

*Leave of Absence**Tuesday, April 23, 2013***SENATE***Tuesday, April 23, 2013*

The Senate met at 11.00 a.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Christlyn Moore, Sen. The Hon. Kevin Ramnarine and Sen. The Hon. Vasant Bharath who are all out of the country. On the question of other Senators, I will defer that matter to later in the proceedings. I note there are some questions on the Order Paper; perhaps, sometime after that.

ARRANGEMENT OF BUSINESS

Mr. President: In terms of today's proceedings I thought, perhaps, it might be worth identifying that subject to whatever flexibility we need, my proposal is we break at one o'clock for lunch, we will return at 1.45 p.m. and go to quarter to five for the tea break, and we will take it from there, but that is subject to the—as the proceedings go along.

ANTI-DOPING IN SPORT BILL, 2013

Bill to provide for the implementation of the UNESCO International Convention against Doping in Sport, the establishment of the Trinidad and Tobago Anti-Doping Organisation, the Trinidad and Tobago Anti-Doping Disciplinary Panel and the Trinidad and Tobago Anti-Doping Appeal Panel, the promotion of an anti-doping environment which encourages positive behaviour among participants in sport and dissuades them from using prohibited substances and prohibited methods and for other related matters, brought from the House of Representatives [*The Minister of Sport*]; read the first time.

PAPERS LAID

1. Value Added Tax (Amendment to Schedule 2) (No. 3) Order, 2012. [*The Minister of Finance and the Economy (Sen. The Hon. Larry Howai)*]
2. Ninety-Seventh Report of the Salaries Review Commission of the Republic of Trinidad and Tobago. [*The Vice-President of the Senate (Sen. Lyndira Oudit)*]
3. Annual Report on the Green Fund for the financial year ending September 30, 2012. [*The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh)*]

ANSWERS TO QUESTIONS

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. President, we are in a position to answer question 40 for oral answer, and I am advised that question 12 in written answer is on its way.

Sen. Al-Rawi: Mr. President, may I enquire, through you, to the Leader of Government Business, the status or proposed date for answer of questions 41 through 47 inclusive?

Sen. The Hon. G. Singh: Mr. President, these questions are now on the Order Paper for the first time and my colleagues are working on the answers and they will be furnished to this honourable Senate within a reasonable time.

WRITTEN ANSWER TO QUESTION

**Development Projects for Cities, Boroughs and Corporations
(Details of)**

12. Sen. Penelope Beckles asked the hon. Minister of Local Government could the Minister indicate to the Senate:

- (i) the amount of moneys allocated to each city, borough and corporation for development projects for the years 2009 – 2012;
- (ii) the list of projects completed in the respective cities, boroughs and corporations for the said 2009 – 2012?

Answer lodged in Parliament Library.

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper:

**Commission of Enquiry into the 1990 Attempted Coup
(Details of)**

41. Could the hon. Attorney General indicate, as at March 2013, the following:

- (i) the total cost of the Commission of Enquiry into the 1990 attempted coup inclusive of salaries for professional services rendered, administrative costs and other incidentals;
- (ii) the names of professionals providing services to the commission and to the State and to all state enterprises appearing at the commission and/or advising in relation thereto; and
- (iii) the total fees paid to the professionals identified under paragraph (ii) above? [*Sen. P. Beckles*]

**Clico/HCU Commission of Enquiry
(Details of)**

- 42.** Could the hon. Attorney General indicate, as at March 2013, the following:
- (i) the total cost of the Clico/HCU Commission of Enquiry inclusive of salaries, fees for professional services rendered, administrative costs and other incidentals;
 - (ii) the names of professionals providing services to the commission and to State and to all state enterprises appearing at the commission and/or advising in relation thereto; and
 - (iii) the total fees paid to the professionals identified under paragraph (ii) above? [*Sen. P. Beckles*]

**Science and Technology Policy for Trinidad and Tobago
(Details of)**

- 45.** With regard to the Science and Technology Policy for Trinidad and Tobago, could the Minister of Tertiary Education and Skills Training indicate to the Senate:
- (i) what is the status of development/execution of this policy;
 - (ii) how will the policy be funded;
 - (iii) does the policy include a National Research and Development (R&D) System;
 - (iv) how much has already been spent on R&D as a percentage of GDP during the 2010—11 and 2011—12 periods;
 - (v) what major areas were the recipients of the expenditure under (iv) and how much was expended on each area; and
 - (vi) when can the country expect to reach the international recommended minimum expenditure on R&D of 1 per cent of GDP? [*Sen. Prof. H. Ramkissoon*]

**The “A-Team”
(Details of)**

- 47.** With respect to the “A-Team” assembled to investigate and collect evidence on corruption as announced by the Attorney General on August 13, 2010, could the hon. Attorney General indicate:
- (i) the total amount of fees paid to date, to each of the local and foreign-based lawyers of the “A-Team”;
 - (ii) the total sum paid to date to the non-lawyer(s) on the “A-Team”;

- (iii) whether the work of the “A-Team” is complete, and if so, whether any evidence to support any criminal charges against any person has been gathered; and
- (iv) if the work of the “A-Team” is not yet complete, would the hon. Attorney General indicate the status and a projected completion date? [*Sen. F. Hinds*]

**Children’s Life Fund
(Details of)**

- 48.** With respect to the Children’s Life Fund, would the Minister of Health indicate to the Senate:
- (i) the total amount of money now held in the account(s) of the Children’s Life Fund as at December 31, 2012;
 - (ii) the number of children up to the said December 31, 2012, who benefited from access to this fund;
 - (iii) the number of children who acquired treatment/care locally; and the number who acquired treatment/care abroad;
 - (iv) what was the largest single donation/contribution to the fund, as well as its source; and
 - (v) whether any contributions from ministerial salaries are included in the figure(s) at (i) above? [*Sen. F. Hinds*]

**Caribbean Airlines
Hiring of Ascend Aviation**

- 49.** With regard to the hiring of Ascend Aviation, by Caribbean Airlines, to perform evaluation work as to the suitability of leased aircraft, could the hon. Minister of Finance and the Economy indicate:
- a. which of Ascend Aviation’s worldwide offices performed the evaluation;
 - b. the date of procurement of such services;
 - c. the date of submission of the report;
 - d. the terms of reference of the exercise;
 - e. the cost of the exercise; and
 - f. the name of the person who signed off on the report? [*Sen. T. Deyalsingh*]
- Questions, by leave, deferred.*

**Dangerous Dogs Act, 2000
(Details of)**

40. Sen. Terrance Deyalsingh on behalf of Sen. Penelope Beckles asked the hon. Attorney General:

With respect to the Dangerous Dogs Act, 2000, could the hon. Attorney General indicate to the Senate:

- (i) whether the Government intends to proclaim the Act;
- (ii) if the answer to (i) is in the affirmative, the intended date of the said proclamation;
- (iii) if the answer to (i) is in the negative, whether the Government intends to amend and/or repeal the Act and the time frame for same?

The Attorney General (Sen. The Hon. Anand Ramlogan SC): Thank you very much, Mr. President. With respect to question No. 40, whether the Government intends to proclaim the Dangerous Dogs Act, 2000, the answer is “no”.

If the answer is affirmative, the intended date of the proclamation: well, that does not apply in light of the answer to (i).

With respect to (iii), whether we intend to amend or repeal the Act and the time frame—of course, we will have to repeal and withdraw that Act, and the Government has in fact completed a new version of the Dangerous Dogs Bill which is before the Cabinet for approval and subsequent to that approval it will be introduced onto the legislative agenda for debate.

We have had a major policy shift from the old unproclaimed law, which went for an outright prohibition against dangerous dogs, to a policy of responsible ownership, management and control of the dogs with built-in safeguards to protect public safety such as insurance, the height of your fence and certain other specifications that will all go to the responsible ownership of dangerous dogs, and that will be introduced at the earliest possible convenience subject to the legislative agenda, which at the moment is a bit crowded. Thank you very much.

ARRANGEMENT OF BUSINESS

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. President, in accordance with Standing Order 24(4), I seek the agreement of the Senate for Government Business to take precedence over Private Business at today’s sitting.

Question put and agreed to.

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

[Third Day]

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

That the Bill be now read a second time.

Question again proposed.

Mr. President: Those who spoke on Tuesday, April 02, 2013: Sen. The Hon. Anand Ramlogan SC, Attorney General, mover of the Motion; Sen. Fitzgerald Hinds; Sen. Elton Prescott SC; Sen. The Hon. Christlyn Moore, Minister of Justice; Sen. Terrance Deyalsingh; Sen. Corinne Baptiste-Mc Knight; Sen. The Hon. Dr. Bhoendradatt Tewarie, Minister of Planning and Sustainable Development; Sen. Dr. Lester Henry; Sen. Dr. Victor Wheeler. On Wednesday, April 03, 2013: Sen. The Hon. Marlene Coudray, Minister of Gender, Youth and Child Development; Sen. Faris Al-Rawi; and Sen. Subhas Ramkhelawan.

Sen. The Hon. Fazal Karim, Minister of Tertiary Education and Skills Training, was on his legs and granted a 15-minute extension and therefore Sen. The Hon. Karim there is 15 minutes and you may proceed at this point.

Sen. The Hon. F. Karim: Thank you very much, Mr. President and colleagues, for allowing me the opportunity to continue my contribution.

Before I engage in the continuation of my contribution, Mr. President, permit me the opportunity to congratulate my neighbour on the Bench and my Cabinet colleague, the very distinguished Minister Emmanuel George on his appointment as the Minister of National Security. [*Desk thumping*] Also, allow me to congratulate another colleague of ours in the House—in the Senate, Sen. Helen Drayton, Independent Senator, for the launch of a book, *The Crystal Bird*. We congratulate you. [*Desk thumping*] I am sure we will be well advised to get a copy and read it. I am in fact promoting the sales. [*Laughter*]

Mr. President, I continue with my contribution on the Miscellaneous Provisions (Defence and Police Complaints) Bill, 2013. On the last occasion I shared the example of Colombia conducting anti-drug training for the Mexican army and police in a joint exercise, and that this confirmed that the defence force and the police service were successful in undertaking joint initiatives in other jurisdictions.

Mr. President, I also spoke to the example of project fulcrum in Australia which provides the military police service with the authority to arrest civilians. The Members opposite seem to be insistent on instilling fears—that is, some of those

in the closest proximity to us—in the hearts of our population. They sought to raise fears of the soldiers being referred to as killing machine which was debunked on several occasions, and particularly by the hon. Prime Minister.

The Government recognizes that the defence force can collaborate with the police service and has been doing so over a number of years, and also during the previous administration. The evidence—and this is evidence through joint patrols which were utilized under the former administration—that also demonstrated the kind of due care and responsibility during the state of emergency, and therefore the valiant efforts of both the defence force and the police served to save the lives of many persons in Trinidad and Tobago.

Mr. President, the Bill before us proposes to afford members of the defence force who are hand selected by the Chief of Defence Staff, the same powers, authorities and privileges given under the law—and I want to underscore as we have been doing on this side—when working alongside the police service. The precedent you would have heard from the Attorney General who piloted the Bill is not only substantiated locally through the Motor Vehicles and Road Traffic Act, among others, but it is also enshrined in laws across the region and internationally.

Mr. President, on the last occasion as well I purported to show that, through the Ministry of Tertiary Education and Skills Training, we will undertake an intensive training programme which is really an induction training programme that focuses on the powers of arrest. I know that some of my colleagues who are very experienced in the training system and the sector may say that what was outlined before in terms of the 160 contact hours over a four-week period might be too short, but I want to again reiterate, we recognize that it is short. It is short because it is intensive, and it is intensive because it is determined only to engage in the attention of the powers of arrest, and it is not to make a soldier a policeman, and that is the key in terms of the programme that is prescribed.

Mr. President, I also want to take this opportunity to say that, in determining this induction programme, discussions were held with the Chief of Defence Staff and the Commissioner of Police as well as the Police Training Academy, in addition to participants and representatives from our major tertiary institutions, including the University of the West Indies, the University of Trinidad and Tobago and COSTAATT, all of whom have signed agreements with the Ministry of National Security. So I wish to underscore as well that the programme that we have proposed and are proposing is really to ensure the equipping of the soldiers alongside the police, particularly in the focus of the powers of arrest, and on the last occasion I went through in detail what the modules for each week would have involved.

Mr. President, this is really to forge the collaborative approach between the defence force and the police, and to ensure that our soldiers are adequately equipped to perform the proposed duties and responsibilities, and we do so through the legislative framework.

11.15 a.m.

I did say, in passing, that in terms of the areas of training—and I wish to reiterate some of these briefly because I am sure some of my other colleagues as I said who may want to comment on the intensity of the training programme will want to recognize, of course, that we are covering some of the key indicators that we would like this training programme to focus on.

In week one, among the things we said that we are going to focus on will be international human rights versus domestic law, understanding the roles and functions of the police—sometimes we hear complaints about the way in which the protective services perform their duties—and one of the other modules will be customer service and communication, self-awareness and managing conflict. I did say, Mr. President, in terms of week two, among the areas will be the constitutional rights of citizens.

So, we want the soldiers and the police to be reminded, and particularly the soldiers, to be reminded about the rights of citizens so that we ensure that there is a minimal risk of infringing those rights. We also wanted to ensure that they understand the definition of the arrest and powers of arrest. While in week three, we will want to focus to some extent on the laws of evidence, crime scene management, which is something important. We want to ensure that in terms of crime scene management, that one of the things we will want to advise is that they do not land a helicopter near to a crime scene and that might dissipate the evidence as has been happening in the past.

Court procedures will be something that we want to advise on as well, while in week four we will want to look at police and patrol concepts, relevant legislative frameworks such as Firearms Act, Chap. 16:01, the Motor Vehicles and Road Traffic Act, Chap. 48:50, among others. But also, Mr. President, we want to ensure that they are very much aware about tactical considerations for crimes in progress.

Mr. President, I reiterate for the benefit of my colleagues who may want to question the intensity of the training programme, it is not to make a soldier into a police. It is to ensure that they are properly equipped with the knowledge, the skills and the attitudes to work alongside their colleagues in the police service. Finally, I spoke to the different methodologies, the assessment and evaluation strategies as well as the proposed training schedule.

The People's Partnership Government has committed, as we know, to human capital development and that is enshrined in the manifesto which is now Government's policy. This induction training programme, with the members of the defence force, presents itself as an opportunity for our soldiers to become more expert in the fight against crime. We anticipate that this will encourage some of the members of the defence force to pursue training at an advanced stage, and as we indicated before as well, if they so desire to join the police service this training will be credited towards that, their application. So it is not as though it is a one-off situation only responsive to this environment that we are in, but we will be able to ensure that there is articulation—I am sure Dr. Bernard will be happy to hear this—even in terms of courses like criminology and crime management.

Mr. President, Trinidad and Tobago has benefited from foreign military training, so that what we are engaging in here is nothing new. What we are saying is that we are strengthening the protective services to engage in crime-fighting strategies. I need to remind all colleagues that the Department of Defense and the Department of State of the United States of America have trained our police and defence personnel in courses such as—and I just want to enumerate a few of these—special ops combating terrorism, small arms repair, ammunitions specialists, maritime law enforcement.

Mr. President, it is very clear from what I am saying, and in my contribution previous to now, that the Government is committed to continuous development of our nationals to advance training techniques in combating local and transnational crime. We must not allow criminals to attack law-abiding citizens. This is what this is all about as well: strengthening our resolve to ensure that the criminals do not attack law-abiding citizens. Our citizens are contributing to our national treasury and yet are forced to sometimes live in cages.

Mr. President, I ask our colleagues for their support with this Bill, but I ask them as well to consider the following questions, as indeed, we are very mindful of some of the answers to these questions: do we have burglar proofing on our windows and why do we have that? Do we have bodyguards sometimes or do we have to hire bodyguards to protect our children? Do we have dogs in our yards to protect our property, our lives? Do you own a licensed firearm? Do you have CarSearch on your vehicles? Why do you have those? It is all towards the protection of life and property. And what the Government is proposing in this Bill is another opportunity to increase the protection of life and property, and we seek your support in this. [*Desk thumping*]

Mr. President, if the answers to these questions are yes, we must engage in some introspection. The intent is very clear. Let me say that in closing, and the few minutes I have remaining, let me exhort my colleagues on the other side through the

remarks made last night by the hon. Prime Minister at her birthday celebration. Over the years from administration to administration we have had the widespread support to resume hangings in this country, and the question is why? Again, another opportunity to ensure that we address squarely the scourge of crime.

I want to appeal to my colleagues next door to consider that what I am saying is not a political issue, contrary to what some may think. We support hangings, but we also want to make sure that we are all safe and secure. That is what is going to increase the investment opportunities for this country as well.

Some of those and their colleagues outside of this Chamber would have voted against every measure designed to fight crime, every measure.

Hon. Senator: What!

Sen. The Hon. F. Karim: Some of them—I am not saying you here—I am saying that some colleagues outside, you may find making comments and voting against some of the proposals that the Government is making, whether it is in terms of the Capital Offences Bill, whether it is in terms that they rejected the DNA Bill, whether in terms that as they are doing now to reject in some cases publicly this whole approach to the support of police and army.

I ask: why is it that we are not getting this assistance? I want to appeal to them: let us all work towards ensuring that we make Trinidad and Tobago a safer place. Let us ensure that we do not have any more blood on the streets of Trinidad and Tobago. We ask you to support this Bill. We ask you to ensure that you know there is a sunset clause in it so that it is for a particular time. Give it the opportunity to be tried, to be tested to work. We have seen already the evidence of it working. This is not any election campaign. This is really to remove the fears from the hearts of our people and to provide all of us with a sense of safety and security.

Mr. President, I so commend my contribution and we ask for the support of Senators on the other side. I thank you very much.

SENATORS' APPOINTMENT

Mr. President: Senator, sorry, before you start, I have received some correspondence from His Excellency the President which I intend to proceed with at this point in today's sitting.

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

Senators' Appointment

Tuesday, April 23, 2013

“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 Armed Forces of the Republic
of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona SC
President.

TO: MR. DON SYLVESTER

WHEREAS Senator the Honourable Christlyn Moore is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, DON SYLVESTER, to be temporarily a member of the Senate, with effect from 23rd April, 2013 and continuing during the absence from Trinidad and Tobago of the said Senator The Honourable Christlyn Moore.

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 22nd day of April, 2013.”

“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 Armed Forces of the Republic
of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona SC
President.

TO: MR. WAYNE DANIEL STURGE

WHEREAS Senator the Honourable Kevin Christian Ramnarine is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago,

Senators' Appointment

Tuesday, April 23, 2013

do hereby appoint you, WAYNE DANIEL STURGE, to be temporarily a member of the Senate, with effect from 23rd April, 2013 and continuing during the absence from Trinidad and Tobago of the said Senator Kevin Christian Ramnarine.

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 22nd day of April, 2013."

“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 Armed Forces of the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona SC
President.

TO: ARCHBISHOP BARBARA BURKE

WHEREAS Senator the Honourable Vasant Vivekanand Bharath, is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, BARBARA BURKE, to be temporarily a member of the Senate, with effect from 23rd April, 2013 and continuing during the absence from Trinidad and Tobago of the said Senator Vasant Vivekanand Bharath.

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 22nd day of April, 2013."

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law: Don Sylvester, Wayne Daniel Sturge and Archbishop Barbara Burke.

11.30 a.m.

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

Sen. Helen Drayton: [*Desk thumping*] Thank you, Mr. President. Let me open by congratulating our new Minister of National Security. Sen. George has served this country for quite a few decades well, and I do hope, Sir, that you make an excellent Minister of National Security. My only disappointment was that I would have preferred to have spoken before you were named Minister of National Security. [*Laughter*]

I also thank you for your kind sentiments, Sen. Karim, with respect to my book.

Let me open my contribution with these words. I have no problem with military supporting the police in the fight against crime, and I do not think that any citizen has an issue with that. Mr. President, successive governments have made sincere and major efforts to reduce crime, and although those efforts may have, in the eyes of the public, met with some failures, I feel confident to say that, as bad as crime is, I believe that strides over the years have been made.

Crime could still be worse when placed against the impact of terrorism and, worldwide, citizens' sense of insecurity. The Boston terrorists' near massacre of many more civilians brought that home, and as bad as the level of crime is currently in this small and vulnerable country, it is incomparable with the massacre that took place on 9/11, the recent Boston attack, over three decades of terrorism in England and across Europe, and what is revealing about the behaviours of these governments is that none of them have resorted to give military officers full police powers, [*Desk thumping*] as the Government proposes in this Bill.

I know that there are situations across Europe, India, Australia, and I will come to that in a while, but before I do so and before I examine the context of this Bill—because I think the environmental context is important—and discuss its contents, I think it is necessary to clear certain wrong impressions that were given. Now, I am not saying that any Member of Government, when he or she was on their feet, intended to give wrong impressions, but nevertheless, I think wrong impressions have been created.

