I rise to join the debate on, firstly, an original piece of legislation, and secondly, what is in fact the eighth amendment to the Bail Act, Chap. 4:60 in the period 2005 to date, I believe.

I have to confess, Madam Vice-President, that our task this afternoon was made much easier by the proper implementation of a joint select committee [*Desk thumping*] to consider the ramifications of the legislation as proposed initially in November/December 2010. The Attorney General and the entire team that contributed—Opposition, Independent and Government—are to be complimented on engaging in an excellent use of parliamentary time, in a proper application of scarce resources, and in succeeding in good—and I say this relatively speaking in the circumstances—product of legislation. And that I say specifically with relation to the Anti-Gang Bill itself, Madam Vice-President, and I do note with your leave that we are debating both Bills this afternoon.

Madam Vice-President, with that said, I think that I could summarize very quickly that the Opposition, obviously, is in full support of the legislation itself, it having had a very proper opportunity to make strong contribution to the outcome of the debate in the Joint Select Committee. With that in mind I note quite happily that the Attorney General's presentation this afternoon was a very cooperative one in its tone and, notwithstanding the fire from my learned friend, Sen. Hinds, we too are equally cooperative in the text of the legislation. The legislation as it was improved, the Anti-Gang Bill, in particular, was improved in three areas, if one was to draw sharp focus, and that is firstly by the contributions we were able to give a proper definition of a gang and gang-related activity.

Secondly, we were able to factor a correct sentencing approach as it relates to summary and indictable offences, and therefore, we were able to bring the legislation in line with other pieces of legislation, and as I understand from my reading of the Joint Select Committee notes, the contribution of Mr. Martineau SC were very well put in bringing in the summary versus indictable offences draw line for the tiered approach which this legislation takes to first-time, second-time and third-time offenders.

The third aspect which the contribution in Joint Select Committee was able to achieve was in fact in better defining and protecting the roles of parents as it relates to harbouring and—what is the other word I am looking for?

**Hon. Senator:** Concealing.

**Sen. F. Al-Rawi:**—concealing of persons who are involved in gangs or may be gang members or are conducting business on behalf of gang members.

Those three purposes, Madam Vice-President, are what I call the sharp focus success points of the Anti-Gang Bill and of the Bail (Amdt.) 2011 Bill. That being the case and the summary statement made that the Opposition stands in full support of the legislation itself, I wish to clarify, for the benefit of the hon. Senators present this afternoon, an issue raised when the hon. Brig. Sandy, hon. Minister of National Security, Sen. Sandy, said that he wondered whether he should be responding to all of Sen. Hinds' contributions.

I wish to point out that the bugbear for us this afternoon, the mischief this afternoon, if I use that term in a very proactive sense—and I do not mean to be using anything in a pejorative sense this afternoon—the mischief which we seek to address this afternoon as an Opposition is whether the legislation as crafted now is going to constitute proper medicine for the ails of Trinidadian society? And by that I mean, Madam Vice-President, is this legislation going to deliver the solution which we as a country need and deserve? [*Desk thumping*]

Madam Vice-President, I say that most respectfully in a proper acknowledgement of the fact that the Government has not come here to say that this legislation is one magic bullet which is going to solve all crime in Trinidad and Tobago. I have heard and take proper acknowledgement of the intersection between various pieces of legislation that we must rely upon. And by that I mean we rely upon the common law; we rely upon the statutory creation offences as well, but most particularly we rely upon the proper implementation of law through defined policy. And it is that aspect now articulated by me that I wish to contribute upon.

I would say, Madam Vice-President, that even though some of my contribution this afternoon may cause a little discomfort under the collar for some of my colleagues opposite, I wish them to sincerely appreciate that, first of all, I mean not to be disrespectful. [*Desk thumping*] If only I say that following upon the very eloquent and sensible contribution of my learned senior the hon. Brig. Sandy—

**Sen. George:** Always, always. [*Desk thumping*]

**Sen. F. Al-Rawi:**—it is a pleasure to speak after a gentleman who continuously demonstrates a high standard of debate [*Interruption*] in his temperament in this Parliament.

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So even though I will say things which I am sure will cause a bit of concern, Madam Vice-President, I wish, as we do in court, to first of all ground the relevance of what I am about to say into the Bill itself. Dare I say that I think that every Senator here this afternoon has wide opportunity to speak at large, because the Bill itself, Madam Vice-President, if one were to reflect upon the definition section in sections 2 and 3 of the Act, incorporates the reference of the First Schedule to the Anti-Gang Bill. I believe it is 26 offences which are serious offences, and they range from arson, kidnapping, murder, extortion, money laundering—in a sense if one were to extrapolate some of the aspects—but the point, Madam Vice-President, is that the debate is open, and therefore relevance is grounded, in that, one is able to speak solidly to policy that the Government, as the originator of policy in this particular parliamentary session, must provide.

With that said, I hope to head off any interruptions that may be provoked by my contribution. I see my learned friend, Sen. The Hon. Emmanuel George shaking his head vehemently, but I have faith that I am able to defend the relevance of any argument which I am now about to offer, Madam Vice-President.

**5.40 p.m.**

Madam Vice-President, relative to policy and in the specific context of discussing this Bill, I wish to acknowledge that the legislation must be analyzed in the context of the society in which we operate, firstly. That context, Madam Vice-President, is a difficult one for every sensible member of this lovely society which we call Trinidad and Tobago. By that I mean, Trinidad and Tobago is suffering under a number of ailments at this time.

First of all, we are grappling with coming out of a difficult economic environment in the global context. Secondly, Madam Vice-President, we are receiving almost on a daily basis the repatriation of seasoned criminals from other jurisdictions. Thirdly, we are dealing with a scourge of violence and crime, the root of which there will be many philosophical debates over, but suffice it to say that crime is a reality in this country.

Though I am not as many years senior as the very young looking Sen. The Hon. Brig. Sandy, I too remember with great joy my childhood in being able to ride a bike freely on the streets, in being able to tell my parents, “I will see you later” without any full description or someone following you to make sure that you are well. I too remember being able to not communicate with loved ones on a near constant basis throughout the day, just to ascertain whether they are safe or

not. I wish to state that I believe that this scourge that Trinidad and Tobago is suffering, the most latter one that I described, cannot be attributed to any one political party.

It was in the course of this debate earlier, said quite properly, that this is a global contagion, Madam Vice-President. It is something that our society is presently suffering. On the very philosophical side, I dare to venture an explanation for that in the context of what I call a fragmentation of justice. There has been a move in a jurisprudential sense for an acceptance of—for an almost *carte blanche* acceptance of individual rights. In accepting the rights of individuals at every turn, Madam Vice-President, we have moved away from a collective association and responsibility of the type that we just heard from the lips of my learned senior, Sen. Brig. Sandy—by that I mean where the village had the authority to discipline a child, by that I mean when you were scolded by the neighbours on the way home, your mother would then scold you for the fact that you had to be scolded.

Madam Vice-President, I know that you have a background in education and I am sure that you are well aware—you think two and three and four times today before disciplining someone, because you do not know what the reaction is going to be from the parent. So we are grappling with an evolving society in what I have termed a high fragmentation of justice, and therefore an undue predominance of the individual rights.

That being the case, and Trinidad and Tobago having been punctuated by changes of government along the way, it is not correct to say that one party has had a continuous run. The run may have been a bit longer than others but the fact is that we have inherited systems from the days of colonialism come forward, and that is something which we as a nation must seek to address, and we as a nation must seek to curb.

So whenever there is a positive statement of policy from the Government side, whoever the Government will be, the point is that we as responsible parliamentarians and citizens of this country must stand to support it. And on that note I am pleased to deviate for a moment in stating that I felt great pride in the hon. Brig. Sandy's contributions yesterday on the national platform in launching the mentorship programme. [*Desk thumping*] He spoke with distinction; he represented our country, flying our national flag very high.

His cause is one which is echoed throughout Trinidad and Tobago and has no label to it. I commend him for taking the issue very close to his heart and for championing the cause, and I wish to assure him that he has not only my personal support for his mentorship programme, but he certainly has the support of every

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right-minded citizen of this country, and in particular of the People's National Movement, as we sit in recognizing that the child is father of the man; and that it is only when we become actively involved in shaping our children's destinies through a statement of positive action and through an enactment of that action that we are going to see some measure of recovery in our society.

That said, Madam Vice-President, I will return to base. I will say, in yesterday's contribution the hon. Prime Minister in support of the occasion noted, and my learned friend Sen. Ali noted these points, that the system which the Government of Trinidad and Tobago hopes to achieve is one of detection of crime, conviction—I should add deterrence first—detection, conviction and then reformation. And in articulating those four points, albeit in my own words now, the hon. Prime Minister premised it upon a statement that this was going to be achieved by the People's Partnership, amongst other things, upon the basis of a legislative agenda.

On that point I wish to note that I have not yet seen a legislative agenda of the Government and I say it in the context of this Bill not to add to the very many criticisms that I have already had to say about the non-publication of a legislative agenda, despite promises, but to say that a legislative agenda in considering this Bill is critical, because this Bill represents one of many which have derogated from constitutionally guaranteed rights in sections 4 and 5 of our Constitution, and one of many which seek to rely upon the relief provided by section 13 of the Constitution in stating that one may derogate from rights as a Parliament provided that the legislation is not only necessary but reasonable.

Madam Vice-President, in saying that, it helps to factor that this Bill, the Anti-Gang Bill in particular and the Bail (Amdt.) Bill, being one of many Bills which we as a Parliament have dealt with in this parliamentary session—we must as a nation factor the very many occasions which we are dealing with on an individual basis—without publication of an agenda, it is on an individual basis—and that we need to guard carefully against a creeping position which can result in an entire wash away of product. I do not want to use the expression necessarily of a creeping dictatorship or a creeping oligarchy in a sense of how it may be perceived, but the point is that until we as a Parliament and as parliamentarians are able to factor how individual pieces of legislation correlate to each other, we are putting the citizens of this country at a disadvantage.



Madam Vice-President, the context of society stated, it is important to note that there was a great deal of merit in Sen. Hinds' contribution when he said that the Government has been labelled as one which is systematically dismantling national security services and processes. Now, I take that not only as a very serious statement, but one which is deserving of explanation.

If one were to look at the records of *Hansard* alone, evidence is to be found of the fact that we have seen, first of all with the admission of this new Government a removal of security systems as they relate to the offshore patrol vessels which deal with our border protection and facilities; which we are meant to deal with in coming legislation, including the trafficking in humans, which deal with the porous borders which we suffer as an island in dealing with the control of drug-related offences—which deal with things involving kidnapping for ransom and transportation of prisoners—matters which are in fact scheduled items in this Bill, in the First Schedule in the Anti-Gang Bill.

So if one were to look at the budgetary statements and come forward that is from September of last year and come forward, we must be concerned as a nation that, first of all, we see a cancellation of offshore patrol vessels and more particularly, that we have not seen a replacement in an explained, pellucid fashion of what is to take care of our borders. You see, it is imperative that we inspire confidence in our nation and strike fear in the hearts of those who would do harm and commit crimes, by letting them know that our nation's borders are properly protected and that we have got our eyes on those borders. So that is the offshore patrols vessels.

Secondly, Madam Vice-President, trust and confidence must be demonstrated, again in pellucid fashion as it relates to the improvements in the Trinidad and Tobago police force, in the defence force, in the prison service, in the coast guard and in general terms all protective services, because customs, one may argue, may be added into that bracket. Regrettably, we have seen a very terrible occasion for our country. We have seen that after billions of dollars of investment in national security systems paid for by the taxpayers of Trinidad and Tobago that we have been reduced to no explanation, by way of cost analysis, impact assessment and statistical information analysis as to pros alone—if one were to say that one could not disclose all material for national security purposes.

We have seen a failure on the part of the Government to explain to the nation the time frame for the implementation of the National Intelligence Agency, which has been recommended by this Government to replace the Special Anti-Crime Unit of Trinidad and Tobago which was cancelled by this Government.

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Madam Vice-President, the subset casualties which have been caused by this failure not only firstly evident in the fiascos that reared their heads and are still smelling to high heaven in respect of the SIA and the FIU, but the subset casualties also include a failure to coordinate essential security services sections. I will stop at just the first two I have mentioned, that is the SIA and the FIU. You see, Madam Vice-President, these two institutions, one which would have dealt with interception of communication, the SIA, and the other which deals with analysis of financial transactions in an application of the larger Caribbean context in which our law originates and the global context from which our law originates, are charged with tracking elements which feature now in the Anti-Gang Bill. If one appreciates that the schedule looks to categorize serious crimes—firstly one could look at kidnapping for ransom and therefore, it is only reasonable to assume that we are going to need to trace money as a result of illicit trade, which kidnapping for ransom is. Secondly, the schedule features as it relates to narcotics, and again the FIU would be an investigative arm looking at narcotics and the flow of moneys and suspicious transactions raised there.

**5.55 p.m.**

Thirdly, we must analyze the fact that kidnapping for ransom, murder and gang activity obviously must be factored in the intelligence sense of the monitoring of gang activity through covert surveillance techniques. Unfortunately, November 2010 was a red-letter month for the country. Specifically, November 12, 2010 provided an unfortunate gift to the people of this country, because in open fashion, with the hon. Prime Minister's statement to the Lower House as it related to what she called political surveillance, and statements as they related to SAUTT (Special Anti-Crime Unit of Trinidad and Tobago) and the SIA, it provided knowledge that Trinidad and Tobago was going to be switching off its monitoring equipment, firstly, until legislation was introduced to deal with the resetting of that equipment; and secondly, it provided a gift for every criminal in Trinidad and Tobago to understand not to use cellphones to discuss their business.

So, unfortunately, notwithstanding the protestations on the Government's behalf that it was the first time that they were aware of surveillance being undertaken, that it was the first time that this particular Government was met with knowledge and information of statistics coming out as to surveillance; notwithstanding those protestations, the disclosure in the fashion that was delivered to this country was very unfortunate, in my humble view.

With that disclosure by the hon. Prime Minister on November 12, 2010—I wish to take us through a short reflection upon some of the contributions on that day—the hon. Prime Minister, in delivering her “Statement by Ministers”, under the heading of “Interception of Communication”, cried that what she had then discovered, that is the existence, according to her, of security and surveillance techniques in Trinidad and Tobago—that this was contrary to democracy.

The hon. Prime Minister in her contribution, in fact, stated that as a result of the disclosures which were made to her, that she caused the—I will read from her *Hansard* contribution:

“I asked Police Commissioner Gibbs to investigate the matter. Experts came in from Canada and a high level team from the Special Branch of the police service moved in at 6.15 a.m. on Saturday, October 23, 2010 and took control of the operations of the SIA.”

The hon. Prime Minister told the nation in her contribution, and I quote:

“Mr. Speaker, it grieves me and it hurts my heart to know that while our children were being kidnapped and the Anti-Kidnapping Squad (AKS) seemed powerless sometimes to trace the several telephone calls demanding ransom, this SIA was busy listening to the conversations of politicians and of prominent members of society who had no connection with criminal activity.”

She went on to say:

“How many men, women and children who were kidnapped or abducted could have been saved, we will never know. Let us not forget that some of these children have never been found. There are the stories from grieving parents about the archaic equipment that was used by the AKS in its failed attempts to trace calls from the kidnappers as they demanded their pounds of flesh.”

She says:

“The equipment was there, but it was not being made available to assist in the fight against crime, one of the most heinous crimes in this country, the kidnapping of men, women and children.”

I have chosen to reflect upon those contributions of the hon. Prime Minister because the statistical information available to the country is quite the contrary of those statements. Indeed, I wish to remind us that in debating the amendments to the Kidnapping Act and the Bail Act in the Miscellaneous Provisions (Bail and Kidnapping) Bill this year in this Parliament, we went through the statistical

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information from the Central Statistical Office which demonstrated that kidnapping for ransom, in fact, dropped from the figures in the sixties down to nearly zero.

