

*Leave of Absence*

*Wednesday, April 03, 2013*

**SENATE**

*Wednesday, April 03, 2013*

The Senate met at 1.30 p.m.

**PRAYERS**

[MADAM VICE-PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Madam Vice-President:** Hon. Senators, I have granted leave of absence to Sen. The Hon. Dr. Bhoendradatt Tewarie due to illness.

**SENATOR'S APPOINTMENT**

**Madam Vice-President:** Hon. Senators, I have received the following correspondence from His Excellency the President, Mr. Anthony Thomas Aquinas Carmona SC.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS  
CARMONA, S.C., President and Commander-  
in-Chief of the Republic of Trinidad and  
Tobago.

/s/ Anthony Thomas Aquinas Carmona SC  
President

TO: ARCHBISHOP BARBARA BURKE

WHEREAS Senator Dr. the Honourable Bhoendradatt Tewarie is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ARCHBISHOP BARBARA BURKE, to be temporarily a member of the Senate, with effect from 3rd April, 2013 and continuing during the illness of the said Senator Dr. the Honourable Bhoendradatt Tewarie.

Given under my Hand and the Seal of the  
President of the Republic of Trinidad and  
Tobago at the Office of the President St.  
Ann's, this 3rd day of April, 2013.”

*Oath of Allegiance*

*Wednesday, April 03, 2013*

**OATH OF ALLEGIANCE**

*Senator Archbishop Barbara Burke took and subscribed the Oath of Allegiance as required by law.*

**PAPER LAID**

Annual report on Performance 2012—Building the Foundation for Results. [The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh)]

**MISCELLANEOUS PROVISIONS  
(DEFENCE AND POLICE COMPLAINTS) BILL, 2013**

[Second Day]

*Order read for resuming adjourned debate on question [April 02, 2013]:*

That the Bill be now read a second time.

*Question again proposed.*

**Madam Vice-President:** Hon. Senators, those who spoke, the presenter of the Bill, Sen. The Hon. Anand Ramlogan SC, Attorney General; Sen. Fitzgerald Hinds; Sen. Elton Prescott SC.; Sen. The Hon. Christlyn Moore, Minister of Justice; Sen. Terrence Deyalsingh; Sen. Corinne Baptiste-Mc Knight; Sen. The Hon. Dr. Bhoendradatt Tewarie, Minister of Planning and Sustainable Development; Sen. Dr. Lester Henry and Sen. Dr. Victor Wheeler.

Any Member wishing to join may do so at this time. [*Desk thumping*]

**The Minister of Gender, Youth and Child Development (Sen. The Hon. Marlene Coudray):** Thank you, Madam Vice-President, for the opportunity. Madam Vice-President, as indicated, this Bill, entitled an Act to amend the Defence Act, Chap. 14:01 and the Police Complaints Authority Act, Chap. 15:05, is before us and I thank you and I thank colleagues for allowing me to contribute to this debate.

Madam Vice-President, I sat yesterday and listened to contributions presented on this Bill and I must say I was very, very alarmed at some of the statements being made by Members of this House. Madam Vice-President, Sen. Hinds, in his contribution, made some—what I considered to be—alarmist statements, as he is known to do and I want to quote him. He said:

“...I want you to know...why this Government wants to make soldiers police.”

And, Madam Vice-President, we must know our history in this country and it is a strange question coming from Sen. Hinds and I will show you why later.

Madam Vice-President, the AG and others and my colleagues, Sen. Moore and Sen. Tewarie, went at great lengths to explain to this House the reason for Government bringing this Bill so I shall not go into those reasons at this time.

But, Madam Vice-President, the criminals are waging war against the citizens of this country and against the authorities and I think, as a Government, and not only the Government, we must fight back. We are not calling out the army as the Members on that side seem to suggest. What the AG had explained in his tabling of this Bill is that a small amount of persons from the army, a small amount of soldiers would be used to assist in the fight against crime and the AG dealt with the undermining and threat of fundamental rights to people in this country as enshrined in the Constitution.

But, Madam Vice-President, as I said, we must go back to our history and I am sure you remember the term, “community leader”. That term would have been around for ages, but I think that term was made popular by the PNM, in 2002, in an effort to legitimize what they were doing with certain known gang leaders in this country and, in order to give legitimacy to those arrangements and those meetings where they were wined and dined in the best hotels in this country, they were called “community leaders” as though they were some legitimate NGO group or CBO. My apology to these groups for the analogy, but that is the best term I can come up with now.

So, this “elite group” was wined and dined by the Government of the day and, of course, they were funded by the Government. They were given contracts under URP at state enterprises. They were given opportunities at some state—I recall at Petrotrin, the sale to them of scrap iron, which they made millions on, and they were funded through an organization known as the Rose Foundation. This is what happened in this country. [*Desk thumping*]

**Hon. Senator:** Who was the Rose Foundation?

**Sen. The Hon. M. Coudray:** This arrangement, empowering the underworld, continued under the PNM until it got out of hand and, as we say in Trinidad, the fish started to eat the fishermen, or the fisherman, and by the time the Government of the day—

**Sen. Deyalsingh:** Madam Vice-President, Standing Order 35(1) and 35(5).

**Madam Vice-President:** Senator, I do not think she has completed her point, so I am going to let her continue. Minister please. [*Desk thumping*]

**Sen. The Hon. M. Coudray:** So, I am saying, Madam Vice-President, that these relationships were formed and, based on the nature of the people they were dealing with, apparently it was very evident that the political survival depended on it. Try as that Government would to reverse that situation, it was doomed to failure. The relationships had gone too deep. In other words, and my colleague yesterday in relation to a Member from the other place who he claimed to have tried to lobby the Senators, the women's arm of the UNC I think, and he was talking about the hon. Member, Stacy Roopnarine, riding on the back of a tiger and the tiger will bite her; but the then Government was riding the back of a tiger and they could not dismount and that was the situation they found themselves in. [*Desk thumping*]

As we all know, a lot of those community leaders held rank with the Government, so much rank that they berated Cabinet Ministers, we were told; so that the stable was open and the horses had bolted. And what did the Government try to do to control things? Well the AG told you about SAUTT. They created SAUTT, spending of billions of money, and dress it up as they may, SAUTT was an illegal operation. [*Desk thumping*] Other mechanisms, I think Penn State, we all would have read about the millions and millions spent to bring experts from Penn State to no avail. Things just worsened.

The third thing I recall is that attempts were made to improve the management in the police service, and we know what happened with that in terms of changing up the whole process of how commissioners and how promotions went. It was a dismal failure in the area of promotions for the senior ranks. I think that was the start of a lot of the chaos that took place in the police service. I understand that people are still up to this day asking why can the police commission not revert to that system because there were no problems at all.

So, having said all that, I ask: what is the big fuss about bringing in soldiers to assist in the fight against crime and to formalize an arrangement which we know had been taking place for the last decade or so in this country? I think some speakers alluded to even before the last decade or so.

Madam Vice-President, crime is affecting all of us in this country, from all walks of life, from all sectors—the tourism industry, our private lives, the local entertainment industry; self-imposed curfews on people; family life is not the same.

**1.45 p.m.**

I recall as a child I would go to window shop. In the late evening, your parents would take you to window shop and, at times, I would take my own children there later on, but now parents today do not have that opportunity because people are afraid to venture out after dark. So, the criminals having the upper hand of us all, they affect everything we do.

Madam Vice-President, in order to improve the situation we found ourselves in, this Bill is seeking to formally utilize—as we have all been saying—some of our soldiers and not the army as is being misrepresented, and this fear that certain Senators are putting in the public domain.

The Opposition PNM would have you believe—and they are the chief ones—that our soldiers are trained to kill and brutalize. I ask them today, like many others are asking: when did the joint patrol start; the joint army and police patrol? And the JAPPS have been a feature of our landscape, as we said, for as long as we could remember.

Madam Vice-President, I remember being in another place—and this is years ago—and people were asking, when we had meetings with the business community to talk about arrangements for the Christmas season and all that—the first item on the agenda was: when are you going to bring the joint army and police patrol? This gave people a sense of comfort; some measure of comfort. So that I am asking now, why—and I think the national community ought to ask—is it so difficult now? Is it because this Government is making this proposal? Is that the reason why something is wrong with it?

Madam Vice-President, today I join with my other colleagues and refer to the Senators on the other side—you know, people—I hate hypocrisy and deceit, and this is what we see coming through here. You cannot fool—you cannot continue to fool the citizens of this country. They are much smarter than we give them credit for. I do not think the people who are advocating that we do not deal with this really have the citizens' welfare or well-being at heart.

Madam Vice-President, the PNM in 2007, through its Minister in the Ministry of National Security, was in the other place, and he was part of the piloting of a Bill called the Security Assistance (CARICOM) Bill. It later became the Security Assistance (CARICOM) Act, and it is Act No. 7 of 2007. Madam Vice-President, that Act is still valid and on our books today. That Act has, among its objectives, to assist—and let me get the—the intent of the Act was to legalize regional resources and mobilization strategy for crime prevention and security issues.

Madam Vice-President, that Act—I want to make the point—it is law today. There was no sunset clause in the Act. That Act is still law today. And who were the contracting parties and states to that Act? The Contracting Parties as the Act outlines—and Madam Vice-President, would you allow me to—*verbatim* means:

“...Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago...”

And the Contracting States were also the aforementioned.

But the security forces and forces commanders involved both the army and the police, and the “forces commanders” means the head of the defence force and the head of the police force or service from all the countries I just mentioned. Those are the people that have been allowed to come to Trinidad and Tobago, in terms of that Caricom treaty, to fight—among the objectives was to fight and assist with crime.

Article 9—sorry—the objectives include the issue of combating serious crime. It was just not only about regional security, it was about combatting serious crime. It says in section (b) of the objectives:

“expeditious, efficient mobilisation and deployment of regional resources in order to manage and defuse national and regional crises and to combat serious crimes;”

And I want to read that into the record, Madam Vice-President. Let me just get this right—and hear what the Act continues to say. I go to 3:

“Service personnel shall be subject to the applicable code of discipline in accordance with the law of his State and the regulations of the Force to which he belongs.”

And this section may be made applicable to the police/soldier. So all the talk yesterday about soldier police and “solice” and all that, this is law in our books [*Desk thumping*] made under the PNM Government [*Desk thumping*] that has not been repealed. It is law in force.

**Hon. Senator:** Caricom army could lock up people!

**Sen. The Hon. M. Coudray:** And it goes on to say subject to the laws applicable to the police service. I would encourage Members of this Senate to go through and read that Act. So that to come here and say that this Government is trying to make soldier police; soldiers are already police based on Act No. 7 of 2007. So, what are we dealing with? [*Desk thumping and interruption*] Sorry. No sunset clause! There is no sunset clause. The sunset clause was requested by the then Leader of the Opposition and now our hon. Prime Minister, Kamla Persad-Bissessar, and it was refused; it was refused by the then Government of the day.

I think we need to go into the records to determine what kind of majority in the House at the time passed this piece of legislation, because we are being told all kinds of things about the Bill we have today, but I see no difference in the proposals in that Bill and in this Act. I do not see any difference in terms of what we are proposing in this Senate today.

**Sen. Singh:** “All dem soldiers could be police!”

**Sen. The Hon. M. Coudray:** Foreign soldiers could be police in Trinidad and Tobago. So, you know, as some colleague was saying in the other place, “What?” But, Madam Vice-President, it would seem that the PNM trusts foreigners more than they trust our local soldiers here [*Desk thumping*] in Trinidad and Tobago. [*Desk thumping*]

Given the provisions in this Act, I ask, what is the experience of the police and the army in a place—and I mean no disrespect or discredit—what is the—I mean, the experience of a soldier in say, St. Kitts Nevis or a police officer where they probably have one crime in 10 years—what is the experience in terms of police officers or defence force people in small states? Do we know the kind of training? Did we ask that? Did we care about that at the time? But it is still law on our books.

We saw, Madam Vice-President, the police from these islands operate during the world cup, totally different cultures—the Bajans, the Jamaicans, the Grenadians. I think yesterday I had to ask my colleague—last night, last evening—about a Calypso. You know, we have serious language barriers even though they are Caricom and they are supposed to be speaking English—I was asking my colleague whether he recalled the name of that calypso by Blakie, and he told me the name of the calypso is, “*Send them Back*” and that calypso readily comes to mind, because it dealt with it. Blakie sang about people from the same Caricom region who were in Trinidad, and in order to determine who they were, they asked them to say “box”, and if they said “bax” was straight in “de” police van. That was more or less the theme, the underlying theme in the calypso.

So, Madam Vice-President, I think a lot of nonsense is being said. They have no credibility at all in terms of coming to discredit everything this Government says; everything we try to do on this side. We talked about the Hoop of Life in terms of several crime-fighting initiatives to occupy persons, to detract them and distract them from the crime. We had the Hoop of Life, they said, “Oh, we spend too much, we spending too much money, look at money dey paying to dem”.

Minister Warner had the programme for at-risk communities. Well, yesterday, I was very disappointed and saddened to hear the way Sen. Baptiste-Mc Knight spoke about that programme, even though when it was launched in the aftermath of all the queries, Minister Warner went at great pains to explain that although it was \$69 per day—that is what was written—people were required to work four hours per day, and when you calculate that it is \$17.25 per hour, which is way

above the minimum wage. So, I do not know, bringing that into this debate, I do not understand where it was going, because every programme this Government tries in terms of dealing with some of the issues and the at-risk communities, people have problems with it.

