

SENATE*Tuesday, July 29, 2025*

The Senate met at 1.30 p.m.

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

Mr. President: Hon. Senators, I have granted leave of absence to Sen. Melanie Roberts-Radgman, who is out of the country and Sen. Deeroop Teemal, who is ill.

SENATORS' APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from Her Excellency the President Christine Carla Kangaloo O.R.T.T:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of the
Republic of Trinidad and Tobago and
Commander-in-Chief of the Armed Forces.

/s/Christine Kangaloo

President.

TO: MR. FARAI HOVE MASAISAI

WHEREAS Senator Melanie Roberts-Radgman is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, FARAI HOVE MASAISAI to be a member of the Senate temporarily,

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with effect from 29th July, 2025 and continuing during the absence from Trinidad and Tobago of Senator Melanie Roberts-Radgman.

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 28th day of July, 2025."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of the
Republic of Trinidad and Tobago and
Commander-in-Chief of the Armed Forces.

/s/Christine Kangaloo

President.

TO: MS. ZOLA PHILLIPS

WHEREAS Senator Deeroop Teemal is incapable of performing his duties as a Senator by reason of illness;

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ZOLA PHILLIPS to be a member of the Senate temporarily, with effect from 29th July, 2025 and continuing during the absence of Senator Deeroop Teemal by reason of illness.

Given under my Hand and the Seal of the
President of the Republic of Trinidad
and Tobago at the Office of the

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President, St. Ann's, this 28th day of
July, 2025.”

OATH OF ALLEGIANCE

Senators Farai Hove Masaisai and Zola Phillips took and subscribed the Oath of Allegiance as required by law.

SESSIONAL SELECT COMMITTEES

(APPOINTMENT OF)

Mr. President: Hon. Senators, in accordance with Standing Order 79(2), I have appointed Members to serve on the sessional select committees of the Senate for the First Session, 2025/2026, Thirteenth Parliament.

Standing Orders Committee

Mr. Wade Mark	Chairman
Mr. Darryl Allahar	Member
Ms. Kenya Charles	Member
Dr. Amery Browne	Member
Dr. Desirée Murray	Member

House Committee

Mr. Darryl Allahar	Chairman
Ms. Kenya Charles	Member
Mr. Eli Zakour	Member
Dr. Amery Browne	Member
Dr. Desirée Murray	Member

Committee of Privileges

Sessional Select Committees
(Appointment of) (cont'd)

2025.07.29

Mr. Wade Mark	Chairman
Mr. John Jeremie SC	Member
Mr. Darryl Allahar	Member
Mr. Michael S.V. de la Bastide SC	Member
Mr. Faris Al-Rawi SC	Member

Statutory Instruments Committee

Mr. Wade Mark	Chairman
Mr. Brian Baig	Member
Mr. Ravi Ratiram	Member
Ms. Candice Jones-Simmons	Member

Business Committee

Mr. Wade Mark	Chairman
Mr. Darrell Allahar	Member
Mr. Anil Roberts	Member
Dr. Amery Browne	Member
Mr. Anthony Vieira SC	Member

Statutory Instruments Committee

Mr. President: Hon. Members, as it relates to the Statutory Instruments Committee, Mr. Faris Al-Rawi is a member of this Statutory Instruments Committee.

Mr. Faris Al-Rawi SC	Member
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PAPER LAID

Prisons (No. 2) Order, 2025. [*The Attorney General (Sen. The Hon. John Jeremie SC)*]

**PUBLIC ACCOUNTS COMMITTEE
(APPOINTMENT OF)**

Mr. President: Leader of Government Business.

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, having regard to the correspondence from the Speaker of the House, dated Friday, June 27, 2025, in relation to the appointment of members to the Joint Select Committees, I beg to move that the following four Members be appointed to serve with an equal number from the House of Representatives on the Public Accounts Committee:

Mr. Anil Roberts	Member
Mr. Dominic Smith	Member
Mr. Vishnu Dhanpaul	Member
Mr. Deeroop Teemal	Member

Question put and agreed to.

**PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE
(APPOINTMENT OF)**

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, I beg to move that the following four Members be appointed to serve, with an equal number from the House of Representatives, on the Public Accounts (Enterprises) Committee:

Mr. John Jeremie SC	Member
Mr. Leroy Baptiste	Member
Mr. Vishnu Dhanpaul	Member

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Government Assurances

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, I beg to move that the following four Members be appointed to serve, with an equal number from the House of Representatives, on the Joint Select Committee on Government Assurances:

Mr. Wade Mark	Member
Mr. Phillip Alexander	Member
Mrs. Janelle John-Bates	Member
Mrs. Alicia Lalite-Ettienne	Member

Question put and agreed to.

Finance and Legal Affairs

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, I beg to move that the following four Members be appointed to serve, with an equal number from the House of Representatives, on the Joint Select Committee on Finance and Legal Affairs:

Mr. Leroy Baptiste	Member
Mr. Satyakama Maharaj	Member
Mr. Vishnu Dhanpaul	Member
Dr. Marlene Attzs	Member

Question put and agreed to.

Land and Physical Infrastructure

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, I beg to move that the following four Members be appointed to serve, with an equal number from the House of Representatives, on the Joint Select Committee on Land and Physical Infrastructure:

Mr. Phillip Alexander	Member
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Dr. Kennedy Swaratsingh	Member
Mr. Foster Cummings	Member
Mr. Deeroop Teemal	Member

Question put and agreed to.

Social Services and Public Administration

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, I beg to move that the following four Members be appointed to serve, with an equal number from the House of Representatives, on the Joint Select Committee on Social Services and Public Administration:

Mr. David Nakhid	Member
Mr. Ravi Ratiram	Member
Mrs. Melanie Roberts-Radgman	Member
Dr. Desirée Murray	Member

Question put and agreed to.

Local Authorities, Service Commissions and Statutory Authorities (including the THA)

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, I beg to move that the following four Members be appointed to serve, with an equal number from the House of Representatives, on the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA):

Prof. Prakash Persad	Member
Dr. Natalie Chaitan-Maharaj	Member
Mr. Faris Al-Rawi SC	Member
Mrs. Candice Jones-Simmons	Member

Question put and agreed to.

State Enterprises

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, I beg to move that the following four Members be appointed to serve, with an equal number from the House of Representatives, on the Joint Select Committee on State Enterprises:

Mr. Anil Roberts	Member
Mr. John Jeremie SC	Member
Mr. Foster Cummings	Member
Mr. Anthony Vieira SC	Member

Question put and agreed to.

National Security

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, I beg to move that the following four Members be appointed to serve, with an equal number from the House of Representatives, on the Joint Select Committee on National Security:

Mr. Darrell Allahar	Member
Mr. Eli Zakour	Member
Mrs. Janelle John-Bates	Member
Mr. Courtney Mc Nish	Member

Question put and agreed to.

2.00 p.m.

JOINT SELECT COMMITTEES**(APPOINTMENT OF)**

The Minister in the Office of the Prime Minister (Sen. The Hon. Darryl Allahar): I beg to move the following:

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That this House appoint the following four members to sit with an equal number from the House of Representatives on the Joint Select Committee on Energy Affairs:

Energy Affairs

Dr. Kennedy Swaratsingh.

Mr. Satyakama Maharaj.

Mr. Faris Al-Rawi SC.

Mr. Michael Simon Victor de la Bastide SC.

Question put and agreed to.

Foreign Affairs.

Dr. Kennedy Swaratsingh.

Dr. Natalie Chaitan-Maharaj.

Dr. Amery Browne.

Mr. Francis Lewis.

Question put and agreed to.

Human Rights, Equality and Diversity.

Mr. Philip Alexander.

Mr. Dominic Smith.

Mrs. Melanie Roberts-Radgman.

Mrs. Alicia Lalite-Etienne.

Question put and agreed to.