Listening to the public out there, the public believes that this Bill is about giving soldiers powers of arrest, and this is not so. This Bill we are debating gives military officers full sweeping police powers, including all the powers incidental

to arrest. So that includes the search of individuals, the search of vehicles, the search of property, including dwelling houses, and without warrants, because all those are powers of the police force—and even homes, without warrants, when in pursuit of a felon. It also will give the soldiers the ability to detain persons until they can hand them over to the police, and in the context of the anti-gang legislation, that is for up to 72 hours because all those are police powers.

So granting soldiers full police powers and authorities means they can also prosecute a person who commits an offence—and I do not know, given the situation with our courts, why the Government would want to venture upon a situation that would now further compound the problem by interfering [*Desk thumping*] with the system and the integrity of the military by having soldiers bogged down in a courthouse. [*Desk thumping*]

Now, this Bill about giving military officers powers of arrest, it is really about expanding the role of the defence force over a long, continuous period, never intended by the Constitution. The two-year sunset clause is immaterial and, quite frankly, it is untenable and I will come to that situation later on. [*Desk thumping*]

The second wrong impression given about this proposed law is that the military officers will accompany police. This law is specific. This Bill is not only about joint patrols. Nowhere in this Bill does it speak to soldiers accompanying the police or being with the police. [*Desk thumping*] So it is not fully the case that this Bill is about joint police operations.

Now, the wording of the law, as I said, it is specific. It says:

“When any unit of the Defence Force is charged under subsection (2) with the duty of assisting any member of the Police Service in the maintenance of law and order and is engaged in so doing, the members of the unit shall—

(a) have the same powers, authorities, privileges and immunities as are given by law to members of the Police Service, subject to subsection (2C);”

Subsection (2C) says the defence force members:

“...shall, without delay and in any event as soon as is reasonably practicable,”—and “reasonably practicable” has not been defined—“hand that person and any items seized over to the senior police officer whom he is assisting...”

So if the senior police officer is with the soldier, I do not understand why it is a question of handing over to the senior police officer. But then it goes on to say:

“or to the nearest police station...”

So that infers, quite clearly to me, that the soldiers need not be with the police. Now, that might be the Government's intent, but we are not dealing here with what is the Government's intent; we are dealing here with the specifics of this law. [*Desk thumping*]

Now, I do not have to be with a person in order to effectively assist them. All of us who are in this Chamber today probably have people assisting us with various duties. They are not with us. The soldiers do not have to be with the police to assist them. So the intent of this law cannot be solely for soldiers to be always with police—and I will come back to that point.

Third, the Government made mention of the Justice Cross Report, and the manner in which references to that report was made, would seem to give the impression that Justice Cross, in his report, made recommendations for soldiers to have police powers. I do not think we will find that anywhere—

Sen. Al-Rawi: That is right. [*Desk thumping*]

Sen. H. Drayton:—in the report, and I do not think we are in a position here now to second-guess Justice Cross in a context of what he meant many years ago with respect to that report.

The fourth misrepresentation is with respect to Jamaica, Bahamas and Antigua. There are no laws in Jamaica, Antigua, Barbados, or anywhere else in the Caribbean [*Desk thumping*] that give soldiers full police powers in the manner as described in this Bill, except in a state of emergency or in the case of anti-drug laws and anti-terrorism laws. And the Jamaica Act goes further because the Jamaica Act—in their maritime Act, in their economic zone Act, in their anti-terrorism Act, they, in fact, included soldiers in their schedule so that the soldiers, then, with respect to those specific duties, do have powers of arrest.

With respect to Australia, Minister Karim mentioned Australia—throughout Europe there are military police. Canada has a history of military police coming from the mounted police. The difference is, Mr. President, all these countries have a specific framework in which they operate and there are robust systems of civilian oversight, as well as parliamentary oversight.

Sen. Al-Rawi: That is right! That is the point! [*Desk thumping*]

Sen. H. Drayton: That is the difference. The only oversight we have in this context is a National Security Council made up, primarily, of politicians.

Sen. Al-Rawi: That is right.

Sen. H. Drayton: Okay. So I want to say that I am here to help and I will come with suggestions. It is not that I am anti any sort of proposal with respect to leveraging the strengths of our military in the fight against crime.

So this Bill is unprecedented. A Jamaican soldier does not have powers of arrest, search, apprehension and detention. [*Desk thumping*] A member of the Jamaican Defence Force, like a member of the Trinidad and Tobago Defence Force, in accordance with common law—

Sen. Al-Rawi: That is right.

Sen. H. Drayton:—may arrest and give into the custody of police, a person involved in the following situations: to stay a breach of the peace, which is either being committed in his presence or which he has reasonable grounds to believe will be done—to prevent a crime.

So, if a man is running down a merchant downtown with a cutlass, obviously, the intent is to wound that man, and there is a soldier who is armed and the State has given him arms, he is empowered under common law, under the criminal law, under the Defence Act, under the police Act, to prevent that crime from taking place and to use force in proportion to the situation—

Sen. Al-Rawi: If he does not assist, it is a crime.

Sen. H. Drayton:—and if he does not assist—he is obligated under the law to assist.

Sen. Al-Rawi: That is right. [*Desk thumping*]

Sen. H. Drayton: There is no question about that. He is obligated to prevent that crime, where a crime is being committed in his presence.

Now, section 9(3) of the Jamaica Defence Force Act was enacted to enable the members of the defence force, whilst engaged in joint operations with the police, to enjoy the same statutory protection as members of their constabulary force, and these privileges, protections and immunities are not restricted to the following: the compensation which a constable will be entitled to where he dies or suffers injury in the performance of his duties while assisting the police; the provision of pension rights to the dependents, similar to a constable if the constable is killed in the line of duty; and protection in respect of civil suits, and this is with respect to the Jamaican police force.

So Jamaica is actually pointing some ways to us to resolve the situation and to help the Government in its efforts against crime for the benefit of all of us. This protection for a constable places the onus on a plaintiff to allege and prove that the act complained of was either malicious or done without reasonable probable

cause. The essence of this statutory protection in the Jamaica law is that the onus is placed on the plaintiff who sues a constable for misconduct. So, really, this is protection under malicious prosecution as obtained under common law, once the soldier acted in good faith in the execution of his duties. [*Desk thumping*]

Now, mention was also made by the Government with respect to the Jamaican Prime Minister, giving the impression that the Jamaican Prime Minister has certain powers and authorities consistent with what is being recommended here. That is not so. There is a Governor General in Jamaica and the Jamaican Police Service certainly cannot bestow police powers upon the Jamaican Defence Force.

I want to turn to the fifth misrepresentation of facts, and that had to do with customs and other officers. According to the hon. Attorney General, he said, and I quote:

...we are going to give the defence force personnel, powers that are enjoyed already in this country by private security guards, WASA police, T&TEC police...

That is not so. [*Desk thumping*]

Sen. Al-Rawi: Absolutely correct!

Sen. H. Drayton: All right? And this is not an argument that we should allow to condition the minds of the public. Customs, traffic and other uniformed officers have police powers limited to their normal exercise of duties.

11.45 a.m.

So, if a customs officer, for instance, opens a container and he finds drugs and guns, he has to have the power to arrest and detain that person, and if that person tries to escape or to harm him, he has to have the powers to use reasonable force to detain that person. So, that is not the same as giving a customs officer full sweeping powers.

The sixth misrepresentation occurred during the AG's drama that gave the impression that when soldiers are acting with the police, they do not have protection immunities as police officers do and therefore soldiers are disadvantaged. Mr. President, police officers have no more immunities and protections than any military officer right now. [*Desk thumping*] You will not find any Act, including the police Act, that gives police any sort of immunities, other than what exist in the execution of their duties in good faith.

Sen. Al-Rawi: That is right.

Sen. H. Drayton: Okay. So that when the Attorney General says, well, if we want a Bill that says give the soldiers then—remove the powers of arrest and so on and give them immunities/protections and he asked, well, what immunities if they do not have the powers of arrest? I could only ask the Attorney General to tell me, specifically, what immunities do the police have? I know there is one clause in the DNA Act when it comes to taking DNA samples.

Now, once our police officers are acting lawfully on joint patrols and a soldier is in the company of a police—and in the context of Jamaica, as I said they have no powers of arrest. One police, one police officer, could cover a whole troop of 22 to 30 soldiers and that is how they operate.

So that once they are operating in the company of the police, they have all the protections of a police officer. As I said, you will find no immunities mentioned anywhere. I will come back to that because I know there is a real situation out there where soldiers could be compromised.

The eighth misrepresentation: in his presentation the AG gave the impression that if the air guard is fired upon while in support of law enforcement it cannot do anything. So his quote:

“So when we have programmes where we engage the air guard to assist the police service to track down a vehicle that kidnap someone, or to look for illegal drugs... The air guard personnel if they are fired upon; what legal protection and status do they have?” Now,—“If they are on their routine business and they engaged; what is their position?”

Those are the questions that the AG asked.

Answer: if criminals are firing at the air guard officers, they are doing so to kill them. The air guard has every right and they are empowered to take self-defensive action in the exercise of their duties, and that is why we arm them. So if they are fired upon, they are supposed to fire back, and when they aim, they are supposed to make sure that the criminals cannot fire back at them again.

Sen. Al-Rawi: That is right.

Sen. H. Drayton: Now, there are irregularities. It is true that governments in many places are examining the future role of the military, and this is because the nature of warfare continues to change, and terrorism, cyber warfare and the internal threats are more likely to feature in the future than what we saw in the Second World War. But, none of them are thinking of doing away with the military, if only because, while the nature of war is changing, the world has never been more in danger than it is now, because of the empowerment of technology.

So with a phone in your hand—the cellphone—the way you could mobilize mass unrest. If the soldiers in 1970 had the technology that we have now, it would have been a different ball game, totally different ball game.

So we are replete with uprisings going back in history. And 1970 and the attempted coup in 1990 demonstrated the need for our military and the police to be kept separate—separate. They have specific lines of duties and that is how it should be. In the Government's justification for this Bill, the Government said that soldiers operating in support of the police are disadvantaged and discriminated against in law because they do not have the powers and authority of the police. We heard that soldiers are operating illegally and this law will regularize operations. The law, however, is not discriminatory as it exists right now. [*Desk thumping*]

My research indicates that from time to time the system of joint patrols breaks down because of police scheduling, police officers are not available for some reason to mount a patrol and consequently soldiers may end up without the presence of a police, and therefore, they could be compromised.

Hon. Senator: Exactly. [*Desk thumping*]

Sen. H. Drayton: So I want to admit that our soldiers face a real situation out there. But, Jamaica was aware of that and other countries were aware of that and they fixed that within the context of the law without having to give soldiers full police powers. [*Desk thumping*] Now, it is a serious situation, and my understanding is that it could happen fairly often.

So when the Government says they need legislation to legalize or regularize what is happening out there, it is not because joint patrols are illegal. The AG, the Minister of Justice, I do not know any legal person, including the advice they got from the distinguished Dana Seetahal SC, that would say joint patrols—once requested by the Commissioner of Police and once it is so ordered and approved through the proper protocols are illegal. There is nothing illegal with joint patrols. [*Desk thumping*]

So that when the Government gives the impression that, oh, those who have an issue with this Bill are hypocrites because joint patrols have been going on for 20 years and nobody objected, that is a bit disingenuous. What is illegal is the very situation I mentioned, where the soldiers might find themselves in a situation where they are alone and there are other reasons that that can happen as well. And the Richplain lockdown was probably illegal if no police officers were with the soldiers and I think that was the case in several situations.

Sen. Ramlogan SC: So you are condemning the Richplain lockdown.

Sen. H. Drayton: Well, Mr. AG, I am not going to get across in that banter to take up my time. So let me continue. The war on terrorism and the war against illicit drugs have caused governments to deploy soldiers. The situation has given rise to concerns over the extent to which soldiers may be allowed to take self-defensive action given their training and their conditioning. It also brings into issue the extent to which soldiers are protected while supporting civilian law enforcement officers.

I want to come to Lord Diplock in a short while. It has already been established in this debate that soldiers deployed to support the civil powers in Northern Ireland—you know, against the IRA—had no powers of arrest. And that I think is important bearing in this situation. But, in Northern Ireland a soldier on patrol had killed an unarmed man, who ran away when he was challenged. The trial judge held that the prosecution had failed to prove that the soldier intended to kill or cause serious bodily harm and that the homicide was justifiable under section three of the Criminal Law Act of Ireland 1967, identical in wording to the English section and more or less identical to the wording in our criminal Act. So the prosecution had to prove that the soldier acted maliciously and unlawfully and I assume that is why Jamaica amended her legislation the way she has done.

Sen. Al-Rawi: That is right. [*Desk thumping*]

Sen. H. Drayton: A soldier can use such force as is reasonable—this is under our criminal Act now—reasonable in the circumstances in the prevention of crime, or in effecting or assisting the lawful arrest of soldiers or suspected offenders or persons lawfully at large.

Under the Trinidad and Tobago criminal Act if anyone impedes a person from apprehending a suspect or criminal, the person is liable to imprisonment.

Sen. Al-Rawi: That is right.

Sen. H. Drayton: But our law goes further, if the soldier, if anyone impedes another person from making an arrest where there is a capital offence, the impeding person is liable to imprisonment for 10 years.

Sen. Al-Rawi: That is it.

Sen. H. Drayton: So that is our law. [*Desk thumping*] Now, the late Lord Diplock, an English judge and esteemed Law Lord of the Appeal Court commented, and I now quote Lord Diplock:

“...a soldier who is employed in aid of the civil power in Northern Ireland is under a duty, enforceable under military law, to search for criminals if so ordered by his superior officer and to risk his own life should this be necessary in preventing terrorist acts. For the performance of this duty he is armed with a firearm, a self-loading rifle, from which a bullet, if it hits the human body is almost certain to cause serious injury if not death.”

So while Lord Diplock mentioned terrorism, it is also significant because soldiers in the UK do not have police powers. So my interpretation of what Diplock said was that, by virtue of the fact that soldiers are given orders, and while on duty supporting civil power, they are given the arms to lawfully use if the need arises to prevent serious crime, it is inconceivable that a soldier does not have sufficient powers to enforce the law, even the civil law. [*Desk thumping*]

Diplock also contrasted the obligation of a soldier to support the police with the obligation of an ordinary citizen. I want to make reference here in response to what the Minister of Justice has said. He said that a citizen has—[*Interruption*]

Sen. Ramlogan SC: She said.

Hon. Senator: Diplock.

Sen. H. Drayton:—an imperfect obligation, in that the citizen has no obligation to risk his life. The soldier is trained, armed and is required—he is required—to risk his life. Therefore, the soldier has a perfect obligation. So under the Police Service Act, section 34, the soldier has powers and an obligation to assist the police in the execution of their duties. [*Desk thumping*] Further, at common law, any private citizen and a member of the regiment in not only justified in arresting, but I quote our law, “but is bound by law to arrest the person committing an offence.” [*Desk thumping*]

I also cite *Archbold Criminal Pleading, Evidence and Practice* by Butler and Garcia, 36th Edition. So the Government—is the Government therefore being—I have to use the word because the Government has given the impression that this Bill is about joint patrols. And this Bill is not about joint patrols. Okay? [*Desk thumping*] So is the Government being fully transparent in this matter?

Hon. Senators: No! No! No!

Sen. H. Drayton: Why is the wording of the Bill ambiguous and vague, leaving room for soldiers to operate independently? [*Desk thumping*]

Is it that the Government wants a law for joint soldier operations? Because there is a situation, because of all the problems in the police service, and you want to give the soldiers additional protection, there are ways like Jamaica and ways like Canada that that could be done, and ways like Australia that that can be done.

Sen. Al-Rawi: None of them have powers of arrest.

Sen. H. Drayton: This is why—when Sen. Marlene Coudray mentioned about there is need for cooperation and consultation and so on—this is why I believe that this is crime, and this is so important. I believe that this is something which was worthy of a joint, and a large committee of Parliament [*Desk thumping*] to look at the situation, understand that soldiers are at risk and therefore—and you shake your head, but there is one thing I could say about your Prime Minister, “Allyuh men doh listen but the Prime Minister listens.”

Sen. Ramlogan SC: Well said. Well said. [*Desk thumping*]

Sen. H. Drayton: Now, is the Government therefore asking Parliament to trust that the National Security Council—[*Interruption*]

Sen. Ramlogan SC: Leave that for Hinds.

Sen. H. Drayton:—and by extension the Minister of National Security will not order the Chief of Defence Staff to mount an independent operation? Are you asking us to trust you with that? Ah ha. Okay.

So that in democratic countries, the use of the military in the maintenance of law and order is clearly part of a comprehensive all-encompassing national security plan, as I said, with robust systems of monitoring, civilian and Parliament oversight. It is not a short-term piecemeal infrastructure,—[*Desk thumping*—Mr. President, with a sunset clause that coincides with a period of election. That is untenable! [*Desk thumping*] That is untenable. That is untenable.

Hon. Senator: [*Inaudible*]

Sen. H. Drayton: You are asking us to give all the powers of a state in emergency during an election period. That is what you have done. I am not saying it was by intent. But I am here to scrutinize the Bill and to scrutinize your actions and I have a situation with that. [*Desk thumping*]

There is no precedent for what is being attempted here in any country where there is a tradition of respect for human rights, transparency and accountability.

The Government cannot cite SAUTT as a precedent because the Government has condemned SAUTT. [*Desk thumping*]

Sen. Al-Rawi: That is right.

Sen. H. Drayton: You cannot condemn something as being bad and turn around and use it to justify your current actions.

Sen. Hinds: That is immoral.

Sen. H. Drayton: It just does not make sense.

Sen. Hinds: It is intellectually reprehensible.

12.00 noon

So, I want to turn quickly to the environmental context—there are four-broad contexts: the rate of crime, the status of the protective services, the public trust and confidence, and of course, we are in an election period. First, we know that crime is high; we had 100 murders for the three months. We know that access to guns by criminals—and there is a seeming inability of security—and when I speak security, I speak security all round—to shut down the pipelines. We know that gangs fight over turf and the gains from illicit trades are said to be the main reasons for murders. We hear that the deportees with sophisticated criminal skills are cited as also part of the problem.

Now, according to the UNDP Survey published in 2012, criminal groups commit high fraud through the Unemployment Relief Programme. Incidentally, the UNDP report, the Acting Commissioner of Police, in another incarnation as deputy, made contributions to that report and this is why I thought I should quote it. They obtain contracts to manage URP projects and fraudulently magnify the number of persons required to complete a particular job. Disputes over territory frequently arise. The UNDP's report states that while they did not have official statistics, one report indicates that since 2002, over 100 URP supervisors, foremen, contractors and workers have been killed.

The most significant context of this Bill that has not been mentioned—and I think this is the most important aspect of the Bill—and that has to be the decline in murders. It spiked from 395 in 2002 to 550 in 2008, declining to 352 in 2012. So, Mr. President, between 2008 and 2012, we should be, you know, commending all of our forces—the military, civilian, air guard, whoever—because murders have declined by 36 per cent and those are your statistics.

Hon. Senator: “Yeah.”

Sen. Al-Rawi: That is right!

Sen. Cudjoe: Hmm!

Sen. H. Drayton: This is the way we want the murders to decline, we do not want quick and dirty methods. It is revealing that we said since 1970, soldiers have been operating with police, then why is the crime as it is and there is a reason for that. Soldiers, definitely their presence is a deterrent to crime. As they leave and the community settles, it goes back up or as the criminals get used to their—whatever it is, their system of operation, they take advantage of it.

The second is the lack of proper manpower planning and succession planning in the police service. It is not a question of numbers at all, but rather effective use of the police resources. If you have 6,300 police officers and 2,000 at any given point in time are deployed, and you have murders going up “ah hundred” every three months, this is not a question about soldiering, this is a question that we have a fundamental problem with how we use the police in the police service. [*Desk thumping*]

Continuing on the environmental context, there is a low, nearly non-detection rate. A significant context directly related to this Bill is the public statement made by the Acting Commissioner of Police. I quote him now:

“...providing members of the Trinidad and Tobago Defence Force with powers of arrest is not essential in the fight against crime.” [*Desk thumping*]

Those are the words of the acting police commissioner. So, I do not know which side of his face he talked in the technical—whatever technical meeting he had.

The second aspect of this context deals with the defence force. As I said, you know, successive Governments have deployed them and we know they act as a deterrent so, by all means, we want to leverage them. We have to bring in the context of the state of emergency because 50 murders occurred during that period and hundreds of youth were hauled into jail, the effort yielding no successful prosecution; the rights of these youths were abused. [*Desk thumping*]

I turn to the context of trust and confidence as these relate to the police service and the Government. An important context is the admission by the Commissioner of Police that there is 3 per cent corruption in the police service. Now, the police service association said it is about four. I just want to paint a picture here. Mr. President, that translates close to 200 corrupt police officers in an island of 1.3 million people. That is one corrupt officer for every 6,500 people. Let me state that I have nothing but respect and admiration for our police and our soldiers. They put their life on the line every day for us, and I commend them, more so because the crime rate has gone down by 36 per cent, but consider this statistic of 3 per cent.