So, we really have to ask ourselves: what are we expected as a Government to do? Minister Dr. Tewarie, again, said yesterday—he gave figures in terms of the murders, the wounding and shooting and the families that are traumatized by gang violence and everything else. Everything we try—and thank God a lot of the programmes do not have to come to this House or the other place for approval or else we would have been nowhere. [*Desk thumping*]

**Hon. Senator:** Well said! Well said! [*Desk thumping*]

**Sen. The Hon. M. Coudray:** So, Madam Vice-President, I think as a country, we need to ask ourselves: what is the role of the Opposition and what is the role of the Parliament in terms of, you know, trying to support and assist the Government with programmes that are being put in place to deal with this crisis we now live in? I asked whether anybody in this Senate or elsewhere has ever been or has ever known a victim of crime, and this is what we are trying to deal with, crime.

I can tell you that I have that experience, Madam Vice-President, and I have several other friends and associates who have experienced crime and what it does to family life and what it does to your whole system. We are saying one murder is too much.

Someone alluded yesterday that if something is working—I think it was Sen. Prescott who said—for March when it was indicated the statistics are down—it was suggested that we do not do anything, because we do not need to do anything, it is down, but we are saying we want it eliminated. We cannot continue at this rate to have people killed every day or waiting to hear who is next or when next. Every life lost is one too many, as far as we in this Government are concerned.

So that it troubles me very deeply to hear the very callous statements being made, and the politicizing of this issue of crime in this country when we should be getting together and joining hands in terms of what do we do, and how do we deal with it. How do we as a Parliament come together to deal with the issues we have? It will affect all of us; if it has not affected you yet; if we continue on this train, it will someday reach us. And the old people say, “What eh meet yuh eh pass yuh.” [*Desk thumping*] We better take note. [*Desk thumping*]



So, we have an opportunity to effect a strong response that can change things in this country. I appeal to Senators on all sides that we need to be one on this. I implore this Senate to support this Bill, and we need to get together and work out strategies. This is not about politics and gamesmanship and who is ahead and who is doing what. I beg, I urge Senators, particularly, you know, all the bacchanal that is taking place in the media and elsewhere about the Government this and who this and who—you know, there was an old fellow—this one stealing and that one doing that.

**2.00 p.m.**

There is an old man in my village who always said, “Ms. Coudray, you know ah thief doh like to see ah man with a bag”, and I wonder if this is what we are dealing with because every time we look to do anything is somebody doing this, and we need to stop. The children are looking at us and we are not getting anywhere, and it is a set of bacchanal, and you know. This Government was elected for five years and we intend to serve our term, so whatever, you know, people try to create to discredit the Government, they pick out individual Ministers, and feel if we shoot down this one, the Government will cave in. Do we intend to cave in? Are we caving in? [*Desk thumping*]

So as the Minister of Gender, Youth and Child Development, the officers at that Ministry work tirelessly in terms of dealing with some of the outfall, some of the outcome of crime in this country, and I am saying to you that we see it every day. People are affected by it, and I am urging all to get together and deal with this situation as a responsible and mature country. We just celebrated our 50th anniversary as an independent nation, and we are here bickering and egging on people to do wrong.

Madam Vice-President, I make this appeal on behalf of every mother and father who have lost children, not only in this country and elsewhere, on behalf of every child who has lost parents or siblings, on behalf of every man and on behalf of every woman who have had their lives torn apart through the loss of loved ones; on behalf of the persons who are living today having been traumatized by the effect of crime. They have lived but, you know, they are traumatized and they cannot return to a normal life. On behalf of every man, woman and child who is living in fear of being the next victim of crime.

So, Madam Vice-President, having said to you that on our books we have this law that enables soldiers and police from the Caricom states as indicated, to operate in this country as soldiers or police, as the case might be, and I would

urge, I am urging Members to look at that piece of legislation still on our books, no sunset clause, even when asked, and I would like people to go through the debate. Go through the debate, it is on the *Hansard*. That is what the technology has done, it is on the website, it is on the Parliament website, and I am urging everyone to look at it and really put country first and think about our citizens, and really show that you care for them. I thank you, Madam Vice-President. [*Desk thumping*]

**Madam Vice-President:** Sen. Al-Rawi.

**Sen. Faris Al-Rawi:** Thank you, Madam Vice-President. Good morning to all, good afternoon now. It has been a long two days and I rise with pleasure to make a contribution to this Bill entitled, an Act to amend the Defence Act and the Police Complaints Authority Act. Madam Vice-President, in a debate such as this, it is hard to choose where you begin. We have had good contribution, thus far, from all Members. Indeed, the Government's contribution has to date been: trust me, help me, believe in me, let me get it right—[*Interruption*]

**Sen. Lambert:** Help the country.

**Sen. F. Al-Rawi:**—and as Sen. Lambert says, “Help the country”.

**Sen. Lambert:** That is right.

**Sen. F. Al-Rawi:** And Members in this Parliament in dealing with the context of Sen. Coudray's contribution; how do we as a Parliament in our role help our country? It is important that we interrogate it in the context of the adversarial system that we as a Parliament must, we being a Westminster model of Parliament.

So, Madam Vice-President, it is important for us to consider a number of areas, and to really draw the strings into the constitutional matrix of the legislation. In answer to Sen. Coudray, “That is our purpose”. Our purpose as a Parliament is to pass constitutionally good law. That is our purpose. It is not only as Sen. Moore puts it, that we consider a working or a non-working illegality as she put it, but it is for us to consider each and every element of the debate and to consider it in one simple context. Is it constitutional? And where are we to be guided as to constitutionality?

We are to be guided as to constitutionality, firstly, from the supreme law of the land, and the supreme law of the land is the Constitution of Trinidad and Tobago. We have heard a lot of Members tell us that we have given enough detail, that we have had enough contribution. Indeed, the learned Attorney General and Sen. Moore, in fact, skirted over the very issue of constitutionality.

This Bill before us requires, in the construct of the Bill, a certification under section 13 of the Constitution, that it is a Bill that has received three-fifths support from the Members of the Senate, and in fact the Members of the Lower House. It must be certified as having received that and that it is within the square parameters of section 13. And section 13 of the Constitution says that this must be law which is reasonably justifiable in a society which has respect for the individual rights and fundamental rights of our citizens. I am paraphrasing it because I want people to understand the importance of it. So it does not really matter how much we protest, but what matters is how constitutional our considerations are.

Sen. Coudray tells us how a Parliament comes together, that they are elected for five years and that they intend to serve their five years. She questioned the role of Opposition and Parliament. She said thank God that the Government in certain of its plans does not need to come forward for approval, less things would not get done.

She pointed to a piece of law that nobody, apparently, bothered to pass to the hon. Attorney General or to the Minister of Justice, she brought it forward, and in answering the question, "How do we come together as a Parliament?": surely we come together as a Parliament with particulars, with transparency, with statistical information, with reports, with data and, most importantly, with a reasonable opportunity to consider, in a mature way, the arguments presented.

But when I distil what the Government has said, the argument presented is simply, crime is an aberration which we must all deal with, and I say, "Agreed". They say, "This Defence Bill, this amendment, the Bill before us, the two pieces of legislation, is the solution to achieve that legitimate aim", and then they say, "Trust us". That is it. When you distil everything that is said opposite, that is the sum total of their argument.

But, Madam Vice-President, it does not go far enough. The courts of Trinidad and Tobago have had ample opportunity to consider what section 13 of the Constitution says, and it says that we must start off with an appreciation of what the infringed rights are. What has the Government said the infringed rights are? In the House of Representatives, of which we have notice, they say, "Well we do not think that it is necessary, but out of caution we will put in a three-fifths majority certification", and every single person opposite has not spoken about what the rights infringed are. Not a man opposite has told us what rights are being infringed.

Secondly, the courts of this land say, after you have had a statement of what the infringed rights are, you must consider in essence, the proportionality of the law that you are seeking to put into effect to deal with something which has a legitimate aim. And our courts, under hand of the learned Chief Justice, in particular, in Civil Appeal No. 100 of 2002, which was High Court Action No. 733 of 2002, and it was a case brought on behalf of Northern Construction Company Limited against the Attorney General, in a decision delivered by the hon. Chief Justice in 2009—specifically, I would give you the date as I must, on February 27, 2009—and in the judgment of the hon. Chief Justice, he accepts the analysis of law conducted by Mr. Justice Jamadar in the case below. In the Northern Construction case below, which set out for us the principle as enunciated by the Privy Council in the case of *de Freitas v The Permanent Secretary of the Ministry of Agriculture* (1998) 53 WIR, at page 31.

And the test as to constitutionality, the analysis of constitutionality is very plainly set out there, and it is as follows:

“...in determining whether a statutory provision arbitrarily or excessively invades the enjoyment of a fundamental right, regard must be had to whether:

- The legislative objective is sufficiently important to justify limiting a fundamental right;
- The measures designed to meet the legislative objective are rationally connected to it; and
- The means used to impair the right or freedom are no more than is necessary to accomplish the objective...”

Very simple; three limbs of analysis to look at constitutionality, well developed in the Privy Council, adopting in fact laws coming out of the Commonwealth, in Zimbabwe Chief Justice. In the case of *Retrofit* in Zimbabwe, enunciated these points, and those three limbs really rest upon something called “proportionality”. Members of the Independent Bench, through you, Madam Vice-President, members of the national community and Members opposite; is this law that we are proposing proportionate to the infringement of fundamental rights? That is the question that we must bear in mind.

Now, where do we begin our analysis? Our analysis starts with, as I said: what are the rights that are being infringed? Those rights are set out in the Constitution, in sections 4 and 5 of the Constitution, and, in fact, aid is to be had in the Preamble of the Constitution. The Preamble of the Constitution, as we are all well aware, speaks to the principles upon which the supreme law was stated to have been built. Sections 4 and 5, in particular, 4(a) speak to:

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

Protection of the law. Next: freedom of movement, freedom of association in assembly, right to respect of private and family life, right of the individual to equality of treatment. That is in section 4.

Section 5 of the Constitution deals with stated rights, including in particular, at 5(2)(d); 5(2)(c), first of all, that no persons shall be deprived of the right to be informed of its detention.

“...the right to be brought promptly before an appropriate judicial authority;”

No person shall be deprived:

“...of the right to such procedural provisions as are necessary for the purpose of giving effect...to the”—aforementioned—“rights and freedoms.”

But, Madam Vice-President, our Constitution which is the supreme law has certain exceptions.

Now this Bill—let me translate it—in providing all of the powers of a constable to the members of the defence force, to the defence force members, which are, specifically, coast guard, army or regiment, members of the reserve and members of the air guard, in providing all of the powers as a constable as are set out in the Police Service Act, Chap. 15:01, you are giving essential powers to allow for arrest and, therefore, deprivation of liberty, to allow for seizure of property, to allow for people to be taken into custody and then brought before, ostensibly, some judicial authority.

### **2.15 p.m.**

So, Madam Vice-President, we are dealing with the square infringement of rights in sections 4 and 5, and the starting point in answering Sen. Coudray as to how a Parliament ought to come together, the first thing is you must do your homework and you must state with particularity the content of the laws that you are seeking to infringe; one.

Two: our Constitution allows for these rights to be abrogated in a particular fashion, and specifically it does so in a bifurcated way: one, under emergency powers in sections 7 to 10 of the Constitution—or 12, forgive me—and secondly, specifically under sections 13 and 54 of the Constitution; that is the second limb. So, a right under sections 4 and 5 can be abrogated, once you have got three-fifths majority, it is certified so, and once specifically the law is stated to be one which is reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.

The next way on that second limb—the first limb being section 13—is section 54. Section 54 of the Constitution protects, by way of a deeper form of entrenchment, the fact that parliamentarians cannot seek to change what is considered to be even more fundamental than the rights and freedoms and privileges in sections 4 and 5. Parliament cannot seek to change, without a two-thirds majority, the provisions which relate to, in particular, service commissions in sections 119 to 125 of the Constitution.

So the architecture of our law is that if you want to change sections 116, I believe it is, to 125—and if we look to section 54 of the Constitution it tells us, if you want to alter—section 54(2)(a)—insofar as any law may seek to alter sections 116 to 125, you need two-thirds of the majority of Members present.

Why do I raise this point, Madam Vice-President? The consideration before the Parliament, in looking at the reasonableness of a law and the proportionality of a law, is that it must not be arbitrary, because arbitrariness is the antithesis of due process, and that has received judicial commendation from the Privy Council. It has received local commendation by the hon. Chief Justice in the Northern Construction case. It has received High Court approbation in the Northern Construction case by Mr. Justice Jamadar. The fact is that due process is not that you are entitled to rule by law, but that you must see that there is a rule of law. Now that is a technical construct, but the fact is, when you look at the rule of law and you look at due process, and you come back to section 54, the law tells us that you ought not to mess with—if I can put it that way—the service commissions, unless you have a two-thirds majority. So what happens?

The police and the architecture of the police under the Police Service Act and the architecture of the members of the defence force under the Defence Force Act are two different entities. On the one hand, the defence forces under the Defence Act, Chap. 14:01, does not call in aid, any kind of service commission. There is no service commission as a check and balance to the exercise of functions in that Act. Secondly, the Police Service Act, specifically in its architecture, requires a check and balance to be in place by using the constitutionally created entity of the service commission, and in this instance the Police Service Commission. Let us drill further down to that.