Mr. President: The Hon. Attorney General.

Hon. Senators: [*Desk thumping*]

PRISONS (NO. 2) ORDER, 2025

The Attorney General (Sen. The Hon. John Jeremie SC): Thank you Mr. President. Mr. President, I beg to move the following Motion standing in the name of the Minister of Homeland Security.

Whereas it is provided by section 4(1) of the Prisons Act, Chap. 13:01 (hereinafter referred to as “the Act”) that the Minister may by Order appoint any place as a convict depot or a prison;

And whereas it is provided by section 4(2) of the Act that an Order made under subsection (1) to appoint any place as a prison shall be subject to affirmative resolution of Parliament;

And whereas the Minister of Homeland Security has on the 24th day of July, 2025 made the Prisons (No. 2) Order, 2025;

And whereas it is expedient that the Prisons (No. 2) Order, 2025 be affirmed;
Be it resolved that the Prisons (No. 2) Order, 2025 be approved.

Mr. President, our business today calls us to affirm the Prisons (No. 2) Order of 2025. The Order has come about as a consequence of a series of events leading to, and subsequent upon the declaration of a state of emergency by Her Excellency the President, just after midnight on Friday the 18th of July, 2025. The background facts have been put on record in the other place. I can summarize them here.

On the evening of Thursday the 17th July, 2025, the Commissioner of Police brought to the Prime Minister and the Cabinet certain intelligence reports detailing an imminent threat to the State and state actors, emanating from within the maximum security prison. The Commissioner informed the Prime Minister that incarcerated individuals were working in unison to assassinate persons in critical positions in this country, including members of the Judiciary and officials in the office of the Director of Public Prosecutions, to attack buildings to prevent justice

from being served and to assassinate law enforcement personnel. The Commissioner of Police recommended to the Prime Minister that a state of emergency was required in order to disrupt and contain this threat. The Prime Minister understanding the gravity of this threat to the State, acted immediately and instructed me to take all requisite steps to advise Her Excellency to declare a state of emergency.

On Friday July the 18th, 2025 at about 12.02 a.m., being satisfied that a public emergency had arisen, as a result of the occurrence of action that had been taken or was immediately threatened by any person of such a nature and on so extensive a scale as to be likely to endanger the public safety, Her Excellency, the President made a proclamation declaring that a state of public emergency existed.

In yesterday's Sitting in the other place, the Parliament was asked to take note of the President's statement on the declaration of the State of Emergency to extend the period of public emergency and to affirm an order made by the Minister under the Prison Act. The last of these matters is before this Chamber this afternoon. On the same day as the Proclamation of the State of Emergency, the President made Emergency Powers Regulations, 2025, Legal Notice 241 of 2025 under section 7 of the Constitution. Paragraph 2 of the Schedule to the Emergency Powers Regulations empowers the Minister of Homeland Security to issue orders for the preventive detention of persons during the State of Emergency. Now that is preventive detention, with a view to preventing them from acting in any manner prejudicial to public safety or the defence of Trinidad and Tobago.

Additionally, paragraph 3, subsection (1) of the Schedule to the Emergency Powers Regulations authorises the Minister of Homeland Security to issue directions to provide for the places where, and the conditions under which persons are to be detained during the State of Emergency. Now those are administrative

orders and they are done by practice, by legal notice. They do not require Parliamentary oversight. On the same day that the State of Emergency was proclaimed, the Minister of Homeland Security issued the [Detention of Persons \(Discipline and Place of Detention\)](#) (No. 2) (Amdt.) Directions, 2025 that was published as Legal Notice No. 242 of 2025, under paragraph 3 of the Schedule to the Emergency Powers Regulations.

In paragraph 2 of these Directions, “detention centre” is defined as, such premises inter alia

“(a) such premises at—

- (i) Teteron Barracks; or
- (ii) Staubles Bay, as the Minister may approve...”