Let us use some business model, quantitative business model, to extrapolate that. If there are 200 crooked officers in the police service, now, if we say on average at least three to four of their peers have reasonable grounds to believe that they are crooked, what are we saying about the system? We are saying, in effect, we have a systemic problem, a serious problem in the police service. It is not just a question of 3 per cent. So I was very surprised when the Commissioner of Police took issue with the results of the Selwyn Ryan report. I could see why it would look as though it is faulty.

The UNDP report to which the Commissioner of Police contributed talked about 60 per cent. A thousand respondents said just about 8 per cent had confidence in the police to deal with domestic violence, about 11 per cent to deal with criminal gangs. That is the UNDP's report and the Commissioner of Police knows about that report. Now, only 27 per cent rate the capacity of the criminal justice system as sufficient—the lowest in the region.

Mr. President, there is abundant evidence recently to justify these poor ratings. The acting police commissioner found it necessary to go to the police station in the early hours of the morning to deal with a Minister in the Ministry of National Security who was allegedly drunk. The Commissioner of Police, what was his response after two months with respect to three deaths in Sea Lots and victims still in the police station?

Now, admittedly, the acting commissioner is a very busy person and simply cannot go and see every victim, but we have to be cautious in how people perceive they are treated by law enforcement agents vis-a-vis other positions or people in positions of power.

In Preysal, a driver allegedly refused a breathalyser test. Now, he had driven his car into a residential yard, he injured a young girl. This was a Saturday, by the Monday, the accused was in court where he was denied bail, the driver's permit was seized. So, do the police authorities have a framework as to what is corruption? Corruption extends to socially inequitable and unjust treatment of citizens by law enforcement officers. That is what people respond to when they ask about confidence in the police.

Now, when last was a white collar criminal held? The Government made a song and dance about three billion in illegal bunkering and we will get the perpetrators. Where are the perpetrators? At the end of 2002, the FIU reported that there were 600 suspicious financial transactions. Was anyone caught? We have an integrity commission, we have an FIU, we have anti-corruption agency, and we have anti-money laundering laws. All these systems, agency upon agency—*[Interruption]*

Hon. Senator: True.

Sen. H. Drayton:—consuming hundreds of millions of taxpayers’ money, and yet, certain people do not get caught.

Now, adding to this poor environment—and this is important because you are asking me to approve a law here to give the soldiers power. Before the public had time to adjust, or even digest the stench of a “Flying Squad”, an undenied report appeared in the daily newspaper. It quoted Mr. Gary Griffith, the security advisor to the Prime Minister, saying or strongly inferring that he is setting up an agency to go after, I quote “the big fish, corrupt politicians and any high ranking people we want”. This is the environment in which you are asking me to give soldiers powers. [*Desk thumping*] This is a man who is the advisor to the Prime Minister and the Prime Minister sits within the political directorate of the National Security Council—

Hon. Senator: Head of.

Sen. H. Drayton:—that can order soldiers [*Desk thumping*] to do joint operations outside of the police service in accordance with this law.

I think the Government needs to reflect. Now, only a few months before that—and it has to be mentioned, Sen. Ramkhelawan mentioned it—“ah flyweight man, probably no more than 110 pounds, with cardboard thing on ah highway in the wee hours of the morning. Soldiers, including ah brigadier, senior police officers and ah Minister of National Security manhandling this man, this flyweight.” This is the environment in which you are asking me to approve this law.

Sen. Hinds: “De AG send them!”

Sen. H. Drayton: So the question is not so much a lack of confidence or issues with soldiers having powers of arrest, it is something more fundamental than that. More fundamental! All these things, when taken with section 34, go to the heart of public trust and confidence. [*Desk thumping*] It is not that I do not trust soldiers. [*Desk thumping*] Let us make that clear.

Sen. Hinds: The Government.

Sen. Deyalsingh: “We doh trust!”

Sen. H. Drayton: Now, I want to go to the most critical aspect of the environmental analysis. Recently, the Government said that two pieces of legislation will be tabled: one law for unspecified alleged crimes, to remove a

person's constitutional right to bail, and consequently, the presumption of innocence. The other Bill, it mentioned to come, will abolish trial by jury for certain serious offences. This is why the environmental context of this Bill is important, because if this Bill is approved, if these two laws are approved, Mr. President, we would have created the substance of a full state of emergency without the Government having to go to Parliament to declare a state of emergency—[*Desk thumping*—]and in an election year. That is the context of this Bill. [*Desk thumping*]

Hon. Senator: That is a very good point.

Sen. H. Drayton: So, I have made it clear, I am not against the Government and I am not dealing with the intent—an honourable intent of the Government—I am dealing with what the Government has put in front of me.

Sen. Al-Rawi: Well said!

Sen. H. Drayton: Now, let us examine quickly the context of the Bill. The Constitution and the defence force Act never intended that a soldier would have the powers and authorities over civilians in a continuous period of two years or any continuous period other than under a state of emergency and from time to time. So what are we trying—what is the mischief we are trying to fix in this Bill?

Now, observations, if we examine section 5(2) of the defence force Act, it says specifically:

“Every unit shall be charged with the defence of Trinidad and Tobago and with such other duties as may from time to time be defined by the Council.”

—which is what gives the National Security Council the force to have joint patrols.

The proposed amendment seems to suggest and legislate that the defence council can give a general direction to units of the defence force to assist the police in crime fighting. That assumption appears to be misplaced as the Defence Act appears to give the defence council authority only in relation to defined specific cases and, as I said, on occasions, such as the state of emergency and exercises in a defined area. So that if you want to go and lock down Laventille or you want to go Richplain, so long as the soldiers are with the police, that is fine, that is covered.

As I said, assisting any member of—the phrase:

“...assisting any member of the Police Service in the maintenance of law and order, with the same powers, authorities, privileges and immunities as are given by law to members of the Police Service.”

It is vague, it is deceptive, it is not defined by context or precedent anywhere.

Sen. Al-Rawi: That is right.

Sen. H. Drayton: The Bill is silent as to degree of assistance which members of the defence force will provide, how and to what extent these powers will be exercised by the defence force.

The second observation: the Bill seeks to prevent interference by the Minister. Now, I like our new Minister and I believe, as I said, I think he will be a good Minister, but, I mean, this really has to be looked “more like ah masquerade” because you really cannot circumvent the Minister in this context. He chairs the National Security Council and the National Security Council empowers the defence force.

So, in summary, there is no precedent for this Bill. Under common law, criminal law and the police Acts, soldiers have the necessary powers doing joint patrols to support the police. The powers and authorities in this Bill are not necessary. If it is that the Government feels that soldiers, when acting in support of the police, need to have more immunities and protection while assisting the police, then there are mechanisms that can be implemented if we sit and put our heads together in a committee of Parliament and come up with something that is appropriate. [*Desk thumping*]

12.15 p.m.

Mr. President, in just beginning to close down quickly, I want to mention that in 2007, the New Hampshire Supreme Court recognized, for the first time, that police officers and police departments are entitled to official immunity and that is not just immunity under common law. And what it did here, it wanted to give them immunities from personal liabilities for decisions, acts or omissions that are: (1) made within the scope of the official duties, while in the course of their employment; (2) they gave them discretionary immunity, which means that a police officer, from time to time, or a soldier, from time to time, must use their judgment. There would not be any specific thing guiding them. They have to use their judgment as to how much force is necessary, and so on. And their law also said as long as it is not made in a wanton or reckless manner.

So, like Jamaica and like the New Hampshire situation, they have now adjusted their laws so that the police could have specific immunities and, therefore, when you leverage the strengths of the soldiers with the police, automatically the soldiers now, since they are operating or accompanying the police, they would also have these protections.

Mr. President: Hon. Senators, the speaking time of the hon. Sen. Drayton has expired.

Motion made: That the hon. Member's speaking time be extended by 15 minutes. [*Sen. S. Ramkhelawan*]

Question put and agreed to.

Sen. H. Drayton: Thank you, Mr. President. As I said, the most positive and significant reason why this Bill is unnecessary is the fact that murders are on the decline from year to year, and substantially there will be spikes in crime once there are criminal gangs. We need to improve the police service and implement solutions that could be sustained, such as we need to improve the detection rate. We need successful prosecutions. We need to shut down the pipelines for guns. We need a corruption-free police service. We need robust law enforcement. More and more legislation is not the answer.

Mr. President, I have no doubt that the Government's intent to fight crime and its intent with this Bill is honourable. However, it should take note that any objective person, when analyzing the context, when analyzing the vagueness of the Bill, as I have done, could come to the conclusion that the Bill only makes sense if the intent is for soldiers to operate independent of the police on some occasions, when police officers are not available and soldiers could be compromised. But there are people with certain perceptions out there, which go to the heart of what a distinguished past member of the British military who served in Northern Ireland and who was also in the British Police Service said about governments which want to expand military powers, the way in which is intended here.

Let me say, I want to emphasize, I am sure that our Government would not want to be perceived in the way that this distinguished British officer described such governments. I need your permission to just read quickly. He says:

History shows us that those in political power who use their armed forces to impose quasi-military law by the stealth of gradually increasing powers are usually doing so as a stepping stone to perpetuating their time in office.

The use of fear of violent crimes by organized gangs and factions opposed to their government is a common tactic. These are countless examples in recent history, including the Philippines, Pakistan, Libya and Egypt.

History also shows us that when fear of crime is used as justification for using military forces, the role of officers of the law, corrupt elements, will seize the opportunity to build on that fear by manufacturing incidents which justify the use of force.

[*Desk thumping*]

Every previous attempt in history to give military forces quality police power has led to the abuse of that power and the abuse of citizens.

Sen. Al-Rawi: I agree.

Sen. H. Drayton: He goes on to say, and I think this is very important:

The only effective way to combat crime in a civilized democracy is by use of a police organization, accountable for its actions, purged of corruption, acting within the traditional laws of the land and policing a service.

He said:

Such police force, having been tough on its own corruption can then be tough on crime, in conjunction with a government determined to be tough on the causes of crime. Those who ignore the lessons of history are destined to relive them.

Mr. President, I think the Government is serious about reducing crime. I commend it for whatever efforts it has made. I commend it for bringing the telecommunications intercept Bill. But when I reflect on this Bill and when I reflect on the statement by a business woman to the effect that it is better to live in a police state than a criminal state, it tells me how desperation over the crime rate has impaired the judgment of good people—[*Desk thumping*] and the extent to which we are unconsciously surrendering our good principles and common sense to the behaviour of criminals. I want to assure the lady from south that there is no difference between a police state and a criminal state. [*Desk thumping*]

The hon. Minister of Justice spoke about making the wrong that is taking place out there with the soldiers right. She urged us, make a wrong right. Mr. President, I will not seek to make illegal activities right. You must do the right thing and I feel that the Government needs to reflect on all that has been said. We want to help the Government. I want to help the Government and this is why I believe that if it is really looking for collaboration, if it is really looking for cooperation, what is the rush? They have the soldiers out there with joint patrol, let us sit down in Parliament, come up with appropriate legislation. [*Desk thumping*] But not only that, let us sit and put our heads together and come up with a robust system of monitoring by civilian authority, by Parliament and to give serious consideration to reconfiguring the membership of the National Security Council that it is not weighed in favour of a political directorate. [*Desk thumping*]

Mr. President, I heard the Minister of Justice talk about bad law and good people and whatever, in my view this is bad law with bad implications and it reflects bad judgment.

Sen. Al-Rawi: Absolutely.

Sen. H. Drayton: Mr. President, I thank you.

Mr. President: Hon. Senators, having regard to the state of play, I propose to take the lunch break at this point rather than have—[*Interruption*]

Sen. Hinds: We do not feel for lunch. We can hear more.

Mr. President:—so that we will commence again at 1.30 and, therefore this House is suspended until 1.30 p.m.

12.23 p.m.: *Sitting suspended.*

1.30 p.m.: *Sitting resumed*

Sen. Mohammed: Welcome Senator.

Sen. Wayne Sturge: Thank you very much. Thank you Mr. President and Members for the opportunity of addressing this honourable House. Before we rose for lunch I, with dismay, listened to a number of unfortunate statements coming from a place I did not expect. [*Desk thumping*] The first unfortunate statement, before I get into my contribution, deals with the accusation that the Government is trying to create a state of emergency. That is an unfortunate and dangerous accusation coming from an independent place. [*Desk thumping*] At the end, at the very end of that contribution I thought I was in the twilight zone when I heard the hon. Senator say that there is no difference—[*Interruption*]

Sen. Drayton: Mr. President, a point of clarification.

Sen. W. Sturge:—between a police state and a criminal state.

Mr. President: Yes Sen. Drayton.

Sen. Drayton: I wish to let this House know that I would refer Sen. Wayne Sturge to the *Hansard* to the specific words used with respect to the state of emergency, in that nowhere did I say that the Government was creating or its intent was to create a state of emergency.

Sen. W. Sturge: I will be guided. The words are there and that is certainly the impression I got. Please correct me if I heard wrong. Please forgive me if I heard wrong but I thought I heard the statement: there is no difference between living in a police state and a criminal state. In essence, it is the same thing.

It is an entirely different matter but it is an unfortunate—[*Interruption and cross talk*—statement coming from where it came and it was in reference to, I believe, the head of the South Chamber of Commerce stating: I had rather live in a police state than a criminal state. [*Desk thumping*] And apparently what I heard today was, there is no difference. That is an insult to the integrity of most hardworking police officers. [*Desk thumping*] That is the kind of speech I would expect to hear from a podium in Balisier House.

Sen. Lambert: Well said.

Sen. Cudjoe: You are out of place.

Sen. W. Sturge: Having said that, there is another misrepresentation or maybe I heard it wrong. But apparently I heard someone say that the Attorney General misrepresented the law and the Government was not being transparent with the intention of the Bill. I would get back to where it is it an insult because the majority of police officers in this jurisdiction are well intentioned. The police service is a microcosm—[*Interruption*]

Sen. Beckles: "Yuh come here tuh help de Government or hurt de Government?"

Sen. W. Sturge:—we did not import the police service from England or some other jurisdiction. It is a reflection of what we have in our society. So, in the very same way that some persons may err, some persons may engage in criminal activity, that is not the behaviour of the majority of police officers. So that statement is—[*Desk thumping*] I want to say to those who say there is no difference between living in a police state and a criminal state, when crime comes knocking at your door, do not pick up the phone and call the police.

Hon. Senator: Why?

Sen. W. Sturge: Call the neighbourhood bandit and see if he would come and assist you since there is no difference. Since there is no difference, do not call the police.

1.35 p.m.

Now, I heard another—[*Interruption*]

Sen. George: "All yuh only interrupting."

Sen. W. Sturge:—unfortunate statement—

Hon. Senator: "Let de man talk."

Sen. W. Sturge:—and the statement is this, and the statement must be taken in the context of whose ears they may fall upon. There is uncertainty among members of the military as to the true extent of their powers, and the true extent of their immunities. So I heard a contribution that if the bandits are firing, fire back in a way that they cannot return fire. In essence, kill.

Hon. Senators: “Wow!”

Hon. Senators: What?

Sen. W. Sturge: Mr. Speaker—

Sen. Drayton: Mr. President. [*Crosstalk*]

Sen. W. Sturge: Mr. Speaker—[*Crosstalk*] if you fire—[*Crosstalk*]

Mr. President: If you will allow the—I cannot. If the Senator gives way, you can—[*Crosstalk*]

Hon. Senator: Unless it is a point of order.

Sen. Drayton: No, it is quite all right.

Mr. President:—otherwise—[*Crosstalk*]

Sen. Drayton: What is it, the reason?

Sen. W. Sturge: If the sentiment you utter is—

Sen. Drayton: “Yuh talking nonsense.”

Sen. W. Sturge:—to fire back in a way that they cannot return fire, that may very well be interpreted as shoot to kill—

Hon. Senator: Exactly. [*Crosstalk*]

Sen. Lambert: That was said.

Sen. W. Sturge:—and that is unfortunate because the law on self-defence is, you do not shoot to kill because you are fired upon. You must first have an honest belief—[*Crosstalk*] and after having the honest belief that you are being attacked, you are then required to respond in a proportionate fashion, to respond in a manner that is proportionate to the threat. So, you cannot *carte blanche* fire to kill, unless it is absolutely necessary, unless it is a kill or be killed situation. You cannot convey to members of the jury, sorry, the military that they are entitled to kill. [*Desk thumping*]

Hon. Senator: Well said.

Sen. Beckles: “He speaking to de jury. Dis is not de jury man.”

Sen. Singh: Public!

Sen. Beckles: Public!

Hon. Senator: “You come here to help de Government or hurt de Government?”

Sen. W. Sturge: The jury, the court of public opinion, that is who I am speaking to, from where jurors come.

Now, there is another reference to joint army patrols and the Attorney General in essence saying that it was illegal. I read the contribution of the hon. Attorney General, and what he said was that there were concerns about its legality, and that is the reality on the ground. The reality on the ground is that the soldiers do not know the true extent of their powers and the true extent of their immunities.

Sen. Drayton: And you want to give them powers of arrest?

Sen. W. Sturge: Well, we will get to that.

Sen. Ramlogan SC: “Hands off nah. Let de man talk nah.” [*Crosstalk*]

Sen. Abp. Burke: “But nobody did interrupt her.”

Sen. W. Sturge: We will get to that because—

Sen. Deyalsingh: Independent heckling now. [*Crosstalk and interruption*]

Sen. W. Sturge:—I am surprised that I am getting heckled by an Independent. I expected that from the front. [*Desk thumping and crosstalk*] Take off the—Clark Kent must disrobe.

Hon. Senator: PNM plus two. [*Crosstalk*]

Sen. W. Sturge: Clark Kent must disrobe, do not masquerade. Disrobe.

Sen. Al-Rawi: Masquerade what?

Sen. Abp. Burke: Disrobe.

Sen. Beckles: If they want the Independent vote—[*Inaudible*]

Sen. W. Sturge: There are concerns and what I heard from the Independent Senator is—[*Crosstalk*] we do not need this Bill.

Sen. Beckles: Independent? “Identify those who not Independent, nah?” [*Crosstalk*]

Sen. W. Sturge: What we heard is that the murder rate is dropping, so we do not need this. Mr. Speaker—

Sen. Abp. Burke: Mr. President.

Sen. W. Sturge: Sorry, Mr. President. I am so sorry. Even if the murder rate is dropping, it was once over 500, two consecutive years in a row, when we had a private army called SAUTT, but it is dropping. It dropped below 400 from 2010. *[Laughter]* It is below 500 and it has dropped below 400, and they are saying well, whatever was in place is now working and, therefore, we do not need this Bill. So what they are saying in essence is that it is no longer 500, it is under 500—in fact, it is even under 400—so then you do not need this because murders are dropping. You cannot tell that to persons, let us say hard-working persons in Laventille who spend 10 years trying to build a home, finally get a child and then the life of that child is snuffed out—*[Desk thumping]* it means the world. But we cannot sit here and pontificate. The reality is bodies are dropping whilst we play the fiddle and Rome is burning.

So the answer to the question—and I am seeing the Lord Tennyson person—is this, someone is saying we do not need it, and there is a misrepresentation, because it is that this Bill seeks to give the army full police powers. That is the misrepresentation of the day. *[Desk thumping]*

Sen. Ramlogan SC: Fundamental misunderstanding.

Sen. W. Sturge: Mr. President—

Sen. Lambert: Contradicting.

Sen. W. Sturge:—all of us who are legally trained, we understand the approaches the courts adopt to interpreting legislation.

Hon. Senator: Faris?

Sen. W. Sturge: The first approach is the literal approach and if it is not clear what the legislation means, then a purposive approach is adopted. *[Crosstalk]* So—one minute please. *[Pours water into a glass and drinks]* Mr. President, when I heard—*[Crosstalk]*

Hon. Senator: Bush lawyer.

Sen. Abp. Burke: Good lawyer.

Sen. W. Sturge:—when I heard—*[Interruption]* well, I expected this bantering downstairs, not up here, but when I heard the hon. Senator say that this Bill gives full police powers, that is quite untrue.

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

Sen. W. Sturge: Let us read the Bill. Let us look at the Bill and tell us where we get full police powers, taking into account that when the courts are faced with legislation, they must deal with the literal words and the contextual flavour given by those words. So, when one reads the Bill—contrary to what is being said—full police powers are not given, that is the first thing. It does not appear anywhere on a plain reading of the Bill. The powers are given—whatever powers are given, they are not given to every single member of the military.

Sen. Ramlogan SC: That is right. [*Desk thumping*]

Sen. W. Sturge: They are given to members who belong to a certain unit. [*Desk thumping*] And I challenge anyone on the other side to say where in this Bill—

Sen. Abp. Burke: Al-Rawi get up. Get up!