If one were to reflect from the figures published by the Central Statistical Office, one will note that kidnapping for ransom, when you take it from a month to month analysis, in 2009—2010, dropped in 2010 in particular, to seven, with four being solved; that is three unsolved, and that in the report on the Special Anti-Crime Unit of Trinidad and Tobago, the authors of that report were at pains to note that it was the introduction of the Special Anti-Crime Unit, which is a combined effort of the Trinidad and Tobago Police Service and the Defence Force, with special reserve police; some 700-odd persons, with the assistance of 45 foreigners only, that they were able to grapple the bull by the horns and drop it to the ground.

What remains a staggering point in need of answer—and the hon. Sen. Hinds raised this question almost in rhetoric—why cancel the SAUTT, the Special Anti-Crime Unit of Trinidad and Tobago? To bring home an answer to that question posed by my learned colleague, Sen. Hinds, I wish us to reflect upon the fact that the Special Anti-Crime Unit, being a legitimately clothed entity under the common law of this country, the Defence Act of this country, the Constitution of this country and the Police Service Regulations prior to the 2006 Police Act as they were saved; being a properly constituted—or I should say a lawfully operating entity—which I accept did not have a special bit of legislation attached to it, but that is not to say that it was operating unlawfully or illegally, because not one challenge has been offered in any court in Trinidad and Tobago as to the legitimacy of any arrest arising out of the operation of SAUTT, and that is a stubborn fact which will never go away and which demonstrates the fact that SAUTT was operating lawfully, contrary to simplistic broad-brush allegations that it was not.

But the point is, an institution such as SAUTT, the Trinidad and Tobago police force being in need of assistance as it was being in need of reform, that the Government of the day in its establishment of SAUTT in December 2003, moving to Cabinet 2004 under the PNM Cabinet, was an answer to the cry of the nation for efficient delivery of legislation through action. You see, the People's National Movement not only brought the kidnapping legislation, but it brought the means to achieve the detection and the conviction—two aspects referred to by the hon. Prime Minister just yesterday. And it having wrestled the bull of kidnapping to the ground, by the horns, it then moved on, most laudably, to gang-related activities and specifically it moved on to homicide arising from gang-related activities.

That being the case, what we have been met with by an unexplained cancellation of the Special Anti-Crime Unit of Trinidad and Tobago is a rhetorical question, one may position or a question which is in begging need of an answer. One may question in another sense: how do we propose to achieve success as it relates to anti-gang manoeuvres in particular—if we anchor it to this Bill—if we have removed a demonstrated delivering institution such as SAUTT?

Indeed, the report authored as to the future of SAUTT, and that is under Dr. Gibran, with the assistance—and I ask you to note this name in particular—of one Julie Brown, recommends that there, in fact, be a cancellation of that institution to be effective in its final form by August of this year, but by way of imminent deliverables that all foreign SRPs, as they now are, be sent home in May 2011. In fact, the analysis coming forward is that the Homicide Task Force which was operating under SAUTT and which saw some 25 per cent reduction in homicides as it relates to gang-related activities in particular, that Homicide Task Force established by SAUTT, when it is cancelled—because it has already been paused—will result in the absorption of no more than 10 homicide investigation officers into the Trinidad and Tobago Police Service.

Now I ask you to stick a pin in the argument for a moment. I confess it is difficult to speak to a Senate which is as quiet as this; it is almost like—and I have used the term earlier—playing cricket in the Oval with no audience. But these are important measures and I have asked you to stick a pin to reflect upon statistics because, regrettably, statistics are a casualty in debate in this Parliament, particularly from the Government side.

Total serious crimes reported and detected in the period January 01—November 30, 2010 from the Central Statistics Office taken from the police statistics themselves, reveal that there were—and serious crimes are: murders; wounding and shootings; rapes, incest and other sexual offences; serious indecency; kidnapping; kidnapping for ransom; burglaries and break-ins; robberies; fraud offences; general larceny; larceny of motor vehicles; larceny dwelling houses; narcotics offences and other serious crimes. Serious crimes alone, under those subheads, amounted to 18,235 serious crimes reported. But the detection figure is what I ask you to pay attention to. The detection figure for 2010 is 2,818 cases. That is, if you average it out, a 15 per cent detection rate.

If one reflects upon further statistical information provided to this honourable Senate—in fact, in answer to Question 38 by the hon. Minister of National Security, when he provided answer to the number of narcotics cases that were analyzed by the forensics institute, one notes that some 6,450 samples were

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investigated in the period 2006—2010. In fact, staggeringly poor statistics as to the turnaround time in relation to the investigation of these matters were provided to the Senate.

**6.10 p.m.**

If we fast-forward into more recent statistical information available, it is instructive to note, that in terms of the detection rates—and this is as it relates to homicide—that in fact, we have seen a 7 to 8 per cent fall in detection as of this month. Now let us add that into the larger context of the court system and the criminal justice system, and if we were to reflect upon the statistics provided to us by the honourable Chief Justice in the *Annual Report of the Judiciary of Trinidad and Tobago 2010/2011* term—and forgive me, I do not have the document here with me—it is instructive to note that in the Magistrates' Court alone some 90,747 cases odd were brought to that court in that year alone, and that is the 2009/2010 period, 90,000-plus cases.

Now there is provided in that report a breakdown of the allocation of cases as it relates to crimes in particular, and that is firearms and ammunition, narcotics, et cetera. But what I want you to take out of that is that there is a backlog in the system, there is a burgeoning system; each year the statistics get higher and higher. Whilst the country was blessed to see fruit from its investment of billions of dollars into national security and SAUTT in particular, regrettably that trend has reversed itself not by way of extrapolation of information, but by way of appreciation of the statistics which are before us in this Senate, if we know where to look.

I will be bold enough to state that in my view the reversal in detections and the trending downward in detection rates is as a result of cancellation of the Special Anti-crime Unit of Trinidad and Tobago, coupled with the fact that the Trinidad and Tobago Police Service being in need of reform itself, which is a given, and which I think is a non-partisan issue that everybody subscribes to that it is in difficulty—not ably assisted by the recent fiasco that reared an ugly head as it related to ethnic statements, regrettably in this very Chamber; not ably assisted by the fiasco, as it related to the security intelligence appointment of the Ria Ramnarine issue; not ably assisted by the firing almost in a newspaper advertisement of Brig. Peter Joseph.

**Sen. Deyalsingh:** Reshmi Ramnarine.

**Sen. F. Al-Rawi:** Reshmi, Rishmi it can be pronounced as “Rishmi”.

**Sen. Deyalsingh:** You said Ria.

**Sen. F. Al-Rawi:** Ria I said? Forgive me. Far be it, I represent Ria Ramnarine. Reshmi Ramnarine, forgive me.

What I am asking this Senate to pay attention to is that, it is my humble belief that it is the Government's dismantling in callous form of security services in this country that has witnessed the decline in detection rates. [*Desk thumping*] I am very careful not to speculate. I am trying to elevate a debate by holding on to a view personally, because I genuinely wish this Senate would engage in a debate of a high standard, so forgive me for being humble at times when I say it is only my view, but this is a view shared by many others in society, and the statistical information anchors the suppositions and propositions which I have volunteered in this Senate.

It is conspicuous to note that the Trinidad and Tobago Police Service is now at the cusp of reform. I wish to compliment the courage that the Commissioner and Deputy Commissioners of Police are demonstrating, and that the rank and file of the police force of Trinidad and Tobago is demonstrating in trying on new measures, for instance, the move for efficiency analysis as it relates to a new plan in the Western Division, one which the newspapers have noted, in fact, are being met with some degree of opposition.

**Madam Vice-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. L. Henry*]

*Question put and agreed to.*

**Sen. F. Al-Rawi:** I thank you, Madam Vice-President, and my learned colleagues. I had not realized that my 45 minutes had evaporated that quickly.

**Sen. Baptiste-Cornelis:** We did. How did you ever say "I do"?

**Sen. F. Al-Rawi:** I have been asked how did I ever say "I do". Madam Vice-President. I said "I do" with a great smile on my face, and with much love in my heart, as I say "I do" to the people of this country when we debate strong legislation in a responsible fashion. [*Desk thumping*]

Madam Vice-President, I ask you to flag the name Julie Brown. Now I am very careful to avoid bringing someone's name into odium, but it is not so much the name Julie Brown that I ask you to pay attention to but the issue surrounding the name.

**Sen. George:** Stephen Williams.

**Sen. F. Al-Rawi:** And—yes Stephen Williams, whomever it may be. We must be jealous to guard against frivolous aspersions against persons' characters.

**Sen. George:** Amen! [*Desk thumping*]

**Sen. F. Al-Rawi:** I think that the issue that needs to be paid attention to in the context of this debate is that with the dismantling of SAUTT as it happened, with the cancellation by the Prime Minister's own words in her statement to Parliament on November 12, she said it was at her instructions or the Government's instruction that Nigel Clement was sent home; that Brigadier Peter Joseph was sent home; that the SSA was stopped; that the SIA was stopped; it was at the People's Partnership's instruction that these institutions have been dismantled. But the point in relation to the Julie Brown SIA connection is the appeal for an explanation not as to whether Julie Brown procured a falsification of Reshmi Ramnarine's CV, but the role and function that she played in making recommendations as to a totally unsuitable candidate's nomination to the post of Director of the SIA.

Also, there is warranted an explanation as to the hon. Prime Minister's involvement and the Government's involvement in facilitating that fracas. But I wish to state this, and I mean this most sincerely, the hon. Minister of National Security and in fact, the hon. Minister in the Ministry of National Security have been placed in the very invidious position, because they have had to bear the brunt of explaining the unexplainable, they have had to stand with stoic faces before the national community and this Parliament to explain something which is not within their remit to offer. But that is in fact all the much more exacerbated if you reflect on something as simple as the statistics of contributions of Members in this Parliament, because, Madam Vice-President, I wish to put on the record that it is the hon. Subhas Panday, Leader of Government Business who has the highest statistics for contribution on his Bench.

**6.20 p.m.**

#### PROCEDURAL MOTION

**The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday):** Madam Vice-President, in accordance with Standing Order 9(8), I beg to move that the Senate continue to sit until the completion of the matter at hand.

*Question put and agreed to.*



**ANTI-GANG BILL**

**Sen. F. Al-Rawi:** Madam Vice-President, I was raising an issue, as I was just interrupted, on the contributions of the members of the Government, and I wish to make a clarion cry to the Senators opposite me. I mean no disrespect to them in the open sense when I say this. They need to come better prepared to debate legislation, and we need to hear from more of them. They cannot be saddling the Leader of Government Business with every debate and every contribution. If that is factored in the context of this Bill, what we would get today is a contribution as to the statistics and the efficacy which the Government hopes to achieve in giving not teeth to the legislation—because the legislation has a great deal of teeth—but in giving meat—to eat to have the teeth to eat, to cut into, to sear into.

You see, Madam Vice-President, the short point is this. The legislation as bettered in joint select committee and, as is now put here for debate in the Senate for the first time, is a good first run. But, I am not confident at all that we are going to see statistical reversal in the trends for detection and for carriage of gangs into conviction—and maybe even reform as we have left room in the Bill for it—without the police service being assisted, if even in the interim by specialist agencies which the taxpayers of Trinidad and Tobago have paid for.

I plead with the Ministers of National Security, opposite me as they are now, please stop, pause and rethink your position in relation to the Special Anti-Crime Unit of Trinidad and Tobago. Please stop, pause and rethink your cancellation of the OPVs which has gone into litigation, which is going to cost us. Please stop, pause and rethink your failure to publish legislative agenda to connect the dots for us, so that we may keep a finger on the pulse of the derogation of rights enshrined in the Constitution, in sections 4 and 5 in particular.

Madam Vice-President, it is the policy behind delivering justice to the people that is important to observe, and not only the wording of the legislation. We could sit and draft legislation from now until the cows come home or the chickens come home, but we have to make sure that we are delivering real medicine to the ailment of society and we as an Opposition must stand and raise criticism where we think there is need for criticism, and in this instance it is on the policy behind the legislation as it relates to dismantling of security services.

Madam Vice-President, with those not few words, I thank you for allowing me to contribute in this debate. [*Desk thumping*]

**Sen. Elton Prescott SC:** Thank you very much, Madam Vice-President, for allowing me this opportunity to contribute to the debate on these two pieces of legislation.

I had the privilege of being a member of the Joint Select Committee which looked in-depth at the Bill as presented, and produced what is before us today. So I well understand the celebratory tone which the Attorney General adopted in presenting the Bill, because it was the result of much contribution from each of the Benches that represented in the Joint Select Committee. There were exchanges which demonstrated that we all saw the need for ensuring that the legislation meets the current needs of the population, so you are unlikely to find any Member of the Senate today who is opposed to this piece of legislation, and I trust, if that is so, we will be able to provide answers.

What I do want to say about it is really aimed at providing some level of explanation, if you like, to the general populace and to those who may yet be skeptical, even within this Senate, about certain aspects of the legislation. It is necessary to do it because the work that we did appeared to provide an opportunity for a sort of social re-engineering, and the product of what we did was, one, to protect the young people from themselves, and secondly, to introduce to the wider populace the need for greater parental responsibility for their children, and it is those two aspects of the work that I want to spend some time on during my contribution.

Madam Vice-President, the place at which to begin really would be to look at some of the definitions that are in the Bill, and may I first invite Senators' attention to the definition of "gang-related activity". In arriving at that definition, we all sought to be very careful not to expand it too widely, hence the introduction of a schedule of offences. So that in short, "gang-related activity" really is activity which is intended to reach or rather to commit the offences that are set out in the Schedule and the offences that are set out in the Schedule are the more serious offences.

There will be those who would have been concerned when they first heard what had been presented by the Government, that it is an all-embracing kind of activity, and that activity which in my youth was not regarded as criminal, for example, raiding a mango tree or storming a fete. If young people come together to do that in today's world, what was presented would have made it gang-related activity and susceptible to the very severe penalties. So, we were able to persuade

the Joint Select Committee that, firstly, we must schedule the offences and then add to that, that in order for activity contrary to that Schedule to be regarded as gang-related activity, it must be:

“...acquiesced in, or consented or agreed to, or directed, ordered, authorised, requested or ratified by any gang member, including a gang leader;”

So the element of a gang being brought together for special activity did not go away from our thinking, and that would have made it easier to understand what the legislation meant when it referred to some gathering as a gang. It becomes a gang—once there is more than one person—if it seeks to engage in activity that would ordinarily be an offence, but now it is grouped together in the First Schedule because they have a certain similarity. Those who find themselves in combinations and are inclined to take action, which is likely to be inconsistent with the offences set out in the Schedule, are going to find themselves subject to the very severest penalty.

What is essential to be told to the young people in the country, is that they must be careful—I think Sen. Hinds used some language about it or it might have been on the other side—about who their friends are, which company they are keeping. Because if you come together with a friend to take part in activity that you regard as innocent, or merely collateral to unlawful activity, you will find that the fact of coming together, that makes it gang-related activity and puts you in the severest trouble.

If you look, therefore, at the definition of “gang member” in the Bill, you will note that the stress is on the person’s knowledge of what he is about. It reads as follows:

“4(1) a person who belongs to a gang, or a person who knowingly acts in the capacity of an agent...”

So the element of knowledge is essential.

“...or voluntarily associates himself with gang-related activity...”

Again, stressing that it is important that young people know that by their own actions they are going to be found guilty and be subjected to the severest of penalties.

The legislation goes on to say in a revolutionary sort of way, at any phase in that activity, be it preparatory, executory or concealment phase. So it is not enough for you to stash away the goods, or the weapon, or even the clothing of

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your friend if you have no idea where it came from, or worse if you ought to know that that person is up to no good. If there are blood stains on a glove or a pair of trousers, then you ought to run from it, regardless of how close the relationship might be between yourself and the person who might have brought it to you.