Under the Defence Act, which we are seeking to amend, all the defence force units are structured such that the Executive has maximum loyalty and control of the armed forces of this country, and that is a necessary thing. In time of an emergency, you need for the Executive to be able to call upon the loyal and dedicated service of the defence force. But the police service specifically is

required to be managed, under sections 122 and 123 of the Constitution, by the Commissioner of Police. The checks and balances to the operationality of the police—the very important check and balance is the Police Service Commission. Another balance is the Police Complaints Authority, an Act which we seek to amend today.

So the first thing that we are looking at in the constitutionality of this Bill, in the proportionality of this Bill, is whether we are comparing apples with apples. We seek to amend the Defence Act by giving all the powers of a constable to members of the defence force. Sen. Coudray's reference to certain people and to a selected number is not in the Bill, so I am not dealing with that. The Bill before us seeks to give every member of the defence force that is put into a unit declared by the President—every member, and that could potentially be all. Tomorrow morning he could say that every member of the defence force is part of that unit, and therefore all members of the defence force are in. [*Desk thumping*] So we are giving the powers of the police—all the powers of a constable—to members of the defence force. What next are we doing, Madam Vice-President?

What next we are doing must be factored in the context of proportionality by what is the protection. So what is the protection? Assume for one moment, sticking a pin on the argument, that our case is: we agree that the aim is a legitimate aim. That is limb one of the Chief Justice's point. Limb one: we agree crime must be brought under control. We join arms with you that crime must be brought under control. That is one. Two, what is the check and balance to that situation?

We know that you are seeking to borrow the powers of the police and give them to the defence force. We know that the powers of the police are balanced by the Police Service Commission and the Police Complaints Authority. We must now see whether that is going to be the case of the defence force. Is that the case of the defence force? What is the proportionality, the check and balance, hon. Senators? Are they entitled to the protection from dismissal, in their security of tenure, in the manner in which they conduct themselves? Does the amendment, in giving power to the defence force, is it balanced, and therefore is it constitutional? That is the question?

**Hon. Senator:** Are you addressing the Chair?

**Sen. F. Al-Rawi:** The Chair is not paying attention, gentleman. You pay attention. Not one of you are paying attention; not one.

**Hon. Senator:** I am listening to you.

**Sen. F. Al-Rawi:** The fact is that the balance has to be factored. Are we comparing apples with apples? That is the crux of our debate. Everything that you say has to go through that filter; every single thing that you say.

So what does the Police Service Act require? The Police Service Act says security of tenure, guaranteed; members cannot be dismissed; members cannot have their salaries affected; members are entitled to an indefinite period of operation; members have the entitlement to be represented by an association which is not a trade union; members are entitled to be managed by the Commissioner of Police by virtue of the Constitution, which is the supreme law of the land; members are entitled not to be capriciously removed or disciplined under the rules, which is subsidiary legislation. That is what the police have as a check and as a balance to the operationality in the civil service, in managing the good order and maintenance. But what is the check and balance to the defence force?

Under the Defence Act, you serve colours of service. You are required to serve for a period not in excess of 22 years, but that you must essentially re-enlist after each service is done. There is no security of tenure. You are dismissed at will for reasonable circumstances, obviously if you import the law's protection. But under the Defence Act, there is no balance of a commissioner of police who has autonomy by himself, of a police service commission which has constitutional construct and which cannot be interfered with, unless you have a two-thirds majority of the Parliament. You have an association in operation which protects members, but none of that exists in the Defence Act; none of it. So when you pour this massive power into the hands of the defence force, where is the balance to it?

The hon. Attorney General has sought to persuade us in his argument by referring to the laws of other Commonwealth jurisdictions. In the days that I looked at material for this Bill, I can tell you that I spent the better part of a full week every day researching. I have looked at the laws of the United Kingdom. I have looked at the laws of Northern Ireland. I have looked at the laws of Italy. I have looked at the laws of Australia. I have looked at the laws of Singapore. I have looked at the laws of Jamaica.

**Sen. Ramlogan SC:** "De whole law; de whole law."

**Sen. F. Al-Rawi:** I have looked at the laws of Barbados. I have looked at the laws of Antigua and Barbuda in particular. Do you know what?

**Hon. Senator:** Have you looked at the laws in Trinidad and Tobago, Act 7 of 2007?



**Sen. F. Al-Rawi:** I have looked at the laws in Trinidad and Tobago. I have looked at every single law which looks to this. Do you know what? Not a single law that I have just referred to—not a single one, none—gives the power that the hon. Attorney General is giving now; not a single law. [*Desk thumping*] Do you know what?

Sen. Coudray said that she was tired, essentially, of shenanigans, if I could paraphrase, bacchanal; she is tired of misrepresentation. I wondered to myself: what on earth could she be talking about, when the greatest misrepresentation to this Parliament is the very delivery of the hon. Attorney General? The implied, if not stated position of the hon. Attorney General is that the laws of Jamaica, by way of example, give you direct authority to arrest and to do things in the manner that this Bill seeks to do. But do you know what? That is the exact opposite of the truth.

Let us look at the laws of Jamaica, because I was astounded that they could actually call in aid the provisions of the laws of Jamaica. The hon. Attorney General specifically told us that the Defence Act of Jamaica at section 9 provides the very same power that we are giving now. What does section 9 of that Act say? Section 9 of that Act says, under Part II:

“Jamaica Defence Board

There shall be a Jamaica Defence Board...”

Subsection (2) now reads:

“The responsibility of the Defence Board shall not extend to operational use of ...Defence Force, for which use and responsibility shall be vested in the Chief of Staff subject to the overall direction of Cabinet:

Provided that the Prime Minister may give to the Chief of Staff such directions with respect to the operational use of the Jamaica Defence Force in Jamaica for the purpose of maintaining and securing public safety and public order, notwithstanding that the directions of the Cabinet have not been obtained, and the Chief of Staff shall comply with those directions...”

What does subsection (3) say?

“Where any member of the Jamaica Defence Force is acting pursuant to directions referred to in the proviso to subsection (2), such member shall, while so acting, enjoy all such immunities, privileges and protection as are enjoyed by...the Jamaica Constabulary Force.”

**Sen. Ramlogan SC:** Tell us what immunity, what is it immunized from?

**2.30 p.m.**

**Sen. F. Al-Rawi:** Now, Madam Vice-President, the most important thing there is that the issue of power as provided in the Police Service Act; power is definitely not there.

**Sen. Ramlogan SC:** What you mean by that?

**Sen. F. Al-Rawi:** And what does power say, Madam Vice-President? Power under the Police Service Act says—it is to be found in sections 32 and 33 of the Police Service Act. Section 32 says:

Every person for the time being serving in the Police Service shall be deemed to be a member of the Police Service and shall have and enjoy the rights, powers, authorities and privileges and immunities conferred on a member of the Police Service and by any written law now or hereinafter passed.

But section 33 says:

And be liable to all duties and responsibilities as a constable.

But, Madam Vice-President, what the hon. Attorney General did not tell us is that there was an Act to amend the Constabulary Force Act in Jamaica. And what did that Act say? Because the Defence Force Act in Jamaica, section 9 says, you are giving the army the powers of the constabulary in Jamaica, but what happened is that the Constabulary Force Act in Jamaica was amended. He did not tell us that.

He did not tell us that in 1994 there was an Act to amend the Constabulary Force Act, and more particularly, he did not tell us that the Suppression of Crime Act, 1974 in Jamaica was repealed. [*Desk thumping*] And let me explain that further. If we are comparing apples with apples, in Jamaica in 1974 there was a Suppression of Crime Act which gave the police the authority to call in aid the army to exercise powers of the police. That was the 1974 Act. That 1974 Act specifically said that the members of the defence force can exercise powers of police: arrest, detain, et cetera.

He did not tell us that in the period 1990—1993 that there was a massive public outcry at the army's use of force, and in fact the death of three people in custody. He did not tell us that there was a report by the National Task Force on Crime in Jamaica in 1993 which specifically raised the issues of the army, and of the use of force and police powers by the army, and specifically said that they must repeal that legislation which gave the defence force that power. [*Desk thumping*]

He did not tell us, Madam Vice-President, that the Constabulary Act was amended to remove the power of arrest from the Jamaica Defence Force. [*Desk thumping*] He did not condescend to the particulars of the 1994 Act. He did not tell us that the Constabulary Force now, security forces under that Act means, the Force, meaning the Jamaican Police Service, the Island Special Constabulary Force and the rural police, and that the Defence Force was removed. [*Desk thumping*] He left us with an impression, an irresponsible impression, that the Jamaican security forces have the power to do this. That is the opposite of the truth. [*Desk thumping*]

Sen. Coudray—and I use this word very guardedly—had the temerity to tell us that we as a Parliament must come together. Well, Madam Vice-President, when you come as a Parliament, you are coming to consider material. [*Desk thumping*] Let me tell you the material that the Government has provided. The hon. Attorney General, the hon. Prime Minister have referred to the Cross Report. I have spent seven days in this Parliament trying to get a copy of that Cross Report.

**Sen. Ramlogan SC:** But the PNM commissioned that.

**Sen. F. Al-Rawi:** I do not care if the PNM commissioned it.

**Sen. Beckles:** That is not the point.

**Sen. F. Al-Rawi:** I am a Senator in this Parliament seeking to pass law, [*Desk thumping*] and I have not seen the Cross Report.

**Sen. Ramlogan SC:** “Who you ask for it?”

**Sen. F. Al-Rawi:** Secondly—[*Crosstalk*]

**Sen. Ramlogan SC:** Who did you ask for it?

**Sen. F. Al-Rawi:** I have asked the librarian. [*Crosstalk*]

**Sen. Ramlogan SC:** The librarian?

**Sen. F. Al-Rawi:** And, Madam Vice-President—lest I have to call for your aid and protection [*Crosstalk*—the fact is Cross Report, absent; advice of Peter Knox QC—well I heard that in passing. Peter Knox QC from Charles Russell—well he is not from Charles Russell, he is member in chambers—and I have worked with him in fact, I know him well. It could never be, if you are, in fact, relying upon transparency and Parliament working together. It cannot be, “oh, I have advice of Peter Knox QC”, you fold it and put it in your back pocket. Where is the advice?

**Sen. Ramlogan SC:** Where is yours? “Yuh share it with us?”

**Sen. F. Al-Rawi:** Next, Madam Vice-President, what about statistical information?

**Hon. Senator:** None.

**Sen. F. Al-Rawi:** We hear the Prime Minister in big, bold, paid advertisements saying:

“Defence Force Amendment Bill USE OF SOLDIERS NEVER REGULARIZED-SAUTT. How effective was SAUTT,”

and they put out murder rates. This is in the *Guardian* newspaper March 24, 2013. How effective was SAUTT? SAUTT launched 2003, and they are dealing with murders. You know what the Government has not done? It has not told us what the detection rate is, and more particularly, it has not told us what the conviction rate is.

But, Madam Vice-President, in this very Senate, the hon. Minister of National Security came to us and admitted to us that the conviction rate is 6 per cent in Trinidad and Tobago. I, in fact, have a letter from the police. I wrote to them sometime last year, and I asked them to tell me about the detection rate of serious crimes. I had a letter from Crime and Problem Analysis Unit, Monday, January 30, 2012 dated, that told me that with respect to serious crimes in years 2010—2011 that the percentage for 2010 detection was 16 per cent, and the detection for 2011 was 18 per cent.

But, Madam Vice-President, in accepting that the aim is legitimate, that dealing with crime is legitimate, in dealing with the means and the proportionality test: are we going to see an improvement in the conviction rate by giving police powers—by giving army defence force powers—for which there is no check and balance? Where is the data to tell us as to how that is going to operate; how it is going to integrate into the crime analysis situation? When we have the Government on record saying—and I say this—saying, and only saying, SAUTT was illegal.

You know that expression, Madam Vice-President, a lie often repeated becomes a truth? Where is the evidence that SAUTT is illegal? Where is a case, one case in the courts of Trinidad and Tobago in the period 2003 to now, ten years later, point one case out in the High Court, in the Magistrates’ Court, in the Industrial Court, any court in Trinidad and Tobago—I have not even reached Court of Appeal—that tells me that SAUTT is illegal? I must accept that SAUTT is illegal because you say so? [*Crosstalk*] [*Desk thumping*] You told me that the Minister of National Security—[*Interruption*]

**Sen. Ramlogan SC:** Martin Joseph say so in this Parliament.

**Sen. F. Al-Rawi:**—was going to bring legislation to deal with SAUTT. That is very different thing from saying that SAUTT is illegal. [*Laughter*] I say shame on you. Past Minister of National Security, hear me—because the reason that I say shame is, you really should have brought the legislation [*Interruption*]—

**Sen. Ramlogan SC:** Shame on who? Martin Joseph? [*Crosstalk*]

**Sen. F. Al-Rawi:**—to protect the members of SAUTT—[*Interruption*]

**Hon. Senator:** Shame on you!

**Sen. F. Al-Rawi:**—from a capricious dismissal by this Government. [*Desk thumping*] Madam Vice-President, the national community needs to know [*Crosstalk*] that the members of SAUTT said and have documented evidence of a 25 per cent detection rate; 25 per cent detection rate. And what was the detection rate for kidnapping? It went from 60 to zero, kidnapping for ransom. That was SAUTT. What was SAUTT? SAUTT was the army, a unit.