Sen. W. Sturge:—do you get the power to stop, the power to search, the power to seize, the power to detain, the power to investigate—

Sen. Abp. Burke: “It is a propaganda.”

Sen. W. Sturge:—the power to become a complainant and fingerprint and engage in the criminal process. When one reads the Bill, it is quite clear, subclause 2A:

“When any unit of the Defence Force is charged under subsection (2) with the duty of assisting any member of the Police Service in the maintenance of law and order and is engaged in so doing...”

So the first thing is even if you belong to the unit, you cannot exercise those powers of arrest outside of certain parameters. You must be actively engaged in assisting in the keeping of law and order and so on, the maintenance of law and order. So, you must be assisting a member of the police service—you first have to belong to the unit—must be assisting a member of the police service in the maintenance of law and order, and you must be engaged in so doing. So let us go to 2A. All 2A does is to give to the soldiers the same powers, authorities, privileges and immunities as are given under 2C.

What does 2C say? So 2C circumscribes that power to arrest. So when you read 2C:

“Where a member of the Defence Force has arrested any person pursuant to subsection (2A) he shall, without delay and in any event as soon as is reasonably practicable, hand that person...”

And so on, and so on. And he hands that person:

“...over to the senior...officer whom he is assisting or to the nearest police station and record or cause to be recorded the circumstances occasioning the arrest.”

Nowhere in that Bill do you have the power to investigate, to detain, to search, to initiate criminal proceedings, and if that power is to be given, that power must be given by clear and unambiguous language—[*Desk thumping*]

Sen. Ramlogan SC: Quite so.

Sen. W. Sturge:—by the legislation.

Sen. Ramlogan SC: Quite so. Quite so.

Sen. W. Sturge: You cannot simply read in to the clear words which limit your powers to that of arrest—you cannot read in anything else. So, if you want to be a scriptwriter and write a movie about the army would take over and so on and so on, by all means, but that is not the remit of this Senate. [*Desk thumping*]

Sen. Ramlogan SC: “Yeah. Yeah.”

Sen. W. Sturge: It is downright irresponsible to create an atmosphere of fear and the public listening on may very well get the impression, because it comes from a certain place, that it has the appearance of non-partisanship—

Sen. Singh: Appearance.

Hon. Senator: Yes!

Sen. W. Sturge:—that, well, full police powers have been granted by the army, but that is not so, nothing could be further from the truth. [*Crosstalk*]

Now, what is this concern that we are all afraid of? [*Crosstalk*] What is this concern that we are all afraid of?

Hon. Senator: UNC!

Sen. W. Sturge: What powers do they have? This is the powers the army—the army has the same powers as the regular citizen—he can arrest during a breach of the peace; outside of that he will arrest during a state of emergency, which is not the case, and he has the same powers as ordinary citizens, where a crime is committed in his presence, is in the process of being committed, has been committed, then in those circumstances he has a power of arrest.

What does the Bill seek to do, Mr. President? It seeks to marginally increase those powers, to place the soldier on the same footing with the police officer. Whereas the police officer—oh, I simply forgot to mention that the soldier does not have powers of arrest for summary offences. So let us not be blinded by the

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powers that are being granted. Let us look at the immunities, they are uncertain. We are all uncertain in the courts as to the immunities that these soldiers have when acting in the course of duties. So should we leave this penumbra of uncertainty and doubt?

Sen. Singh: Nice word, penumbra. [*Desk thumping*]

Sen. W. Sturge: Should we leave them guessing as to the true powers they have or their immunities? I think not. [*Crosstalk*] Now, 2B in essence removes the fears that have been propagated, that there is an element of military control—that has been removed by 2B, although there was an element of political control when there was a lockdown in some place in Diego Martin.

Hon. Senator: Richplain.

Sen. W. Sturge: Richplain.

Sen. Singh: By who?

Sen. W. Sturge: By whom?

Hon. Senator: No police was there. [*Crosstalk*]

Hon. Senator: Martin Joseph.

Sen. W. Sturge: So, contrary to what is being said, there are no *carte blanche* powers of arrest being given. We are simply increasing the existing power. So what are you afraid of?—I want to ask.

Sen. Beckles: Ask the population.

Sen. W. Sturge: What is half—as a certain Senator is mouthing—what is half the population afraid of?

Hon. Senator: UNC!

Sen. W. Sturge: The soldiers already have powers at common law; they already have limited powers by statute. So what is the fear?

1.50 p.m.

Sen. Ramlogan SC: “If they say the Bill not necessary and they have all dem powers, they abuse it?”

Sen. W. Sturge: Have they abused it, Mr. President? The powers that they actually have, have they shown an inclination to abuse it? Those persons we want to describe as killing machines—I was not born in 1970, so I do not know. I was

born a while after that, so I want to know, during the 1990s, did the killing machines kill innocent civilians [*Desk thumping*] when they had full police powers? During the 1990 insurrection, when they had full police powers, did they kill and beat up on innocent civilians? The answer is no.

When there was a state of emergency around a Speaker's house, did they beat up that Speaker or kill anyone? When there was a state of emergency in 2011, were there widespread reports of the army killing people or abusing or beating up? No. So then there is no reason. The historical evidence suggests that with the existing powers they have not abused it. So, if they have not abused their existing powers, why are we conveying to the population that if we give them a marginal increase in power that they will abuse it when the evidence suggests otherwise? That is fearmongering.

Now the Bill does not—I have read (2A)—give carte blanche powers of arrest as suggested; does not give full police powers; does not give full powers of arrest outside of the powers circumscribed by subsection (2A); does not provide investigative powers; does not give power to stop, search and detain outside the four corners of the Act; and it is clear, from a plain reading of the Bill, that these arrest powers exist only when the military officer is engaged with the duty of assisting and is actually engaged in assisting.

Now, there are two powers that have been referred to and I dealt with one. There are powers referred to under section 46(2), I believe, of the Police Act and other powers referred to under section 3(1) of the Criminal Law Act. So section 3(1)(2) of the Criminal Law Act says, in essence, that you can arrest anyone or anyone can arrest a person who is actually committing an offence or whom he reasonably suspects to be in the act of committing it. Present tense. Subsection 3(1)(3):

“Where an arrestable offence has been committed”—past tense—“...anyone who is, or whom”—you have reasonable cause to suspect is guilty...

And what powers does he not have under section 3(1) that a police officer has and which we now seek to give? We simply seek to put him on even terms with the police officer so that he can arrest anyone he reasonably suspects is about to commit an offence.

So we are seeking to put him on even keel. Before that, all he has—he has to wait on you to commit an offence. So let us look at a situation where Laventille is cordoned off—or a section of it—and a man is brandishing a cutlass. That is a common assault. The possession of that offensive weapon, that is a summary

offence. In present circumstances, the soldier cannot arrest. So what must happen is you wait on him to chop someone and then you act. That is downright absurd. What is the big song and dance about simply increasing their powers—a marginal increase?

Now, the other powers that they will now have will be equal to what the police have in terms of hot pursuit. Right now, they do not have those powers. They do not have powers in relation to summary offences. They do not have immunities. So, let us look at arrest without warrant under section 46(2) of the Police Service Act:

“...a police officer, and all persons...he may call to his assistance, may arrest without a warrant a person who within view of such police officer commits an offence and whose name”—address, et cetera, is not known to the officer—“and cannot be ascertained by him.”

Mr. President, that was referred to and the impression—when you listen to the last contribution—that you get is that the police can call anyone in any circumstances to exercise these powers. That is not so. There are preconditions before anyone, including a military officer, is allowed to assist the police.

So, the first thing is this: if he does not know—the military officer—whether an offence actually took place in the officer’s presence, he cannot act; and if the officer cannot, for some reason, or does not communicate to the soldier that an offence has been committed in his presence, the soldier cannot act. And, if it is unknown to the soldier whether the person getting away—whether the police officer knows or does not know the name and address of, the offender, he cannot act.

For him to act under section 46(2)—the military officer or anyone—the first thing you must know is that something took place, an offence took place in the presence of a police officer. It is not limited to that. Thereafter, you must know whether that person running away is unknown to the police. You have to be sure whether the officer knows or does not know the name and address. You have to be sure whether the officer can ascertain or cannot ascertain. That is a sordid state of affairs.

So here we have a bandit running away. The police is calling for assistance and the soldier is uncertain as to his true powers and immunities. What if he acts to arrest and it is later found out that no offence took place in the presence of the police officer? He is liable. So if he uses force to subdue the person running away, he can be faced with a criminal complaint—a private criminal complaint, the

military officer; not so for the police officer. If he does not know what is in the mind of the police officer, that the police officer does not know—so convoluted—you have to know that the police officer does not know the name and address of the person who is running away.

So can you imagine that comical state of affairs? A police officer is running behind a man and has to communicate to the soldier: “Hey there! This person running away is a felon. He committed an offence in my presence. I cannot ascertain his name and address. I am not sure of his identity. Would you now come and help me?” That is not the reality and that is what we are trying to correct—an absurdity in the law. [*Desk thumping*] Because not even Lucifer, the devil, knows what is in a man’s mind.

Sen. Al-Rawi: Beelzebub.

Sen. W. Sturge: Beelzebub. So when someone stands up and masquerades as being impartial and objective, Lucifer might well know different.

Hon. Senator: Masquerades?

Sen. W. Sturge: I am not pointing at anybody.

Hon. Senator: This is the Independent Bench.

Sen. W. Sturge: I am not referring to her. I am so sorry. [*Crosstalk*] So, is it fair—I am sorry.

Sen. Ramkhelawan: A point of order, Mr. President, 35(5). This is the second time that the hon. Senator has imputed improper motives, not only to the Senator here, but to the entire Independent Bench. [*Desk thumping*] He is a neophyte and he has come with a high level of disrespect. This is the Independent Bench that has served here valuably and for a long time. Mr. President, 35(5); 35(5), Mr. President. [*Crosstalk*]

Mr. President: Senator, thank you. Sen. Sturge, I am going to have to ask you not to, under section 35(5), that you would not impute improper motives. I do not think that it is necessary for you to impute it to any single individual; to impute it to the entire bench is just as unsatisfactory. So we are going to have to refrain from going into that direction and I would ask that you retract the statement. [*Desk thumping*]

Sen. W. Sturge: I am so sorry, but I actually was not targeting any particular person or the bench, but let me say this: I think we need—I have heard many contributions on this Bill—and I think we need to stop making excuses and coming up with a myriad of reasons why we are not going to support it.

Having said so, all we are seeking to do is to grant three additional powers to certain soldiers to put them on even keel with the police. That is it. Now, I have read one of the contributions and at any one time I understand we have 2,000 police officers on active duty. Trinidad and Tobago is 1,900 square miles. If you subtract those who cannot be on the ground; those who are attached to mounted branch, special branch and all the other branches, do we really have 2,000? We probably have less than 1,500 police officers available to us.

When we consider the terrain of the hotspots and so on, do we really have enough manpower? I read somewhere—and I hope I am not misquoting—that the Commissioner of Police stated that he needed an additional 1,500 persons in this fight.

Now, the traditional role, Mr. President, of the army has changed just like the traditional role or the traditional way in which warfare is conducted. That has changed. So the army is no longer limited to an external defence. So, we are spending \$1 billion a year to prepare them for an external invasion. From where? Have the Venezuelans shown a proclivity or predilection or any sort of inclination to invade us? What do they hope to achieve? To move up from the fifth largest oil-producing country to number four? Do we have that much resources? No. Have the Grenadians or the Bajans shown an inclination to invade us? The answer is no. So we spend a billion dollars a year waiting on something that may very well never happen.

Sen. Beckles: You go ahead. “You sounding better and better every time.”

Sen. W. Sturge: So—and if they do invade, do you really think that we can withstand them? Do you really think that the Americans and the English with all of their investments would sit idly by? There are provisions for dealing with invasions—the UN resolutions and so on. Do we really need an army sitting there waiting on an invasion?

Now, the truth is, Mr. President, we are at war. There is internecine warfare in our society. The internecine warfare extends from Carenage in the west to Arima, Sangre Grande in the east, and whilst we expect a partisan approach from those who are partisan, the partisan thing to do in this situation is to vote for this Bill, because—who is dying? Let us look at who are the persons dying.

There is an internecine warfare. Is there warfare between the residents of Newbury Hill and Goodwood Park? Is there warfare between Westmoorings and Goodwood Park? Is there warfare in Haleland Park? Are there posses in Haleland Park waiting to go down to Fairways and kill the youth? Are there posses in

Lange Park waiting to ride shotgun and go kill people in Valsayn or Santa Margarita or Palmiste? The reality is there is war on the ground and the war is—I will tell you where. Read the newspapers and you will see where the bodies are dropping.

Diego Martin, a war between Covigne and Richplain. I am a lawyer. I see them every day and when you ask them what is this war about? Turf, drugs, guns. [*Desk thumping*] So Smith Hill in Carenage versus Hague Street; Covigne versus Richplain, Mon Repos in Morvant versus Pelican Extension in Morvant. Do not cross the border; keep border; and so it goes.

2.05 p.m.

War between Nelson Street and Duncan Street; war between the residents of Beverly Hills—they are warring with Mango Rose—and it goes on and on. And which bodies are dropping? I have not seen any bodies dropping in Goodwood Park, in Newbury Hill, in Haleland Park, in Fairways. That is not where the bodies are dropping.

So the partisan thing for the other side to do is to vote for this Bill, to save the lives of the persons who live in their traditional strongholds. That is what we need. Your supporters are dying whilst we fiddle, whilst Rome burns. That is the reality on the ground.

Sen. Abp. Burke: The public must read that.

Sen. W. Sturge: Now, let me give you some real situations as to why it will work. I think it was last year I had the pleasure of travelling in a taxi from Long Circular to town, and I was forced to listen to a certain radio station—a certain Miss Wells—and fresh upon an announcement from the then Minister of National Security that the army would be moving into certain parts of Laventille, the gang leaders suddenly decided, “Let us call in a peace agreement.” So, the warring factions called this programme hosted by a PNM councillor and announced a ceasefire.

Hon. Member: And that is their traditional—

Sen. W. Sturge: Why did they not do it before the announcement? Why did they not do it before the announcement that the army was coming? Let us look at how it operates on Nelson Street and Duncan Street. When there were painting works taking place in those areas, and the army locked down those areas or was present, if you want to put it that way—no murders. Is that not a useful exercise? Are those lives in these ghettos not valuable enough to protect? It is not enough to say, “Well, it has fallen below 500 and now it has fallen below 400.” The reality is all of the lives lost are valuable. [*Desk thumping*]

What is the war we face? Well, quite apart—as I said, traditional roles have changed—from an invasion of drugs and guns, and a proliferation of drugs and guns on the streets, there is a heart-and-minds war that we must win, and the war is this: we have been affected by the worst of African-American culture; we have been affected by the worst of Jamaican culture. The culture on the ground is gangster rap, Wu-Tang Clan and so on. The culture on the ground is Vybz Kartel.

Sen. Singh: Tell us about it!

Sen. W. Sturge: So, when you want to talk about affirmative actions for the youth and so on, the youths are not going to live long enough to enjoy these programmes of affirmative action. For the killing to stop, it is not simply this Bill, there are other Bills, but we have to do one Bill at a time. That is obvious. [*Desk thumping*]

So, let us look at what is happening in the ghettos. Let us take Jamaica. Who do you think is a bigger role model in the ghetto? Is it Usain Bolt or Vybz Kartel? The answer is, quite clearly, Vybz Kartel. The young men in the ghetto are not saying, “Let me learn to run like Usain Bolt.” It is all about bling and it is all about, “Let me get rich or die trying.” That is the motto.

So, if that is the motto—and what is immediately relevant to their values imported through cable television and so on—to get rich or die trying, do you really think we can change their mindset just like that? What we need right now is to protect them, to protect their lives and thereafter [*Desk thumping*] work on their mindset. That is not going to be easy. Those are hard choices, but right now what we need to prevent the loss of these young Trinidadian—young Trinidadian males—would be legislation that gives the army extra powers—just marginally extra—that can prove useful.

Now, I read a contribution and someone said—and I heard out on the street people saying—“Well, you know, we could go volunteer. We could volunteer to the police to answer phones and so on.” If you want to know what the reality on ground zero is, forget about answering phones. What you do—who feels it knows it—property is very cheap in Beverly Hills and Picton. You can even get a little rental for a month for less than \$800. So, what you do—if you really want to know how this Bill would impact and assist the urban youth from losing their lives and so on—go live in Laventille for a week; go live in Beverly Hills for a week. [*Crosstalk and desk thumping*]

Sen. George: Good point!

Sen. Abp. Burke: People running from there. “Dey moving out.”

Sen. W. Sturge: Do not take your luxury car with you; do not take your licensed firearm with you, take your wife and kids. Allow the young ones to play.

Sen. Ramlogan SC: “Come out ah dem gated community.”

Sen. W. Sturge: “Allow them to play in de barrack yard. Doh live Mt. Hololo, live Laventille for a week.”

Hon. Member: “What about Siparia?”

Sen. W. Sturge: There are no bodies dropping in Siparia. [*Crosstalk*] So, go live for a week. Do not take your luxury car; do not take your firearm; take your wife and kids. The teenaged boys and teenaged girls you have, allow them to commingle with the residents of Laventille; allow them to share in the values, and tell me after that week if you really think this Bill is not necessary.

Sen. Ramlogan SC: “Yeah, yeah, yeah.” [*Desk thumping*] “People fraid bandit, dey eh fraid soldiers.”

Sen. Deyalsingh: “Doh stay hurged.” [*Laughter*]

Sen. Abp. Burke: They will die in Laventille. Do not say that.

Sen. W. Sturge: Do not stay from afar, and when you go to Laventille take a PH taxi; [*Crosstalk*] take a PH taxi.

Sen. Beckles: I hope they are listening to you.

Sen. W. Sturge: Yes, they are listening because the Government is showing that every life is valuable. [*Desk thumping*]

Sen. Ramlogan SC: “Yeah, yeah.”

Sen. W. Sturge: So, let us not fiddle and get into all sorts of arcane legal issues that will have to be interpreted—

Sen. Beckles: Arcane.

Sen. W. Sturge:—by a judge anyway. The stark reality is we need this. So, if you go live in Laventille for that one week without your luxury car, your firearm and you take the kids and so on. Work late—

Hon. Senator: Carry them on an outing.

Sen. W. Sturge:—work late like the KFC worker, travel by PH to come home. Send your children to school from Laventille, let us see if they reach, and if they reach, let us see how they return.

Hon. Senator: Give way to any one of them to volunteer.

Sen. W. Sturge: Let us see who is volunteering?

Sen. Ramlogan SC: “Is de soldiers the criminals fraid.”

Sen. W. Sturge: Now, the hon. Attorney General has just made a point that I actually forgot. I have been in the criminal courts for almost 15 years. I have seen several, countless—I cannot count it—matters of persons shooting at the police. You know what I have never seen in my 15 years?—anyone shooting at the soldiers.

Sen. Ramlogan SC: “Yeah, yeah.” [*Desk thumping*]

Sen. W. Sturge: “Monkey know what tree to climb.”

Sen. Ramlogan SC: “Yeah!” [*Desk thumping*]

Sen. W. Sturge: The police, most times, are outgunned; the soldiers are not. “How come when de soldier show up de murders stop, shooting stop, everything stops?” Is there really a legitimate fear that the soldiers would act irresponsibly when they have never acted irresponsibly—[*Desk thumping*]

Sen. Ramlogan SC: And they are saying they already have the powers.

Sen. W. Sturge:—with the existing powers of arrest they already have? That is an indictment on the soldiers. It pigeonholes them into saying, “Look, they are simply killing machines and they cannot think, they cannot act with reason.” That is not true, Mr. President. [*Crosstalk*]

Now, there were concerns raised about them being in court sitting down whole day. There are concerns raised about when they effect an arrest, then they have to write a report or a statement. I heard about 140 contact hours. I think, quite clearly, that is too much. That is not necessary.

The arrest of any offender charged with a criminal offence in our courts is never an issue. If the arrest turns out to be unlawful or unconstitutional, you cannot win your criminal case. That is the reality. If there is prima facie evidence that you have committed the actus reus with mens rea, you are guilty.

Hon. Senator: Yes.

Sen. W. Sturge: The court is not going to say, “Well, the arrest was unlawful or unconstitutional and, therefore, the case cannot go to the jury.” That is not how it works. Your case will go to the jury and you are free to commence civil litigation, constitutional motions, thereafter.

Mr. 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.

Sen. W. Sturge: In spite of all my indiscretions, I wish to thank the other side for granting me the extension. [*Laughter and desk thumping*] I would try to do as much as possible in the next 15 minutes. [*Crosstalk*] Yes, an issue was raised about if they get tied up in matters and so on, they would be required in court and, therefore, not on the streets. That is not how it works, Mr. President. The court, as it stands, when a matter is called, the only time witnesses other than the charging officer are required is when the matter is fixed for trial and the court says, "Bring your witnesses." So, there is no danger of the soldiers sitting in the corridors of the Magistrates' Court each day away from duty. That is not how it works.