The move to give further protection to young people could be found in the way the legislation has described a school. As we all know by now, the legislation aims to prevent certain gang-related activity at or near to a school. This piece of legislation has brought into contemplation, that premises where social programmes designed for youth are being undertaken come within the definition of “school”. So it is not limited to what each and every one of us knows to be the school, or the technical school or the vocational training school, but if you happen to be at premises where there is any social programme ongoing, designed specifically for young persons, then any gang-related activity, any recruitment of someone within 500—I think it is—yards, of the premises—within close proximity—maybe I had better err on the side of saying close proximity—within close proximity to the school is itself an offence. So the protection that we sought to design for young people is contained in those provisions more than anything else.

Clause 11 of the Bill, therefore, put in context, assures parents that their children—by reason of this legislation—are unlikely to be approached by gang members while they are engaged in educational pursuits. Clause 11, as you know, deals with recruiting of gang members, and the recruiting of a child within 500 metres of a school or a place of worship will constitute an offence.

How does this Bill relate to parents? Madam Vice-President, I am more concerned to make the point here that it is the thrust of this legislation to encourage parental responsibility. You would note from the Bill that the words “harbour” and “conceal” are used, and put at its lowest, to conceal really is to know or to turn a blind eye when you must have known that the person you are dealing with is engaged in some kind of criminal activity likely to be in the Schedule. And not only to know or to turn a blind eye, but to refuse to reveal the whereabouts when you have been asked. It is not too heavy a burden to be placed on a parent.

**6.35 p.m.**

If you think your child has found himself engaged or involved in an activity that you yourself do not countenance, even if you are fearful of the child, even if the child has the capacity to put you in fear, when you have been approached by the law enforcement authority and the law enforcement authority puts the question to

you, you ought to reveal the whereabouts. It is not too much to ask of a parent; parental love works both ways and you may well be doing the child a favour by revealing to the police officer where the child is. To harbour is to keep or to assist or to feed or to protect some person; and we do these things.

We may well be taken in by a sad story from some young man in the district, whom we know, and so we provide comfort and succour to that person, we provide a meal, a change of clothing, et cetera. Now, an innocent person can well find himself doing these things out of the goodness of their heart, but the legislation goes on to add, and it is important to stress that it says: “and to encourage or support that person in his gang-related activity.” It becomes harbouring when you offer that support, and to offer that support, not only expressly but tacitly, so that a nod or a wink by a parent to a child to hide himself demonstrates that the parent is inclined to be an accessory to the child’s behaviour, and must clearly suggest that the parent knows that the child is up to no good.

It is your child and the chances are you want to protect that child, or the chances are you want to believe that child, but we all know that once the child leaves your home, the influences are there, and it is very likely that, either because he is growing older or because he is weak or he lacks the self-esteem to say no, that child may well find himself being asked to hold on to some instrument or something that he would not ordinarily have gone to.

All those who have had their school bag examined and their clothes checked by their parents are very fortunate, but I understand that some parents cannot go into their children’s room. It still surprises me, but in the event that today there is a parent out there who does not feel that he or she is right to go into the child’s room, or to search the child’s school bag, remember that the day will come when some police officer is going to ask you what has been happening or put a pointed question to you about what your child has been doing, or what your child is up to and it is not for you to say: “I do not go into his room or her room, I do not look in his or her school bag.”

If you do as parents used to do long time, and send back even the smallest piece of pencil to the teacher, and/or give the child a clout, the chances are that he or she would not put himself in this position. I know that there are those who have their views about corporal punishment, et cetera, but if we take away the term “punishment” from it, it is only corporal and nothing is wrong with being corporal in relation to your child.

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May I invite the Senate's attention next to clause 10 of the Bill which deals with harbouring, and ask them to note that if you are harbouring a child, it may attract a mild sentence. How clause 10 is structured, it says:

“A person who harbours a person whom he knows or ought to know is a gang member or is wanted by any member of the law enforcement authorities for any gang-related activity commits an offence and is liable on summary conviction to imprisonment for five years.”

Once again, parents are at the centre of this because you may know, you may think you know, you may suspect that your child is related to a gang member, or involved in some kind of gang-related activity, or is even associating with children for whom you have very little regard, but you feel unable to address it. That parent can be arrested for committing an offence of harbouring that child, and you may recall, I said, harbouring could simply be the fact that you have fed or protected the child as opposed to concealing him/her.

Clause 10(2) then goes on to say and this is the part of the legislation that parents should find comfort in.

“Where the person held or the person convicted is the parent, or is acting in *loco parentis* of the child, the court in sentencing, the person convicted shall take into consideration mitigating factors such as any efforts made by the person convicted to reform or rehabilitate the child.”

So that the parent is likely to find himself or herself convicted, but is not open to those who emotionally react to this, or have bleeding hearts to say “But how can you treat a parent this way?” The court will take into account that you have been making efforts to reform the child or to rehabilitate the child.

It would mean something as simple as taking a child to confession—I do not know if you can take a child into the confession box or you could at least get him/her there—or to the priest or to the school principal or to some police officer. We used to do that long time in the rural districts, you call the inspector or you go down to the station and speak to the inspector in the presence of the child, and that will have a telling effect on how he directs himself thereafter. It may not work today and we are all very bright, and we know that the police cannot do you anything, but parents need to find themselves in a position to say to the magistrate: “I have tried.” It is not good enough merely to say “You know how many times I take him down by the social worker ‘X’, but you must be able to demonstrate that you have done so, you have made your efforts, because there used to be a saying that you could take a child to the water but you cannot make it drink—I think it is a horse, a horse.

May I just point, Madam Vice-President, the Attorney General did make reference to a person acting in *loco parentis* of a child—and once again this is a message for the parent. To act in *loco parentis* means that you may not, indeed, be the parent but you are standing in the place of the parent. So that it is not an excuse for you to say “Well, it is not my child, what’s-her-name next door went away and left him here.” If you are acting in *loco parentis* of the child, you are likely to find yourself before the Magistrate’s Court on a charge of having committed an offence under this Act, and the way to avoid being imprisoned is to demonstrate that with your very keen eye you have noted certain behaviours, and you have been making efforts to change them.

Ma’am, as a bit of a diversion, in the Jamaican case recently of *Dudus Coke*, he was found in the company of a religious leader who instantly said: “Well, I am trying to rehabilitate, and I am protecting him, and I am offering him religious counselling.” That may well help in the Trinidad situation but I am sure our judicial officers are trained to detect those who are trying to pull a fast one, if I may put it that way, on the magistrate.

Clause 10 also goes on to say, in 10(3):

“A person who conceals a person whom he knows or ought to know is a gang member or is wanted by any member of the law enforcement authorities for any gang-related activity commits an offence and is liable on summary conviction to imprisonment for ten years.”

I am urging that people pay careful attention to this.

There was a story, not too long ago, of rapes being committed in the Point Fortin area, and there was a man found in Valencia. I imagine that is the kind of thing where it is your long lost relative, you have not seen him for ages and he suddenly pops up in Valencia and wants to spend a few days. There is nothing wrong in making an enquiry about where he was these past 10 years or why he looks so dishevelled or why he does not want to go out during daylight and is only sneaking out at nights to go on the streets. That person could lead you into trouble, and so you need to be careful, in particular, if it is a child. If it is a child, you are not going to be lucky. A magistrate is expected to take very serious notice of your behaviours in relation to that child.

And let us, if I may invite your attention, come to deal with the powers of the police. Madam Vice-President, more than one speaker, has spoken to the fact that what is required here is the power to detect and to enforce the laws. If the police are not capable of or inclined to detect offences, then all this would come to nought. There

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must be that desire to go out there and address it. The legislation provides you with the tools. The instrumentation is that of the police and the judicial authorities themselves.

**6.45 p.m.**

Clause 12 ought to be given some emphasis. It allows for entry, search and arrest by the police. Parents ought to know. Householders ought to know that. Clause 12(2) states:

“A police officer may...enter any dwelling house”—with a warrant—“and search...if he has reasonable cause to believe that a gang member may be found in that dwelling house.”

I know it would be naive to suggest that there are no police officers who would not simply barge in and not even tell you why they are doing so. Clause 12(2) tends to offer them some protection against subsequent civil prosecution.

Nonetheless, if the police officer has reasonable cause to believe that a gang member is in your house, he may enter with a warrant, but also he may arrest without a warrant a person whom he has reasonable cause to believe is such a gang member and who he has reasonable cause to believe has committed such an offence under the Act.

The reaction of a parent is likely to be: “This is my innocent child and you cannot come into the house and remove him as you well please”, as we like to say, but one has to be very, very careful in these circumstances. It is necessary to give the police this power. We can assume that our police service will provide the necessary training, so that even when you are inclined to bring the full force of the law to bear and to enter people’s premises without a warrant, you may well be prepared to ask a civil question first. For example: “Where is your son John?”

Finally, clause 12(3) states:

“A police officer may enter without a warrant and search any place or premises not used as a dwelling house if he has reasonable cause to believe that a gang member may be found in such place or premises.”

That is a very necessary provision, because young people tend to gather away from home in secluded places, sometimes for very lawful activity. But, there is need for privacy. However, a police officer who has reasonable cause to believe that one of those persons is a gang member can enter without a warrant and the chances are that he will arrest every single person in the room. The message is:



watch your company. I do not think you need to tell a child of 10 years or 11 years when something looks wrong. By that age, properly brought up, of course, he or she would know that it does not look right and what that child needs is the self-esteem; the power to say “no” and to move away from there, because that might be the last opportunity the child has to say no and to avoid finding himself in the hands of a police officer.

Clause 14 puts the icing on the cake, because it allows for forfeiture of property. The importance of this clause to us who are concerned about parenting, is that the profits, proceeds and instrumentalities related to the gang activity may be forfeited. We have seen too many appearances on television of parents who, decked to the nines in jewellery and foreign clothing, are complaining that the police have “roughed up” their son or daughter and taken that child away. One may well ask: “But, who is funding these luxuries?” The chances are, you will hear the parent say: “He was ah nice boy. He always looked out for me and always brought me nice things for Christmas or birthdays or on Mother’s Day.” We have all heard it. The police—let me put it differently, the property can be forfeited from them and it will, therefore, include all of the luxurious items that you are carrying around or have in your home.

A parent, therefore, has great responsibility to ensure that the home is squeaky clean; that he or she can account for what is there. We might as well deal with a graphic situation. It cannot be that your child who is making mauby money has champagne tastes and you too are drinking of the champagne and asking no question. There was a kind of parent once who would not allow champagne to pass the door.

This piece of legislation, I have been attempting to say, is really, to use an old word, a locomotive for social engineering. It is meant to and it does provide protection for young people and encouragement for parents to take on the full responsibility of their role as parents, with an eye on preventing their children from falling into the institutionalized criminal milieu at any time.

There are two other points that I wish to bring to your attention. The legislation contains a sunset clause. It will end in five years’ time. We can only hope that the generation that will benefit from it over the next five years will produce a finer generation five years from now. We can only hope also that the statistics will show a markedly steep decline in criminal activity over the next five years, or by the end of the five-year period, because one would not want to have to come back to this Parliament to extend it. It would be an opportunity for a further celebration if we did not have to do so in 2016.

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Just a word of advice to the hon. Attorney General, or those who are going to restructure this piece of legislation. In clause 5(1)(b), I think there is need to do a bit of reconstruction. Clause 5(1) says:

“It is hereby declared that gangs are unlawful and any person—

- (a) who is or attempts to become a member of a gang; or
- (b) who in order to gain an unlawful benefit professes to be a gang member...”

The sentence is continued at line five with the words “commits an offence and is liable on conviction.” Since those words are meant to govern both (a) and (b), I think they ought to be extended. I hope I am making myself clear. I imagine that the Leader of Government Business—*[Interruption]*

**Sen. Panday:** Could you kindly repeat please? I apologize to you.

**Sen. E. Prescott SC:** Yes. If clause 5(1) (a) and (b) are really to be governed by the words in the last five lines, it should read as follows:

“It is hereby declared that gangs are unlawful and any person—

- (a) who is or attempts to become a member of a gang...”

You should be able to go directly to a passage that begins “commits an offence...” Are you with me?

**Sen. Panday:** Yes.

**Sen. E. Prescott SC:** You should extend that passage which commences with the word “commits”, so that it now governs both (a) and (b). You are committing an offence either because you have attempted to become a member of a gang, or because, in order to gain an unlawful benefit, you have been professing to be a member of a gang.

I take the opportunity, just for this moment, because there are others who will speak about it. One wonders why it is young people who like to brag about almost anything are going to find themselves being convicted and sent to prison for a period of as much as 10 years. You will note, and it is in bold in my copy, it is when you have done so in order to gain an unlawful benefit that you commit the offence.

If you put it in graphic terms, the person who approaches the vendor on the street corner, or the business, pretends that he has a gun, whether or not he pretends that he has a gun, but demands money or extorts from that victim some benefit for himself, that is a significantly grave crime and it does not matter if the person

does not have a gun or is not a member of a gang. The fact is, by pretending and professing to be one, he has been able to obtain an unlawful benefit by simply being menacing. We know that this happens. We know that he will come along and promise you protection in the years to come if you would pay money to him. That sort of person deserves to be imprisoned.

Madam Vice-President, I close by reminding those who have had the experience. When I was in secondary school, if you behaved badly you probably would find yourself given an imposition to write the words: "The way of the transgressor is exceedingly difficult." Thank you very much.

**Sen. David Abdulah:** Madam Vice-President, thank you for permitting me to participate in this debate on two very important pieces of legislation, the Anti-Gang Bill, 2010, and the Bill to amend the Bail Act.

As was stated by Senators earlier in the debate, these two pieces of legislation that are before us now were the subject of a joint select committee, which met on very many occasions and which, through consensus and dialogue, has arrived at what all Senators, I think present, feel is going to be good legislation and necessary legislation, as the country grapples with the scourge of crime and in particular with violent crime; crime that results in death and great distress to hundreds and thousands of citizens of Trinidad and Tobago.

Given the consensual nature of the Joint Select Committee's deliberations, as attested to by members of that committee on all sides of the Senate, including members of the Independent Bench, I was particularly disappointed with the tone and tenor of Sen. Hinds' contribution, having regard that he himself was a member of that Joint Select Committee. The hon. Attorney General had acknowledged the role and contribution by Sen. Hinds and other Members of the Opposition in the debate and discussion in the Joint Select Committee to arrive at this consensus legislation.

Having regard to that, I really cannot allow some of the statements that he made to stand on the record without some challenge. I know that my colleague, the Minister of National Security, Sen. The Hon. Brig. John Sandy, said that perhaps some of the statements did not require rebuttal. In some senses, it is true that many of the statements made by Sen. Hinds do not really require rebuttal in the sense that they are so far-fetched that many people, right-thinking people, would not take them seriously. But unfortunately, not all citizens in Trinidad and Tobago are able to sift between the mischief and truth and sort out between fact and fiction. I thought I would just say something, because I really find it difficult to listen to what I repeatedly term as PNM revisionism.

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I am not going to spend all my time on that, because the tone set subsequently by Sen. The Hon. Brig. Sandy and Senators on all sides, including Sen. Al-Rawi, who made his case cogently—one does not agree with all that he said, but he sought to make his case cogently and in a sober fashion—one saw the tone and tenor of the debate rising, but some of the things that were said really are to be rebutted.

For example, Sen. Hinds talked about the fact that it was the 54 years of PNM experience that brought some level of clarity to the legislation in the Joint Select Committee, and it was the wisdom of the PNM and so on.

**7.00 p.m.**

Madam Vice-President, quite honestly it is precisely because of the 54 years of the PNM that we have many of the problems that we have today. But before I get into some of that, I want to remind the Members of this honourable Senate, as Sen. Hinds was trying to suggest that there were acts committed by Members of this Government that have given comfort, if you wish, to those who are engaged in criminal activity and in particular in gang-related activity.