**Sen. Ramlogan SC:** Ahhhh.

**Sen. F. Al-Rawi:** SAUTT was the police. SAUTT was SRP. SAUTT was intelligence led—and he said, ahhhh, the hon. Attorney General in relation to army. I challenge right now, the hon. Attorney General, to pull out one instance of a serving member of the defence force who was precepted, as he says. I challenge him right now, right here. [*Desk thumping*]

**Sen. Beckles:** One person.

**Sen. F. Al-Rawi:** One member of the army who was precepted. That is a bold, unadulterated, undiluted, unabashed, shameful untruth. And why is it an untruth, Madam Vice-President? Because they could not serve two members. But you know what is the worst thing, Madam Vice-President? We have heard many people in this Parliament tell us: well tell us about how they are going to be represented by a trade union? Tell us how they are going to be represented, the members of the defence force, by protections for their powers? What about their pay? What about their remuneration for services? And the Government says, Trust me. Do not worry about that.

Well, I received a letter April 01, 2013.

Dear Senator,

Compensation to retired defence force personnel in lieu of leave.

And the letter, approximately 100 defence force personnel answered a call to duty and worked throughout their preretirement leave at a now defunct special anti-crime unit. Annex A encloses a whole list of people, an entire list of army personnel who worked as a unit. Every name listed here—pages of it—that this Government still cannot pay.

April 01, 2013, compensation to members of the army who served as a unit, who took preretirement leave, some of them, therefore coming out of the regiment, some of them, served the Government of Trinidad and Tobago, regardless of who was in charge, and this Government cannot pay them yet. [*Desk thumping*]

So, Madam Vice-President, they say that this would not be an issue and that the army is accustomed to working long hours. Well take long hours to the grocery. [*Desk thumping*]

**Sen. Beckles:** Yeah.

**Sen. F. Al-Rawi:** Take long hours to your mortgage. Take long hours to your children's education. Let us talk about proportionality between police and army. How is the compensation going to be met?

**Sen. Beckles:** Overtime. No overtime.

**Sen. F. Al-Rawi:** Where is the overtime? Where is the association to represent the army, Madam Vice-President? [*Crosstalk*] They are prohibited at law [*Desk thumping*] from having representation. So where do they get the money from? [*Crosstalk*]

But I will tell you what the UNC's philosophy is. We heard it in the debate on the Legal Aid and Authority Act [*sic*]. We heard the hon. Minister of Justice then say, state counsel must be people accustomed to driving Zephyrs.

**Sen. Beckles:** Zephyrs; Minis.

**Sen. F. Al-Rawi:** "They doh need Mercedes Benz."

**Sen. Beckles:** Yeah.

**Sen. F. Al-Rawi:** They must drive a Zephyr. "Most people doh even know what a Zephyr is today." You ask the average young person, what a Zephyr is? "They doh know." So that is the Government's attitude to compensation.

**Sen. Beckles:** One billion.

**Sen. F. Al-Rawi:** They say army sitting on their hands and getting \$1 billion. Well, it is true—[*Interruption*]

**Sen. Ramlogan SC:** The police said that. Nobody said that.

**Sen. F. Al-Rawi:** It is true. It is true.

**Sen. Ramlogan SC:** That is a lie. [*Crosstalk*]

**Sen. Beckles:** You want me to quote the words here?

**Sen. Ramlogan SC:** Nobody said that.

**Sen. F. Al-Rawi:** I am being interrupted. It is true.

**Sen. Maharaj:** Sen. Beckles “yuh interruptin’ him.”

**Sen. F. Al-Rawi:** Sen. Maharaj, Sen. Ramlogan, you are interrupting me.

**Sen. Beckles:** Army standing idle. [*Crosstalk*] *The Hansard*.

**Sen. F. Al-Rawi:** Madam Vice-President, may I seek your protection.

**Madam Vice-President:** Please, kindly allow Sen. Al-Rawi to continue, please.

**Sen. Ramlogan SC:** Sen. Beckles. [*Crosstalk*]

**Sen. F. Al-Rawi:** We sat—[*Interruption*]

**Hon. Senator:** Idle.

**Sen. F. Al-Rawi:**—quietly. But anyway, Madam Vice-President, injury time in tow right now. The fact is [*Crosstalk*] and I am sure you “shaked” your head yes. [*Crosstalk*]

**Sen. George:** You running de—

**Sen. F. Al-Rawi:** In India, yes, is usually done this way. [*Senator gesticulates with his head*] [*Crosstalk*] So I will take it as an Indian yes. The fact is the army compensation lies unaddressed.

I have another piece of correspondence from the air guard; another member of the defence force, unaddressed compensation.

**Hon. Senator:** Umm.

**Sen. F. Al-Rawi:** I am about to take it to litigation so I would not give the particulars on it.

**Sen. Ramlogan SC:** Ahhh. [*Crosstalk*]

**Sen. F. Al-Rawi:** I have another bit of correspondence [*Crosstalk*] from members that worked with SAUTT, still unaddressed. [*Crosstalk*] Trust me, trust me. They do not pay in relation to defence force. The proven, factual, do not pay.

**Sen. Ramlogan SC:** And the PNM did. The PNM did.

**Sen. F. Al-Rawi:** It is only equal by the fact that contractors in Trinidad and Tobago are still lining up. [*Crosstalk*]

**Hon. Senator:** That is all I am asking.

**Madam Vice-President:** Hon. Members, I am actually going to ask for protection for Sen. Al-Rawi, and I am going to ask both sides that you please allow him to continue in reasonable silence. Thank you. Sen. Al-Rawi.

**Sen. F. Al-Rawi:** Madam Vice-President, the fact is compensation is an important issue. The fact is, one would think that the Government having elements of labour well in tow—[*Interruption*]

**Sen. Beckles:** Oh yes.

**Sen. F. Al-Rawi:**—that they would be able to address compensation [*Desk thumping*] expeditiously and without any form of red tape, [*Crosstalk*] but if they will not do it, we would certainly advocate it as an issue, and it is relevant to this Bill because it effects the proportionality, and therefore the constitutionality of this Bill because if you are going to compare apples with apples—as we must—you must deal with the issue of compensation.

**2.45 p.m.**

Now, Madam Vice-President, Jamaica—if I return to that position, and the hon. Attorney General’s misrepresentation of the position in Jamaica—[*Interruption*]*—and, Madam Vice-President, you know what the joke is? That misrepresentation is the same for the laws of the United Kingdom, the United States, Italy and Israel.*

Madam Vice-President, I read from a book “Domestic Deployment of Armed Forces” by Michael Headley a Scotsman, [*Desk thumping*] a publication of 2009. And what do they say? They go through actually every single jurisdiction where the army is called out in aid of—sorry, where the military is called out in aid of civil power. That is how they dress it up. That is a legitimate aim, that military be called in aid of civil power. It is a legitimate aim. Stage one of the Chief Justice of Trinidad and Tobago’s commentary, but limbs two and three which speak to the means and the proportionality, that is where the test lies.

Madam Vice-President, the laws in England specifically—and remember England controls Northern Ireland. In England, as a result of amendments to the Emergency Powers Act, the Civil Contingencies Act of 2004, the law in England



is that soldiers do not have the power to arrest, and that the power to arrest that they enjoy is only in cases of emergency; and secondly, that is to be had under section 2 of the Emergency Powers Act, 1964 in England and they rely upon a common law tenet that indicates that citizens should provide reasonable support to the police. And what is that law that they rely upon? The same Criminal Law Act that we have referred them to. The same sections 43 and 44 of the Police Service Act. [*Desk thumping*] Two pieces of legislation, and they in fact also rely upon the Royal Prerogative as it exists in England that vests in our President as of 1962, for a posse comitatus. That is the right to enlist people in your aid right away to carry out the laws.

It is an offence for an army member not to assist a policeman in the course of his duty. [*Desk thumping*] That is the law right now. It is an offence under sections 43 and 44 of the Police Service Act not to assist a police officer. So, how can you hold him liable? Madam Vice-President, that is why there has never been a case in Trinidad and Tobago for as long as there has been joint action patrols using the soldiers. That is why there has never been a case as to the constitutionality. [*Desk thumping*] It is not trust me, it is because it is lawful, it is to be found in the laws of Trinidad and Tobago, but I regress from Jamaica.

In Jamaica, Madam Vice-President, the National Task Force on Crime which was appointed to deal with the repeal of the 1974 offending legislation, and also to introduce the amendments—[*Interruption*]

**Madam Vice-President:** Hon. Members, the speaking time of Sen. Al-Rawi has expired.

*Motion made:* That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. P. Beckles*]

*Question put and agreed to.*

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

**Sen. F. Al-Rawi:** Thank you. [*Desk thumping*] Time runs so quickly on a debate like this, Madam Vice-President. But the fact is that in Jamaica, the National Task Force on Crime did a comprehensive review of looking to the manner, the method, the means by which the defence force in Jamaica would provide aid to the civil service, to the police.

We have certainly not done that. And whilst it is that the Government may seek to cajole, to influence, to say trust me as much as it may, the fact is that that must be done in a process. And what is the process? The process is that you must

have consultation not only with Members of Parliament present, but that you must have a process of consultation with the wider community. Now, Madam Vice-President, there was a very bold statement by my learned colleague, the Minister of Justice, that Trinidad and Tobago had done nothing for many years in relation to considering the aid to military—military aid to civil power. But, that is in fact not the case. In 1994 in particular, it came to a head, in a report, Madam Vice-President, in an interim report of a committee appointed to review and coordinate proposals for drafting legislation to provide additional powers to members of the defence force.

And, Madam Vice-President, every Government that sat in Trinidad and Tobago from 1990 come forward has wrestled with this position: how do I lawfully bring in aid, military power, whether by way of manpower or by way of detection; whatever it is, how do I do it in law? The report in 1994 is in fact very, very useful, speaks to the constitutional difficulties. It in particular speaks to the difficulties in the Jamaican experience in the special positions that they did there, but it most commendably took into account the views of the army itself. And what did the Defence Force of Trinidad and Tobago have to say to the Ministers of National Security successively prior to this Government? It said, the defence force said in its representations to committees that it was concerned that the training of the army is very different from the training of the police. [*Interruption*] And it said that a significant amount of resources had to be poured into retraining because the natural inclination to use force would be there, so the sensationalization of the issue of killing machines.

Madam Vice-President, there is no apology to be made, as Sen. Henry said yesterday, about being alarmist to this, you know. Let me borrow Sen. Henry's position on fascism. Germany, Italy and Japan did not wake up one morning and decide to execute, in the case of Germany millions of people. Hitler did not come into power with a manifesto that said certain things. It happened by the progressive use of the military and units in breaking up riots. It started there in Hitler's case. In fact, Hitler made a jail for that. It started with riot breaking. The army has been traditionally used in riot breaking; it is allowed under law. That is why the Americans passed the posse comitatus Act that it did. But, Madam Vice-President, Trinidad being a Constitution as a result of an evolution as opposed to a revolution, we must take into conscious reflection the experiences on the outside of Trinidad and Tobago. And on the outside of Trinidad and Tobago, there is a legitimate burning fear that the training of the army can result in unwanted deaths. It has been the subject of massive litigation, in England in Northern Ireland, Featherstone experiences in particular; in the United States of America in the 1960s, et cetera.

So, Madam Vice-President, the revolutionary development of the laws in Europe and in North America, resulted in an abhorrence of military power. We inherited a Constitution by way of evolution when we sought to declare independence and had discussions leading to that in 1962, and we took in aid the learning and the experience of people there. But what we did, Madam Vice-President, was to make sure that our Constitution proportionately balanced the laws as they related to the army on the one hand and the police on the other hand.

Madam Vice-President, I think it important that we in fact reflect upon the Senate debate of Tuesday, August 07, 1962 which dealt with the Defence Bill. The hon. Attorney General then, Sen. Richards, moved the Bill, and in moving the Bill, he had this to say, and I am sure I have your leave, Madam Vice-President, quite presumptuously to read bits of it. But, he had this to say, “We evolved”—let me start on the page prior:

“It will be realized that men who serve in military forces are subject to different conditions of employment...”—and—“in civilian employment, hence the tendency has been that most countries in course of time evolve an almost separate system of law—military law—and many things done in connection with military forces have no exact counterpart in the civil law of the country.”

He said:

“There are many provisions for safeguarding the rights of a member of the”—defence—“force.”—and that is true as set out in the Defence Act. He said he—“...think(s), therefore, that there can be no fear that, because a man has subjected himself to military discipline, his human rights”— would not be—“protected...”

He did not go into the details of clause by clause provisions because there was an agreement between all members seeking independence, that the defence force was a requirement, and he said here, Madam Vice-President:

“We all here, Mr. President, are, I am sure satisfied that the feelings and spirit of this community will not permit any form of militarism to flourish in this country. I am sure that we are all happy to live under the broad branches of the law and that we will continue so to live, and even the existence of a Defence Force will in no way make us feel the slightest disquiet that our civil rights will in any way be infringed or interfered with.”

In the course of that debate, Sen. Rojas who spoke next, had this to say:

“I thought...that I should sound this...warning. The Defence Bill is necessary; defence is important. We must have a semblance of defence. We must have our coast guard defence and we must have our defence for the suppression as the Attorney General has said, of any internal uprising, whether from the right or from the left..