In most cases that I have seen involving drugs and firearms and so on, which is the issue, there might be 20 or 30 persons on a raid, but who gives evidence in court? Two police officers! Invariably, the arresting officer does not have to give evidence. That is a matter for formal admission. Most of the time, the circumstances of your arrest are immaterial. So, there is no issue of court time being wasted and so on. And, in any event, the content of the statement of an arresting officer is usually quite concise, so it does not go into all sorts of extraneous matters.

Now, I heard someone say that citizens can assist the police in effecting arrests. I dare say not in this climate, Mr. President.

Sen. Ramlogan SC: No way! [*Desk thumping*] No way! [*Desk thumping*]

Sen. W. Sturge: If a non-military officer, a non-police officer—a citizen—exercises his power of arrest in this climate, he may very well be as good as dead. [*Desk thumping*] Only the bravest of citizens would dare do so, and I have not seen any in all of the cases I have been doing. [*Crosstalk*]

There was some query about we need to be convinced about whether it would work in this jurisdiction. Well, I would like to know: why would it not work having regard to the history, having regard to the successes in other countries?

There is a concern about the soldiers not being educated enough, and the soldier must write his statement in a way that the DPP can understand. When last I checked, the DPP speaks English and soldiers also speak English, so I do not know how much of a difficulty that is. [*Laughter and desk thumping*]

Sen. Maharaj: The PNM “doh” speak English.

Sen. W. Sturge: Now, there are a couple other issues I wish to deal with. A concern was raised, first of all, about the existing relationship, and how the relationship between police and soldiers would work. The Inter-Agency Task Force has been in operation for God knows how long. Is there any evidence that the operations of that task force have been compromised? Please bring it.

2.20 p.m.

Is there any issue of command? Please bring it. None! The relationship has been working. There are no issues, as one person put it, as to who would salute who. I do not believe that is an issue that should hold up voting for this Bill.

Sen. Ramlogan SC: No.

Sen. W. Sturge: There is an issue about discipline. There is an issue about the processes relating to discipline of the military would be very different to that of the police, and that court martial is not justiciable, and that you cannot have judicial review. I read in a contribution that a certain soldier who was charged for kidnapping was summarily dismissed, and the only avenue he has is an avenue for re-enlistment when the matter is completed. What is wrong with that? Should we wait whilst this soldier—yes, he has the presumption of innocence, but the army can carry out its own proceedings and determine.

Sen. Ramlogan SC: Different burden of proof.

Sen. W. Sturge: It is different. And in the public service, teaching service, all these services, when you are charged with a criminal offence the reality is, even if you win your criminal matter you are not guaranteed admission—re-admission into the police service.

Sen. Ramlogan SC: That is true.

Sen. W. Sturge: If you win because someone did not come to court—or on some legal technicality—the service commissions still have the power to dismiss you. So why is that wrong, Mr. President? There is a concern about whether soldiers would breach Standing Orders. If we punish police officers for breaching Standing Orders, we would not have much of a police service. So what is the reality? What is the history? The history is the army has always acted responsibly in its interactions with our citizens.

Sen. Ramlogan SC: True.

Sen. W. Sturge: And what we need now is simply to give them additional powers so that they can better act. That is all, that is it. Is it fair that they do not have the same immunities when they are doing the same job as the police?

So having said that, Mr. President, I know that my contribution may have polemicized some in this honourable House, but I ask that we put aside passions, we look at this dispassionately, and when we look dispassionately we would realize that this is good law. [*Desk thumping*] It is good law because additional powers are being given, and it is good law because additional protections and immunities are being given, and it is only with a sense of fairness that we are policing this, we are presenting this, because it is shown that the Government, this Government, cares not just about its own, but cares about every citizen in this country—Laventille, Morvant, you name it, this Bill protects these persons.

Unless I can be of further assistance, thank you, Mr. President. [*Desk thumping*]

Mr. President: Sen. Cudjoe.

Sen. Shamfa Cudjoe: Thank you, Mr. President, for the opportunity to contribute to this Bill. First, I want to—I do not know if to congratulate, but I want to recognize that Sen. Sturge had made his maiden contribution. Right now, Mr. President, I am shaking—[*Desk thumping*—I am quaking in my boots.

Hon. Senator: “It doh look so.”

Sen. S. Cudjoe: I do not believe what I just heard, but I will tell you, I am not a lawyer but I have heard lawyers talk about ad hominem, and that is where you have legislation designed against the people and this—[*Interruption*]

Sen. Hinds: Special class of people.

Sen. Al-Rawi: Specific people.

Sen. S. Cudjoe:—special class of people, and this Senator seemed to have spoken in that regard, legislation against the people of Laventille. [*Desk thumping*]

Hon. Senator: Oh yes, absolutely so.

Sen. S. Cudjoe: Mr. President, I want to even recommend, on the Senator’s behalf, that we rename this legislation the “Laventille Miscellaneous Amendment Bill”.

Sen. Hinds: “Yuh jus ha to put AG inside ah dat too.” [*Desk thumping*]

Sen. S. Cudjoe: Mr. President, I listened intently and for some reason this Senator’s contribution took me all the way back to 2007 in the days of a UNC Senator by the name of Harry Mungalsingh, who would have recommended abortion and cash—[*Interruption*]

Sen. Ramlogan SC: Mungalsingh.

Sen. S. Cudjoe: Mungalsingh.

Sen. Singh: No relation.

Sen. S. Cudjoe: As Sen. Barbara Burke would say, “I did not christen him”.

Hon. Senator: “Yeah!” [*Desk thumping and laughter*]

Hon. Senator: Well said.

Sen. S. Cudjoe: And Sen. Mungalsingh recommended abortion and cash-incentive sterilization for people in hot-spot area as the means to fight crime. [*Desk thumping*]

Sen. Hinds: Oh yes, oh yes, reminiscent, reminiscent.

Hon. Senator: That is it.

Sen. Hinds: They bring a lawyer in here to say—

Sen. S. Cudjoe: And in all his shining glory today, the UNC has brought this lawyer, this hon. Senator, to promote something very similar to Sen. Mungalsingh—

Sen. Hinds: Did you say dishonourable?

Sen. S. Cudjoe:—quite dishonourable. [*Crosstalk*]

Sen. Al-Rawi: Terrorize people in Laventille.

Sen. S. Cudjoe: Mr. President, sometimes I say to myself that this Government comes across as suicidal, and I will tell you why, because they always make these blunders against themselves; they are busy falling over themselves and this Senator demonstrated that today. I was not sure if he was here to help or hurt the Government. Mr. President, I think—[*Interruption*]

Hon. Senator: “Ask Hinds why he move out from Morvant.”

Sen. Ramlogan SC: Yes.

Sen. S. Cudjoe: Oh, you would have a chance to contribute Sen. Burke. [*Crosstalk*] You will have a chance. But, Mr. President, as I sat here I was wondering if the hon. Senator was listening to the same debate I was listening to, based on the things that he would have raised, and I was wondering if he was referring to the same legislation, because, first things first, he would have quoted things and accused people of saying things that I sat here and I did not hear.

Secondly, Mr. President, I have a lot of things to say so I am going to move straight to this point that really piqued my interest, where he said that we are not trying to give the police full powers because it does not say that clearly in the legislation. And I wondered for a while if we are talking about the same piece of legislation, because at clause 4, and I quote:

“Section 5 of the Defence Act is amended by inserting, after subsection (2), the following subsection.”

It speaks to (2A), and then I would go straight to—no I will read it:

“(2A) When any unit of the Defence Force is charged under subsection (2) with the duty of assisting any member of the Police Service in the maintenance of law and order and is engaged in so doing, the members of the unit shall –

(a) have the same powers, authorities, privileges and immunities as are given by law to members of the Police Service...”

And where do you find these powers, authorities, privileges, and immunities, Mr. President? In the Police Service Act.

Mr. President, I want to take you to the Police Service Act, Chap. 15:01, and I would take you directly to section 45 that says what are these powers and immunities. [Crosstalk]

Sen. Deyalsingh: And she is not a lawyer “eh.”

Sen. S. Cudjoe: Let me tell you something: I prefer for Sen. Al-Rawi to direct me. You sit there and you allow your colleague to speak all that; I would not tell you what I think it is—[Interruption]

Hon. Senator: Oooooo!

Hon. Senator: “Yeah!”

Sen. S. Cudjoe:—and you let him just flow. So thank you, Sen. Al-Rawi.

Hon. Senator: Awwww! [Desk thumping]

Sen. S. Cudjoe: So, Mr. President:

“A police officer—”—these are the powers:

“shall preserve the peace and detect crime and other breaches of the law;

may arrest, charge and bring before a summary Court a person found committing any offence rendering him liable to arrest without warrant, or whom he reasonably suspects of having committed any such offence;

may summon before a summary Court a person whom he reasonably suspects of committing an offence;

may prosecute a person who commits any offence;
shall serve and execute at any time, including Sundays, all process which he may be directed to serve or execute;
shall keep order in and within the precincts and in the vicinity of all Courts during all sittings of such Courts;
shall repress internal disturbances; and
shall generally do and perform all the duties appertaining to the office of a constable.”

Then Sen. Sturge—I want to make it clear that he is a temporary Senator, and I urge the Government to make sure that it is temporary. *[Laughter]* *[Desk thumping]* So temporary Sen. Sturge—he also spoke to—*[Interruption]*

Hon. Senator: Three little powers.

Sen. S. Cudjoe: So there are only three certain powers that the Government is trying to ascribe—*[Interruption]*

Sen. Al-Rawi: Read that Bill and find that.

Sen. S. Cudjoe:—and I am searching the Bill. Where are the three powers—the three certain powers, the three specific powers? Because Sen. Sturge said in order for us to even talk about this we cannot just read it into the legislation, it has to be there—so I am searching—in expressed words. I am searching the legislation looking for these three certain powers—*[Interruption]*

Hon. Senator: For the specificity.

Sen. Al-Rawi: Which three powers?

Sen. S. Cudjoe:—for this specificity.

Hon. Senator: “Yeah! Yeah! Yeah!”

Sen. S. Cudjoe: Indeed! So, Mr. President, I have searched all over and I could not find it.

Sen. Hinds: Maybe Sen. Sturge got *[Inaudible]*.

Sen. S. Cudjoe: And Sen. Sturge made another comment, he spoke about, that what is the army doing, are we waiting for an invasion from Grenada or Venezuela, and that reminded me of the comments about soldiers being here just waiting on a war as if they are lazy, Mr. President—*[Interruption]*

Sen. Singh: He never said that.

Hon. Senator: Who said that?

Hon. Senator: “As if. As if.”

Sen. S. Cudjoe:—as if they are lying idle.

Sen. Singh: Never said that.

Sen. S. Cudjoe: And, Mr. President, that is what was implied. According to him, that is how—he said that is how I take it, so that is what it meant to me.

Mr. President, I want to spend a little time on all the—*[Interruption]*—oh no, let me go ahead; he said who are the people dying, and he went about calling all these—he said there is no warfare in Westmoorings and Lange Park and Valsayn and so on, and somebody said, “Is there?”, but when you check the murder statistics and the homicide rates and so on, and you look at exactly where these things are taking place, they are taking place all over Trinidad and Tobago. In some places more than others, but the entire country is being affected by crime.

So to come here and to call out a specific community, like you come here to wage war on that community, I am concerned about your proposals, Sen. Sturge. *[Desk thumping]*

Sen. Hinds: It is true.

Hon. Senator: Well said! Well said!

Sen. S. Cudjoe: He said the bodies are dropping in Laventille and in Smith Hill, Carenage and in Morvant and Nelson Street and Duncan Street, and then he went on to speak about living in the ghetto, and so on, Mr. President. He said we have been affected by African-American culture and gangster rap, and he spoke about Wu-Tang Clan. Mr. President, Wu-Tang Clan is nowhere around any longer influencing anybody, but Sen. Sturge decided to allude to that.

But, Mr. President, Sen. Sturge was sure to point out the implications and the impact of negative music and so on, but he did not take any time out to explain to us how being led by a Government with a twisted moral compass—

Hon. Senators: Oooooo!

Sen. S. Cudjoe:—how does that impact?

Mr. President: I am not going to allow you to make allegations against the Government. Senator, you will have to withdraw the remark.

Sen. S. Cudjoe: Okay. I do withdraw, Mr. President, and what I want to say is how does a Government or a leader, any leader, any kind of leader, any kind of leader anywhere in the world with a twisted sense of reality, with a moral compass that is not intact—[*Interruption*]

Sen. Singh: Patrick Manning is like that.

Sen. S. Cudjoe: Any leader, anywhere—[*Interruption*]

Sen. Singh: Rowley is like that.

Sen. S. Cudjoe:—Mr. President, in your homes, in the schools, wherever; what kind of implications, what kind of impact would that have on young people that look to us, that look to the leaders for examples?

Sen. Singh: “Donna Cox cuff dong”—

Sen. S. Cudjoe: Well I will tell you something, Sen. Singh, I would be a Kwesi Antoine “cuff dong” by Donna Cox rather than Harry Sumersingh—[*Interruption*]

Hon. Senator: She did do that?

Sen. S. Cudjoe:—who is not alive today to tell the story.

Hon. Senator: “[*Inaudible*] cuff dong the man?”

Sen. S. Cudjoe: “Yeah.” So, Mr. President—[*Interruption*] [*Desk thumping and laughter*]

Hon. Senator: “Yuh confess that she cuff dong de man in Parliament?”

Sen. S. Cudjoe: But I will tell you something, I want to close off—

Sen. Hinds: “Ent alyuh cuff dong Jack?” [*Laughter*]

Sen. S. Cudjoe:—on Sen. Wayne Sturge, because I do not want to waste too much time speaking on him.

Mr. President, I would use two little proverbs; one from Tobago—and this is my advice to the Government—“When you see goat ah walk ah road with half rope, leffam”. [*Desk thumping*]

Sen. Hinds: “Oh Lord! Tobago! Dey fraid Tobago, eh? Dey fraid Tobago, eh?”

2.35 p.m.

Sen. S. Cudjoe: Mr. President, I leave this with the Senate: I went to an African-American university in Daytona Beach, Florida, Bethune-Cookman College, where the United Negro College Fund motto is—a mind is a terrible thing to waste. [*Crosstalk*]

Before I go on, I want to congratulate, in his absence, the Hon. Sen. Emmanuel George, on assuming office as Minister of National Security. I wish him all the best. I want to extend offers on behalf of the People's National Movement that we are willing to work with the Government and partner with the Government in finding ways to treat with crime together, because it is a sensitive problem to all of us, as we have demonstrated in the past, especially from the letter the Leader of the Opposition would have written to the Prime Minister.

We have voted for legislation time and time again, supporting the Government. I remember when Sen. Fazal Karim would have listed a long list of legislation that the Government passed. You must remember that you did not pass those legislation alone; you got the help of the Independents and the Opposition, and many times, many long nights, Sen. Al-Rawi and Sen. Hinds sat there offering recommendations and assisting you in fixing your legislation. So the record is there to show; I will not go on any more about that.

I want to share with you my experience in treating with this. The last time we were here in the Parliament, April 03, the debate was cut short. The debate was curtailed.

Sen. Hinds: The Government absconded.

Sen. S. Cudjoe: We were promised that we would be back here on the 23rd to treat with these matters. Certain concerns were raised by the Opposition and the Independent Senators. When the Leader of Government Business in the Senate closed off the session, he said that he wanted to take into consideration some of the recommendations and so on. So I left here hopeful on the third. From there on, I kept calling. There were only two persons left to speak on this side: Sen. Beckles-Robinson and I.

The Government said that they would take all our concerns into consideration, so I was somewhat excited about that. I kept calling the Parliament every day. "Wake up in de morning, go to work, calling"; asking the Senate Secretariat, "Well, did the Government present any amendments yet?" "I am supposed to debate next." Day after day, day in, day out I kept calling the Parliament.

One day in last week, a member of staff from the Senate Secretariat said, "Well, you know, I have the Order Paper here to send out, but I am delaying it because I am hoping that they are going to send something." "I am trying to contact the Leader to see if they are going to send something, so I am delaying sending out the Order Paper." So I waited and called and called and called, until around Thursday I called again and the person said, "You know what, you are not going to get anything else, no amendments, no code of conduct, nothing to consider."

So here we are again, back in the Senate with nothing to consider, after being promised that these things would be taken into consideration and so on. I was really looking forward to participating in this, because as a young person, your first time in politics, you are excited, you want to make a change, you want to make a contribution. I was somewhat disappointed and disgruntled at the position the Government would have taken, especially by not providing us with any amendments or anything to work with from that day. But the public would be well aware of this infamous—I call it a secret meeting or a meeting between the Government and the Independents to treat with the concerns raised in the Senate.

Mr. President, from the media and trying to follow up this thing, because I am next to contribute for this side, I was trying to stay on point and stay on board with what was happening. I understand from the media—this is what I heard, nobody knows for sure; well, I do not know for sure—that it was a three and a half hour meeting and there were PowerPoint presentations, there were high-level government officers and the Chief of Defence Force, the Acting Commissioner of Police and so on were there. This is what I heard, but I want to place on the public record that I consider this entire initiative, especially the way in which it was done, an affront. I think it is a slap in the face of the Opposition, and not just a slap in the face of the Opposition—

Sen. Singh: Be careful of slapping the Opposition.

Sen. S. Cudjoe: Well a slap in the Opposition is much better than being murdered in the UNC.

Hon. Senators: Woooo!

Sen. Hinds: And there was a murder in Philippines last Sunday.

Sen. S. Cudjoe: I am going to say that is a slap in the face of the Opposition, and we have supported many Bills, many crime-fighting Bills. This is the first Opposition in the history of this country to give the Government so much support; the first Opposition in the history of this country to vote for so many Bills; the first Opposition in the history of this country to vote onto a budget.

Sen. Karim: [*Inaudible*]

Sen. S. Cudjoe: “Doh worry, de near is end—the end is near for you, and ah worry bout you.” [*Laughter*]

Sen. Karim: “The near is end.” [*Laughter*]

Sen. S. Cudjoe: Mr. President, I am going to stay. I have a little time and I am going to go on.

This is a slap in the face of the Opposition, and more so a slap in the face of the citizenry. I think it is a sad day and a sad time for democracy, especially considering that we practise the Westminster style of Parliament that operates on the principles of transparency and public scrutiny. This institution of Parliament was created so that people could examine and even participate in the discourse on critical matters that affect their lives. It is done in public so people could be assured that their representatives are not making deals; they can be assured that we are not selling away their rights and freedoms—

Hon. Senators: Oooh!

Sen. S. Cudjoe: I am not saying that anybody would have done that.

Hon. Senators: No! [*Crosstalk*]

Sen. S. Cudjoe: Mr. President, I cannot hear myself; your protection, please.

Mr. President: Senators, let us listen to Sen. Cudjoe.

Sen. S. Cudjoe:—so people could be assured that there is nothing improper happening. If you check the newspapers, the letters and the editorials since that meeting, the public is concerned, and they are asking questions, because we have been following these debates. They have been following it in the Parliament, looking at the Parliament Channel. We have been listening to 105.5 and following on the debate. If you look at the newspapers since this talk about this soldier/police thing came up, the people have been on point in staying on course with the information.

This is why we have a Parliament. This is why we have a public gallery to subject us to public scrutiny. [*Desk thumping*]

Hon. Senator: That is right!

Sen. S. Cudjoe: This is why we have verbatim notes. These ladies who sit back there with their computers and typewriters, the Parliament is not just to give them a “wuk”. These records go into the *Hansard* for all time, [*Desk thumping*] so that anybody at any time, later on down the road, could come, look in these records, examine these records and see what was considered. That is what Parliament and public policy is all about, especially when you are treating with a critical issue as crime, that is so sensitive and close to the hearts of all of us.

People want to have a say. People want to know what is happening. People want to know what was said. People want to know what kinds of recommendations were offered. We have a right to know. Mr. President, crime is everybody’s business, but we were not allowed to know the information and the details shared there; what was said, what was done. Was there any misrepresentation by the Government?

This debate started in Parliament, and the Parliament has a structure that allows us to have joint select committees, special select committees, where there are minutes and notes and reports and records and debates. I want to know what was said or what was presented in the closed-door meeting that could not be said in Parliament so that the whole public could know. What was said? What is there to hide?

I want to put this on record because I felt like the Government has put, not just the Independent Senators, but two of the highest officers in the land, in a very, very precarious position. Here you have the Chief of Defence Force; he is under the remit of the Minister of National Security. I do not know if he was given instructions to be at that meeting and to make a certain presentation or present a certain mindset. The same could be said for the Acting Commissioner of Police appointed by the Government, depending on Government to hire him, to fire him, to give an extension of his tenure. Were they instructed to be there?