I want to remind all Members of this Senate and the national community that it was his Prime Minister and political leader who met with some gang leaders at—well I said at the last occasion [*Desk thumping*] Crowne Plaza. It was apparently, Ambassador Hotel. He met with those gang leaders and he euphemistically termed them community leaders. Now what could give more comfort and security than having a powwow with the top gang leaders in the country, therefore seeking to give them legitimacy in terms of the actions in which they were engaged, and therefore, sending absolutely the wrong message to them in that regard.

Now, if it were in the context, Madam Vice-President, of the government at the time passing Anti-Gang legislation and then a message being sent to the gang leaders, “Get out of the gang activity because this legislation is going to shut you down in a very significant way”, that would be a different thing. But there was no political will whatsoever to bring the kind of legislation to the Parliament such as the People’s Partnership Government is doing today with respect to the Anti-Gang and the Bail (Amdt.) legislation. [*Desk thumping*]

He had the temerity to imply that somehow or the other, the measures that the People’s Partnership Government has been taking, with respect to the Special Anti-Crime Unit and the SIA, which measures are to regularize and put under a proper legal framework these institutions which—and we continue to disagree with Sen. Al-Rawi—did not have a legal foundation.

So, this Government has been seeking to regularize those things, give it a proper legal footing so that the work of those agencies can, in fact, result in detection and arrest. It is no use to have agencies that cannot then utilize the intelligence that they may have to bring about a reduction in crime by improving the detection, arrest and conviction rate, so this is what we have been doing. These institutions, you know, we are told, or it was implied or suggested in a kind of a way that is very disturbing, that these institutions were being dismantled for some sinister reason, as if this Government wants to dismantle them to encourage criminal activity in Trinidad and Tobago.

That is the implication which some citizens listening to this debate read into the statements made by Sen. Hinds, and we want to put categorically on the record that this Government is not in the business whatsoever of dismantling anything to encourage or to facilitate any criminal activity, but, in fact to put in place good laws and regularize the institutions in the criminal justice system so that we can, in fact, reduce crime in a significant way and bring about greater peace and security for every single citizen of Trinidad and Tobago.

One must never forget either, Madam Vice-President, that when the Special Anti-Crime Unit was established, there was tremendous discontent within the Trinidad and Tobago Police Service. There was a huge loss of morale because people in the Trinidad and Tobago Police Service—and it was well reported in the media at the time—felt that the resources that ought to have gone to them were going to this elite unit and that salaries, wages, terms and conditions of employment in the Special Anti-Crime Unit were far superior to that of the Trinidad and Tobago Police Service. [*Desk thumping*] It was felt that their role in the whole issue of dealing with homicides was being undermined by another unit, there were parallel institutions with different command structures and a whole series of other things which undermined them and made weaker the ability of the Trinidad and Tobago Police Service to deal with the criminal element in our society.

All those things this country has to be reminded of, Madam Vice-President, because some of us seem to have very short memories in Trinidad and Tobago and, therefore, I think it is necessary to correct the record and reply to Sen. Hinds as he was playing [*Desk thumping*] to the gallery with his statements knowing that perhaps he will make headlines. I may not make the headlines with what I said, but those who are listening to the Parliament Channel will hear and they will know what the truth of the matter is.

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I just want to make this statement, Madam Vice-President, that Sen. Hinds was saying that the People's Partnership Government does not understand the society and there is an implied statement in that that is very dangerous, in other words, the PNM knows the society. But what society does the PNM know? And what society does the People's Partnership Government know? And what is the implication of Sen. Hinds' statement?

What he is trying to suggest, if we want to be open and frank about it, is that the PNM knows the urban areas and the People's Partnership Government does not. That is what he is trying to suggest and, therefore, the measures that were being brought in the Anti-Gang legislation to deal with that geographical area, we need to call a spade a spade in terms of how these things are being put. And I think that is really not fair and that this Bill was targeting, in its original form, certain geographical areas. He did not specify, but it is implied, he was suggesting that we were trying to target urban communities in this country.

Let us not forget, Madam Vice-President, the Anaconda programme—I am sorry I did not get the newspapers of that period—when the then PNM government with a Minister of National Security in Mr. Chin Lee—Howard Chin Lee—was embarking upon some new crime initiative called Anaconda. And what was Anaconda doing?

It was jacking up, physically, young African males in East Port of Spain, throwing them down on the ground, harassing and terrorizing them. That was what Anaconda was doing, and there was an outcry in our society, if we want to be open and honest about it, by many citizens who felt that that was the targeting of a section of the community, profiling a section of the community in a way that violated people's rights, and that was done by the PNM government.

So, they cannot come now and suggest that this legislation in its original form was to target any geographical area, when the PNM targeted their own strongholds and communities through Anaconda. Go back at the newspaper clippings, go back at the headlines—and I see my colleague Sen. Barbara Burke who is from that community agreeing 100 per cent with me. And that is why we talk about PNM revisionism, because the country must be reminded of those actions by the PNM against its very, very own, Madam Vice-President.

Then I want to come to what he said. He praised his political leader. That is fine; he is supposed to praise his political leader to the height. But he made a statement which was absolutely false when he said in effect that the Prime Minister did not do anything after the statements made by Mr. Nizam Mohammed, former chairman of the Police Service Commission. I want to place my own view, Madam Vice-President, on this.

That statement issued by the Prime Minister of Trinidad and Tobago on the statements by Mr. Mohammed was a statement that was extremely mature, extremely balanced, it addressed the root of the issues, pointed the way forward in terms of the nature of our society, and the kind of society, which the People's Partnership Government is committed to trying to build in terms of ensuring that we have harmony within our national community given its diversity. And, therefore, it was a statement that did not seek in any way to fan the flames, it sought to pour oil on troubled waters which was exactly what was needed at that point in time in Trinidad and Tobago. [*Desk thumping*] That is what was needed.

Therefore, contrary to what Sen. Hinds said, the Prime Minister did not pander to anyone in the society whether they support the People's Partnership Government, one section of the People's Partnership Government, or one member of the People's Partnership Government or not. She did not pander to anyone. She made a statement that was—I do not know if there is a gender neutral word apart from statesmanlike, I do not know if there is a gender neutral word. We will have to find a gender neutral word for that. Well chairperson, of course, so it was a statesmanlike statement, Madam Vice-President, as well as the fact that the Prime Minister met with the President of the Republic of Trinidad and Tobago and indicated quite clearly that the matter will be addressed within the remit of the Constitution of Trinidad and Tobago, and that is what it is.

### **7.10 p.m.**

It is not a matter for anybody who is a leader of this country and Prime Minister to call on the President to do X, Y or Z publicly and, therefore, to fan the flames, as my colleague has said, as members of the People's National Movement may have done. It was for the Prime Minister to meet in a proper constitutional way with the President of the Republic to express views, as have been expressed in the national statement, and for the President, within his constitutional responsibility, to take action as he saw fit. That was in fact what happened and I am sure that this Senate feels positive and comfortable with the outcome of all those deliberations. I wanted to put those things on the record first of all.

Mr. Vice-President, there is the issue of gangs. I recall some four years ago—because I come from the labour movement, I have to blow the trumpet of the labour movement—there was a really serious national debate and discussion on the issue of gangs in Trinidad and Tobago. The Oilfields Workers' Trade Union hosted a public policy forum held over two days at our headquarters in San

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Fernando and I had some responsibility for organizing that particular forum wearing one of my other hats. It was on this particular theme. From 1968 to 2008—it was held in 2008—40 years. What has happened in the Caribbean?

Sen. Hinds referred to a publication talking about gangs in Jamaica and he said I might have some familiarity—in 1968, I was going to school. I was in fourth form in school in Jamaica. It is known that I was born and spent my early teenage years in Jamaica until sixth form. In 1968, there were riots in Jamaica; not gang riots, but protests over the banning by the then Government of Jamaica of one of the Caribbean's most important and celebrated historians, Dr. Walter Rodney.

Dr. Rodney had gone from Jamaica to Montreal, Canada, to participate in the Black Writer's Conference, which, at the time, was one of the most seminal conferences internationally on the issue of radical politics and black power and so on. Two of the main keynote speakers were C. L. R. James and Lloyd Best, both Trinidadians. A third one was Trinidadian-born Stokely Carmichael, later known as Kwame Ture, who himself was banned from the land of his birth by the PNM government, an absolutely shameful act. This ban was later lifted and he was allowed to enter Trinidad and Tobago. The ban was not lifted by the PNM.

Walter's return to Jamaica was banned and the young people in urban Kingston revolted because Walter had been engaged in a process of popular political education. One of his books, *The Groundings with My Brothers*, emerged out of that particular process. You are asking what that has to do with gangs. Yes, there were gangs in Kingston in 1968, but the young people were not engaged massively in gang violence. The gangs were limited to groups supporting one or the other major political parties of the day.

In Trinidad and Tobago, in 1969/1970, young people were engaged in political discussion. I will elaborate on that in a little while. Gangs were not an issue. Violence in the society was not an issue: Young people were engaged in discussion about changing society, about analyzing the post-independence experience, to assess whether independence had resulted in the kind of gains that they had been promised by the politicians and which they hoped for.

That was the ferment of the young people of the day. It was not a ferment of getting a gun to shoot somebody else or putting down a "wuk" or any such thing. It was a ferment of ideas, of debate, of analysis, of trying to challenge ourselves as young people to bring about a better society for us all.



In Guyana, in the mid-1970s, the same was true with people like Walter going back into Guyana. In fact, when I was either treasurer or president of the student guild, that guild council—and one of my senatorial colleagues, Sen. The Hon. Nan Gosine-Ramgoolam, was also a member of that council; Sen. The Hon. Karim and Sen. The Hon. George, we were all on campus about the same time—we brought Walter Rodney to St. Augustine to give a seminal lecture in September 1974. Walter was en route to Guyana and young people in Guyana, across the ethnic divide, were discussing the whole issue of democracy and struggling against the Burnham dictatorship as it was defined then.

In the period 1968 to the mid-1970s, young people in our societies from Kingston to Georgetown were not involved in raping, killing, mayhem and gang violence. Yes, there were incidents, but those were isolated incidents; it was not a pattern in our societies. Even in our urban communities where there was poverty, it did not result in that kind of anti-social behaviour; it was a behaviour of trying to bring about fundamental change.

What then happened? That was the subject of our public policy forum some four years ago. What happened in the 40 years between 1968 and 2008? I suggest that what we traced was the systematic destruction of that effort by young people to come to an understanding of themselves in society and to try to bring about change in their own image and likeness; to improve their lot to ensure that there was social justice and equity in the society so that the poverty they were experiencing they could escape.

There was a systematic destruction of that; that instead of blocks in Laventille, along the East/West Corridor, deep south and so on, young African men, let us be frank, in those days were under the street lights reading Fanon, Ché and Rodney, discussing politics and trying to come to grips. Yes, they were reading *Capitalism and Slavery* by Dr. Eric Williams and all those things. There was a whole process of popular education because socialization on the blocks in those days was socialization of the mind, of raising consciousness in our society.

But the PNM government saw that as a threat and they banned what they called subversive literature. I myself had the house in which I was resident raided by the police looking for subversive literature. That was rather jokey because the policemen did not really know what was subversive from what was not. All the literature they seized were in fact not on the banned list and the books that were there and that were banned they did not seize because they did not know which was the right publisher, author and title. We got back all our literature. I was detained, but not actually charged.

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That was what was happening in our society, but the political directorate sent the police to harass young men and women on those blocks, run them off, break them up and then, over a period of time, the culture of drugs, hard drugs, was introduced on the blocks along the urban areas. Young people on drugs, with their minds affected, could not be engaged in conscious political discussion or mobilization in the society. That is the process which happened and those responsible, in my view, were the government of the PNM.

Then, Madam Vice-President, we had the school system. I am not saying that it was intentionally created to fail our young people. I would not put that responsibility on anybody. However, it is very clear from all the evidence that the system we created in our junior and senior secondary schools with young people being unsupervised for long hours—you go to school on the morning shift, in the afternoon you come home and you are unsupervised or you are not at home at all; you go to the afternoon shift and all morning you are unsupervised; that, together with the fact that our emphasis was on grammar school type education, which not everyone was up to and which the primary school did not properly prepare them for, resulted in many of our secondary schools, at the end of the CXC examinations, seeing 90 and 95 per cent of all students who sat those exams not coming out with even five or three passes.

There was a failure rate of 80 per cent and 90 per cent in mathematics and English; of having many of our young people coming out of the school system barely literate. That was the effect of our school system. It cannot be that 80 and 90 per cent of our young people are incapable of learning. The normal assessment is that there will be a few who are challenged and are unable to go that way; a few will be exceptionally bright and get 100 per cent in all their exams; and the vast majority falls somewhere in the middle. It has to be, therefore, that our education system failed our young people and, collectively as a society, we have to take responsibility for the fact that it is not that our young people failed their exams, but that the education system failed the majority of the young people of Trinidad and Tobago over the years.

What do you expect of a young person who is deemed a failure? You fail Common Entrance—because many of them failed Common Entrance—you are a failure. You fail CXC, you are a failure. What message do we send to young people if we drum into their heads from a young age that they are failures? What do we do to their self-esteem? Other Senators have talked about the importance of self-esteem in terms of their ability to find their way in the world with confidence and to contribute in a meaningful and productive way to the development of our society. We destroy the self-esteem of thousands of our young people as a result of our education system.

Then, when our economy went into crisis in the mid-1980s as a result of the falling oil prices, what happened was that the burden of adjustment got placed on those very communities where there were so many young people being failed; those same communities where the culture of drugs was introduced. So you had mass unemployment, mass retrenchment in what was originally a permanent employment arrangement at the time of DEWD, for those of us who are old enough to remember, which mass retrenchment took place in the period after 1980. I know because I was very active in the labour movement and part of the struggle of the workers to preserve their jobs. There was mass retrenchment on the port of Port of Spain.

When that took place, what you did was to remove some of the major economic underpinnings from major urban communities in our society that depended upon the earnings of the dock worker; that depended upon the earnings of the worker in other state companies, be it WASA or wherever; that depended upon the earnings of permanent workers in DEWD, which was dismantled by the George Chambers Government and so on. Of course, massive retrenchment took place on the docks, PTSC, WASA, during the first Manning government between 1991 and 1995. So, the economic capacity to sustain those communities was broken.

[SEN. PROF. PATRICK WATSON *in the Chair*]

**7.25 p.m.**

The gangs did not happen overnight. The missing generation did not happen overnight. There was a process by which one generation deteriorated and that deterioration led to a further deterioration in the next generation. And so, to cope with the collapsing economy and the lack of sustenance in those communities, mothers migrated, many fathers were in jail or on drugs—not all. But too many were on drugs or were in jail and you had the phenomenon of barrel children and so on and grandparents attempting to deal with youngsters growing up and so on.

And therefore it was not simply the issue of poverty but the nature of the social breakdown that was occurring. And I recall that economists—and I see we have an Acting President who is himself an economist—would have termed the phrased social debt. So that we were developing, Mr. Presiding Officer, a huge social debt in our society with children growing up without parental supervision and failed by the school system. And all this we were discussing in that forum that we had some years ago at which your distinguished colleague from the Sir Arthur

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Lewis Institute of Social and Economic Studies, Prof. Brian Meeks, who is Director of SALISES at Mona participated, sharing the Jamaican experience and another distinguished Caribbean thinker and political activist, Dr. Rupert Roopnaraine from Guyana shared the experience of Guyana, with us and so on.

So what we then had was the young men not being mentored and socialized at home because there was no home with father, mother and so on; not being mentored and supervised and given guidance by the schools or teachers because they had become alienated from the schools. So why listen to Sir, when in fact I do not care about school? I do not care about school because I will go through five years and I am coming out with no passes anyway, so I am not taking on school, I am not interested. And it is not something that is uplifting or beneficial to me because at the end of the day I will come out with no passes, or even if I come out with some passes, there is no employment for me.