The Minister of Homeland Security also made on that day the Prison’s Order 2025, that was published as Legal Notice No. 243 of 2025 and he made that order under section 5 of the Prison's Act, which declared premises approved by him at Tetron and Staubles Bay to be district prisons. Orders under sections 5 of the Prison’s Act are not subject to affirmative or negative resolution of Parliament. They do not require parliamentary oversight.

Additionally, on the 23rd of July, 2025, the Minister of Homeland Security amended The [Detention of Persons \(Discipline and Place of Detention\)](#) (No. 2) (Amdt) Directions, 2025 to designate four facilities as additional detention centres, namely,

1. The Carrera Convict Prison;
2. The Women's Prison at Golden Grove;
3. The Eastern Correctional Rehabilitation Centre; and
4. The Remand Prison at Golden Grove.

The amendment was effected by The [Detention of Persons \(Discipline and Place of Detention\)](#) (No. 2) (Amdt) Directions, 2025—now that was published as Legal Notice No. 244 of 2025.

2.15p.m.

The Prisons (No. 2) Order of 2025 was signed by the Minister of Homeland Security on 24 July, 2025, under section 4 of the Prisons Act. Now, that section provides as follows:

- “4. (1) The Minister may by Order appoint any place as-
- (a) a convict depot; or
 - (b) a prison.
- (2) An Order made under subsection (1)...”

—that is 4(1):

“...to appoint any place as a prison shall be subject to affirmative resolution of Parliament.”

That is 4(2). The current legal situation therefore is that the premises at Teteron Barracks and Staubles Bay, which have been approved by the Minister of Homeland Security, are both district prisons and detention centres.

The purpose of the Prisons (No. 2) Order, 2025, which is before us and is subject to affirmative resolution, is to re-designate the premises at Teteron Barracks and Staubles Bay as “prisons” as opposed to “district prisons”. The re-designation would take retroactive effect from the 18th of July, 2025, because the Order would also revoke the Prisons Order, 2025, which came into effect on the 18th of July, 2025. To the extent that the Order would revoke the Prisons Order, 2025, which was made under section 5 of the Prisons Act, the Order is being made under both sections 4 and 5 of the Prisons Act.

On the 18th of July, 2025, certain prisoners who were on remand and not yet

convicted were transferred to those district prisons/detention centres at Teteron Barracks and Staubles Bay. Section 5(2) of the Prisons Act provides as follows:

“Any person sentenced on summary conviction to imprisonment, with or without hard labour...”

—and the section goes on:

“...may be imprisoned at the nearest district prison...”

The incarceration of remandees at Teteron and Staubles Bay was challenged in light of section 5(2) on the basis that a person who has not been convicted on summary conviction to imprisonment cannot be incarcerated in a district prison. But under section 7 of the Prisons Act, the Commissioner of Prisons is allowed power to transfer prisoners from any prison to any other prison as in his discretion may be necessary.

The definition of “prison” in section 2 of the Prisons Act:

“includes any place mentioned in section 3, or declared or appointed under this Act;”

Section 3 provides inter alia that:

“The prisons of Trinidad and Tobago shall consist of”

—so far as is relevant:

“(b) the Golden Grove Prison*;

(c) the maximum security prison at Golden Grove;”

So I have left out (a); I have left out (d):

“(e) district prisons declared by Order to be such by the Minister under section 5;”

The Commissioner of Prisons therefore has the power under section 7 to transfer prisoners from the remand prison at Golden Grove to the district prison at Teteron and Staubles Bay.

Mr. President, notwithstanding the above, in order to deter unnecessary legal challenges based on the status of persons detained at Teteron and Staubles Bay under the State of Emergency, and out of an abundance of caution, the Government proposes that the Prisons Order, 2025, be revoked and that the premises designated as “district prisons” under the Prisons Order, 2025, be re-designated as “prisons” under section 4 of the Prisons Act with effect from 18th July, 2025.

The one case in which this question was raised, the Richards case, the habeas corpus application is now moot, but we felt that it was necessary to take this step out of an abundance of caution. The Chief Parliamentary Counsel has advised that it is not, strictly speaking, necessary, but the Government proposes, out of an abundance of caution, to make the designation as a “prison”, not a “district prison”. Mr. President, with those words, I beg to move.