Hon. Senator: The former Prime Minister did all of that.

Sen. S. Cudjoe: We are not talking about the former Prime Minister; we are talking about this Prime Minister here today.

Hon. Senators: “Tell dem!” [*Desk thumping*]

Sen. S. Cudjoe: The PNM had its time and we were voted out, and we were judged by that, and you are in the seat right now, and you have to answer to all of us.

Sen. Singh: [*Inaudible*]

Sen. S. Cudjoe: The end is near. The end is near. The end is near, and Trinidad “gonna” do to you exactly what Tobago did, and will play with it. [*Desk thumping*]

Sen. Singh: You sound like a prophetess. [*Crosstalk*]

Sen. S. Cudjoe: I sound like the prophetess or the pundit that the Prime Minister took to India on the trip, on public funds? It was alleged.

Sen. Hinds: “When she carried de nurse.”

Sen. Ramlogan SC: “Wha really going on here?” [*Crosstalk and laughter*]

Sen. S. Cudjoe: So, Mr. President, I want to welcome the AG in the Senate for the second time.

Sen. Hinds: “He just come back.”

Sen. S. Cudjoe: This Parliament now bears the odium of sidelining the public.

Sen. Al-Rawi: All of our voters.

Sen. S. Cudjoe: I see this as putting, not just the Senators, but these officers that hold very high positions in the land in a very invidious position. I think it is the greatest abuse of the parliamentary system and it is an insult to the public's intelligence. [*Desk thumping*] I just really want to say, "Shame on this Government."

This meeting raised more speculation about the intent of this legislation and this new police army. What is it that you want to do that you cannot explain to the public with transparency and under public scrutiny? Where is your report? Where are your minutes? Where are your verbatim notes? What documents were presented?

The Government is trying to move ahead with creating a new police force. I call it a new police force because at the end of the day these guys are not quite police officers or soldiers. This is unconstitutional, and I will tell you why. The Constitution has provisions to ensure that the police service is insulated from executive influence. The Constitution and the laws of this nation have ascribed different powers to the police and different powers to the soldiers. The soldiers are expected and have the responsibility to guard us against outside attack and the police have to protect, detect and serve. The Constitution has provisions to protect the police from political influence also, and the Defence Act clearly states that the defence force is under the remit of the Executive, which leaves so much space for political influence.

I want to raise some concerns about the Bill. I want to refer to the same (2C) that Sen. Sturge would have mentioned earlier.

Sen. Hinds: You mean temporary Sen. Sturge.

Sen. S. Cudjoe: Temporary Sen. Sturge, do not ever forget. [*Laughter*]

Sen. Sturge: I like it like that.

Sen. S. Cudjoe: Subsection (2C) says:

"Where a member of the Defence Force has arrested any person pursuant to subsection (2A) he shall, without delay and in any event as soon as is reasonably practicable, hand that person and any items seized over to the senior police officer whom he is assisting or to the nearest police station and record or cause to be recorded the circumstances occasioning the arrest."

I have heard in this Senate and in the other House also that the soldiers are expected to work alongside the police, that they are not going to be working alone, but this (2C) implies that it is the Government's intention to have them work alone at some time, because here they are expected to turn over the person or the items to the police station or to the senior police officer.

2.50 p.m.

Now, Mr. President, that raises some concerns because I remember quite clearly the Police Service Social Welfare Association and Sgt. Seales saying in the *Guardian* that they do not support this measure and they would not be accepting any arrests carried out by the soldiers. [*Desk thumping*]

Hon. Senators: That is right. That is right.

Sen. S. Cudjoe: I remember the last time that we were here Sen. Moore gave us the impression that there is this harmonious relationship between the police and the army, and when you see the candlelight vigils and so on taking place and the protests taking place on the TV, you know that that is not so. When the police officers come out to clearly say that we are not going to accept the arrests made by the soldiers, then it creates the impression that the Government is fighting against the police rather than helping the police, and this [*Crosstalk*] is a recipe for chaos and confusion.

Mr. President, one of the amendments that was made in the earlier stage of this Bill when it came from the Lower House to the Upper House was to place these officers, who would now be pretending to be police for some time, under the remit of the Police Complaints Authority. That has some serious concerns because you see this kind of piecemeal way of amending legislation, it cannot work, and these things have to be carefully thought out. When you read the Police Complaints—[*Interruption*]

Hon. Senator: Authority.

Sen. S. Cudjoe:—Police Complaints Authority Act, the head of the Police Complaints Authority is expected to report only to the Commissioner of Police or the Police Service Commission. So if there is a problem with one of these “soldier/police”, then who does she report to? —

Sen. Hinds: Attorney General.

Sen. S. Cudjoe:—because she does not have any responsibility whatsoever. There are not provisions anywhere in the Police Complaints Authority Act that says she must speak to or interact with or send any report to the Chief of Defence Force. These gentlemen who are going to be pretending to be police for some time are under the command of the Chief of Defence Force. So how does the Police Complaints Authority interact with them? [*Crosstalk*]

It goes a little further because if you look at the Domestic Violence Act also, Mr. President, it speaks to actions that should be taken by the Police Complaints Authority for soldiers who would have entered a home improperly, but the Police Complaints Authority is expected to report that to the Police Service Commission, and if these “soldier/police” do not fall under the Police Service Commission then who is the Police Complaints Authority speaking to—[*Interruption*]

Sen. Al-Rawi: That is right.

Sen. S. Cudjoe:—and who is going to take action? That is why legislative scrutiny, especially within a feasible time, so that Members of Parliament and members of the public could take a good look and try to understand and decipher what the Government is trying to do. We want to see the details. We want to know what are your policy objectives, and then we want to know if this legislation would help you to accomplish your policy objectives, rather than sticking in a piece there, sticking in a piece there, and at the end of the day you find yourself with a scrappy or a shoddy piece of legislation that does not meet your policy objectives.

So, as the legislation stands right now, it is inefficient and ineffective and it would not work because who is the Police Complaints Authority going to report to? I would move on from that point.

I have heard in the public domain that the Government has only planned to ascribe these powers to 1,000 officers. That is nowhere in the Bill. [*Crosstalk*] So for all you know, the Government could change its mind tomorrow because it has made no commitment within this Parliament, even in the legislation; you could ascribe that power to all 3,000 members of the army.

Sen. Al-Rawi: Correct. A unit. Could be anybody.

Hon. Senator: “What she say?”

Sen. S. Cudjoe: Mr. President, there is another concern as to who is doing the selection. [*Crosstalk*] Where is the code of conduct so we would know who is eligible to be selected? What is your process of selection? Is it going to be who has the best height, political affiliation? We do not know. We do not know any of this information. If it was presented at the private meeting [*Crosstalk*] I do not know; neither does the public.

Hon. Senator: Remember that? [*Crosstalk*]

Sen. S. Cudjoe: So, Mr. President, it is our right to know. What is going to happen as it relates to training? Sen. Karim would have mentioned a four or six-week training programme, and he would have mentioned that we are

conducting—that the Government—he said, “we are conducting a diagnostic test”. Who is conducting a diagnostic test and who is taking this diagnostic test, and how did you select the people to take this diagnostic test? [*Crosstalk*] Up to this point we do not know. So there are huge loopholes within your legislation and your policy objectives, if you even have a policy objective.

Hon. Senator: Ummm.

Sen. S. Cudjoe: Mr. President, I want this Government to remember that you are dealing with people, and behaviours are learned and practised, and these soldiers were trained in a specific way. So to try to give them a six-week training to try to change their way of behaviour, after they have learned a certain way, instituted in them, you have to remember that they are not machines. They do not switch off the soldier button and switch on the police button, and then switch it off back after the two years.

Mr. President, I want to raise the question of conflict. You know—I want to stick a pin there—because the Government tries to give us the impression that somebody on the Opposition called the soldiers “killing machines”.

Sen. Singh: Hinds did.

Sen. Ramlogan SC: Mr. Imbert. [*Crosstalk*]

Sen. S. Cudjoe: No, he did not. He did not. He did not. I was here. [*Crosstalk*] But anyway it was in the Lower House where a Member of Parliament referred to what was said by Sgt. Seales in the *Guardian* newspaper—[*Interruption*]

Sen. Al-Rawi: That is right.

Sen. Hinds: That is right. That is right.

Sen. S. Cudjoe:—and this Government has tried to ascribe that to the [*Crosstalk*] Members of the Opposition. So I just wanted to set that clear. Mr. President, you have to be careful with them. “Dey slippery.” [*Crosstalk*]

Hon. Senator: “Yuh repeated that.”

Sen. S. Cudjoe: So, Mr. President, where is the code of conduct? I am very concerned about this sunset clause, but I do not have to spend any time on that because Sen. Drayton had dealt with that.

Sen. Hinds: The UNC is a killing machine. They killed Jack last Sunday.

Sen. S. Cudjoe: But it is just very coincidental that this sunset clause is two years—and that is two years leading up to an election—and I am going to use this quote from the past President, the hon. Maxwell Richards, who said that we need to start thinking about the future generation rather than the next general election.

Sen. Al-Rawi: That is right. [*Crosstalk*]

Sen. S. Cudjoe: So, at the end of the day, this legislation, the information is limited, and as Sen. Moore would have said the last time we met, where we do not have good men, we have to ensure that we have good law. The public concern and the speculation are great, and there are many loopholes in this legislation. So what should the nation do? Just sit back and trust this Government? Should we sit back and trust this Government? Should we just trust that this People's Partnership would do the right thing, after looking at your 35-month track record of misspeaking, misrepresentation, misbehaving and mismanagement? As I said before, this Government is suicidal. This is a "Brer Anancy kind ah Government" where everything they do, you must examine the evidence and check for, I would not say skullduggery, but I will say UNC finesse. [*Crosstalk*]

So, at the end of the day, there is a major confidence crisis. Nobody trusts this Government, [*Desk thumping*] and with legislation with all these loopholes, I am not going to sit back and leave it up to them.

Sen. Hinds: That is right.

Sen. S. Cudjoe: As Sen. Moore said, and as Sen. Moore implied, it is better to have good law especially when you know you are dealing with bad people.

Hon. Senator: Hmmm.

Sen. Singh: What is that?

Hon. Senator: What is that?

Sen. Karim: "Oh lawd!" [*Crosstalk*]

Sen. S. Cudjoe: At the end of the day, Mr. President, this is dangerous legislation, and I am speaking about the public comments that were made. The legal luminaries like Dana Seetahal, former Independent Senator and President of the Law Association of Trinidad and Tobago, stated that this is dangerous legislation. The current president has warned the Government to tread carefully; tread carefully before we turn this place into a police State. The police officers and Police Service Social Welfare Association said that this legislation is ill-conceived, it is retrograde and it is nonsensical. This is an insult to the intelligence of the entire nation.

Sen. Hinds: When failed, the Government should resign.

Sen. S. Cudjoe: By having this legislation, [*Crosstalk*] by trying to foist this legislation upon the people of Trinidad and Tobago, I feel like the Government is saying clearly that they have lost confidence or have some serious concerns. They have lost confidence in the police service, and all law enforcement apparatus.

Sen. Hinds: Oh, yes. That is right. That is right.

Sen. Singh: Call for a referendum.

Sen. S. Cudjoe: Government, like many citizens, is frustrated with the police service and its inability to arrest the crime problem. The citizens, some citizens, have no confidence in the police; this is what is reported in the newspapers.

Sen. Hinds: Nor in the Government.

Sen. S. Cudjoe: Worse yet for the Government. The Government needs to be careful of sending a message like they have given up in the police service. We know very well that a serious investment must be made in the police service.

Sen. Al-Rawi: That is right.

Sen. S. Cudjoe: We cannot continue to come up with knee-jerk reactions [*Crosstalk*] and makeshift measures to treat with the problems we have existing in the police service.

Mr. President, I think the reason why we are here today too is that the Government does not have a crime plan. The Government had promised us a crime plan within its first 120 days. As a matter of fact, this Government does not have a plan for anything. They did not even plan their life together. [*Laughter*] This is a marriage of inconvenience meant to frustrate the people who brought them into power and to fool us. I feel like this Government is just drifting. There is no clear policy.

Sen. Hinds: Drifting or drinking?

Sen. S. Cudjoe: Drifting. Drifting from side to side, back and forth, Mr. President, more like staggering.

Sen. Hinds: Oh, yes!

Sen. S. Cudjoe: Mr. President, more like swerving.

Sen. Hinds: I could take that.

Sen. S. Cudjoe: The kind of swerving you do in drunken driving, and the nation is sitting in the back seat holding on to its rosary, hoping that we get there—

Hon. Senators: Ohh!

Sen. S. Cudjoe:—in one piece and counting down the next 25 months under this Government. [*Desk thumping*]

Sen. Hinds: You could say flying around like a grey goose.

Hon. Senator: Seagull.

Sen. S. Cudjoe: As I said before—

Sen. Hinds: You could say flying around like a grey goose.

Sen. S. Cudjoe:—we want to know what are you trying to achieve? What is the policy objective? Sen. Coudray, you had lots of substance. Yes.

Sen. Singh: She is a woman of substance.

Sen. S. Cudjoe: Sen. Moore said—I asked, what was the policy objective? Sen. Moore said, and I quote:

“I take Senators’ point that governments are well-intentioned and sometimes things work and sometimes things do not. But Government must not be faulted and Government must not apologize for saying that this is a step in response”—of the—“rise in crime.”—A—“Government”—must—“be applauded for that.”

Now, Mr. President, Sen. Moore would have implied that this is a reaction to the recent spike in crime.

Sen. Hinds: Uh hmm.

Sen. S. Cudjoe: Is this legislation, is this measure, enough to arrest the problem of crime? She said on page 135 of the *Hansard*:

“Let us not hide behind the numbers when it appears to be convenient, in which case, what are we doing here? Is it that everybody accepts that there is no need for an increased police presence, better detection, better prison, reduction in recidivism?”

Mr. President, Sen. Tewarie in his contribution told us that the Government has a plan to increase homicide detection rate to 25 per cent by 2014. So, you think this measure where the Government wants to give—they say a thousand; so ascribe or confer upon these soldiers police powers. Is that enough to treat with the crime situation? I want to give this Government a wake-up call that a thousand soldiers would not help to improve the detection rate. A thousand soldiers would not assist in treating with the judicial system, that is busting out of its seams with thousands and thousands of backlog cases, and a thousand “police/soldiers” on the road, on our nation’s streets, or “soldier/police” or “solice” as Sen. Hinds said, would not help in the problem [*Crosstalk*] where a case takes seven years to be solved.

Now, Mr. President, 1,000 soldiers simply means more bodies on the street, more force, more arrests. The state of emergency that was brought on by this Government should have taught us a lesson that arrests without convictions is worthless.

Sen. Hinds: Ask Sturge about that.

Sen. S. Cudjoe: Very worthless in the war against crime. This Government tends to see crime fighting and policing from an arithmetic point of view, and I want to place on the record that there is more to policing than arithmetics. There is a science and a sociology to policing. We have to look at detection and conviction rates. [*Crosstalk*] Our detection rate and our conviction rates are very, very low, so most criminals have no fear in being caught, convicted or castigated.

The police records for the statistics for 2013 as of March 18 would have recorded 91 murders, and of those 91 murders only eight have been solved. So we have a detection rate that is under 10 per cent, and the same was so for last year.

3.05 p.m.

As much as the Government would like to say that that was created by the PNM, I want to let this Government know that we have been under PNM leadership in Tobago for over 12 years and we can boast of a detection rate of 100 per cent for three years straight.

Sen. Singh: Congratulations. [*Desk thumping*]

Sen. S. Cudjoe: So, get it together! So, Mr. President, when we compare ourselves to nations with bigger populations, larger populations, we have the UK with a population of 60 million people—

Sen. Singh: Sixty-six.

Sen. S. Cudjoe:—with a detection rate of 75 per cent; we have the USA with a population of 312 million people with 72 per cent detection rate, and they did not achieve these high detection rates by conferring powers of arrest or wide-ranging powers to soldiers or the defence force. It is because they had made an investment, an investment in improving their law enforcement apparatus, an investment in crime-fighting technology, high-tech equipment to bring criminals to justice. They had invested in an educated, updated and highly trained police service, proper resource management and compensation.

One of the major issues when you sit and chat with the members of the defence force, they complain about—they have reported that they stay longer hours, I think it is 24-hour shifts, assisting the police while the police is an eight-

hour shift; the police gets overtime and the defence force does not get overtime, so compensation is definitely an issue. [*Interruption*] We have to ensure that we have support systems to assist the police service.

Mr. President, what is needed is an urgent and immediate effort and different initiatives to reverse the low crime rate. What are we doing about facilities for our police service? I read in the newspaper week before last week in El Socorro, I think it is the Inter-Agency Task Force, they are having sewage problems and they are operating out of two tents.

Sen. Hinds: Yes.

Sen. S. Cudjoe: Our police service deserves better than that. What are we doing about the rogue officers and the rogue elements within the police service?

Sen. Hinds: And the Government.

Sen. S. Cudjoe: Because when you talk to the members of the service and the members of the defence force, you have the members of the police service saying, “we do not want to work with the army because they are too hostile”, and the members of the army saying, “well, we do not want to work with the police because they are too corrupt”.

Sen. Coudray: That is nonsense, I do not agree with that.

Sen. S. Cudjoe: “Mr. Process”—Mr. President—

[*Sen. G. Singh laughs*]

No, I got distracted by what was said—is being said by Sen. Coudray, but I would get to her just now.

Sen. Singh: Do not try to multitask.

Sen. S. Cudjoe: Mr. President, what is being done about the Witness Protection Programme? What is being done about strengthening the Police Complaints Authority? What about the working CCTV cameras that we have been promised?

Mr. President, the operation of the forensic centre? To date, Mr. President, the forensic centre of Trinidad and Tobago is not OSHA compliant and they are having serious problems with handling evidence. You would have read in the *Express* of April 12, 2013 a report called—

Mr. President: Senator. Hon. Senators, the speaking time of Sen. Cudjoe has expired.

Motion made: That the hon. Senator's speaking time be extended by 15 minutes. [*Hon. G. Singh*]

Question put and agreed to.

Sen. S. Cudjoe: Thank you very much, Mr. President, I want thank my friend Sen. Singh and I want to thank—

Sen. Singh: [*Inaudible*]

Sen. George: We have good mind on this side.

Sen. S. Cudjoe:—those who would have—[*Laughs*—]—said it. You have good men—you have some good men on your side, I wish I can say that, anyway I will go on.

Mr. President, I was speaking about an April 12, 2013 report called, “Probe a bloody mess”, and they are speaking about the situation in Sea Lots, and the newspaper reports where the blood sample for the driver of the vehicle had gone missing for over a month—

Sen. Hinds: Yes, yes.

Sen. S. Cudjoe:—and came back spoilt as they would call it.

Sen. Hinds: “Hmm”, coagulated.

Sen. S. Cudjoe: Coagulated, Mr. President. So, when we have a situation where in a simple case like an accident, we are misplacing and losing serious evidence, we have to wonder what is taking place at the forensic centre and what kind of investment are we prepared to make to make things better. Now, Mr. President, 1,000 “soldier/police” cannot help you in the forensic centre.

Sen. Al-Rawi: That is right.

Sen. S. Cudjoe: Mr. President, this is nothing new because we have been having these talks about this for years. I go to page 27 of the People's Partnership Manifesto where they promised to implement measures to improve detection and conviction rates. I want to refer to a statement made by the hon. Kamla Persad-Bissessar on December 20, 2006; this is reported by Mark Lawrence of the *Newsday* and the title of the article is called “Kamla reveals UNC anti-crime plans”, where they spoke about detection and conviction rates. Mr. President, it is a shame that when you are in Opposition you have all these plans for crime and you are in Government three years now and you do not have one.

Sen. Hinds: Three years now—[*Inaudible*] [*Desk thumping*]—and come here to give soldiers police powers.

Sen. S. Cudjoe: Mr. President, I want to treat with another issue of grave importance and that is the urgent repair of the coastal radar. In the *Guardian* of Sunday, July 01, 2012, a couple days after the former Minister of National Security, Minister Warner, had assumed office, he would have promised and informed the nation that this radar system would be up and running within the next 10 days.

Sen. Hinds: You see you tried to get the rid of Roberts.

Sen. S. Cudjoe: To date the radar system that treats with the protection of our coastline is still not working. Nothing is done yet. Mr. President, the Minister would have promised a crime plan within two weeks and here we are a whole year later, well, three years of People's Partnership leadership and not a crime plan. Not one!

So, Mr. President, we have to treat with the issues that are present within our institutions, within the police service. Just like we have rogue police officers we have rogue members of the defence force also, and it is not that we do not know what to do or how to do it, there just needs to be the political will to treat with these measures. And this issue of crime extends far beyond our law enforcement apparatus, because we have to treat with social issues.