Because in the '80s and '90s, there was no employment for young people coming out with five and six passes, unless you were prepared to work for bare minimum wage as a security guard and so on, which was not what five passes were supposed to provide you, in terms of upward mobility and so on.

And so young people in our society got influenced by the new blocks. The old blocks of the '60s and early '70s were the blocks of ideas, of elders or older men educating younger men and mentoring younger men. The new blocks were the blocks of the bad boys of what we now call the gang leaders; that was the new block. And the young men felt a place of comfort and other things on that new block. That is where they were socialized.

Therefore what these pieces of legislation are saying, Mr. Presiding Officer, is that those new blocks are not the places which you must go to be socialized where, because if you go there and participate in those activities, there are serious consequences for you. And those who wish to socialize people in criminal activity, there are serious penalties for you as well.

That is what this legislation is saying. So we are seeking to confront and break up those units of socialization that have been so negative to our society, which units of socialization are the outcome of policies that were pursued by the PNM government over its years of government. And so, Mr. Presiding Officer—*[Crosstalk]*—and I know Sen. Hinds would not understand this because this will go clear over his head.

**Sen. Bharath:** Clearly.

**Sen. Hinds:** After 1990. I think you are stuck in 1990.

**Sen. D. Abdulah:** Because for you, you see the trees and cannot see the forest. [*Crosstalk*]

[*Desk thumping*]

**Sen. Baptiste-Cornelis:** What have you done for Trinidad and Tobago?

**Sen. D. Abdulah:** So you cannot see and understand the damage which the PNM did to your own black brothers in Laventille—[*Crosstalk*]—and East Port of Spain after 1970. You would not even understand that. It would fly over your head. [*Crosstalk*]

**Sen. Hinds:** “You stuck in 1970”.

**Sen. D. Abdulah:** No, not at all. I am very much in the present. But unless we understand what you did over the last 40 years, to destroy this society, we cannot move forward as Trinidad and Tobago. And that is what we are seeking to do at this time. [*Desk thumping*]

**Sen. Hinds:** What you have done for Laventille?

**Sen. D. Abdulah:** Then there is the issue, Mr. Presiding Officer, of the socialization that has taken place in our nation’s prisons where, in the absence of prison reform—and it is not that there were not proposals for prison reform. I am well aware because it happened that my father, then Bishop of Trinidad and Tobago, was appointed the Chairman of a Commission of Enquiry into the Prisons and made many important, progressive recommendations for prison reform, which recommendations the government of the PNM never acted on one little bit. Had those reforms been taken seriously on board 25 years ago, perhaps the socialization, negatively, that is taking place right now in our nation’s prisons—over the last 10, 15 years—would not have happened.

And you see, 25 years ago is a whole generation, so that our sins of omission and our sins of commission over the years have, in fact, led inexorably to this process which I have been describing—albeit in a truncated way because my time is limited—that the acts of commission and omission have led inexorably to the process where we are today with gangs. We cannot simply blame it—[*Crosstalk*]—and I heard Sen. Al-Rawi—on globalization and all of those things like that. [*Interruption*] Yes there is globalization and a collapse of the global economy, we are well aware of that. We cannot simply blame it on that. Yes there

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are deportees, but we cannot simply blame it on that either. We have to take responsibility, Mr. Presiding Officer, for what Lloyd Best would call “the validating elites” did in this society or did not do over the last 40 years.

And it was those sins of omission and commission, creating an education system that failed our young people, that alienated our young people—[*Crosstalk*]

**Sen. Hinds:** It failed Sen. Ramnarine.

**Sen. D. Abdulah:**—systematically destroying those centres of discussion and progressive socialization that were engaged in helping our young men, and so on, to go in a particular direction. All of those things were the sins of omission and commission that the society has engaged in.

And therefore, what the People’s Partnership Government is seeking to do—and these measures will not result in an overnight solution. [*Crosstalk*]

**Sen. Hinds:** “With how many children did SEA this year?”

**Sen. D. Abdulah:** Nobody is suggesting on this side that the passage of these two pieces of legislation will be a magic bullet which will result tomorrow in zero murder and zero crime. Nobody is suggesting that whatsoever. Because one has to now seek, by intervention, to reverse years of damage that has been inflicted on the society.

And therefore the intervention has to be at several levels, which is the point the hon. Prime Minister was making yesterday. And those levels of intervention are legislative—and this Government has brought important pieces of legislation to address the problem of crime that faces our citizens—and these two pieces of legislation are part of the legislative framework to confront head-on those who are engaged in criminal activity; to say to those in criminal activity that not only the Government, the Parliament of this country and the vast majority of the citizens of Trinidad and Tobago do not accept, “We are no longer prepared to tolerate your criminal activity which is creating mayhem for the safety and security and peace and comfort of citizens of Trinidad and Tobago.”

So we are prepared to confront it head-on and we have the political will to bring this type of legislation to the House. Forty years ago, Mr. Presiding Officer, you yourself, I myself, a number of us would have said we would not want such legislation on the statute books of the country, but 40 years ago we did not have gangs and criminal activity in the way that we have today. And therefore the legislation is necessary to deal with the specific problems that we face. And given the fact that there is a limit of time for this legislation of five years, it recognizes

that once the kinds of gains are made over the coming period of time, then the legislation can be reviewed and if we have been successful in addressing the issue of gangs and so on, the Parliament will determine, in its wisdom, what is appropriate at that point in time. So we are prepared to confront crime and violence head-on and those who are engaged in it.

And then secondly, at another level of intervention, the excellent programme that has been developed under the wise and astute leadership of the Minister of National Security. And so we want to also record—I also wish to record my own congratulations in this Senate, Mr. Presiding Officer—I was there at NAPA yesterday and I really want to congratulate Sen. The Hon. Brig. John Sandy on an excellent launch to what we are sure is going to be an excellent programme of mentorship in Trinidad and Tobago. [*Desk thumping*]

He can speak with authority on this because he understands urban Trinidad. That is the community in which he was born and grew up and he understands it very well. And he understands the need for us once again to have a different process of socialization taking place in those communities to give young men and women some sense of hope that—and it was very interesting that General Colin Powell made a statement yesterday, that it is when young people have hope for their future that they would proceed on another path. Because when they do not have a sense of hope that they can get out of the mess in which they are in, that the alternative of crime and violence becomes so very attractive to them.

What we have not done over the years is to give those young people a sense of hope, because they have been treated as failures, “Yuh duncee”, “Yuh fail Common Entrance”, “Yuh fail CXC”, “You are a failure.” And in that kind of milieu they have no sense of hope and therefore they say, “What role do we have in Trinidad and Tobago society? The society has alienated us, we have been alienated, they have excluded us, so if we strike out in ways that are violent and anti-social, so what? Because the society, as far as I am concerned, was violent and anti-social to me.”

We have to reverse that sense in our young people, that this society is not seeking to exclude them or alienate them or treat them as lesser people who do not count in Trinidad and Tobago. We must treat them as if they are as important, not as if—let me correct that, Mr. Presiding Officer. We must treat them in a way that demonstrates tangibly that they are as important as any other citizen of Trinidad and Tobago and that they have as much hope to go to their fullest

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potential as any other citizen in this country. That is what the programme being developed and initiated by the Minister of National Security seeks to do, and we want to congratulate him. [*Desk thumping*] So that is the second one that we are doing at the level of intervention.

The third one, Mr. Presiding Officer, is the issue of the education system, and the education system is in need of reform. Just last week the Ministry of Education had a very, very important and useful dialogue with stakeholders on the issue of the primary school curriculum. Because if we do not begin at the primary school level and address and redress that curriculum, then what is going to take place in our secondary schools is going to be problematic and so on. And so the issue of intervening in the education system is another very important way of preventing young people from going astray and ensuring that they have a sense of hope, that they know that they are successful young people in Trinidad and Tobago who can achieve whatever they wish to achieve once they work hard and make an effort to develop their own individual talents and abilities.

So, Mr. Presiding Officer, I want to say that in support, I did not go into the Bill clause by clause, I was seeking to address the whole issue of gangs and, in my humble view, why we have gotten to the point where we have gotten. Because unless we do that kind of serious research—and I do not think it is being done, with respect, at the University of the West Indies—where we trace generation to generation what has happened over the two generations. If young people emerge from secondary school without passes and they make children, what happens to that generation whose parents were failed by the system?

**7.40 p.m.**

**Mr. Presiding Officer:** 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. [*Hon. S. Panday*]

*Question put and agreed to.*

**Sen. D. Abdulah:** Thank you very much, Mr. Presiding Officer, and to my colleagues. [*Desk thumping*] I assure you that I am not going to go on for another 15 minutes. The point I was making was, as a society, we need to do serious research on the social issues and problems that are affecting us. We need to trace what happens from generation to generation, because you miss one generation, but the next one is going to be, not missing, but is going to turn inwards against



us, and then what happens to the third generation? We have to look at all of those factors. I have sought to identify some, others may debate and argue and say that the bases of my arguments are not correct, and I am prepared to engage in that debate with others, but I do think that we need to come to grips with understanding why we have gotten to the sordid place in which we are.

I also want to say, Mr. Presiding Officer, that in my view, I think that this Government is tackling it in the right way with the multi-pronged approach to the issue of addressing crime and violence and, yes it will not happen today or tomorrow, because it is a process of changing minds, attitudes, behaviour, values and a whole set of other things even as we ensure that those who cross the line are penalized for crossing that line against what society deems to be appropriate and so on.

Thank you very much, Mr. Presiding officer. [*Desk thumping*]

**Sen. Terrence Deyalsingh:** Mr. Presiding Officer, I thank you for the opportunity, and I want to agree wholeheartedly with Sen. Abdulah that our education system has failed Hasely Crawford; it has failed Mungal Patasar; it has failed Mr. Errol McLeod; it has failed the Gangas from Barrackpore, Daren Ganga, Sherwin Ganga; it has failed every single student at the Mount Hope Medical Sciences Complex from San Fernando to Port of Spain to Tobago, who are studying medicine, nursing and pharmacy free of charge. The education system under the People's National Movement is a total and complete failure according to him. [*Desk thumping*] I agree. It has failed George Bovell III; it has failed Steven Ames; it has failed the "Green Machine" from Tunapuna, an excellent school that mixes academia and sport—

**Sen. Baptiste-Cornelis:** St Augustine!

**Sen. T. Deyalsingh:** St Augustine. It has failed St. Francois Girls' School under the principalship of Mrs. Patricia McIntosh, which is held out as one of the best government secondary schools; it has failed St. Georges College in San Juan, it has failed them completely; it has failed St. Mary's College where I went; it has failed Presentation College; it has failed Benedicts; it has failed all the Pandays; it has failed all the Moonans; it has failed the Capildeos; it has failed the Naipauls; it has failed the Bartholomews; it has failed the Ramlogans; it has failed Lionel Seukeran, yes our education system is a total and complete failure. [*Crosstalk*] That is what they would like to think. Utter failure! Nothing good in it! All of us here were educated under that system.

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Mr. Presiding Officer, it is amazing, absolutely amazing, to hear our education—not amazing, it is sad and unpatriotic to talk about our education system in the manner in which it was just spoken about.

**Sen. Abdulah:** Are you challenging the facts?

**Sen. T. Deyalsingh:** I would challenge your fact when you said 89 per cent of students fail CXC Maths—

**Sen. Abdulah:** In some schools!

**Sen. T. Deyalsingh:** In some schools. Do you know what we are going to do here? We will pose a question to the Minister of Education and have him read out the statistics, and I would keep my *Hansard* record of your contribution next to it.

Mr. Presiding Officer, in preparing for today’s debate—[*Interruption*—you know, when we want to engage in debate, sucking your teeth, Sen. George, and “steupsing” is unparliamentary. You know, I have never interrupted you or anybody else. “The only steups is a sweetie they does sell that is advertised on TV.” [*Laughter*] “Be parliamentary nah, have some manners nah; have some broughtupsy nah”. I dug out a book which I got as a Christmas present about three or four years ago, and it is called *Redemption*. This is a story of a gentleman by the name of Stanley Tookie Williams—gang leader turned Nobel Prize nominee. When you read a book like this, Mr. Presiding Officer, you get an idea of what people go through.

This is about a man growing up in South Central LA. He became one of the most feared criminals in the US penal system. He was arrested for murder, I think at the age of 17. Although he admitted to all his gang activities, until his execution in 2005, he maintained his innocence for those four murders, but he rehabilitated himself in prison and he actually became a role model for prisoners, and he was nominated for a Nobel Peace Prize for his anti-gang work, all of which he did from death row. The book is aptly titled *Redemption*. Mr. Presiding Officer, if you permit me, the author said:

“If I am to die tonight, then the most important message that I want the youth to remember is that I am no longer a man of war. I die a man of peace.”

Mr. Presiding Officer, I would not quote too much from that text, but during the course of my contribution I will quote from this green book, and the rationale for my using this green book would become clear as I go through it. This book is the *Students’ Companion* written by Mr. Wilfred D. Best.

**Sen. Baptiste-Mc Knight:** Where did you find it?

**Sen. T. Deyalsingh:** Where I find this? Sen. Baptiste-Mc Knight, I looked for this in the book stores, and about in 2008 I got one. It is the 1990s edition. I got it about two years so. [*Crosstalk*] Excellent book! So those are two books which I would be using throughout my contribution, of course, with your permission.

Mr. Presiding Officer, my personal interaction with gangs happened at a very early age in Caroni. As I said, I used to live there when I was young. We used to live on the Southern Main Road. I said my father had a little grocery/rum shop—that was the way you did things in those days—and on the side road, about 200 yards down, there was a notorious gang of brothers called the Poolool brothers. I do not know if that name rings any bells; Raffick and Joe Poolool.

The Poolool brothers used to terrorize our village, and my father being the shopkeeper—you know, the business, the little shop—used to be the hub of activities in those days. So, obviously they used to come to my father's shop. I remember when they used to come into the shop, we used to be herded, my sisters and myself, to the back so we would escape the wrath of the Poolool brothers. They came to an untimely demise, I think by about 1966 or 1967, but that was my first introduction to gangs, and from then to now, when we look at where we have reached today, it is not a nice place, and as Sen. Abdulah said, there is no comfort saying it is a global phenomenon. It is not, and I agree with him on that.

However, my problem is, how do we in 2011, based on what Sen. Al-Rawi said earlier about the detection rates having declined—15 per cent detection rate for serious crime. The detection rate for murder has actually gone down by 7—8 per cent. I would think that we would be building our resource capacity to deal with crime, not with muscle but with mind. [*Desk thumping*] I would like to think that we could develop programmes within our institutes of tertiary education to deal with crime.

I was shocked and amazed when I posed a question to this honourable Senate on Tuesday, March 22, 2011 about the shutting down of the BSc programme in Criminology at the University of Trinidad and Tobago, the Saturday after the answer was given by Sen. Karim, Prof. Ramesh Deosaran took the time out to write an article in the *Express* calling it a senseless shutdown. [*Crosstalk*] He did!

Now, I know Sen. Karim is a decent person [*Desk thumping*] and I have a feeling that he was ordered to shut down this programme, and if he had his way, that programme would still be going on—the same way I think other people in his

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Government have been forced to do and say things which they on their own would not do. I do not want to refer to the newspaper article, because I do not consider that official.

I will refer, however, to a letter that he wrote dated March 25, 2011 to Miss Marlene Mc Donald MP, Leader of Opposition Business, and to indicate how seriously bothered Prof. Ramesh Deosaran was, a former Independent Senator. He copied the letter to Sen. the Hon. Timothy Hamel-Smith, President of the Senate; Sen. The Hon. Subhas Panday, Leader of Government Business in the Senate; Sen. Penelope Beckles-Robinson, Leader of Opposition Business in the Senate; hon. Dr. Roodal Moonilal MP, Leader of Government Business in the Lower House and Miss Marlene Mc Donald MP, Leader of Opposition Business in the Lower House.