I cannot see any Government, least of all this one, jumping up one day and using an army in a wrong manner. Eternal vigilance is the price of liberty and I am sure that both this Senate and the other place are quite capable of exercising eternal vigilance in all matters to protect our democracy and, therefore, I am not in any way worried that the army will be ill-used in our form of democracy. But there are definite reasons why we must have the defence force...We have to separate the duties of an army from the duties of the Civil Police Force”—[*Desk thumping*]—“and for that reason, if no other, it is also very necessary that we do (not) have some type of military establishment”—sorry—“that we do have some type of military establishment, so that the police can confine themselves purely to the duties of a Police Force.”

So, Madam Vice-President, if we are seeking to amend legislation, if I were to try and tie the points together, we must look to the framers of the legislation. This legislation in 1962, it was in the clear contemplation of the Senate and of the House of Representatives that there be a bifurcation of duties between the army on the one hand and the police on the other hand. The construct of our Constitution was meant to provide the balance, and therefore proportionality to the use of powers in respect of the police force by the Police Complaints Authority as it later evolved, and specifically by the Police Service Commission enshrined in our Constitution, and the method of appointment of a police commissioner enshrined in our Constitution, and on the other hand for the defence force, the creation of a body of law which allow direct access by the Executive to it for necessary reason. Now, it is true that one ought to contemplate the evolution of law and the better use of resources, but, Madam Vice-President, if you seek to put feathers on a fish, you must make sure that the breed can survive.

And, Madam Vice-President, in this particular instance, giving the powers of constables to the army is not met with anything other than arbitrariness, and arbitrariness is the antithesis of due process, and therefore the antithesis of constitutionality. [*Desk thumping*] And if that is the case, we need only reflect upon the following:

1. The architecture of the Police Service Act and the architecture of the Defence Act are disproportionate. They are not the same.

2. There is no law in the world which gives the army the powers of arrest other than in declared emergency situations, or in reliance upon common law principles, or in reliance upon equal provisions to sections 43 and 44 of the Police Service Act in Trinidad and Tobago, or in relation to the Criminal Law Act in Trinidad and Tobago. No country in the world.

Next, if we look to international experience regionally in Jamaica, the army does not have the power of arrest. It has a very carefully constructed piece of legislation, which says that the army may be called in to assist the police, and that it must be done in a limited state of emergency in effect, because you are allowed to cordon off an area for 24 hours; you are allowed to detain people, but the Jamaican law provides something which this Government has not condescended to provide.

It provides checks and balances in the structure of that amending legislation. It says specifically, that you must have compensation rules for things that go wrong; that you must bring someone before a Justice of the Peace in respect of detention, and if the Justice of the Peace is satisfied that the detention is lawful, then you take him straight away to a magistrate; it provides for the expiration of the state of emergency in its limited effect after 24 hours; it provides for rules on arrest and the periods of detention; it safeguards all of the fundamental rights in their amending legislation, the 1994 Act.

But we have not brought any of that into this amendment which we seek to do. It is an irresponsibility beyond measure for every Member of this Government to come—[*Desk thumping*]—and pretend that this law exists somewhere else when it does not. [*Desk thumping*]

**3.00 p.m.**

**Sen. Deyalsingh:** “Trust me, trust me”.

**Sen. F. Al-Rawi:** And to say, “Trust me,” because the issue of trust in relation to this Government is gone. It is a foregone conclusion that you cannot trust this Government. [*Desk thumping*]

Madam Vice-President, it is also very important to note that the Government did not even tell us that they had Cabinet approval for this Bill when it was first presented. I am confident that if there exists a Cabinet Note saying, we the Cabinet of Trinidad and Tobago in collective responsibility agree to this, that that Cabinet Note is after the laying of this Bill. I am confident of that.

So, it is evidence of arbitrariness. It is unconstitutional. The Chief Justice in the Northern Construction case said specifically, that where there is ambiguity in the law you must look to other provisions of the law; and when you look to other

provisions of the law to provide an analysis for constitutionality in this context, I am satisfied that the Bill as presented is unconstitutional. It is grossly so, it is disproportionate within the meaning of that context as it is associated to reasonableness in section 13 of the Constitution. It cannot pass muster, because the four walls upon which we seek to establish this superstructure, are missing. There is no support over the roof, for the roof—and, Madam Vice-President, it is therefore critical that every Independent present, that all members of civil society recognize that this law is unconstitutional. [*Desk thumping*] It matters not that the aim is legitimate. We in the PNM support the aim which is to deal with crime.

In closing, to hon. Sen. Coudray who asked the question how a Parliament must join hands on this, you do not join hands in the manner that you have demonstrated as the Government of Trinidad and Tobago. You join hands by bringing it into consultation, by bringing evidence of necessity, by bringing evidence to satisfy the reasonableness and proportionality of the constitutionality of this Bill, and, Madam Vice-President, this is yet another example of a Government that is incapable of doing its homework, incapable of bringing—[*Desk thumping*]—adequate laws to this country. I wish to say, that you can say from your point of view that SAUTT is as illegal as you want to say it is, I do not accept it. There is no proof to that and it is far from that.

With those few words, I thank you. [*Desk thumping*]

**Madam Vice-President:** Sen. Ramkhelawan. [*Desk thumping*]

**Sen. Subhas Ramkhelawan:** Madam Vice-President, I welcome the opportunity to speak on this particular Bill. It seems as though the Bill is a rather short one, but has evoked a lot of emotion in the national community. I do not think that any of my fellow Senators in this Senate would argue that there is need for us to find ways and means to address the growing crime situation that we face in this country. I do not think that is an issue at all, because I believe that we would have unanimous support if we were to find proper ways to deal with the crime situation in this country. The issue that faces us today is really the use of the defence force, alongside the police service in ensuring that we can get a better measure or a greater handle on crime. That is clearly the issue. Then the question really redounds to, is, what we are proposing here today in the Senate, is it good law?

The Minister of Justice spoke of whether we should rely on good men or good law? I think that if I read her properly, she sided with good law. Therefore, that will be my take-off point as to whether this is really good law or it is not appropriate law for us in going forward.

Much has already been said by our fine legal minds, and I congratulate all of them in contributing to this Bill. I think that all the pieces of legislation that ought to be quoted, have been properly articulated by the legal minds in this Senate and I need not go further into that. The question is, really, should a member of the defence force engaged in policing, be given carte blanche authority of arrest over and beyond the limited powers of arrest accorded to citizens in the Criminal Law Act and in the Police Service Act? If we answer that question, then there is no need for us to go any further. My position is very clear. I will not support any situation where we give carte blanche authority of arrest to a member of the defence force. [*Desk thumping*]

I could spend the next hour here, Madam Vice-President, regaling you with all the reasons for, and I probably will, but I say it now, that I will not support, and we can take it forward from there. I do not support the idea that a code of conduct by the Chief of Defence Staff should come after the fact of our passing in this piece of legislation. [*Desk thumping*] We have had too many situations where regulations come after the fact, like cat in bag subsidiary legislation, and this is too important a piece of legislation to allow for that. [*Desk thumping*]

I am supportive of the use of the army, or should I say the defence force in assisting the police service in the suppression of crime. But that support will be limited to assisting, short of arrest.

**Hon. Senator:** Very good. That is right.

**Sen. S. Ramkhelawan:** When that happens, I am also very supportive of the idea that immunities are accorded to members of the defence force in their engagement in policing, because we do not want to have members of the defence force going out there and then finding themselves subject to suit for actions which we ought to legitimize. I think I can sit down now, Madam Vice-President— [*Laughter*]—and leave the rest to my colleagues, but I would want to explain and amplify my position. And in so doing, we need to drill down to the whole question of the policies, practices and procedures that are applied on the one hand by the police service, and those that are applied in particular, and in addition, reporting relationships that are applied in the defence force.

The Commissioner of Police—his performance is assessed, determined, reported on and a recommendation is made by the Police Service Commission. I think Sen. Al-Rawi raised that matter. So it is shorn of any political involvement at the level of the Executive. The Executive deals with certain aspects of the policy, but the performance of the Commissioner of Police is a channel up to the

Police Service Commission, and the Police Service Commission, indirectly, is reportable and accountable to the President of the Republic of Trinidad and Tobago—not the Cabinet. But when you look to the army and you look at the reporting relationship, the Chief of Defence Staff is reportable to the Minister of National Security for which, and circumscribing whom is the defence council and the defence council is made up in the majority of political figures: the Minister of National Security, two Ministers, the Permanent Secretary and of course, the Chief of Defence Staff.

Therefore, there are different factors which need to be very carefully weighed when we apply the power of arrest to a member of the defence force. Let us ask ourselves the question, what could go wrong? We have pursued a process of the separation of duties of the police service and the defence force ever since independence and I would dare say, before. Why do you want to commingle these various functions at this point in time?

Well, one is that our citizens are becoming extremely tired of the growing menace of crime as it comes into their homes and it affects their families. And the emotional response will be, yes, bring out the army. Bring out the army, “lick dem up”—fine. It is a reasonable emotional response. But if that same army starts to arrest your son, daughter, “nennen”, friend, et cetera, et cetera, for whatever purposes—[*Desk thumping*—the emotional response will be different. The emotional response will be, why is the army doing this? Who gave them that power? Are we the citizens the enemy of the State?

**Hon. Senator:** That is right.

**Sen. S. Ramkhelawan:** And the answer is no, we are not the enemies of the State. Therefore, I strongly support the idea of separation of duties.

Now, the hon. Attorney General in his contribution made a telling statement, and it was that we as a nation spend over \$1 billion for the defence force; and implied in that statement, if I read it properly, is: what value are we getting? So, we are supposed to be getting value. Is it that the army is unemployed or underemployed? If so, we should find other solutions rather than saying let them be both fish and fowl. And it is somewhat foul to consider that they can do both at the same time. [*Laughter and desk thumping*]

**Sen. Deyalsingh:** If Fitz was here now he would have said foul.

**Sen. S. Ramkhelawan:** The army has its own purposes and I was speaking to the separation of duties where the Commissioner of Police is accountable to no political figure. But that is not the case with the Chief of Defence Staff as I have said before. The Chief of Defence Staff is accountable in the main to the Minister



of National Security and/or the Defence Council depending on how you want to look at it. Therefore, his job is circumscribed by political elements. When we say, as we do in this piece of legislation, that for matters of policing, he will not be accountable to the Minister of National Security, we miss some of the very extreme behavioural elements when you are caught in the political maelstrom. And it is and we have seen it before, where the Minister of National Security takes a trip to some road project in the south together with the Chief of Defence Staff. *[Interruption]*

**Hon. Senator:** That is right.

**Sen. S. Ramkhelawan:**—to break down sheds and whatever temporary buildings there were.

**Sen. Deyalsingh:** And a temple.

**Hon. Senator:** “It eh ha no temple.” *[Crosstalk]*

**Sen. S. Ramkhelawan:** I would be very concerned if in that situation, the Minister of National Security were to accompany the Chief of Defence Staff and looking on at him, you could have a situation where you say, “Arrest all dem fellas, arrest dem”.

**Hon. Senator:** And he has to comply.

**Hon. Senator:** Yes.

**Sen. S. Ramkhelawan:** The Chief of Defence Staff will say, “Look, I do not have to arrest them, because when we are dealing with policing matters, and I am accompanied by a police officer I do not have to listen to you.”

**Sen. Al-Rawi:** That is right.

**3.15 p.m.**

**Sen. S. Ramkhelawan:** Well, the Minister of National Security will say, “Well, you know your promotion coming up”. Or I should say the Minister of National Security could say, “Your promotion is coming up.”

**Hon. Senator:** Was coming up. *[Laughter]*

**Sen. S. Ramkhelawan:** “You want three tanks and you want to expand your air guard and so, well, you know, wait. Let us hear what you say about arresting these people because you are now engaged with the police.”

These are scenarios. This is one scenario which is a rather frightening scenario. It is the scenario where there can be a very perverse impact on the Chief of Defence Staff. It is not as though if he is relieved of the job, he can go and find another job somewhere in Trinidad. I do not think there is any other army in Trinidad.

So, therefore, we have to think when we think about policies, procedures, reporting and so on, what are the implications of this very far-reaching situation. That is why I am against the powers of the defence force, included in those powers being the powers of arrest when engaging in policing activity.

I believe it was Sen. Al-Rawi who raised the point that in no other jurisdiction of which he is aware, that the powers of arrest [*Desk thumping*] are accorded to members of the defence force, and I stand and wait to be regaled with situations where that is, indeed, the case.

**Sen. Al-Rawi:** With full disclosure.

**Sen. S. Ramkhelawan:** And if it is, well then, we will re-examine the situation that exists. [*Desk thumping*]

Should members of the defence force assist crime? I think the answer is, yes. Should they be given powers of arrest? I have said, no. Should they be accorded immunities? Yes. And should the Chief of Defence Staff be given the power to make a code of conduct after the fact? No. If he wants it, bring it here; let us study it, just like regulations are studied in something like this. [*Desk thumping*]

My friend, Sen. Al-Rawi, has on many occasions raised the matter of the legality or illegality of SAUTT, and I want to look at it today again, from the position of reporting and policies, rather than being caught in the minutiae, the fine points of law. Did the head of SAUTT report to the Commissioner of Police? I think not. Did the vote for expenditure for SAUTT come from the Commissioner of Police's vote? I think not. Was the matter of promotion of members of SAUTT—did it go to the Promotion Advisory Board as contained in the Police Service Act? I think not. For all of these reasons I am yet to be convinced that SAUTT was a legally established entity. But I am not here to talk about SAUTT more than I have already.