In a letter written to the *Express* newspaper by Miss Hazel Brown, she would have mentioned that she is not convinced that the escalation of military presence on our street would make a significant difference—

Sen. Hinds: Hazel Brown said that?

Sen. S. Cudjoe:—in treating with the scourge of crime in our community.

Sen. Hinds: What?

Sen. S. Cudjoe: She said we need to understand that violence is a learned behaviour and we need to treat with the issues from the root of the problem. Violence and criminal activity is a learned behaviour and I would like to go further and say that it creates a—it is a wretched cycle.

So, Mr. President, these attitudes are nurtured in our homes, in our schools, in our communities, in our churches and we all have a responsibility to create something comprehensive where everybody has a part to play to treat with the issue of crime. No knee-jerk reaction to crime or no emotive measure could be used to treat with crime, especially a crime plan with a sunset clause of two years. It is only going to take us to an election.

Sen. Deyalsingh: That is right. [*Desk thumping*]

Sen. S. Cudjoe: Mr. President, I want to place on the record that we must pay attention to not just the number of criminal activities or the number of murders or homicide; we need to take note of the nature also, because we have moved from family feuds to gang violence and reprisal killings, and now we are talking about serious and heinous acts of violence against women, children and the elderly.

Mr. President, quite recently, in this year, we have heard of murders and crimes involving decapitation, beheading. We saw where a young lady was raped and her limbs were severed; we saw where an old woman, a 61-year-old grandmother was hogtied and strangled, and it makes you wonder what are we doing to get into the heads of the criminals.

Sen. Hinds: They hogtied Jack on a Sunday.

Sen. S. Cudjoe: Mr. President, so there needs to be some psychological and social intervention. While Sen. Coudray would make her comments I would reach out to the Senator, the Minister of Gender, Youth and Child Development, again, as it relates to strengthening and providing the necessary resources to youth organizations, the National Youth Council, the Tobago Youth Council.
[Interruption]

This Government would have met a very robust youth council network going on, operating when they came into power, and I remember the very first presentation by the Minister at that time, Minister Roopnarine, she would have made the announcement that the Government is not going to put any more funds into youth councils. We have been cultured on a premise, on a plan, an idea that young people speak to other young people. That is how youth groups operate in the churches, in the communities, where youth groups, youth bodies within—youth councils within each village would speak to the other young people. And if your young people are not functioning then it is very difficult to speak to other young people, because young people are very hesitant to listen to instructions of adults.

So, we need to make a greater investment in strengthening these youth organizations. I remember in my days in the youth council, members from the Ministry in Trinidad would come to Tobago and offer resources, not necessarily financial resources but training in how to deal with conflict, training in how to mentor other young people. As I speak about mentoring, Mr. President, under Minister Sandy this Government would have brought in Colin Powell to assist in launching the National Mentorship Programme.

Sen. Hinds: That is true. That is right.

Sen. S. Cudjoe: And that programme—I might want to say this, but that programme died after the Minister left. [*Interruption*]

Mr. President, I remember that this mentorship programme came to Tobago and would have interviewed a number of Tobagonians and after the interview they did not get back on to them, they did not contact them, so you have mentors in waiting, waiting to mentor somebody, qualified people.

Sen. Hinds: This is true. [*Desk thumping*]

Sen. S. Cudjoe: Mr. President, I remember when this Government came into office the Ministry of the People and Social Development would have spoken about a parenting programme, because we have a problem where children making children and they do not know what to do and how to raise them. This Government would have spoken about a parenting programme under the Ministry of the People and Social Development, and we have lived to see that that plan has been aborted and the Ministry of the People and Social Development has now turned into the “Ministry of Food Card Distribution”.

Hon. Senator: “Hmm, eh-mm”.

Sen. S. Cudjoe: Mr. President, we have a serious problem of deportees.

Sen. Hinds: And support certain groups.

Sen. S. Cudjoe: In last year alone the US would have deported over 400,000 people, and studies would have shown that the recent crime wave in the Caribbean is very closely linked to the US deportation policy.

I read yesterday a report, a February 2013 report, done by the University of California which speaks to, “Obama is on track to deport a record 2 million people by 2014”. What are we doing about that? What are we doing to assist these people when they come so they could find themselves back in society and be a part of—they probably do not have families here anymore—so that they do not feel alone that they are going to commit crime?

Mr. President, there are a host of other issues: alcohol abuse, drug abuse, music, movies, games, and most of these things would have been mentioned in the Ryan report. I want to congratulate all the members of the Board or the committee that would have worked on that report [*Desk thumping*] because I think that it is very, very, very informative and it is very instructive. It is not that we do not know what to do or how to do it, because it is stated clearly in this report, and I think at this time we are really wasting time in trying to implement knee-jerk reactions when we have a report here that could be a basis for discussion [*Desk thumping*] in moving forward and in treating with crime from the root. We need something to take us beyond the election—

Sen. Hinds: We need something in that report to answer the queries about the state of emergency, boy. They are not serious about it.

Sen. S. Cudjoe:—because your results in the election already done, we already know, so you are wasting time with this.

Mr. President, what I am saying is, we need to make a serious investment. We need to make an investment in our young people, an investment in our older people, our parents, our society, our police service and our defence force, our entire law enforcement apparatus. Invest in science and technology and doing everything that is necessary to improve the detection and conviction on crime. We must do this now because, if not this group of parliamentarians, then which group of parliamentarians? *[Interruption]* And if not now, when? And if we do not save this generation then which one are we going to save? All we have right now is this group, and all we have is right now, and we cannot wait any longer.

3.20 p.m.

Mr. President, I went to the launching of Sen. Drayton's book last night. I want to congratulate her on that project—*[Desk thumping]* and while at that event, Sen. Dr. Bernard would have made a comment, a quote from a gentleman by the name of Kwame. I do not remember the last name, I do not remember the quote properly, but, Mr. President, the message in the quote is that: All we have is now, and if we see the problems of yesterday and we see the problems that are coming in the future and we do nothing about it right now, then, when these problems come—and as we say in Tobago, “flour more than water”—you cannot turn back, you cannot turn back, it is already upon you. So the time is now, and we have to make that investment, all of us. We have to invest the time, we have to invest the money, we have to invest the resources, and no knee-jerk reaction that takes us only up to an election would help us.

So, Mr. President, I want to state for the record again that the People's National Movement is willing, ready and able to work alongside the Government and any member of this national community or anybody who is interested in coming up with a plan to treat with crime, to save our people, to save your people. At the end of the day “all ah we is one family” as they say—*[Interruption]*

Hon. Senator: That is right.

Sen. S. Cudjoe:—and a death in one community in Trinidad affects us all in Tobago, everywhere. That person could have been the next doctor or lawyer or the next person to create something better than an iPad.

So, Mr. President, the responsibility is ours, the time is now, and as President Maxwell would have said, we have to pay more attention to the next generation and stop focusing on the next election. With those few words, Mr. President, I thank you. [*Desk thumping*]

Mr. President: Sen. Balgobin.

Sen. Dr. Rolph Balgobin: Thank you, Mr. President. I rise to speak about a matter which has engaged the public interest and its imagination as well as that of the Senate for several weeks now. The noise has seldom been louder as the debate, both inside and outside of this Senate, has lurched from the objective to the irrational and back again. And so, the country has expressed grave concerns about this legislation. It falls upon us here to consider what is in front of us as objectively as possible.

Therefore, I rise at perhaps what is the further swing of the pendulum, to contribute to the debate and to inform, hopefully, the wider public reasoning, since this piece of legislation as much as any is being cast by many stakeholders in our society as a challenge to our democracy foisted upon us by an untrustworthy Government. If we do not trust our Governments, Mr. President, we have only ourselves to blame. And each Government that we do not trust has earned our mistrust—from faulty voting machines, to John O’Halloran and Francis Prevatt, to Calder Hart and Juliana Pena and—[*Interruption*]

Hon. Senator: Now.

Sen. Dr. R. Balgobin:—now. What do we have now?

Hon. Senator: Jack Warner.

Sen. Dr. R. Balgobin: We have SIA to Invaders Bay, a new flying squad, the mysterious proclamation of section 34, and as with everything else here, answers are not forthcoming; answers are not forthcoming.

More substantive actions I think, Mr. President, such as the use of the army to destroy the highway re-route movement camp in Debe, would have planted seeds of mistrust in the minds of many about what we would do with this power if it were given. What would we open the door to, if we formalized this power that this debate is asking us to do, this piece of legislation in front of us? And of course, why would you want this power to run for the duration of time between now and just about the mouth of the next general election? Now, that may be a coincidence, but of course the question will come up, and it has. Of course, my own view is the pronouncements of the last Minister of National Security could not have helped, and I congratulate Sen. Emmanuel George who I know will do an outstanding job there. He has been very competent everywhere else; he has been. [*Desk thumping*]

Hon. Senator: “Yeah, yeah”, well said, well said.

Sen. Dr. R. Balgobin: He will do a good job. And of course there has been a kind of self-mutilating set of pronouncements by Ministers of Government that really injure Government’s interests.

Now, I think that as with all Governments in the last 15 years or so, I think that we currently, in this Government, underestimate the erosion of credibility that is occurring. And I think that this is a point which has been gleefully taken up by the Opposition, gleefully. Because the Opposition is of course the prime beneficiary, but not its architect. We have the media to thank for that. It is the media that has really ferreted out a lot of these things and put them forward to us in a particular way. So in our politics our Opposition is also weak. We have an Opposition that is still developing, content to wakeboard behind the discoveries of the media. So we are still—*[Interruption]*

Sen. Hinds: That is not true.

Sen. Dr. R. Balgobin: It is my opinion. I am entitled to my opinion.

Sen. Ramlogan SC: Stop attacking the Independent Senator. Stay quiet.

Sen. Dr. R. Balgobin: That is the privilege of being an Independent Senator and until somebody has the authority to circumscribe it I will continue to express my view.

Sen. Ramlogan SC: Yes, yes, well said. *[Desk thumping]*

Sen. Dr. R. Balgobin: And so, I think that there is an opportunity for us as a democracy to encourage our Opposition to lead and not follow only stories that are put forward. *[Desk thumping]* Now, the media of course was the instrument of the downfall of the PNM Government, and so, was the initial darling of the People’s Partnership. The People’s Partnership of course, at least parts of it, appear to view the media now as an enemy.

I remember vividly the inauguration of the Prime Minister, tall boots and hard hat at the ready—the festivities were cut short, and she went to look at people who were victims of flooding. But, the media has continued to dig, to search, to interrogate. It may not always have been responsible, and so what we have now is a Government overcome by a flood of a different kind—a mass of allegations being thrown at it, eating away parasitically at public confidence.

This is a tragedy not for this Government; this is a tragedy for our democracy because, when you look at our citizenry they view the legislation put forward here in very—through jaded eyes. And, they question whether there is not some sort of

sinister motive behind what is really an innocuous piece of legislation. And so, in such a distracted environment, really, where negative is feeding on the negative, you have a kind of destructive trogoautoegocratic process that has taken root here. It is easy for us then to lose sight of the central issues in legislation like this and more tempting to join the mass and to frolic. But we must of necessity here, lead and not follow. So, I am hoping in my short talk to try to bring things back on track and to explain what my concerns would be and where I see us going forward.

So, I will take my jumping-off point from the question of whether we need an army at all. This has been put forward as an idea. Why do we need an army? The Government is talking about this. Why do we not disband the army, take these people and make them police officers? So you have this thing bandied about in the public domain. Section 5(2) of the Defence Act says that the defence force is “charged with the defence of Trinidad and Tobago.” And so this assumes a foreign threat. And really how that came to be was, it was assumed to be a prerequisite for independence, and I think the term of being able to show up some sort of—produce some token resistance was attributed to Lord Mountbatten who said, well you know, each of these newly independent states ought to be able to, sort of, put up a token fight before calling for assistance from others. [*Laughter*]

Hon. Senator: I like that.

Sen. Dr. R. Balgobin: “Ahhh”, but the short answer must be yes, we need an army. The question is not whether we need one. It is what kind of army we need and what we need to do with the men that we have. Our army has specific competences which have allowed it to protect this democracy and our right to stand here and speak freely for more than 40 years. At least one of those competences is the capacity to operate in environments that the police would not typically enter. As an example, our army excels at operations in the bush. And for those of you who have become sort of blind to that—if you did look at it objectively—Trinidad does have a lot of bush.

Sen. Ramlogan SC: “It have plenty bush lawyer too.”

Sen. Dr. R. Balgobin: That is a lot of bush. And so the question about whether we need an army or not, in 1970 the defence force, which is the Coast Guard, dealt with another arm of the defence force, which was the army, and put down what was an internal situation there. In the 1970s subsequent to that, the National Union of Freedom Fighters with Brian Jeffers and Guy Harewood, really took residence in the hills, raided banks and businesses and then returned to the hills. It was the army that dealt with that. Then fast-forward to 1990, again the police were not equipped to deal with the challenge presented by 1990. And so we again relied on our army.

Sen. Ramlogan SC: Occah Seapaul.

Sen. Dr. R. Balgobin: So in my view the history of our army shows that it has been a stabilizing force in our democracy more often than not. So it is a tragic oversimplification to suggest that the issue is whether we should have an army or not. [*Desk thumping*] I think that that is a position born of a need for more information.

Put another way, if you got rid of the army, Mr. President, you would realize very quickly how much you needed it. [*Desk thumping*] But can an army do police work? This is the question that must occupy our consideration. The recent events in Mon Repos would suggest perhaps not, you know—van load of soldiers stops, beats up people and disappears into Tetron, and really that is not the only example like that. In my preparation for this, you know, there are many, many cases that you could find of soldiers stopping anywhere and seeing anybody with a camouflage handkerchief, a hat, a shirt, a pants and you know, they jump out, they beat you up and away you go. Now, to be fair, the police have a similar reputation, to be fair.

3.35 p.m.

So this whole idea of the use of force against citizens is really something that, you know, does not rub well with the average man who would like to know that he does not get beat up when he is walking down the road and he looks at somebody the wrong way, or he says the wrong thing. But our army is changing and military existence is changing, and so to suggest otherwise would really be to misunderstand the role of an army.

I think that one of the things I have not heard mentioned here, or mentioned only in the most roundabout of ways, is that policing is taking on military characteristics, and the military is increasingly getting involved in police work. That is not just true in Trinidad and Tobago. What do I mean by that? There are now specialized units in the police that are using large calibre weapons, that have a certain type of tactical and operational training that very closely resembles what happens in military units. At the same time—

Sen. Ramlogan SC: Quite so. “Dah wha dey facing wit de bandits? Yuh right.”

Sen. Dr. R. Balgobin: So you have a very clear—even in the literature it has found its way—there is evidence to suggest, and it is called convergence between paramilitary and military work. It is clear and it is an important societal development, with substantial implications, which deserves, I suppose, far more considered attention than a Bill like this would allow us to give.

Despite the convergence phenomenon, though, Mr. President, police work remains a science, and military work remains a science, and they are not the same science. They are not, for all of the potential for convergence. The power to arrest must be balanced by some sort of capacity to detect, [*Desk thumping*] to investigate the—unless you are only planning to use soldiers in an operational capacity, then there is a question of, why would we grant what would appear to be such sweeping powers?

I must welcome Sen. Sturge to the Senate, and I must confess that I was a little confused by some of the things that he put forward. Among them, I was not quite clear where in the Bill I would find these three powers that he was talking about and—to use his term—I looked in the four corners of the Bill but I did not find the three powers within the four corners, so I am flying blind on that one.

Hon. Senator: Which three powers?

Sen. Ramlogan SC: Which three powers?

Sen. Dr. R. Balgobin: I do not know, he did not say. [*Interruption*] So I am unencumbered by the facts on that one so I can just go with what I have heard in the debate. Again, it does not obviate the question: can soldiers do police work? Yes, with some training they can. In fact, there is an established precedent for soldiers joining the police force and doing very well, turning out to be very good police officers.

Soldiers everywhere—I think we have not really said it here in this debate, but soldiers everywhere—including ours, are more and more involved in peacekeeping missions than in making war.

Hon. Senator: True.

Sen. Dr. R. Balgobin: And so you can expect a soldier today to simultaneously hold a baby, protect a civilian and wield a firearm. So there is a certain kind of sophistication that is creeping into military work—

Sen. Ramlogan SC: Not “no” killing machine.

Sen. Dr. R. Balgobin: Aside from that—no, far from it—the military police is an established subspecies of military man, and that also has not been acknowledged. Military police are a certain type of soldier taken out of the core and used, instead, to watch these people who are capable of—well, who are trained to do very dangerous things. And so, this core can be built upon to provide some sort of necessary support to the TTPS until such a time as the TTPS is up to full strength.

Now, what is this notion of full strength? Well, as I understand it, the Government has mandated the TTPS to recruit 800 people a year, and—I am open to contradiction on that, but if it is 800, you are losing 250 a year through retirement—attrition—and, therefore, your net addition is about 550.

If the TTPS is short of 1,500 and 2,000 men, which is what I think everybody told Dwayne Gibbs years ago and which he did not accept—if it is, in fact, short of that, you need some sort of bridge between what obtains now and three years hence, to provide the necessary cover, and I think this is the logic which underpins the argument for, or in favour of this Bill, and it makes logical sense.

But if you have to get my support for such a bridge, you need to tell me what your plans are for the overhaul of the TTPS. You have not done that yet and I would, very earnestly, need to know that. The reason being, I do not want—this is a slippery slope we are on. We are in a dangerous place and so we are running to a body—a cadre—of resources that is capable of unleashing terrible force for our protection. That is what we are doing, as a society, whether we say that or not. That is what we, as a society, we must acknowledge. So this cannot be something that we do and after the sunset we have a sunrise. It cannot be that we do that. So there must be that—if this is something that we are even considering doing, there must be a whole host of activities in the interim that get us up to, or back to where we need to be.

The Trinidad and Tobago Defence Force has about 6,500 men in four battalions: two infantry, one engineering, one administrative—well, support. So, on the surface of it, the Attorney General has a point if he says that we have resources that we can call upon. It is, therefore, only logical to seek to incorporate them in our fight. But the challenge that I am having is that they have, in fact, supported us in this fight against crime for more than 40 years. They have already been doing that.

So no one here has suggested that joint patrols have not worked; [*Desk thumping*] that the Interagency Task Force has not worked. [*Interruption*] I think he may have miscalculated there, but all right. [*Laughter and interruption*] So, I am not clear, therefore, what is the problem with the current model. What is the mischief that we are trying to resolve here? What is the risk that we see? Why do soldiers need this added cloak of protection? Are there cases we do not know about?

I mean, we have been doing this for more than 40 years, so what is it now that has happened that requires us to put this in place, is what I would need to know. Clause 2A in—well, what is clause 4 of the proposed Bill which really tries to

insert 2A in section 5 of the Defence Act—grants a very wide range of authority when taken in the context of sections 43 and 44 of the police Act—a very wide range of authority. So I do not agree that the authority is circumscribed, so I would very much like to hear how that is so. I would love to be educated on that point, and so, I need a convincing answer to that question.

Now, in light of the existing legal framework—I think it was Sen. Coudray who did, in my view, rightly point out that Article 3 of Act 7 of 2007, which is the Security Assistance Act, creates a Security Assistance Mechanism which uses regional forces to, inter alia—that is, amongst other things—combat serious crimes. Section 46 of the police Act makes it clear that a police officer can require assistance of anybody, and section 60 of the Police Act says it is not optional. Because what section 60 says is that there are penalties that apply to you if a police officer gives you a lawful instruction, demands assistance from you, and you do not give it. You have no choice.

The case for soldiers, under a separate command, doing police work, for me, is not entirely clear, and I think what it has done is conjured up some scary ideas about authoritarianism in the minds of some people. But I think that, if nothing else, it allows us to have—well, hopefully—a mature discussion—which appears always to challenge us in a young democracy—about what freedoms we need to give up to get this rampant crime under control. We have to give up something, and I think that there needs to be a mature examination of what, as a society, we are prepared to give up, even for a time, in order to get crime under control.

Why are we trying to do that? We are trying to protect our freedoms—we are trying to protect our freedoms—and, as I will say shortly, we have lost more than we realize. In a democracy, it is very important for us to speak, to engage, to have dialogue. We must talk; we must engage each other; we must relate, even if we disagree. What is happening in this country instead is, we talk past each other. We spit at each other. We literally tear each other's necks out. You look at the kind of intolerant mindsets, viewpoints that are being expressed, using social media, the radio, the television, and you say, well, you know, how are we supposed to progress as a society? And has this society really understood that in order to address crime, you cannot continue to do things the way you were doing them in the past. [*Desk thumping*]

Sen. Ramlogan SC: Quite so! Quite so! [*Desk thumping*]

Sen. Dr. R. Balgobin: So we have got to find a way forward, and as long as we have a political culture where it is not in the best interest of those who oppose to see those who are incumbent succeed, then the real losers are the citizens. [*Desk thumping*]

So I looked at this question of democracy and freedoms and I took that very seriously. We are arguing here for democracy; we are arguing here for freedoms, and you know people are talking about a secret meeting? What secret meeting? I was at that meeting and it did not look like a secret to me.