In the letter is captioned: “UTT Crime Programme shut down though 140 students accepted by Professor Ramesh Deosaran, Professor of Criminology and Public Safety and Former Independent Senator”. He goes on:

“...Tertiary Education Minister Fazal Karim left out several vital facts. The country’s Parliament and the public should know that it was the new Board of Governors who instructed that this programme be not launched.”

**Sen. Hinds:** Or!

**Sen. T. Deyalsingh:** It continues:

“Senator Deyalsingh should have asked Minister Karim, as a supplementary question, who gave the shut-down instruction...”

You see, they like to shut down things; SIA, SAUTT, OPVs; shut down! It continues:

“...and of course, quite conveniently, the Minister did not tell the Senate this on his own.”

Now, this is the man who is now heading the Police Service Commission.

“The other missing and vital fact is that while the Minister said that ‘no students were enrolled,’ he did not tell the Senate that 140 well qualified applicants out of almost 200 applicants—a success story for any university now—were accepted for enrolment. But at the last minute, these frustrated students learnt that the programme was closed down. For fairness sake, Minister Karim therefore owes 140 students, UTT and myself an apology.”

This is what he is saying, these are not my words. [*Desk thumping*]

**7.55 p.m.**

“Minister Karim’s inferences cast an unnecessarily unfortunate shadow on my professional reputation which I now feel obliged to remove.”

And they are talking about being serious about crime—shutting down a programme to deal with crime where you have 140 eminently qualified persons ready to start. But what is more instructive in this letter is, coming out of this—and I will read it because it makes good reading:

“Given Minister Karim’s limited response in Parliament, the public should know the major reasons for UTT mounting this crime management, crime reduction and prevention programme:

1. I was asked...”—‘I’ meaning Prof. Deosaran—“...to undertake this assignment as part of my Programme Professor’s duties.
2. Crime and public safety fears were seen as a major problem facing the country by both the PNM then the People’s Partnership government whose Prime Minister and cabinet repeatedly tells the country that “crime is the No. 1 problem, so as a national, taxpayers’ supported institution, neither UTT nor I just couldn’t stand by idly. We had to make an appropriate contribution to the national welfare. Further, this B.ASc. would have been the first such programme not only to serve this country but the region.”

[MADAM VICE-PRESIDENT *in the Chair*]

In the region, but they shut it down, and I know, is not Sen. Karim personally. I am not holding him personally responsible for this. He has to carry out instructions.

- “3. This B.ASc. and related anti-crime programmes were discussed and strongly recommended by a series of stakeholder consultations including senior officers from the private security industry, the protective services, and other civic organisations. These consultations lasted...two years...”.

So this started in 2008 and they will say that we did nothing about crime. We started the consultations in 2008 to have this programme put in place. The:

“...consultations lasted about two years and a launch date for the B.ASc. was set, awaiting the government’s appointment of a new Board.”

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Remember how long they took to appoint boards? So the programme is there waiting to go but they cannot do it because there is no board—for a new Board.

“UTT had no Board for almost six months while the stakeholders, students, were waiting and crime itself was being seen as the country’s No. 1 problem.

I am going to skip two paragraphs, because you see, in Minister Karim’s reply he flippantly referred to a stakeholder meeting and flippantly referred to cost incurred.

“A meeting for sharing ideas and building partnership was held last September at UTT when this and other programmes were announced in the presence of the Minister of National Security, John Sandy, Minister Subhas Panday, Advisor Roy Augustus and several other Government and UTT officials. There was much goodwill and support from all sides. The money spent for that was also quite justifiable.”

You see, I do not know if the programme was shut down because UTT is a PNM creation. It is the only conclusion I could come to.

“Minister Karim then referred to expenses for a Planning Conference on Trans-Border Crime and Security, again...” in Prof. Deosaran’s quotations now—“...again, making it look as unreasonable expenses and without providing somewhat the facts. This high-level, expert group meeting focused on developing a set of actionable recommendations for the government of this country, other Caricom governments, the Miami Police Dept and several other North American security agencies.”

That was the scope of the thing; an all-encompassing programme shut down; the planning conference forgotten.

In this Bill we are dealing with the anti-gang legislation. When you look at the First Schedule you see a list of the 26 offences, ranging from arson to kidnapping, assault with grievous bodily harm, possessing a firearm or an imitation firearm, trafficking in dangerous drugs and we have the Human Trafficking Bill to come. Listen to this:

“The seven areas on which this expert policy group focused were drug and arms trafficking...”—germane to this Bill—“migratory gangs”—germane to this Bill—“money laundering”—FIU—“money laundering, terrorism, border security”—remember our borders are now porous—very porous. The English have pulled out. We have no boats to man our borders. How serious are we about crime?—“...cyber crimes and human trafficking...”—a Bill that will reach here.

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“Given the relevance of these issues, the October conference was formally opened by the Minister of National Security, John Sandy and well attended by senior security officials, diplomats and experts from several other universities.”—PR—that is called PR. Because you know what makes me believe it is PR? After they talk about all of this—here comes the line—“Again, the new Board shut down this programme.”

Why would a new board shut down a programme that deals with drug and arms trafficking, migratory gangs, money laundering, terrorism, border security, cyber crimes and human trafficking? What is the rationale for shutting down that conference? What is the rationale for shutting down that degree programme? Big conference, spend money—how much money was spent—I am quoting from the *Hansard* record of Tuesday 22, March,

“With respect to advertising, the total cost of advertisements amounted to TT\$141,478.44...”—money gone.

But then when we ask a question in this Parliament about why the La Fillette Community Centre cannot be built, the Minister of Community Development comes here, sits down on the Back Bench and says they have no money.

When Sen. Beckles-Robinson asked in Arima why they cannot finish the Calvary Community Centre—no money—but they spend \$141,478.44 on advertisements and then shut down a programme.

“(a) cost of advertisements in the local print for recruiting students, \$102,157.47;

(b) cost of advertisements in the local and regional print media for the recruiting of teaching staff, \$39,320.97.

With respect to the item of promotion, the total cost related to promotional activities, for the BASc in Criminology and Public Safety amounted to TT\$292,351.72...”

The “Ministerial Meeting with then Acting President and Programme Professor of UTT Institute of Criminology and Public Safety, Prof. Ramesh Deosaran, Sen. The Hon. Brig. John Sandy, and Sen. The Hon. Subhas Panday on September 13th, 2010,...”

Do you know how much that meeting cost? A meeting—this is not a conference. Oh, by the way, Madam Vice-President, it is very nice to be under your direction today. [*Desk thumping*] That meeting, Madam Vice-President, cost “\$7,995.75”.

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How much food and drink you could eat so? Four people having a meeting that cost \$8,000, and then you know what, you shut down the programme.

“Pre-planning meeting for a conference entitled A Trans-border Expert Alliance for Caribbean Safety held at the Trinidad Hilton and conference centre on October 7th, 2010, to promote the BASc in Trans-border expert alliance for Caribbean Safety conference amounted to...”—Madam Vice-President—\$278,835.97”—and then, you know what? They shut down the programme.

**8.05 p.m.**

Madam Vice-President, you know what? They shut down the programme, after you have 140 students already registered, already arranged time off, police officers and so on, people who are interested in a career in criminology arranged their time off, leave. After they made all the necessary arrangements, do you know what? You shut down the programme, and “We are serious about crime;” “We are serious about anti-gang legislation”.

Is it because it was done under the auspices of UTT? I do not know, but I will quote again from his letter for the last time:

“This initiative, again, was designed to help the country.”

This is a former Independent Senator, now the Chairman of the Police Service Commission, speaking. This is not “a PNM ting”.

“It was hard work, an effort by people who have love for their country and who are willing to use their expertise to help the government solve ‘the No. 1 problem’ facing the country. Minister Karim’s lack of good will is deeply regretted. Certainly, his approach couldn’t be out of spite and victimisation because UTT was founded by the PNM...”

Telling words; not mine, and I agree, this is not his approach. He would never do that. From what I know about him, he is an honourable man acting on instructions.

**Sen. George:** Tongue-in-cheek.

**Sen. T. Deyalsingh:** No, no; I mean that sincerely. Cabinet responsibility is such that you have to go with the decision; I know about that. You may not agree with it personally, but you have to support it. I agree with that, but according to Sen. Hinds, “Is not you; is de company yuh’z keep”. [*Crosstalk*]



The letter continued:

“Certainly, his approach could not be out of spite and victimisation because UTT was founded by the PNM, a question many at UTT are increasingly asking?”

So you have another demoralized institution in Trinidad and Tobago. [*Interruption*]

**Sen. George:** Just like the police service was demoralized after SAUTT!

**Sen. T. Deyalsingh:** “His very limited statements in the Senate gave a very wrong impression about this important programme and as well did cast my professional reputation in a bad light...”

The man is saying his reputation has been tarnished, “especially since his views were carried in both the electronic and print media.”—and the Government is serious about crime.

**Sen. George:** We are.

**Sen. T. Deyalsingh:** They shut down the programme; PR.

**Sen. George:** “All yuh shut down Williams, poor fella.”

**Sen. T. Deyalsingh:** We need programmes like that; we need UTT if we are going to tackle crime with brains and not brawn, because the days for fighting crime with brawn are over, and this was what this programme, with a two-year gestation period, was attempting to do. It was unceremoniously shut down by the UNC-led coalition. Why, after spending hundreds of thousands of dollars on advertising, recruitment, partying, photo sessions? PR. They got the PR component. Once they got the PR, do you know what they did? They shut it down, once the cameras were gone.

People say this is a dysfunctional Government; I could not disagree more, because all this Government likes to do is go to functions and get their name in the papers. Function after function, after function; it is a very functional Government, extremely functional.

**Sen. Hinds:** Especially the Prime Minister!

**Sen. T. Deyalsingh:** Madam Deputy Speaker—[*Interruption*]

**Sen. Abdulah:** [*Inaudible*]

**Sen. T. Deyalsingh:** Madam Vice-President, sorry. Sen. Abdulah—[*Crosstalk*]—no, no, no, no—there is no higher political calling than to be a representative of

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the people and to be voted in by the people. The House of Representatives, Sen. Abdulah, is not a place to trifle with. We are appointed, they are elected. They have all right to be supreme to us; bear that in mind. "Chill out."

**Sen. Abdulah:** I hope your leader knows where you want to go.

**Sen. T. Deyalsingh:** Madam Vice-President, the Attorney General in piloting the Bill spoke about a Government that listens and then leads. We recognize that one of the major problems facing our country, as it relates to gang activity, has to do with the pool of potential recruits from our secondary schools. We need to understand that and we need to break that umbilical cord that stretches from our secondary school system to the gang leaders.

We need a Government that listens and then leads, according to the hon. Attorney General. But I fear for our school system, the same school system that was so disparagingly referred to, because we have a Minister of Education who announces policy and says that he is going to be autocratic about it. He announces a policy and says, "No more extracurricular activities." The solution to the schools is not less co-curricula, it is a balance between academia, sport, home economics and all that. But what we have is a Minister of Education who is autocratic and just decides one day, he wakes up, "ketch a vaps", "ketch a vapours", as we say in local parlance, and says, "No more extracurricular activities."

When people like myself were in school, we thrived on extracurricular activities. Whether it was debating, poetry, football, cricket, Scouts, whatever, we thrived on that. We had things like karate, you had the chess club for those who wanted to play chess and you had music. But what I want to know is: in the Government announcing policy about shutting down extracurricular activities and the autocratic shutting down of extracurricular activities, did the Minister of Education consult with anyone, because the Attorney General said that the Government listens and then leads?

Did the hon. Minister of Education consult with or listen to the Association of Secondary School Principals? I fear not. Did he consult with the Association of Primary School Principals? I fear not. Did he consult with the National Parent Teachers' Association? I fear not. Did he consult with the Assisted Schools' Board? Did he consult with Sen. Brig. Sandy on mentorship, before he shut down extracurricular activities in schools? But then we talk glibly about developing the people and mentorship. We talk glibly about it.

The Minister of National Security said he grew up with sport and culture around him, and that is what many of us grew up in, especially those of us who are over 50 years, like Sen. Maharaj and Sen. Ramnarine. *[Interruption]* You are not over 50? Sorry, I thought the after Carnival joke season was still in session, with all these jokes. *[Interruption]*

**Sen. Abdulah:** You just have everything upside down.

**Sen. T. Deyalsingh:** Do you know what is the best joke in those tents? That SIA meant “Send In Anybody”. I used to laugh at that one, but the SIA does not mean “Send In Anybody”, you know. It means “Sasha In Action”. *[Laughter]*

**Sen. George:** What does PNM mean?

**Sen. Baptiste-Cornelis:** People who do not motivate.

**Sen. T. Deyalsingh:** Madam Vice-President, the book called *The Student’s Companion*, when we were young, we had the salmon colour, hard cover version. I do not know if Senators remember that. I see Sen. Prescott SC laughing. Sen. Drayton, you should have kept quiet.

**Sen. Hinds:** Sen. Abdulah remembers the red one.

**Sen. T. Deyalsingh:** We had the salmon colour, hard cover version which was maybe about 50 per cent bigger than this. I want to suggest that the hon. Minister of Education, before he shuts down extracurricular activities, before he talks about the policy of pushing SEA back—when we were young, after Common Entrance, the best time in primary school when you learnt Civics was after Common Entrance, when your teacher took you—*[Interruption]*

**Sen. Maharaj:** Madam Vice-President, Standing Order 35(1), point of order. *[Laughter]* *[Desk thumping]* *[Crosstalk]*

**Madam Vice-President:** Hon. Senators, this is an honourable House.

Sen. Maharaj, you asked for a ruling on Standing Order 35(1), however, the debate really was opened up by the inclusion of the First Schedule, which brought to bear a number of areas.

**Sen. T. Deyalsingh:** Madam Vice-President, I would advise through you, of course, to the Clerk of the Senate that new copies of the Standing Orders be issued to Sen. Danny Maharaj and Sen. Abdulah, because every time they rise on a point of order, they are shut down. It is obvious to me that the copy I have and that you have are different to their copies.

**Sen. Hinds:** “His own is red!”

**Sen. Abdulah:** You will never understand that.

**Sen. T. Deyalsingh:** In our day, after Common Entrance, in an attempt not to join gangs—I will link it to the Bill, if that is what they want—you went on school trips. For me, in those days, I did Common Entrance in 1969, we went to the Pitch Lake. That was a big thing for me; parents, the day before, packing your lunch, your this and that. My children went to Tobago, and up to today they would tell you that their best primary school memory was when the principal of their school fried fish for them on Charlotteville Beach.

**Sen. Karim:** That is where the sea gulls were?

**Sen. T. Deyalsingh:** That happened after Common Entrance. [*Crosstalk*] Now, you have a Minister of Education who wants to push back SEA to the end of the term. Where are children going to learn about Civics so that they would not be tempted to join gangs?

**Sen. George:** That is very far-fetched.

**Sen. T. Deyalsingh:** This is what *The Students' Companion* represents. Some of the sayings on page 79, “Choice Quotations For Special Occasions”, are what children learned. When we say it took a village to bring up a child, this is what children learned:

“Achievement The heights by great men reached and kept  
Were not attained by sudden flight;  
But they, while their companions slept,  
Were toiling upward in the night. (*Longfellow*)”

That is what we learned. [*Desk thumping*]

“Education Education commences at the mother’s knee, and every word spoken within the hearing of little children tends towards the formation of character. (*Hosea Ballou*)”

What is civics? This is what we learned, [*Crosstalk*] this is what our children need to be reminded of:

“Civics has been defined as the science of citizenship and municipal government. The study of Civics in schools is intended to help children to become ‘upright and useful members of the community in which they live, and worthy sons and daughters of the country to which they belong.’”

That is what we need to do; we need to start to inculcate this concept of civics in school, and this is part of Brig. Sandy's mentorship programme. I am sure it would have a civics component in it. If it does, I laud him for it and I wish him well. If he wants me to come and read this book, I would come and read it at his mentorship programme.