What is the role that is being suggested for the army—or should I say for the defence force—in this particular Bill? Well, compared to the police force, or the police service, the police service deals with prevention, detection and giving evidence towards conviction. Let us look at the role of both parties with the draft legislation that is put before us.

In terms of prevention, what is it that we really need from the army? I have heard very emotional cries about it: “Well, when the army is around we feel safe.” But the army is around now with very limited powers of arrest and action, but when they have expanded powers of arrest, whether you will feel just as safe.

So I think the cry of our citizens, that we want the army out there, should be heard, listened to and considered very carefully. Indeed, that has been the case for the past 10 years, we have heard in this Parliament. But what powers do we add and how will that affect us going forward? That, clearly, is the question that we must answer.

So in terms of prevention, yes, put the muscle of the army out there. Put the muscle of the army out there so it creates a deterrence, if you will, for those criminals, or criminals-to-be, who are very well armed—armed better than the police, but they will not be armed better than the army. I assure you of that. So it is a form of deterrence. But the question of how far across the line does the army go, is what we are trying to determine today by this piece of legislation. How far does the army go? Deterrence, yes, no question about it.

Madam Vice-President, I am the chair of a joint select committee which oversees, among other things, the municipal corporations as well as the Police Service Commission, and in the most recent meeting, the head of the municipal police in the Port of Spain Corporation raised the issue of better arms and ammunition—more powerful arms, if I want to put it that way. Why? Because the criminal elements in parts of the city were very, very, well-armed; in fact, better armed than the municipal police, and I heard members saying, “Well, you do not need that. You could deal with them this way.” But if your life is on the line and you are going with inferior weaponry—“pow pow” versus big, big, big guns—and I am sure my colleague, Sen. Dr. Balgobin will be able to tell me all the differences in ammunition and so on, which he will regale us with at a later time.

**Sen. Beckles:** A Zephyr versus a Benz.

**Sen. S. Ramkhelawan:** But if your life is on the line, why are you going to go out there? If your opponents have arms and ammunition which could drill through that wall, and you standing behind that wall and your arms and ammunition cannot do the reverse, well, I think you are entitled to feel concern for life and for limb.

**Sen. Beckles:** Of course.

**Sen. S. Ramkhelawan:** That is why I support the army being out there and going out on these various raids and police engagements, only for the purpose of prevention and deterrence.

The second area is detection. This Bill does not speak anything to assisting the police in terms of detection. It is only about raw muscle that you need. It does not speak anything, and it does not envisage the role in terms of conviction. And yes, it does. It

speaks to a member of the defence force who has arrested someone, bringing that person to a senior police officer within a reasonable time. What is a reasonable time? Could it be 48 hours? Could it be 24 hours? That is up in the air.

That is why I am suggesting that even when we complete the evaluation of this matter, that we need to really put regulations in place in terms of who can engage a unit of the defence force. Some constable? Or what is the level it should come from? An inspector? A superintendent? Who will be delegated from the police service to engage the unit of the defence force?

That has not been cleared up as yet. Within the current legislation—not this one that is before us—the Minister of National Security could call up the Chief of Defence Staff and say, “Chief of Defence Staff, send a unit along with the police”, because he has general supervisory authority for the Chief of Defence Staff. But if we want to create a structure—because at the end of the day, it was the Minister of Justice who made a plea for us to legalize something that is illegal—for us to ensure that when we send out our members of the defence force—and I am paraphrasing—that they have proper immunities if they take action when they are engaged in assisting the police. And as I said before, I am all for that.

But let me ask the question about conviction. So what happens when this member of the defence force delivers up a suspect, whom he has arrested, to a senior police officer, and sometime later—and I am addressing the question of conviction or potential conviction, Madam Vice-President—that officer, or that member of the defence force, is called upon to give evidence, and his commanding officer were to say to him, “No, no, no, we have these other things to do today.” Whom will he obey? And does the law make provision for something like that? It is a question that has to be answered because we have thrown two or three clauses together without thinking—the whole matter of policies, processes, practices; without considering those things.

So I am suggesting even when, or even if, we get to the point where we can agree on what is to be passed in this piece of legislation, it should be accompanied by proper regulation to ensure that there is a smooth flow, a smooth relationship, even with the separation of duties, how could we come together to meet the legitimate requirements of our citizenry for better protection when they go to bed at night or when they walk the streets during the day. Those are the issues that we really need to address.

I turn now to the position of the Commissioner of Police. I have already spoken to the matter of the Chief of Defence Staff, as he is constricted in terms of the political oversight. It is not the case with the Commissioner of Police, but the

Commissioner of Police, in my view, does carry a much heavier burden. How long does it take to appoint a Commissioner of Police? Under our existing regimen, the post was declared vacant in July of 2012. It is now April 2013. So this is a full nine or 10 months would have gone.

Do you know, Madam Vice-President, what is the process? The DPA has to go and find money to advertise that there is a vacant post. Well, I recently had cause to interview members of the Police Service Commission as chair of that joint select committee, and what I found was that the DPA was going, cap in hand, to the Minister of Finance—who is here with us today—to get the required sum to start that process, which is essentially to advertise and to employ a firm that will do the shortlisting.

So the process is: DPA, you get \$4 million or \$5 million, if the Minister of Finance is so minded. But I understand that the Minister of Finance has only provided as yet, \$2 million or \$3 million of the \$4 million or \$5 million, so even the financial requirement at that point in time is not sufficient.

**3.30 p.m.**

Then you go out to advertise for a firm that will do the interviewing and so on. Of course, you have to engage them. You have to contract them. That process has not been completed as yet. When that firm is contracted, it is only when a shortlist of the best possible—I think it is five or something like that—persons. The shortlist is put before the Police Service Commission and it is only then that the Police Service Commission can act. The Police Service Commission has no real role until that point in time and the Police Service Commission has not been called into action nine or 10 months later.

So when we talk about efficiency and better enforcement and so on, the first thing you need to do is make sure that you could get a Commissioner of Police within the shortest order, because an acting Commissioner of Police, he has to be concerned, very concerned, about whether he will in fact get the position. And then why would he consider and pay any attention behaviourally to matters of succession, because he might be putting, what is the saying? “Making track for monkey to run on.”

**Sen. Deyalsingh:** “Gouti—gouti to run.”

**Sen. S. Ramkhelawan:** Well anybody, once you make the track could run on it. So I do not know if you are a forestry person or something like that. [*Laughter*]

**Sen. Deyalsingh:** A possibility.

**Sen. S. Ramkhelawan:** But, I do know relatedly, I think the Attorney General spoke to a forest ranger. It is a good point of inflection, that a forest ranger has the powers of arrest, but by section 5 of that particular Act, the forest ranger only has powers of arrest for very, very limited areas.

**Sen. Deyalsingh:** Serious.

**Sen. S. Ramkhelawan:** “Yeah,” if he finds you with meat outside of the season or some kind of thing like that, but he does not have *carte blanche* powers of arrest. He has very limited powers of arrest as it relates to certain matters of forestry. I do not want to get into all of the fine points of that, because I am sure my legal friends in the Senate will be able to, as I said before, regale us with all of those things.

But lest I be distracted, I was speaking to the matter of the very tenuous position of the Commissioner of Police. I am not speaking to this Commissioner of Police, I am speaking to the structure of the recruitment of the Commissioner of Police. We have given the Commissioner of Police much extended powers—much extended powers. He can appoint every single officer. He can appoint every single officer in the police service save and except the Deputy Commissioners of Police, and I think that those are only four positions overall. He has wide authority but he is not appointed.

Even after the Police Service Commission makes a recommendation, it goes to His Excellency the President, and his Excellency the President has to send it to the Lower House, and then the Lower House has to debate it, and then the Lower House could reject it, as they did in the last instance, and you start the whole process all over again. Efficiency *extraordinaire*. I call upon the Government to rescind that process and make the process even more efficient.

**Sen. Deyalsingh:** They fought for that process.

**Sen. S. Ramkhelawan:** I call upon the Parliament to rethink its position because it is a recipe for inefficiency and ineffectiveness in the determination of who will lead our forces in the police service. It does not work. It has been shown not to work. It is the second instance where we are seeing that this thing does not work.

What difference does it make? What difference does it make when after consultation and agreement with the Leader of the Opposition and the Leader of Government, if there is agreement, why do you need to go through all the various “*simi-dimi*” of coming to Parliament? Is it that they do not have a whip? The

answer is no. We are floundering in inefficiency and ineffectiveness. That is the Commissioner of Police that you want to create even more efficiency in the system. And so, I do not wish to belabour that point even more.

[SEN. DR. JAMES ARMSTRONG *in the Chair*]

We have spoken to the question of good law. We have spoken to policies and procedures. We have spoken to the question of prevention and so on. I want to turn now to the question of the Police Complaints Authority and the amendment that is being suggested for the Police Complaints Authority.

Now the matter has been brought up before in this debate, that the Police Complaints Authority will not be able and will not have proper oversight of members of the defence force and there are fine legal points that were made about it.

But I want to raise another question, Mr. Chair, and that is in the whole process or the changed process for the appointment of the Commissioner of Police and the regulations and so which were changed around 2007 for the police service, just around that time you had this new Police Complaints Authority Act. I am asking the question whether it is not time for us to think about integrating some of the functions that are imbedded in the Police Complaints Authority with the Police Service Commission, an independent body, an independent body that has a certain amount of reach, a certain amount of impact on the Commissioner of Police which I do not think the Police Complaints Authority has.

So in terms of practice, do we really need now a Police Complaint's Authority or could those functions be handled by the Police Service Commission whose remit has been adjusted?

I am sure the Leader of Government Business would recall that prior to 2007, the commission was responsible for the appointment of every member of the police force. It is now limited to four which are the Commissioner of Police and the three Deputy Commissioners of Police.

I make the case because we are looking for better efficiency as far as we can establish that as a Parliament. We are looking for greater efficiency. I think it is time that we look at the role of the Police Complaints Authority and whether it can be integrated in the Police Service Commission to get that job done.

The Police Service Commission is charged with, as I said before, assessing the performance of the Commissioner of Police and the Deputy Commissioners of Police. So there is room for enhanced efficiency and I call for that to be considered.

As I said, Chair, my role is to simply say what I am prepared to support, and I can conclude essentially by saying, I am not prepared to support the carte blanche authority to arrest given to a member of the defence force for the reasons that I have already laid out. I am prepared to support immunities for members of the defence force who are engaged in policing or assisting the police on various functions.

I am not in support of a code of conduct after the fact to be orchestrated or crafted by the Chief of Defence Staff. I think when you bring back the legislation—because I suspect that you may have to do some alterations to this piece of legislation. Indeed, if you want to have it passed, I suspect that you might have to do that. If that is the case, let us bring elegant and workable legislation to this Parliament.

There is much more that I would like to say but I leave it to the rest of the Bench to engage in the other matters that need to be addressed, lest I take away some of their thunder. I thank you, Mr. Chair. [*Desk thumping*]

[MADAM VICE-PRESIDENT *in the Chair*]

**Madam Vice-President:** Minister Karim. [*Desk thumping*]

**The Minister of Tertiary Education and Skills Training (Sen. The Hon. Faizal Karim):** Thank you very much, Madam Vice President.

**Sen. Hinds:** You should be waving a white flag of surrender.

**Sen. George:** “Aye” you here? You never seem to be here. You are here very late.

**Sen. Hinds:** You should be waving a white flag for surrender.

**Sen. The Hon. F. Karim:** Thank you very much, Madam Vice-President, for giving me the opportunity to contribute to the Bill entitled: the Miscellaneous Provisions (Defence and Police Complaints) Bill, 2013.

**Sen. Hinds:** Major failure.

**Sen. The Hon. F. Karim:** I am overhearing a seagull which I mentioned has landed and deposited something since 2010, but the seagull has returned.

**Sen. Hinds:** “Yeah.” The Government has failed the country of this—  
[*Inaudible*]

**Sen. The Hon. F. Karim:** Madam Vice-President, this is precisely the kind of attitudes we want to change in this country—[*Desk thumping*]  
—one that is not lent to deviance and disruption and disruptive behaviour. [*Desk thumping*] I could



have now sat here and say, “I can conclude my presentation.” It really shows that we have to have some additional strength to the protective forces to guide the safety and security of our nation. [*Desk thumping*]

Madam Vice-President, I want to begin by asking the question, what really is the objective of this Bill? Why is it being brought to the Parliament at this time? Quite apart from all the legal arguments that we have heard and some of which from our colleagues, the concerns have been the excess authority or force of the army.

I think there is no doubt at all that we have seen a reduction in crime, but on the other hand, could you imagine if we had that additional resource from the army, in terms of the powers of arrest, how much more can we accomplish or will we accomplish in Trinidad and Tobago in the reduction of crime.

Madam Vice-President, I am minded to say that the significant problems we face today will never, ever, be able to be solved at the same level of thinking such as when they were first created.

Madam Vice-President, I am often reminded when I listen sometimes to some of our colleagues here, during the course of this debate, in terms of the presence of the army, on the one hand we are hearing that the presence of the army will and can make and has made a difference on the other hand we are being cautioned about the excessiveness, the force of the army.