Sen. Al-Rawi: Were we invited?

Hon. Senator: Tell them! Tell them!

Sen. Dr. R. Balgobin: Hold on. Hold on. The fact that you are not invited does not make it a secret! [*Desk thumping*]

Sen. Ramlogan SC: Yes. Quite so! Quite so! [*Desk thumping*]

Sen. Dr. R. Balgobin: In fact, the fact that you know about it means that it is not a secret.

Hon. Senator: That is right.

Sen. Dr. R. Balgobin: Furthermore, it is not the first time such a meeting has been held. [*Desk thumping*] We had one for Clico; [*Crosstalk*] we had one for the Securities Act, and it is I—as a citizen and an Independent Senator—am entitled to seek information from whomever I wish [*Desk thumping*] until the point in time where I have to make up my mind to vote. [*Desk thumping*] That is my right, and nobody, especially a politician, is going to circumscribe my right to do that.

Hon. Senator: Yes! Yes! [*Desk thumping*]

Sen. Dr. R. Balgobin: Nobody is doing that. For you to imply—

Hon. Senator: “Yuh not for sale.”

Sen. Dr. R. Balgobin: For you to imply that I lose my independence by listening is both ridiculous and insulting.

Hon. Senator: How do we know you only listen?

Sen. Dr. R. Balgobin: If, for those unacquainted with the political and the parliamentary process—for those unacquainted—what those unacquainted would not realize is, in fact, Members of Parliament and Members even of this House, of Senate, have frequent interactions, both when we are in here, upstairs, outside in the tea room, every day of the week; we meet all the time.

Sen. Ramlogan SC: Of course! Of course!

Sen. Dr. R. Balgobin: If someone wants to hold out an inducement to me, they do not need to call a meeting to do it.

3.50 p.m.

So, to suggest something that twists the perspective of the common man—
[*Interruption*]

Sen. Al-Rawi: You missed the point, Rolph.

Sen. Dr. R. Balgobin:—and really makes the whole thing look like a questionable drama is something that I consider to be unfortunate. We must, as a mature democracy, stop scoring points when you know better.

Sen. George: Yes man. [*Desk thumping*]

Sen. Dr. R. Balgobin: I will keep an open mind and nobody is going to bully me into closing it.

Hon. Senator: Very good.

Sen. Ramlogan SC: “Yeah”, well said. That is a real genuine—

Sen. Dr. R. Balgobin: Now, maybe, if we have to find a solution here what we should do is second soldiers to the police service. Maybe that is an option. But that raises all sorts of other issues of service, in addition to the fact that soldiers chose a career in the army and not the police. How do we take them now and say, well, you have to be a police officer? In any case, you may not wish to immerse soldiers in the culture of the TTPS. Working at close quarters may be one thing, complete immersion quite another.

But why this legislation and why now?

Sen. Hinds: “Ah love it. Ah listening good.”

Sen. Dr. R. Balgobin: Is it just to shore up the numbers of the TTPS? Why not just hire more police, which they say they are doing? Or is it also that we need a force of intimidation? Here we also find a plausible answer. Soldiers are trained on weapons with calibres as large as 762 and now more frequently, 556 mm.

Now, the exit wound of a 556 round, if you see it in a person, is bigger than your fist. Entry wound may be not so much but the exit, man, that blows a hole passing through. Something you could look through, like in a movie.

So when you have soldiers deployed with that kind of weaponry, is it that we are saying that we need this kind of intimidation on the streets, this kind of force? Sen. Sturge alluded to that, when he says, well, you know, bandits do not shoot at soldiers.

Sen. Hinds: That is not true. They shoot at soldiers already.

Hon. Senator: That is rare.

Sen. Hinds: They shoot at soldiers already.

Hon. Senator: Very rare, very rare.

Sen. Hinds: They shoot at soldiers already.

Hon. Senator: Yes, but it is rare. “Doh take it on nah man.”

Sen. Dr. R. Balgobin: The soldiers when they are—*[Interruption]*

Sen. George: Listen to the contribution, “nah”.

Sen. Dr. R. Balgobin: They—I am grateful.

Sen. Ramlogan SC: “De man talkin sumtin.”

Sen. Ramkhelawan: You do not need his protection.

Sen. Dr. R. Balgobin: I did not feel so but, you know, fine. *[Laughter]*

You hardly see—if it was that they were not there for an intimidatory purpose—you know, you hardly see them with side arms. They are deployed with assault rifles, self-loading rifles, big guns. So in even suggesting that we place this additional power, incremental or otherwise in the army, is a clear admission that our society has lost its discipline and respect for law and only the naked threat of force will keep it in line. *[Desk thumping]* And that is what we are talking about here.

Somehow or the other this became a political thing. This is a damning indictment on where our society is.

Sen. Ramlogan SC: But it is the reality of where we are.

Sen. Dr. R. Balgobin: Big men, with big guns, intolerant of rudeness—intolerant of rudeness—will help keep peace in ways that the police cannot. People know that the police act with restraint; they have no such expectation of soldiers. *[Desk thumping]*

So what we are saying is that we do not just need numbers, we need force, the force that an army on the street represents. The question I have, Mr. President, is how did we get here? We forget too easily our context. We currently endure dramatic and violent crime and the rate of deterioration in the quality of our social fabric has been breathtaking; breathtaking. It is a criminal society that is manufacturing criminals. There are about 20,000 serious crimes a year here. CAPA says 15, 16,000. “Ah put in another four for unreported.”

Sen. Ramlogan SC: Yes.

Sen. Dr. R. Balgobin: *The Economist* online edition—everybody has an iPad—*The Economist* iPad edition says that on average, looking somewhere between 2005 and 2009, we ranked 8th in the world for robberies and 12th in the world for murders per capita.

We have somewhere between 375 and 500 murders. Can you imagine that for such a small dot, for such a little rock in such a big ocean that “we killing” this amount of people? I am always amazed every year that we have not run out of young people to kill. I mean, the rate of repopulation has to be amazing.

Sen. Ramlogan SC: More murders than there are days in the year.

Sen. Dr. R. Balgobin: This criminality is fermented in an atmosphere or in an environment of low educational attainment and very high educational attainment.

Sen. Karim: Very true.

Sen. Dr. R. Balgobin: After 50 years of education, the census put forward by the Ministry of Planning says that 38.7 per cent of the population over 15 have no qualifications whatsoever. None! The CXC statistics say that only about 30 per cent of people who write CXC math pass it. Seven out of 10 who write math at O level fail it. About half or a little more than half pass English. “So yes, we all talking English, but is what kind of English we talking.”

We are looking at a catastrophe in our education system and a massive societal problem. I reached out to UWI and ALTA. ALTA estimates that 22 to 23 per cent of the population over 15 is functionally illiterate. For the record, ALTA is the Adult Literacy—

Sen. Ramlogan SC: Yes.

Sen. Dr. R. Balgobin:—Tutors Association, doing very important work.

Sen. Karim: Paula Lucie-Smith.

Sen. Dr. R. Balgobin: There is a crisis of parental care. Fathers breed children and disappear or they stay and provide the worst possible example. Mothers who have previously been given a soft ride, mothers are having children with multiple men and you see some of these men with a new pants and watch them proud and say, “Dah is meh child fadda. Dah is this one fadda.”

The family is a building block of the society, not the individual. The individual is not the building block of a society, the family—a household is, and it has been assaulted by broken homes and our tolerance for awful parenting.

So you marry that with a broken education system and what do you get? You get a criminal workforce. Stealing is the norm. Anyone who has a business can tell you. People just steal—just so. And you cannot carry them by the police. You find them, you fire them and they go and work for somebody else. They get a job next door.

Hon. Senator: And do the same thing.

Sen. Dr. R. Balgobin: And so criminality is a way of life. Stealing is the norm. How are you supposed to be competitive if you spending all your time watching your people? “Yuh” paying them to rob you.

There is a rise of aggressive religious practices in Trinidad and Tobago. The census suggests the highest growth is amongst religions that take an active stance to worship and religious compliance and it is not often acknowledged publicly, but a radicalized version of Islam has taken hold in parts of the criminal community.

Hon. Senator: In Christianity too.

Sen. Dr. R. Balgobin: And so, in all of this, enter Laventille, enter east Port of Spain. I think we have to acknowledge the statistics do not lie. Laventille is a major challenge for Trinidad and Tobago—[*Desk thumping*—]and it must be addressed. It cannot be addressed with force alone.

Sen. Ramlogan SC: No.

Sen. Dr. R. Balgobin: My view is that you need an east Port of Spain division of the police, just to deal with Laventille and Belmont and Morvant and Sea Lots and these areas. You need 500 to 600 men to press that community day and night. You have to put what you call in basketball a press on it. You have to press it. You have to get in there and press it. What does that mean? Suppress it. Keep the violence down until—this is the part nobody ever talks about—until social programmes find an opportunity to develop traction. You cannot keep people in that kind of environment forever.

Now, you have to do that now, which is why soldiers would present such an inviting option, but ultimately it is not a crisis of poverty or education or violence—these are mere manifestations of where we are—it is a crisis of values.

Our criminal communities are operating with a different value system which is increasingly at odds with the rest of our democracy. Add to that poor parenting and a lack of physical planning and what you have? You have an explosive cocktail looking for a match.

The solution for crime is not necessarily to ask these communities what they need. Their needs are different and their values are different. We need to engage them actively and drive social interventions even as we look at suppression.

What are some of the things you notice with them? We value life, they do not fear death; we delay gratification, they take it instantly; we think about tomorrow, they think about today; we educate, they propagate; we living slow, they living fast; we want to die old, they do not mind dying young; we buy land, they take land. [*Desk thumping*] [*Crosstalk*]

This is not about whitewashing or “blackwashing” any community, you know. But, the fact is, we have troubled people coming out of these kinds of communities and they are deserving of our help. They did not materialize from the ether.

The good people in Laventille, for example, are abandoning their homes and bandits going and taking it up. They are occupying it. So you know what, the fastest way to earn some real estate is to go and terrorize people in a district. This is what is happening.

Sen. Ramlogan SC: “Chase dem out of their own house.”

Sen. Dr. R. Balgobin: This is what is happening.

Sen. Ramlogan SC: “Threaten to bun it down if dey doh leave.”

Sen. Dr. R. Balgobin: Crime is winning or has won. We have lost our freedom and our peace of mind and our trust. Is this not what a democracy owes its citizens? We have learned to survive and even live in a twisted environment, where wrong is right, and might is also right. The only thing that is right is what is not right.

This is why we can celebrate the machinations of our last Minister, our erstwhile Minister of National Security. Why do we celebrate things like that and his achievements? If what is said, in spite of what appears to have been perpetrated, what is there to celebrate? We should feel sad that one of our sons flew so high and look what. Look what. The Selwyn Ryan Report—[*Interruption*]

Sen. Hinds: “We need a soldier fuh he.”

Sen. Dr. R. Balgobin:—makes a comment that it then left tantalizing unaddressed and that is, they say, and I quote:

“...the elites and...politicians... are... responsible for”—many of the—
“outcomes”—we are dealing with.

So the educated, the people that the poor and downtrodden in the society looking to for solutions are no better.

Violent crime is only the most visible but not the most potent form of crime in Trinidad and Tobago. White-collar crimes in this country are perpetrated by highly intelligent people, and as an example of what highly intelligent people could do, “you will chase down a little black boy and shoot him because he kill somebody”. If I said to you, Harold Shipman—name might not ring a bell. He is considered to be the greatest serial killer of all time.

Sen. Deyalsingh: Dr. Harold Shipman.

Sen. Dr. R. Balgobin: He was a doctor. Well, you certainly would not know Virginia Soares de Souza. Harold Shipman killed 225-plus people. Virginia Soares de Souza is a doctor in Brazil who is confirmed to have killed 17 people to make space in a hospital, more beds, and is estimated to have killed upwards of 300.

4.05 p.m.

“Did ah bandit do Clico, CL Financial, CIB, Hindu Credit Union?” [*Desk thumping*] You know, who was operating with Chanka Seetarram & Company, Kenny Rampersad—these firms or these people, who was operating with them? Were they bandits? “Uneducated people who have ah gun and running up there and handsin’ you up?” No. So, we have a problem with criminality in this society that runs through the very core of Trinidad and Tobago. “Soldier not stopping that!” A soldier is not preventing me from doing that. There is a massive human trafficking problem here, despite naming and shaming them, they continue to do business, you know, with impunity; they do not care. I do not know who “Mr. Big” is, but I know a number of “Big Mistfers”.

Sen. Ramlogan SC: “Ah like that.”

Sen. Dr. R. Balgobin: The problem is: who would I tell? Who would I tell?

Sen. Hinds: Tell Sen. George.

Sen. Dr. R. Balgobin: If I want to stay alive, who would I tell?

Sen. Hinds: The new Minister of National Security.

Sen. Abp. Burke: “Fraid to tell the police; the police go squeal.”

Hon. Senator: “Dais more trouble.”

Sen. Abp. Burke: “Dais more trouble.”

Hon. Senator: “Yeah.”

Sen. Dr. R. Balgobin: Democracy should deliver health, security and education but our debates do not address these things nor do we address institutional failure. Schools, hospitals, police cannot cope without private lessons, private hospitals, private police. There are more than 20,000 private police in Trinidad and Tobago, which is three times the police force and we are still overrun by crime. This legislation—[*Interruption*]

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

Motion made: That the hon. Senator’s speaking time be extended by 15 minutes. [*Sen. S. Ramkhelawan*]

Question put and agreed to.

Sen. Dr. R. Balgobin: Legislation like this, Mr. President—thank you, colleagues—does not address our failure to deliver justice to ordinary citizens and particularly poor citizens. From Akiel Chambers to Brad Boyce, the people who are hurt with Government scandals, depositors in Clico and Hindu Credit Union. Nobody is in jail!

Hon. Senator: True!

Sen. Dr. R. Balgobin: Nobody is in jail. So we have one law for the rich and one law for the poor.

The thing that would worry me about this CONCACAF report, Mr. President, is this—as a Government, I would ask this and I would ask this of you to consider, obviously you cannot respond—if what is said in there is even half true and if it is also half true, you know, that one of the central figures in the report actually bailed out or financially assisted a number of Ministers and paid for a campaign—electoral campaign and so on—then you would have come to Government with stolen money. You would have come to Government with stolen money. [*Crosstalk*] Well yes, I think the Prime Minister was right to be stunned, I would be stunned. I was also surprised that she was that surprised, [*Laughter*] but I would be stunned because I would understand the implications for me and the legitimacy of my seat.

Sen. Beckles: Send the soldiers for them!

Sen. Deyalsingh: He is stunned that she was stunned.

Sen. Dr. R. Balgobin: Government and society have a serious question to answer about political party funding: where our money comes from when we get into Government so that we know what the payback is. There must be, but we want to know what it is. We need to see!

I also do not think, to be fair to the Prime Minister, that it is true to say that she has failed here, “eh”. I was making a list, it is quite a long list—Sen. Al-Rawi actually, with his frequent pronouncements on this, first alerted my attention to it—but she got rid of Therese Baptiste-Cornelis, Mary King, Colin Partap, John Sandy, Herbert Volney, Nan Ramgoolam, among others; none of these changes were really contested, we all knew why. So, her process has been patient and it has tested our patience, but she has acted. She has acted and for that any leader should be commended, not excoriated.

Mr. President, national security agencies should report to the Parliament. They should report to the Parliament. We need to stop financing criminals. I would love for something like this to come and say, “The known criminals who get CEPEP and URP contracts and so on, yuh not doing business with them anymore”. Make firearm possession a non-bailable offence; declare campaign financing; “have ah Ministry of commonality instead of ah Ministry of diversity alone, nah”. Let us stop emphasizing the differences among us when there is so much that we have in common. I like the idea of some notion of national service for these misguided young men and we must find a way to promote the nuclear family and return to family values.

It is difficult for me to conclude without making a notation for something that is extremely unpopular in a society like ours today, and that is to say that I gather that when we look at the kind of criminal acts that you are seeing today—people cutting off people’s head and putting it on a table, hog-tying grandmothers. When you have that kind of desensitization and you have bandits who are training every day on video games—as the Minister of National Security will shortly find out, in operators’ training, there is an acronym called MOVE, it stands for Motionless Operators Ventilate Easily, and in video games, you learn to do that, you learn to shoot while moving. An ordinary civilian will stand there because they become fixated on the target.

So, we are training people all the time with video games, with the media, with entertainment, to become more efficient killers, and so I think our diagnosis is wrong. I think that we need to build a greater spiritual awareness in Trinidad and Tobago, not spirituality as a seat of religious behaviour, but as a springboard for building a greater appreciation of the divinity in each of us. How can we continue to hurt each other in this way?

Our crime problem, I think, is a sociological manifestation of a spiritual crisis. [*Desk thumping*] For the few atheists in the public domain and so on, I would say that reason and science are not the enemy of God or spirituality or any acknowledgement of a creator. So my question is this, or my call is this: Where is the Catholic church, ASJA, Shia, Sunni, Sufi, the Maha Sabha, the Shouter and the Spiritual Baptist, Orisha, Presbyterian, Anglican, Pentecostal, Evangelical, the IRO to arms, we need you now. You vacated the centre and left our children alone and the sharks took them. [*Desk thumping*] We must get back in there and save what is left of our society.

You know what they say—Brother Marvin said “Aapko kalyan ho dhaniaho [may you be blessed, may you prosper]” in “Jahaji Bhai”, and so, how often do we do that to the people that we meet? How often are we respecting people in this way? So, you know, it is difficult for me to support the legislation because I am not quite clear why you need it if you have been doing it for 40 years. I think that there is a lot of other stuff that needs to be done too which you have not really told me about, so I do not have that comfort.

I would be very cautious about setting aside sections 4 and 5 of the Constitution easily. I think I understand what the challenges are and what the Government is trying to do, but a higher—the bar has not yet been crossed for me in this debate about why exactly you needed this, and what exactly is the mischief that you are addressing and how will we be better off as a society if we have it. Certainly, if we are doing this, I would have liked to hear more about a comprehensive package of initiatives that get at the deeper problems and the root of the challenges we face in this society.

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

ADJOURNMENT

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. President, I want to congratulate Sen. Dr. Rolph Balgobin on an excellent contribution. [*Desk thumping*] I felt that having regard to the— [*Interruption*]

Sen. Ramlogan SC: “He make he point without attacking anybody.”

Sen. The Hon. G. Singh:—excellent nature of the contribution, I think that it is necessary, he having raised the bar in the debate on this Bill— [*Interruption*]

Sen. Ramlogan SC: Quite so!

Sen. The Hon. G. Singh:—I think I would take the opportunity for Senators to— [*Interruption*]

Adjournment

Tuesday, April 23, 2013

Sen. Ramlogan SC: To reflect on it.

Sen. The Hon. G. Singh:—reflect and with a measure of introspection, look at his contribution, and therefore, I have moved the adjournment of the Senate to Tuesday, April 30 which is Private Members' Day and subsequently we will—

Sen. Hinds: Mr. President, this is quite surprising. We thought that we would have brought this debate to an end today and my friend on the other side is saying, on the basis of the contribution made by Sen. Balgobin, he is adjourning the debate. Well, of course, Sen. Balgobin, Mr. President, would have been the sixth [*Crosstalk*] Independent Senator.

Hon. Senators: No, no, no! [*Continuous crosstalk*]

Mr. President: Under what Standing Order are you moving—have a seat, have a seat.

Sen. The Hon. G. Singh: Mr. President, just to merely indicate, just for purposes of the hon. Senator, that I had a discussion with his Leader of Opposition Business, Miss Penelope Beckles, and therefore you ought to have known that this was the position we were taking.

Sen. Hinds: And she had a discussion with me and we are shocked that the Government is running away again today. [*Continuous crosstalk*] Let us finish this Bill.

Mr. President: Senator, Senator, unless you could point to your Standing Order—[*Interruption*]

Sen. Hinds: Accept defeat [*Inaudible*]

Mr. President: Senator—[*Interruption*]

Sen. Lambert: You are not the leader!

Mr. President: I take it there is no Standing Order under which you would like to appeal to me.

Sen. Hinds: Mr. President, I am taking objection.

Sen. The Hon. G. Singh: Mr. President, there is a matter on the adjournment and arising out of discussions with Sen. Subhas Ramkhelawan, he indicated, we indicated that this will be dealt with on the subsequent occasion.

Sen. Hinds: The Government is running away again. [*Continuous crosstalk*]

Adjournment

Tuesday, April 23, 2013

Mr. President: Hon. Senators, before I put the question for the adjournment, I wish to take this opportunity to congratulate Sen. Sturge on his maiden contribution made today. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.18 p.m.