**8.20 p.m.**

But when you have a Minister of Education making autocratic statements that impact upon the total well-rounded quality of education being delivered in schools, I get worried, and I wonder how many children he himself has put through school. I feel none. I put through two. I am sure you have put through and I am sure many people here have put their biological sons and daughters through it.

**Sen. Al Rawi:** Even others.

**Sen. T. Deyalsingh:** And that is what happens when you put a man as Minister of Education—anyhow.

The responsibilities of a citizen, if you want to combat gangs—*Students Companion*, give every child in the mentorship programme a copy of this. If you buy it in bulk, you will get it cheaply. The responsibilities of a citizen: it is the duty of the citizen to obey all the laws of the land. Simple words but when a 10-year-old child hears this, it stays with him for life. And it goes on and I will just quote the last one, Madam Vice-President, self-independence, because this is what a lot of children lack, self independence, so that they can make choices for themselves and make wise choices to get away from gangs. Until I say, we can break the umbilical cord that links our secondary school population to gang leaders, we are not getting anywhere. We need to break that umbilical cord, that link.

Self-independence under civics:

“It is the duty of the citizen while he has youth, strength and vigour to endeavour to make adequate preparation for himself and his family...”

So, they are teaching you parenting from now, that it is your responsibility to provide for those that you bring into the world.

“...so that neither he nor they will become a burden or charge on the community.”

And the last one I will quote, especially for Sen. George, respect for the other person's point of view.

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Madam Vice-President, to conclude—no applause—to conclude, we say it takes a village to raise a child. We know that the attributes of that system that we had when we were young, Madam Vice-President, are no longer there. It is difficult to go back to those days of Sen. Brig. Sandy, because now if I hit somebody's child for doing something patently wrong, that child goes home, tells his parents, his parents come to beat me. Because you see if you remember sometime ago, there was an incident in a prestige school in east Trinidad, where a Form 1 student who was punished by a teacher, Form 1—this is Form 1 straight out of SEA, 12 years old for the most—he was punished by a teacher, the child picks up his cellphone, calls the parent, the parent comes and beats the teacher. And you want to tell me that we have to discipline other people's children? That is why I say those days—

**Sen. George:** What is the point you are making?

**Sen. T. Deyalsingh:** *Students Companion*, respect for somebody else's point of view, Sen. George.

**Sen. George:** Yes, what is the point? The point is lost.

**Sen. T. Deyalsingh:** Yes, Madam Vice-President, what happens now to that child as he goes through the secondary school system? What is in place to guide that child, to mentor that child, so that he can see the wrong of his ways?

I go back to an article on Tuesday, 2<sup>nd</sup> November, 2010 and Sen. Beckles in one of her contributions and I think other Senators on that side also referred to this. If you remember, Madam Vice-President, there was a case last year where five school boys allegedly raped a 12-year-old girl—because that is a crime under Schedule 1 of this Act. Five school boys on bail for an alleged rape of a 12-year-old schoolmate have all returned to class. They have all gone back to class.

What are we doing, what is the Minister of Education doing, to ensure that these students are looked after in another learning environment? Because when the Minister was called, Ramatali called on the Education Ministry to clearly state its policy regarding matters of this nature. Ramatali is the President of the National Parent Teachers' Association.

“Contacted yesterday Education Minister Dr. Tim Gopeesingh declined comment.”

So, you declined comment on an important issue like this, but then you want to shut down extracurricular activities which go towards building the whole child.

**Hon. Senator:** Legislation without effect.

**Sen. T. Deyalsingh:** Madam Vice-President, the reality is, I feel that the days that we want to go back to are difficult to recapture. And I say this because a lot of the blame for what goes on in Trinidad and Tobago today is not a political thing like Sen. Abdulah will like to have you believe, it is a parenting problem because parents, in my humble view, have abdicated their responsibility to children, totally abdicated. And that abdication cuts through all socioeconomic groups. The abdication takes different forms, Madam Vice-President. At some socioeconomic groups the abdication may be that the father goes away. At other socioeconomic groups the abdication could be, “You live under my roof, I will give you a BMW, a credit card, a cellphone but I do not talk to you, I do not guide you, I do not give you principles to live with”. That is abdication, total abdication of parental responsibility.

So, Madam Vice-President, on your cue as I wrap up, we have to revisit the whole issue if we want to break the cycle of gangs, break that umbilical cord, to look at education—to me that is the key, our secondary schools—and please let the Minister of Education stop being autocratic, be democratic and put programmes in place to break that umbilical cord. Madam Vice-President, I thank you.

**Madam Vice-President:** Hon. Senators, on the advice of the Leader of Government Business, I wish to indicate that we will take a break until 9.00 p.m. when we will resume with the Independent speaker. Yes, dinner is provided. This sitting is now suspended until 9.00 p.m.

**8.28 p.m.:** *Sitting suspended.*

**9.00 p.m.:** *Sitting resumed.*

**Sen. Corinne Baptiste-Mc Knight:** I thank you, Madam Vice-President, for the opportunity to intervene in this debate. As a member of the Joint Select Committee that studied these two Bills, I think I understand completely why the Bill, why the measures, and I am prepared to live with the Bills. [*Desk thumping*]

I agreed in the Joint Select Committee, but there are a few points, a few concerns, that I wish to put on record. Many of them I had discussed in the committee session, but in the interim, particularly in the last five days, I had some insights and some immersion into the gang situation that make it imperative for me to put these thoughts on record.

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I had, I must say, the privilege over the last couple of days of attending a workshop on gangs that was sponsored by the GAYAP group. They brought down a Professor by the name of Ulric Johnson from Boston to moderate, to facilitate the workshop. Now, this gentleman is an acknowledged authority on gangs, gang behaviour and solutions to the problems of gangs and gang behaviour. Particularly, he has insights into how parents can deal with the problem.

I must say that as a part of this workshop I had an exposure to the gang situation in Trinidad and Tobago that has me still considerably uneasy, because one reads the papers, one listens to call-in shows, one gets briefings, but when you are exposed to people who are social activists on the ground, working with these people, the parents and with law enforcement, one gets a different reality. One of the things that struck me about the different interventions at the level of the Government, is that there has been a lot that has been going on that is kept virtually secret, and I was very disappointed, really, to learn for the first time of the work of an agency called the CSP, the Citizens Security Programme, which, believe it or not, is a Government programme that operates under the aegis of the Ministry of National Security. I am told that this is an agency that started in 2008 so it has been operating. I, certainly, was vaguely aware of it and never really bothered to check it out properly. But getting a briefing on this organization, I wondered why it is this was never mentioned at the level of the Joint Select Committee where certain of the questions that I asked could have been answered in terms of work that that programme was either meant to do or could be allowed to do in the future. I would want to refer to them later in my contribution, because I feel that is an intervention that could be even more effective than this legislation.

The other great experience that I had in the run-up to today's debate was yesterday's launch of the Mentorship Programme. Now, I would really like to add my voice of congratulation to Brig. Sandy [*Desk thumping*] because, not only am I aware of the work that General Powell and his wife have been involved in, in America, with, I might add, great success, but the programme itself and the statements we heard from this couple were educational, inspirational and motivational. I think it was an occasion that was necessary at this precise moment in time. My hope is that particular attention will be paid to what was said by Mrs. Powell, because she really outlined how a mentorship programme of the sort that we want to develop really needs to be structured, that it needs to be inclusive in order for it to have the impact that we would like, and I would really hope that her words would be taken to heart and acted upon.



Now, let me talk a bit about the legislation at hand. An area of great concern for me was the treatment of parents harbouring children, and my emphasis is on the child as opposed to any other gang member. Now, the point had been made by everyone who is involved or is knowledgeable of the gang situation, that there are three basic types of parents: there is the parent, unfortunately, who is involved in the gang life and involves the children, and this legislation would not be a cop-out for or in any way mitigate the consequences for such a parent; then, there is the parent who is terrified of the child because the child is already involved in gangs and the child and the gang are intimidating the parent; then there is the parent who thinks he or she is on top of the situation and would want to do all in his or her power to wean this child away from his or her deviant behaviour.

The problem that I see here is that there is no structure, no support and no resource available to this parent. You cannot say, "Go to a police station" because we are aware that very often the people who need it most do not trust the police services. Apart from that, if you live in an area where you are subjected to this kind of terror, you dare not turn up at a police station because you might not make it back out, or if you make it back out you might not make it into your home. So there should be some safe means of having this parent communicate his or her problem to somebody in authority who can help, and the authorities must provide some known or even secret, safe spaces in which to keep these children and nurture them.

Can the Citizens' Security Programme be expanded to fill such a need? If they are involved in working with the community—this is part of their mandate—could their remit be expanded to meet this particular type of case? I think this is something one has to be very, very careful about to ensure that there are mechanisms so that when a parent turns up and says, "I have tried everything", somebody must be able to objectively say, "Yes, this parent has tried everything." Right now there is no objective means of proving what the parent has tried to do to mitigate the problems that he/she is having hence my fear that the fact this mitigation is included in the legislation could hardly ever be implemented, because there is nothing to prove that the parent has really done all that he or she can.

Now, I am again looking at the Citizens' Security Programme to see to what extent is their remit to work with the police services to help them with their attitude towards community, et cetera, can be expanded. How this can be accelerated so that there is an obvious difference that would help the population to believe that clause 13(1) would not be giving too much power to the police that

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they would not abuse this power? This is a problem that almost every person who has spoken to me about this Bill has mentioned, and not with fear, with terror, that the police can use this as an opportunity to victimize people.

**9.15 p.m.**

I would like to think that some of them can be convinced, but it needs to be demonstrated that the police are being educated, they are being trained, that their community relations, their interpersonal relations could be trusted to the point where this fear could be resolved.

Now, I wonder whether the powers that be also realize the extent to which resources and training have to be made available, particularly to the prison services and the prison officers, to deal with gang members who will be in their care initially for up to 120 days. Now, bearing in mind that the gangs do not have any insignia or special signs or whatever, but everybody knows that one gang recognizes the other, otherwise there could not be these inter-territorial shootings and police saying: “oh, that murder is gang related, it means that the people know each other. So when they are taken up and put into the same prison—how many prisons do we have; how can you ensure that you can keep these people alive for 120 days to face trial?

This is a problem that has to be dealt with before you start picking these people up. I am assuming that there is going to be detection, there is going to be arrest, charge, court hearing and incarceration afterwards. Have we got prison space? Because the word outside is that the prisons are already overcrowded—just bringing that to your attention.

Now, just two more points. This Bill will last for five years, right? And quite frankly that is one of the reasons I could support it—five years would fly. But it is an opportunity. It is meant to deal with a particular problem. Is the Ministry putting measures in place to monitor the effectiveness of the Bill? Because if you have this in place for five years, you must be able to say how many people you have taken up; what has been the result, within what period of time have you been able to bring them to court, what has been the result, what has been the deterrent factor of this Bill. It is a unique opportunity which I do not think we should waste.

Finally, I would like to turn to the Bail Bill and say that I very much support the question that was asked by my colleague, Sen. Ali, with respect to the definition of “child”. I will say here that my understanding of it, when I agreed to this was that the child was as in the Gang Bill, under 18 years of age. For that to be the same in the Bail Bill it means that we have to amend that—insert that subclause and explain—we would have to say, instead of “child”, “person under the age of 18”—  
[*Interruption*]

**Sen. Panday:** Hon. Senator, we have taken what hon. Sen. Basharat Ali had indicated. We have spoken to the experts and we are at this time working on that issue. So we have listened to what has been said and we are attempting to deal with it as you speak. Thank you so much.

**Sen. C. Baptiste-McKnight:** Wonderful! I thank you. I see you really want me to yell my yes to this Bill. [*Laughter*] You are making it a little easier for my “Yes” to be heard as loudly as my “Noes”.

The last thing, in the Bail Bill, a parent or guardian who is taken in for harbouring can be held for up to 60 days. My question, if this is a single parent and there are other children, what is going to be in place to ensure that the other children who are going to be left without a parent in the house are taken care of responsibly and not left to fall into the clutches of the gang? It means that some mechanism has to be put in place to ensure that the Children’s Authority, social services, somebody is there to ensure the care of the rest of the family. I know that there is nothing that you can put into this Bill to ensure that, but I feel that as a caring Government ready to serve the people, this is a service that is going to be essential, and I would love to have the certainty that it will be taken care of.

I thank you, Madam Vice-President.

**Sen. Dr. Rolph. Balgobin:** Thank you, Madam Vice-President. I rise to make a contribution on the Anti-Gang Bill and the Bill to amend the Bail Act, Chap. 4:60. I recognize it is getting on in the evening and I therefore propose to, try to reframe the conversation somewhat, as we consider a very important piece of legislation.

Before I go further, Madam Vice-President, please allow me to congratulate Sen. The Hon. Brig. Sandy on the—[*Desk thumping*—]tremendous mentoring programme that he has come up with. I think that Sen. The Hon. Brig. Sandy has rightly diagnosed that there is a problem with mentorship, with fatherhood and with father figures in the society and I think that a programme such as this one merits our full and unwavering support and I say that because it is going to need that in order to find traction.

Mentoring is something that is very exciting for people to grab on to, but it is just as easy to let go of. I am hopeful that those of us here who have pledged support for the mentorship programme that Sen. The Hon. Brig. Sandy has put forward, can find the strength and the endurance to stick with it and to stay with him as he navigates the course.

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**9.25 p.m.**

I certainly think it is a pioneering and innovative step and I also want to lend my full support to it. I would also like to congratulate the Joint Select Committee of Parliament that put together this piece of legislation. I was quite happy reading it. I thought that it was quite innovative in several respects. It is obviously the product of the collective intelligence, and I found only a very few things in it that really merited any significant noting. Some of those things can be dealt with at committee stage, so I would not delay the Senate here with those matters.

But I really thought that it was a very good product, and innovative when juxtaposed against the few pieces of anti-gang legislation that one would find elsewhere in the world. There are more and more bits of this kind of legislation coming forward. You see it from Canada to El Salvador, and our legislation, I think, is really, in many respects, a departure from the existing model, but a good departure and one that I fully support. Clearly, several different countries in the world are dealing with similar challenges and we are all finding our own unique ways of treating with the difficulty.

I think the national community needs to be aware that this is drastic legislation. Not only are we setting aside sections 4 and 5 of the Constitution, but we are prescribing a set of punishments that can be quite severe when considered against what would currently obtain, and the logical question that one might reasonably ask is: why? We hear and we read about gang-related violence, but how many of us actually see a gang in operation? These are bodies, organizations, that are invisible to many or most of us, but they are responsible, not just for a significant portion of the murder statistics year on year, but they are also responsible for imprisoning the psychology of a society. So what I would say is, it is drastic legislation, yes, but drastic times call for drastic measures.

In the year 2000, our murder rate, according to the Switzerland-based Small Arms Survey, a study called “No Other Life: Gangs, Guns, and Governance in Trinidad and Tobago”, by Dorn Townsend, estimated that there were 10 murders for every 100,000 inhabitants of Trinidad and Tobago. By 2007 or 2008, that skyrocketed to 42—from 10 to 42—murders per 100,000 inhabitants. By my calculations, using 2010 data, 1.3—that is one and a third—persons are murdered every day in Trinidad and Tobago. If you extend that to look at serious crimes, by my calculations using 2010 data, 45.6 or thereabouts are committed every day in Trinidad and Tobago.

So if you just consider those statistics for a moment and you look at the Preamble of the Constitution which says, amongst other things, that we have faith in fundamental human rights and freedoms, one can justifiably ask oneself: where have our rights and freedoms gone, as a society, that we have to be afraid? We hear talk here tonight about the old-time days, and I will, in the course of my contribution, suggest why I suspect those days would not come back. We have lost an essential part of our innocence and we yearn for days and times past when the village could raise a child; but no more. Now you are afraid of your villagers. Crime, kidnapping, paedophilia; you do not let your kids go by your neighbour unsupervised anymore. So rather than becoming simpler and simpler over time, the burden of parenting has actually increased, because parents now always have to keep their children with them, unless there are trusted mentors.