Madam Vice-President, you know very often—and I give an instance like this, when someone dies in a home, we go to that home very respectfully and we extend our condolences and we say to that family, “We are very sorry to hear of your loss. We would like to allow you to know and that we know how you feel.”

Madam Vice-President, you can say sympathy and you can say empathy but you will never, ever, be able to know how that feels until it happens to you.

**Hon. Senator:** Well said.

**Sen. The Hon. F. Karim:** Madam Vice-President, this is what I think the force of this debate is all about, preventing another murder, preventing another loss of life in this country. [*Desk thumping*]

Madam Vice-President, it is very easy for us to come here to say that there are certain spots in Trinidad and Tobago, that are hot spots— so-called. It is very easy for us to come and say that we should not have the powers of arrest with the army, albeit only for the period of time when they are accompanying the police, and I am hearing from some of the contributors that it is unlimited, but in my estimation it is limited.

**Hon. Senator:** Very limited.

**Sen. The Hon. F. Karim:** It is very limited to the instance and to the time.

Madam Vice-President, before I start to go into the substance of my presentation, I want to say that I will be dealing substantially with the issue of training. Training which we can use some letters and acronyms to summarize in terms of what we will see the effect of, as being a game changer to the knowledge, to the skills, to the attitude of persons. All of us in this room here, in this august Chamber, would have been exposed to education and training that would have changed the way in which we behave and operate.

**3.45 p.m.**

I want to say that I am dealing with this matter with an open mind and I want to ask my colleagues on the other side to also deal with it with an open mind. I repeat again, it is easy for us to come here and debate against certain things, but maybe when it happens to you, you will change the tenor of your contribution. Let us not wait for that to happen. [*Desk thumping*] I want to say—[*Interruption*]

**Sen. Hinds:** “You mean being a seagull without ah muff?”

**Sen. The Hon. F. Karim:** I want to say that I am very impressed with one of my colleagues on the Independent Bench. I am reading from the *Newsday* of Tuesday, April 02, page 5. My colleague, Independent Sen. Elton Prescott, made reference in a sense to an article written by Sean Douglas, and I wished all of my colleagues in this Chamber would have adopted a similar posture like Sen. Prescott and I quote him.

He says—speaking about the “Defence Bill in Senate today”:

“It is a very important bill. Crime is a serious concern to the country and anything that could help crime is welcome, as long as it is in the best interest of the...”—country.

Madam Vice-President, we have brought this Bill to the Parliament because we are very serious about crime, and we feel confident it is in the best interest of all the citizens of Trinidad and Tobago. [*Desk thumping*]

There is no doubt that the People’s Partnership, led by our hon. Prime Minister, Mrs. Kamla Persad-Bissessar, has done significantly well in terms of addressing the crime situation. We are still trying our best to reduce it as much as possible. But the manifesto of the People’s Partnership has given a commitment to making our society a safe place. In this regard, we have adopted a multi-pronged attack which has been adopted to ensure that we reinstate safety and security to all citizens of our country.

Madam Vice-President, crime, as we all know, is a societal issue, and therefore, we are here to say it is so central, not only in terms of life and limb, but to the future success of our country, to our economic development—  
[*Interruption*]

**Sen. Hinds:** “And you sat and see dem dismantle SAUTT?”

**Sen. The Hon. F. Karim:**—to our attractive destination—[*Interruption*]

**Sen. Singh:** It was illegal!

**Sen. The Hon. F. Karim:**—for foreign investment, [*Crosstalk*] for the competitiveness of our nation. [*Crosstalk*] Therefore, I say that crime is a societal issue and therefore it requires the collective will of all of us in this Parliament. [*Desk thumping*]

It really, in a sense, requires the issue of law enforcement, of re-socialization of at-risk youth. I am sure my colleague, Independent Sen. Dr. Bernard, will speak exhaustively about that. In fact, I have some comments that I would want to make with respect to chapter five of the Ryan report, and when I read chapter five, I know that my colleague, Dr. Bernard, has contributed significantly in that regard. It is therefore re-socialization of the at-risk youth away from crime and the overhauling of the criminal justice system which my colleague, Minister Moore, has spoken about.

In just under three years, this Government has partnered with multiple stakeholders in an attempt to negate and minimize criminal activities. Among the major achievements, Madam Vice-President, include the following:

- The payment of a non-taxable allowance—special allowance—to serving officers of the protective services;
- The establishment of police surveillance bays along the major highways;
- The enactment of the Interception of Communications Act, 2010;
- The enactment of the Motor Vehicles and Road Traffic Mobile Devices Regulations, 2010;
- The enactment of the Anti-Gang Act, 2011;
- The enactment of the Bail (Amdt.) Act, 2011;
- The enactment of the Firearms (Amdt.) Act, 2011;
- The enactment of the Trafficking in Persons Act, 2011;
- The enactment of the DNA Act, 2012 [sic]. [*Desk thumping*]

Does that sound as if this Government is not serious about crime and criminality?

- The enactment of the Legal Aid and Advice (Amdt.) Act, 2012;
- The enactment of the Electronic Transactions Act of 2012.

And I can go on. I can go on and on. [*Desk thumping*]

**Sen. Singh:** “Tell dem!”

**Sen. Hinds:** What about the enactment and dis-enactment of clause 34?

**Sen. The Hon. F. Karim:** And as a matter of fact—

**Sen. Hinds:** “Yuh forget dat.”

**Sen. The Hon. F. Karim:** I am also hearing about the enactment of something else from the other side which we will deal with a little later, when I come to MYPART, MILAT and CCC, when my friend was a junior Minister or served in the Ministry of National Security.

**Hon. Senator:** Oh oh!

**Sen. The Hon. F. Karim:** I also want to make mention of the fact that we engaged in the declaration of a state of emergency and during that period of time—that has been criticized as well—we uncovered quite a lot of crime and criminality. We ensured that we got the guns off the street as much as we could have gotten. But, also, my colleague, the Minister of Energy and Energy Affairs, uncovered another aspect of crime and criminality—the bunkering issue at a cost of millions of dollars to taxpayers. [*Desk thumping*]

Madam Vice-President, Dr. Wheeler commended yesterday, favourably, on the Hoop of Life Community Basketball League Programme in 2012 and that was a major success. So there is no doubt at all that we have been doing as much and as best we can in terms of addressing this high incidence of crime which continues on the scourge of our lands.

Madam Vice-President, when I listened to some of my colleagues, some of them, even Sen. Ramkhelawan, made reference to the fact that there is a concern in terms of the reporting of the crime from the army, the soldiers, who will be accompanying the police. This aspect of partnering with the army is not new in this part of the world. We have heard what has happened in the case of Guyana, Jamaica and Antigua. But it is just as close to us as well in “Colombia stepping up...”—and I am reading here, with your leave, Madam Vice-President, the *Washington Post* of Saturday, January 22, 2011:

“Colombia stepping up anti-drug training of Mexico’s army, police. Long experienced in fighting cocaine cartels and Marxists guerrillas...”

And I do not think that that was the guerrillas that my friend, Sen. Dr. Henry, was talking about yesterday when he gave us a discourse on Nazism and also Leninism and also—I want to say that I was quite taken aback by Sen. Dr. Henry’s contribution. In fact, I tried to summarize his contribution and I really came up with three words: alarmist, fascist and Nazist. [*Laughter*]

I want to say that we do not really support anyone, and certainly none of our colleagues on this side will engage in any strategy of intimidation and fear, unnecessarily so, for the population and the citizens of Trinidad and Tobago and we saw that very clearly coming across yesterday. [*Desk thumping*]

**Sen. Hinds:** What?

**Sen. The Hon. F. Karim:** So, as I continue, I was saying:

“Colombia is training thousands of Mexican policemen as well as soldiers and court officers to help contain drug gangs that have turned parts of Mexico into virtual combat zones.”

Madam Vice-President, in another effort in another part of the world, and I am reading here, again, with your leave, from *The Australian*:

“New military police to get real powers to chase criminals”

This is really an article which showcases the Vice-Chief of the Defence Force, Air Marshall Mark Binskin, from Australia. It makes reference to:

“A powerful new military police service with authority to arrest civilians as well as serving personnel—both inside and outside Australia—will be established under plans being considered by Defence chiefs.”

Then, not too far from here, Madam Vice-President, when we read from the magazine of the International Red Cross and Red Crescent Movement and it makes reference to Brazil and it is entitled “A police matter”. In Brazil, the article written by Betina Monteiro, and this really is in a magazine in 2003, the Red Cross magazine, as I indicated, and the Red Crescent:

“In Brazil, a project to disseminate human rights rules is beginning to transform police practice and attitudes.”

If I may continue, with your leave, Madam Vice-President.

“On 30 August 2001, a kidnapping took account of Brazilian television schedules—this time, with consequences no one could have foreseen. The hostage was the country’s most popular presenter, Silvio Santos...”

And it talks about how he was kidnapped. But they went on to make reference to the fact that the police and the military police joined forces together. In fact, they said it was a fundamental fact in this story that they had undergone special training organized by the ICRC and the Brazilian Ministry of Justice in conjunction with military police, which professionalism really rescued the TV network specialist. It speaks to the fact that, in other words, these persons were trained to carry out police operations in accordance with international human rights. I think that is one of the concerns as well that is being raised here in terms of the human rights issue.

Therefore, as I speak about the concerns and the capability of the police and the army personnel, I want to say that when the statement was made in the House, both by the hon. Minister of National Security and other colleagues in the Lower House, in the other place, they made reference to the fact that the soldiers, the officers of the defence force, will undergo a period of training. That training was being earmarked or considered to be conducted by the University of the West Indies on the St. Augustine campus.

The University of the West Indies, St. Augustine, did, in fact, send in a proposal and I asked my Cabinet colleague, Minister of National Security, to consider allowing me to widen that net for discussion, and I want to thank him and congratulate him for it. What we did is that we expanded the discussion group to include, not only the University of the West Indies, but the University of Trinidad and Tobago and also COSTAATT. The reason was simple, because all three institutions had previously signed memoranda of agreement to engage in discussions, in negotiations, but also in terms of the conduct of programmes for the security forces in Trinidad and Tobago.

Dr. Bernard, in his previous incarnation, as the head of the Open Campus as well, would have been responsible for conducting programmes for the army in terms of leadership and management. Therefore, it bothers me sometimes when I listen to the contributions, and it makes it appear as though those persons, our citizens, who defend us from the army, seem less than capable of performing certain kinds of duties—*[Interruption]*

**Sen. Mohammed:** True!

**Sen. The Hon. F. Karim:**—and they are being referred to as “killing machines”.

Therefore, I want to say to you, Madam Vice-President and colleagues, that the police commissioner—and I want to congratulate and thank him for his assistance as well—the Chief of Defence Staff and his representatives, as well as

personnel from the Police Training Academy, from the University of the West Indies, UTT and COSTAATT, we met up to yesterday and agreed on a programme of training—an intensive programme of training. I hope that what I am going to say here will satisfy some of the concerns that my colleagues on the other side have in terms of training.

**Sen. Hinds:** “They wouldn’!”

**4.00 p.m.**

**Sen. The Hon. F. Karim:** What is being proposed is a four-week intensive programme. What happens, it was taken as well with the guidance from what the SRPs go through, in terms of their period of training as SRPs at the Police Training Academy. I also want to say that this programme conducted for the SRPs is also exposed and persons from the army, the military police (MPs) have also gone through this programme. The information we have from the Chief of Defence Staff is that in the first instance, the persons from the army who are going to be utilized, alongside with the police, would be those who are the military police and in some cases many of whom would have gone through that period of training.

The draft curriculum that we have before us, and which I have the permission of the committee to indicate to you, is comprised as follows. It is comprised, as I said, of a four-week intensive programme, with each week having 40 contact hours, and I am sure Dr. Bernard will note that and in addition to that, later on, ask the question about credits and where we can articulate to, after having conducted or gone through this programme.

I want to give you an idea of some of the areas that would be covered week by week, so that you would get a sense as to what this curriculum is all about and that you will feel convinced in a programme that is going to be conducted by personnel who are qualified, capable and competent in the tertiary sector and also assisted by personnel from the police service, the Police Training Academy. So, it is not simply only going to be academia and I would give you an idea as to how it is going to be conducted.

In the case of week one—and we have been speaking here about human rights, and that was one of the concerns—one of the areas in the modules that they are going to be looking at is international human rights law versus domestic law, as it relates to the employment of soldiers in law enforcement and that relates to the Defence Act, 14:01.

One of the other things that they will do in the very first week of this induction programme will be understanding the roles and functions of the police, so that the soldiers will be exposed to understanding that role. In fact, I should say

that during the entire four-week period, what we discussed yesterday as well, is to have certain bonding activities, because there have been some concerns along the lines that police and soldiers do not work well together. Well, we are seeing the evidence of their working together right now and we can see improved evidence after I go through some of the areas here, in terms of the curriculum.

- Customer service and communication: very importantly, how do we deal with members of the public? In fact, that too was raised in some of the contributions.
- Policing for people.
- Ethics and integrity in the workplace.
- Managing conflict.
- Gender in law enforcement.

Those are some of the areas that will be covered in week one.

In week two, which is really going to be dedicated, almost entirely, to the area of arrests, because some of the recommendations and suggestions we had are that we should not try to take a soldier and train him to be a police but he must understand the context in which he is going to be operating alongside the police and particularly, with respect to the powers of arrest.

So, among the topics that we are going to be delivering in week two, under the module “arrest” will be:

- Constitutional rights of citizens.

And they must be exposed to that. I am sure that they are aware of it but they are going to be exposed to it in a very deliberate intervention strategy within the context of a learning environment.

- Judges’ Rules.
- The definition of “arrest”.
- The powers of arrest.
- The use of force policy; reasonable force.

I know that was raised by my colleague Sen. Deyalsingh, when he was—in fact, he made mention of the fact about reasonableness in the execution of the duties and the whole concept of the expectation of force, as has been accustomed to being seen used.



Week three would be a module entitled “evidence”, and here I come to some of my colleagues who have raised issues and concerns with respect to the documentation of evidence, and in fact, I recall Sen. Prescott, in his contribution, as saying:

“Secondly, have the military officer trained in reporting crime. Section 5(2)(c) says: He must record or cause to be recorded the circumstances occasioning the arrest.”

Sen. Prescott goes on to say:

“That means he must write it down. He must write it in language that the DPP can understand and he must put in there every material incident because it is those facts that are going to determine whether we have a successful prosecution or not.”

I want to give Sen. Prescott the assurance that we have taken on board some of your concerns expressed there and it is in that context that we have ensured and insisted that not only is communication an important part of the module, but week three is entirely dedicated to evidence.

- The laws of evidence would be one of those areas that we are going to be dealing with.
- Crime scene management, and under that we have three subheadings:
  - preliminary investigation, that is the responsibility of the responding officer;
  - the identification of physical evidence;

And I think Sen. Prescott and my other colleagues, some of them, would have raised concern about:

- the accuracy of the report.

In fact, one made comment about whether they would be able to communicate orally and verbally and in written language properly. We are saying that this is how we are going to be responding to ensuring that the soldiers, the members of the army who are going to be alongside the police, are capably trained to execute their duties to ensure that we have a high prosecution rate.

- Preliminary investigation of serious crimes against persons.
- Preliminary investigation of serious crimes against property.

I am sure Sen. Prescott would be happy, like Sen. Al-Rawi, to hear:

- Court procedures.

What we are doing is that we are really anticipating the potential negative outcomes of this collaboration and adequately training our personnel to ensure a high level of success.

Week four, the final week of this intensive programme, has the following subsections of the module:

- Patrol concepts: observation and perception;
- Patrol techniques.

It makes reference as well here in detail to the Firearms Act, Chap. 16:01 as amended.

- Search of vehicles.

I think that during the course of the debate, that was also expressed as one of the concerns.

- The use of firearms.

They must be acquainted and be made well aware of the Motor Vehicles and Road Traffic Act, Chap. 48:50, as amended.

- Stop and search techniques.

They will also be briefed on those.

- The Dangerous Drugs Act, Chap. 11:25.
- Domestic Violence Act, handling domestic violent situations.

That is something that we know is an area of concern. I know much has been written about it. In fact, it is within the Ryan's report and, therefore, those are some of the areas that will be addressed during the training period.

- The Larceny Act and related offences; and
- Tactical considerations for crimes in process.

Madam Vice-President, I indicated that each week will comprise 40 contact hours, but I think it is important for Members to be convinced that not only are we simply going to be delivering this curriculum, but they must be aware of the methodology that is going to be used and so convinced that it is not simply a pass-in and a pass-out parade. The methodologies that would be used comprise as follows:

- classroom lectures
- role playing

Some of these are used and the kind of methodologies that we are using are international best practices.

- simulations within the context of where these classes, and as far as possible real-life situations are concerned

And also as I indicated earlier on, in terms of the bonding exercises, in terms of the police and army.

Madam Vice-President, no programme such as this can go without the requisite assessment and evaluation. I am sure my colleague, Dr. Bernard, will raise that issue. So, I am really anticipating the question that he is going to raise, because we must be able to assess what is being taught and also to ensure that what is being certified is in fact well evaluated.

The assessment and evaluation will be done on a module basis, using case studies and competency-based assessment. In fact, what is going to be happening as well is that, before we engage in the recruitment of the personnel from the army, I have suggested that a diagnostic assessment should be done at the beginning of the programme. That diagnostic assessment will tell us if we are required to do any remedial work. In fact, I also insisted, as far as possible, and I am sure Prof. Ramkissoon will be in agreement with this, that we engage in the deliberate module, teaching, learning, assessing the technology that will support a lot of this work. We cannot talk about a 21st Century policing—we cannot talk about a 21st Century response to crime and criminality and do not and cannot be well acquainted with the technology.

We also want to ensure, as far as possible, that we have the requisite handouts and workbooks for each participant and that whatever the qualification—and we are in the process now of determining the certificate that is going to be awarded and it is not going to be a certificate of participation.

**Sen. Hinds:** Save that money, yes! [*Inaudible*]

**Sen. The Hon. F. Karim:** It is going to be a certificate of competence because you are going to be assessed and evaluated and awarded with a qualification.

**Sen. Hinds:** “Best yuh give de soldiers de extra pay.”

**Sen. The Hon. F. Karim:** And, therefore, the award of that qualification will fit into the Accreditation Council of Trinidad and Tobago, the national credit and qualifications framework. Why is that important? It is important because we are not only providing an opportunity for training to the soldiers who would join the police; it is important as well that we can award this qualification on the basis of credit hours and, therefore, this can count towards or articulate to a next or a

higher level of qualification. So, we do not see this simply as a responsive intervention, in terms of preparing these personnel with training, but what we are doing is really opening a door of opportunity for the soldiers.

I want to say that I am sure I will have the understanding and the appreciation from my colleagues, Sen. Al-Rawi and also from Sen. Deyalsingh, particularly, as they understand the context of education and training. Education makes one trainable, training makes one employable and being employed makes you sustainable for life. In fact, I can add to that, makes one even more marketable. So, if you engage in this period of training, what prevents you from making a decision in the future, if you wanted to come to the police force and to join it? That is the kind of thing we are talking about. Right now the police force, according to the information from the hon. Minister of National Security, has approximately over 7,000 persons registered.

**Sen. Hinds:** The police service.

**Sen. The Hon. F. Karim:** The police service. But what we have in reality, according to the hon. Minister, is just about 5,500 people. Can we not see that the presence of the army, the soldiers, alongside the police, with powers of arrest, will strengthen the resolve to deal with this issue of crime? Can we not see that it is going to strengthen the equation and substantially reduce the amount of crime and criminality?

Bearing in mind that most of the tertiary institutions will have examinations around the month of May, we have agreed—and by consensus with the Acting Commissioner of Police, and the CDS and the personnel who were there yesterday—that we would want to consider, of course, after we present this for the approval of the hon. Minister of National Security, commencing the training programme by mid-May. In fact, we want to use, since it is a four-week programme, the three-month period from mid-May to mid-August, recognizing that examinations would have just been completed and a lot of our students would be off campus. In fact, I want to say from now that we do not intend this to be a residential programme or a programme in residence, but as far as possible, if we were to have extracurricular and what my colleague would call co-curricular activities, that would be accommodated as activities planned for socializing or even in terms of bonding.

**4.15 p.m.**

Those can be held over a period of an extended day, one in each of the weeks. So I say that we want to start by mid-May and what we had been asked to do so far by the Chief of Defence Staff, is to consider approximately 300 to 400 persons

who can be so enlisted in this programme. What it therefore means, is that you might get a class size of about 30 to 35 for each of the participating institutions: the University of Trinidad and Tobago and COSTAATT, and for each of those months in each of those institutions, by the end of the three-month period they would have accomplished their target delivery of 300 to 400 persons. It means therefore, by mid-August and certainly by the end of August, we would have trained 300 to 400 persons in all the areas that I have so indicated. Therefore, I wish to say that we are very convinced that this programme is going to be very purposeful; it is going to be very beneficial to this war on crime and particularly in preparing our soldiers to take their places alongside our police officers.

Madam Vice-President, much has been said about crime, criminality and deviance among the young population because the issue of crime cannot only be attacked, dealt with or addressed, in terms of where we are now in terms of what this Bill seeks to do. We have to address a generation and generations to come and, therefore, I want to make mention of some of the programmes that Sen. Dr. Bernard would have spoken to in his chapter as I indicated, together with Dr. Marjorie Thorpe. I did confirm that together they did, in fact, contribute substantially to chapter five of the Ryan report.

Dr. Bernard has been very vigilant and always speaking continuously for his concern about crime, and particularly among the young people of Trinidad and Tobago. I want to say to him that we continue to support the Civilian Conservation Corps; that we continue to support the MYPART Programme; that we continue to support the MILAT Programme and, in fact, it might be useful for me to give you some data in terms of the MYPART Programme and the MILAT Programme.

We can go back as far as 2010 when we spoke about the number of persons who would have been exposed to the MILAT Programme. Let me just say for the benefit of my colleagues, the MILAT Programme is really the Military Led Academic Training Programme, while the MYPART Programme is a Military Led Youth Apprenticeship and Reorientation Training Programme.

Among the accomplishments for 2010, I can indicate from the report that during the period October 2009 to March 2010, a total of 2,019 persons benefitted from this programme. There are similar numbers in terms of the MYPART Programme and the MILAT Programme, but I want to tell you that one of the ways in which we are addressing this whole aspect of youth deviance, crime and criminality is with respect to the expansion of these programmes.

I wish to publicly congratulate and to thank my Cabinet colleague Minister Marlene Coudray, for allowing us the use of the Presto Praesto Youth Camp and the Chatham Youth Camp. For the first time in the history of this country, the MYPART Programme will have other areas of engagement. Since it was opened, it has only been at one location, the former Mausica Teachers' College in Mausica, D'Abadie. But now and very soon we will be launching those other sites, other locations at the Presto Praesto Youth Camp and also at the Chatham Youth Camp.

As I speak about the CCC Programme, I also want to give you an idea of the current situation of the MYPART Programme. For the period up to 2012, that is for the period October 2011 to August 2012, there were 231 MILAT and 150 MYPART, all those were graduated, and these are young dropouts, socially marginalized—dropouts as they are described—young adults from schools within the ages of 14 to 25.

The MILAT programme also had some senior cadets and they—on to the MILAT as I indicated is really the academic programme, while the MYPART is really the apprenticeship programme. I also want to make reference to some of the discussions and what was written in the document, in the Ryan report as it is now popularly called, where Dr. Bernard—and I want to identify one or two articles, in fact, two articles that are attributed to his name there, “Reforming Our Education System”.

And, therefore, when we address education reform, Madam Vice-President, what we are debating here today in terms of having a rapid intervention strategy, for training our army personnel to take their roles alongside the police, may not arise in the years to come primarily because we are going to be addressing substantially this whole aspect of youth deviance and youth in crime.

Dr. Bernard in this article says that the use of physical space and need for movement should be taken into consideration as part of the education reform. He was saying that many of the technical/vocational programmes seem to be quite promising, on the basis of their positive outcomes for participants even among individuals in so-called hot spots. He goes on to identify some of the programmes that are very popular and they include the YTEPP Programme, the Youth Training and Employment Partnership Programme; the NESC, the National Energy Skills Centre Programme; the CCC; Servol; the GAPP Programme and the MuST Programme. The MuST Programme is called the Multi-Sector Skills Training Programmes. Along with the Multi-Sector Skills Training Programme, launched almost in tandem was the HYPE Programme, Helping Youth Prepare for Employment.

Madam Vice-President, it might be instructive for us to know how these two latter programmes came into being. Former Prime Minister Manning, in his concern as well at that time for the high escalation of crime, decided that he would take a walk among some of the communities and he went—it was on television and the media—he went to Laventille, and he also visited Enterprise in central Trinidad, among those that I recall.

It was while he was walking around he saw—I could actually remember seeing the photograph on television, the picture, there were people sitting under trees liming and he was engaging them in discussion. They were saying as in some cases they continue to say today, that “we want work, we do not have jobs”. The then Prime Minister was saying as, in fact, a lot of us in education and training would say, how will you get jobs if you do not have skills?

It is out of that concern—and I am proud to tell you that I was one of the architects of the Multi-Sector Skills Training Programme when I served as the chief executive officer of the National Training Agency—that programme was developed during that period of time in 2007 and, therefore, Dr. Bernard was making mention of the fact that even in those areas which are designated hot spots, these programmes seemed to have a positive impact, and we want to say that under the remit of the People’s Partnership, we have expanded technical/vocational education too.

**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. [*Hon. G. Singh*]

*Question put and agreed to.*

**Madam Vice-President:** Minister.

**Sen. The Hon. F. Karim:** Thank you very much, all. [*Desk thumping*]

#### ADJOURNMENT

**The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh):** Madam Vice-President, having regard to the sentiments expressed by several Senators of this honourable Senate, which the Government is taking into consideration, I would like to adjourn the current sitting of the Senate to Tuesday, April 09, at which we would deal with an Act to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50.

We will continue the debate on this issue on Tuesday, April 23. [*Continuous desk thumping*]

*Adjournment*

*Wednesday, April 03, 2013*

**Sen. Hinds:** Spectacular failure! Typically UNC!

*Question put and agreed to.*

*Senate adjourned accordingly. [Continuous desk thumping]*

*Adjourned at 4.26 p.m.*