So I think the national community needs to acknowledge that this is a society at siege. I want to say again, for the rate of criminality that we are seeing in Trinidad and Tobago, we are manufacturing criminals here. We actually have the machinery to produce criminals here and we are doing it. I have said before and I will say again, murder has become like a sport in Trinidad and Tobago; it is a recreation; a game. Life does not have the value that it used to, and gangs are very largely responsible for that today in Trinidad and Tobago.

I know that there are some that would argue that detection rates are low, and I can tell that SALISES—the Sir Arthur Lewis Institute of Social and Economic Studies—in 2000 produced a working paper: “A Time Series Analysis of Crime in Trinidad and Tobago”, which I believe covers from 1970—2007. There are aspects of the report and the methodology that I would contest, but there is an interesting point here. What they say is that there is a relationship, or an inverse relationship, between the commission of serious crimes and an ability to detect. So the less you detect, the more serious crimes occur, presumably because the fear of being caught is reduced.

Whatever the situation, there can be no denying or escaping the fact that ours is a society in trouble; that our most principal problem is crime, not oil prices, not gas prices, but crime and criminality. So I thought it would be useful, in listening to the debate so far, to consider briefly the question that was turning over in my mind as I considered the Bill, and that is: how did we get here? How did we get here?

I think the national community has to recognize that we get here by a series of cascading failures. There is a failure of individual action, because an individual can still choose to do the right or the wrong thing, and it is not to say that that

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individual's choice is taken away by any gang or by any group of people. So there is a failure of individual choice, and I understand the threat of force and I understand coercive factors, and so on, but there is still choice.

There is a failure of individual choice. There is a failure of parenting, a massive failure of parenting. There is a failure of family. Failure of parenting and failure of family are two different things, because you have siblings who can keep you on track; you have uncles and aunts or "mamoos" and "tanties", however you want to call them. There is a failure of family as well. Then there is a failure of school and religion, and I say those things separate to the more general failure, and that is a failure of community.

All these things then lead up to the kind of societal problems that we have today. So there is a cascade of failures that have to occur for a society to become the way ours has become. The thing that I find most interesting is that this did not happen overnight. In fact, I was quite interested to hear the Attorney General say that the age of induction into gangs is going down, and as a person involved in education, Madam Vice-President, I know that you know this to be true, and there is certainly a significant gap between what we consider a child in terms of the definition of the law, and what these children are capable of doing, and do, with full knowledge, with all of the rational thought, I would think, of someone who is over 18. But it did not happen overnight. If I may read—findings were that:

Sixteen years was the decisive age that drugs, including alcohol and cocaine, were most frequently used.

The source of that—I deliberately held back from saying it at first. This was written in 1987 out of a Commission of Enquiry that was commissioned in 1984. The country knows it as the Scott Drug Report. If you read this over, notwithstanding the challenges that this report has had, you would see we knew even then that a problem was brewing in this country. This did not happen overnight. It is not a surprise for us, and it does not come from poor homes alone either.

The SALISES study, I think, might be improved in this regard, because the SALISES study finds, between 1970—2007 that there is an inverse relationship between unemployment and serious crime—well, actually, a positive correlation. So the more you have unemployment, the more you have serious crime. The only difficulty I have with that is, it does not correlate with the data that a common sense person would look at, which would be economic data that saw Trinidad and Tobago go through its most significant boom, I think, ever, in the last six, seven

or eight years, and at the same time our murder and serious crime rates absolutely exploded. So to my mind, to relate unemployment to criminality is, at best, an oversimplification, and I think that there is more that we can find if we looked hard enough.

In researching for this Bill I went to a couple of places, and one of the places I went to was a well-to-do area. I was taking a walk and ran into what this Bill would define as a gang, and it was really just a bunch of young boys riding bicycles, but they were not up to any good, and the folks that I went there with were walking a few steps ahead of me. As they turned a corner and they were alone, the boys on the bikes converged on them. As I rounded the corner, I saw one of the young men and I knew him when he was the merest thought in his father's mind.

**Sen. Panday:** That was a long time.

**Sen. Dr. R. Balgobin:** A very long time; from before birth I knew this young man. He saw me and stopped, and he stopped his friends and they continued on their way. I made no mention of what happened to the people I was walking with; they did not notice anything either. But what is interesting is, that boy is from a wealthy family, and I know his parents are dutiful. But do you know what? He would have told them, "Mummy and Daddy, I am going for a ride." He jumps on his bike; he goes for a ride and he meets these people somewhere else.

What I like about this legislation is, it places a higher burden on us as parents, to know what our children are doing and where they are going and who they are going there with, and I do not have a difficulty with that.

**9.40 p.m.**

I think another reason we are here, that we must accept, is that there have been—and why I would say that there are some changes that have taken place in the world and in our community that would see it very difficult for us to go back to the old-time days is, one: there has been a collapse of marriage, or, put it another way, a spike in divorce rates, you have an unprecedented number of single-income households now, but then you have to consider side by side with that, the unprecedented rise of the dual income households, where the care and supervision are being farmed out to paid help or to babysitting organizations or institutions, call them what you will. So there is nobody to watch the kids, because our economic system is evolving away from the model where the father works and the mother stays at home and nurtures. And we cannot turn the clock back on that, we cannot.

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For the first time in human history, I think, we are no longer in control of the stimuli to which our children are exposed, because it is coming to them at a very rapid pace via the computer and the Internet, via television. These are, in a sense, our new babysitters, and we do not always control or we cannot always control what is being looked at there. And so, there is a very interesting study that was done by Lieutenant Colonel Dave Grossman who wrote a very interesting book called *On killing*, and what he found is that the violent behaviour in gangs really owes itself to three types of conditioning. The first is Pavlovian, it is classic conditioning, and what he is saying is that over a thousand studies point to a relationship, a causal connection, between media violence and aggression in children.

I do not know about you, but I know in our youth, you would go and see what was then a violent movie, it was called Rambo, and you come out of Rambo ready to fight and it engendered this feeling in you. But what has happened is that our children, our society, these have been subjected to Rambo type films over and over and over again, and we have now become desensitized to that level of violence. In fact, I suspect if you were to play the film, Rambo, to young people today they would find it very passive and one of the things that is of concern there, with that kind of conditioning, is, children learn to associate victory and reward with criminal and sociopathic behaviour, and you get that every evening when they come home from school, every night before they go to bed. That is the conditioning that they are getting.

Now, you are talking to them but you know up to 1997 one study, and I cannot recall the source now, but one study found that the average child spends less than eight minutes a day with their mother and four minutes a day with their father in a developed country. And then you are watching hours of TV. So we are no longer in a control of the images that our children look at or at best we only exercise marginal control.

The other thing that I want to raise with you, Madam Vice-President, that I think this Joint Select Committee might have considered, is this question of operant conditioning. In the military there is a very interesting practice, that I suppose people dealing regularly with firearms do, and it is called dry fire practice and that is, you build muscle memory by shooting without using a live round. I stand ready to be—I see Sen. Brig. Sandy looking at me from under his finger there—so I stand ready to be corrected at any time.

**Sen. Brig. Sandy:** You are quite right.



**Sen. Dr. R. Balgobin:** And the point of that is that it builds muscle memory, because the only thing that is different when you insert a round is that something goes out of the muzzle when you—

**Sen. Brig. Sandy:** There is confidence.

**Sen. Dr. R. Balgobin:** There is confidence, because your body is accustomed to the movement and to the action, so law enforcement and the military and paramilitary organizations use this technique to practise. So that you do not have to go on a firing range all of the time to perfect the movements that you need in order to use your weapon well. And that dry fire becomes a very important part of your training. Often, that dry fire or using live rounds can be associated with using targets you know, you have a target with a bullseye and so on, okay, fine. But children are using simulators, gang members are using simulators, and these simulators go by the innocuous term “video games”.

In researching for this Bill, I went to a video arcade and I picked up a video game gun that looks like an AK-47. The thing rattles in your hand, you must jam and unjam cartridges, you can stab, move, block, reload, and they are using this all of the time. And there is a lot of research that suggests that this is why in the United States when kids go wrong, and take guns into school their kill rate is so high, because they have been training to kill. And we have to be mindful of what games our kids are playing when they go to arcades; we have to be mindful of what games our kids are playing when they buy video games and use them at home. Because a parent does not really know, the child is quiet, so you are happy. But you have no idea that that child is actually gorging him or herself on a diet of violence.

It used to be like that and now they actually have a weapon, they have a firearm, a fake firearm. In fact, some of these things are so real in the video arcades and so on, the arcade operators tell me that gangs visit there and try to cut the leads and take the toy guns away. That is happening every day, right here. So we probably have less than 10 approved firing ranges on the island but every video arcade—

**Sen. Panday:** A firing range.

**Sen. Dr. R. Balgobin:** —is a battle simulator. And I think if we are dealing with legislation like this, I would want to suggest with as much humility as I can muster to the two hon. Ministers of National Security present with us that they look at some of those things.

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These things ought not to be simply available. It is a question of freedom of choice, but these are the things that help develop a kind of deadly competence in young gang members, because they come from a demographic that plays video games all of the time. And the dangerous thing about that is, unlike the military which trains you to shoot on command of a superior officer, there is really no consequence in these games for shooting at anybody you feel like. There is no control. Even in the military, highly trained military people go wrong, and when they do there are disastrous consequences, but we are training our children to do that every day; we are permitting, that and we need to be mindful of that.

The other thing I want to say is, social conditioning is the third aspect of this that bears consideration: boys without father figures need one, they need role models and those offered by the media are often dysfunctional and violent.

**9.50 p.m.**

I do not think we can put the genie back in the bottle where cable TV or satellite TV is concerned, but I think as a society we ought to recognize the fare that our children are being exposed to. One thing you can be certain of, Madam Vice-President, is that there is no Atticus Finch in sight. There is no Paper Chase here. There is only Eros and Thanatos, sexuality and aggression, [*Desk thumping*] and that is Freudian. So, I think that in some respects, for all of our progress, technology has put many of us in touch with our basest instincts, and it is allowing organizations like gangs and the membership thereof to operate at a primal level which has deadly consequences for the rest of us in this society, and that is why we have lost our freedom.

One uncomfortable thing I would like to raise, Madam Vice-President, is the relationship that is suggested in the Scott Drug Report on the small arms survey between government and gangs, and by government, I mean the government of the Republic of Trinidad and Tobago. That is an awkward topic. I do not know that it needs to be dealt with in an extremely public way, but I think it is something that bears examination because when contractors in CEPEP and URP are being assassinated, do not tell me that there is no gang activity inside of there. I do not believe it. I see the way some of these groups organize. There is more happening in there. I think that somewhere in all of this, there ought to be sanctions if State contracts go to gangs, if State contracts go to people who are known to be involved with gangs, because you are locking up people for far less.

We should not empower gangs by paying them hundreds of thousands and millions of dollars. [*Desk thumping*] I have here the CEPEP financial statements for 2010, \$310,576—\$300 million. This cannot continue. So I think that State contracts should not go to members of gangs, should not help to support or create gangs,

and I would like to see in someone's response how we propose to tackle that, even if it is outside of this particular Bill. I think if we are criminalizing gang activity, we should also criminalize the things that support gang activity. I see some tangential reference to it in clause 8(c) and (d), and I hope that is enough. I do not think it is and I hope that my suggestion would be received with sympathetic ears.

Madam Vice-President, clause 5(3) of the Anti-Gang Bill is laudable, but there is one thing in the legislation that troubled me a bit and—there is an assumption that I think we hold to be almost fact—that is, that the armed services are involved in gang activity and gang-related activity. The hon. Minister Brig. Sandy said as much, and I think he is absolutely right to have said that.

However, I would like to suggest that we balance that perspective using the example of the Canadian anti-gang model and say, in the same way there are penalties for members of the protective services who involve themselves in gang-related activities, there should be higher penalties for gangs that target members of the protective services when they try to do their jobs, [*Desk thumping*] because there are the courageous ones who do the right thing. The ones who we depend on to implement this Bill when it becomes an Act, when it becomes law, people have to know that if they interfere with those law enforcement officers, soldiers and police officers, there is a higher price even to pay. Leave law enforcement alone.

I would also like to suggest—but perhaps for some future bit of legislation—that there might be scope for a more reformatory discretion for the magistrate. Some of the punishments are quite drastic and I can see some young person bragging for the first time about something and being caught in this net. There may be some other prerogative that we could give to the magistrate in those circumstances, whether it is as you say, go to confession, do some community service. I do not know. But, although the punishments are the same for the crime, I do not think that all of the criminals are going to be the same. I think there are some who may accidentally fall into the net. [*Desk thumping*] [*Interruption*]

**Sen. Panday:** Senator, however, it is not merely bragging that you are in a gang. It is bragging that you are in a gang in order to obtain a benefit and did obtain a benefit.

**Sen. Dr. R. Balgobin:** I understand and I accept the point. I am merely saying that as we see how this operationalizes, we might want to consider giving a magistrate some discretion if the person has done it as an act more of stupidity than anything else. I can see that happening, although I take Sen. Panday's point.

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I would say, Madam Vice-President, that the Bill speaks to prevention more than it does to detection, and that is a very, very laudable step. I think it is always cheaper to prevent than to clean up a mess afterwards, especially when the mess involves human lives. So, I support this Bill wholeheartedly and I support, particularly, the principle of parental responsibility.

If you make them, mind them. Mind them. M-I-N-D them. Mind your children. [*Desk thumping*] Do not bring children into the world and inflict them on the society. If you need help, then the State ought to provide some kind of assistance for you, the community should provide some assistance and the family should provide some assistance in an ideal world. We know that it does not always work like that, but it is not enough to bring children in the world and leave them to the mercy of the community where they gravitate, the boys, into gangs. We do not really hear much about the girls whose fate is just as awful. Some of those girls are no doubt trafficked, find themselves living lives that no sane person would want to live. I know we will deal with that in legislation that is coming up.

I want to say that crime, criminality and gang activity are really a tax on our productivity, because people cannot open their businesses as late and they have to pay enormous security costs. The last time I looked at the yellow pages there were 66 security companies, and I am pretty sure that there are more estate police and private security guards than there are police officers and soldiers on the island. If there are not, I am sure they must be running neck and neck. The private security industry is massive and that is an industry that should not exist. The very existence of such an industry tells you that something has gone drastically wrong in our society.

So, I know that there are many distinguished people to speak and I am hoping to hear from some of the responses on how this ties into the national innovation system because it starts there. [*Desk thumping*] What do we do with pre-primary, primary, secondary and tertiary education, because it also starts there? How are we going to deal with citizens better, so that we can start rebuilding a culture of respect as opposed to a culture of disregard? I think we must do our part.

I endorse my colleague, Sen. Ali's, view, that we should mind our behaviour even here a bit more. I think that the public only sees snippets of what actually happens here and it can be misinterpreted. I am hopeful that we can behave better so that we begin, by our very example, to be worthy to call ourselves mentors and join this national mentorship programme. I do not think anybody wants to be a mentor and your mentee sees you behaving like a gang member on Channel 11, which for whatever reason appears to be quite popular as a channel.

*Anti-Gang Bill, 2010*

*Tuesday April 12, 2011*

So, Madam Vice-President, I want to say especially to my friends in Government, that we have to take a step away from institutionalizing an underclass. We have done that over the years, we have created a bunch of people who are dependent on the State or dependent on handouts; not just handouts from the State, but contracts from it. I think that is something that we need to pay close attention to and wean ourselves from. I think we ought to focus on the things we should be doing, if we would bring the societal balance that is so sorely needed in Trinidad and Tobago.

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

**ADJOURNMENT**

**The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday):** Madam Vice-President, I beg to move that this Senate do now adjourn to Tuesday, April 19, 2011 at 1.30 p.m., at which time we shall continue and hope to conclude the matter before the Senate.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 10.03 p.m.*