Question proposed.

Mr. President: The hon. Sen. Faris Al-Rawi SC.

Hon. Senators: [*Desk thumping*]

Sen. Faris Al-Rawi SC: Thank you, Mr. President. Mr. President, I rise to contribute to this Motion piloted by the hon. Attorney General on behalf of the Minister of Homeland Security. The hon. Attorney General has plainly stated the mischief from the Government’s perspective to be that we take a step in order to determine how to avoid unnecessary challenge, in my own words, for detention and out of an abundance of caution. The hon. Attorney General piloted this law providing the disclosure quite properly that we are here as a result of a sequence of events leading up to and proceeding from the declaration of a state of emergency on the 18th of July, 2025.

The hon. Attorney General has also plainly and frankly told us of litigation by way of habeas corpus, referred to as the Richards litigation, which is now moot,

and has recommended that we consider this Order, this Order in the context of the Motion to approve it for two good reasons, that being the deterrence of further unnecessary litigation and that being out of an abundance of caution.

We in the Opposition do support the declaration of the State of Emergency. The reason being that the State of Emergency was brought to the attention of the sitting Government via the National Security Council's receipt of information from the Commissioner of Police, and any Government therefore in that circumstance would have been correct to have gone to Her Excellency the President to invite her decision as to whether she was satisfied as to the existence of a state of emergency. That has in fact happened by way of support in the House of Representatives yesterday.

There are a few things that concern me in joining the debate. I think it prudent to avoid unnecessary legal challenge, and I think it prudent, out of an abundance of caution, to involve ourselves in the position of affirming this Motion, this Order, but there are a few things I would like the hon. Attorney General to consider, some of which I do not think can be done today, but I think ought to be considered.

The first thing is that it is quite proper that we amended the law on several occasions, and we are dealing with the Prisons Act, the parent law which sees the issuance of this Order. The Prisons Act, 1900, was brought into a different form; that is the Prisons Act, Chap. 13:01, by an Act of Parliament, No. 27 of 1900, and we saw two very important amendments, one in 1998 and one in 2010, and then a third important amendment in 2019. The one in 1998 was Act No. 20 of 1998, which gave us this section 4 of the parent Act which requires the affirmative resolution.

It is very different from an order under section 5 of the parent Act where you

can declare a district prison, because in that section 5 you do not need any involvement of the Parliament; it is a mere order. So section 4 of the parent Act, which we are bring into operation by consideration of this Motion, requires affirmative resolution. Why? Affirmative resolution is a very sincere step. It is not something that you invoke lightly. I posit, Mr. President, that the reason for the affirmative resolution is specifically because we are going to declare by order a convict depot or a prison, very different from the declaration by way of a mere order in section 5 for a district prison.

The hon. Attorney General again was very frank in saying that a district prison is for very less offensive matters. If you look to section 5 of the parent Act, you will see that a “district prison” is, by subsection (2), a place where:

“Any person sentenced on summary conviction to imprisonment, with or without hard labour, for any term not exceeding one month...”

Usually district prisons are in police stations, et cetera. Teteron Barracks has been declared that way before.

The reason for section 4 requiring an affirmative resolution is that you are dealing with a more sincere group of offences, category of offences, indictable offences, significant offences. Indeed, the information in the public domain tells us that persons including some who are on remand for the very serious offence of murder are persons that have been removed from the prisons where they were kept into a different location now largely under the premises of the Defence Force, Staubles Bay and Teteron Barracks. But why do we need the affirmative resolution? The affirmative resolution, I must say, comes back to the section 3 of the parent Act. Now, section 3 of the parent Act was amended in 2019.

The excerpts read by the hon. Attorney General are excerpts from a previous law. For instance, subsection (e) referred to by the hon. Attorney General is now

subsection (k), because in 2019—in fact, I drafted that law in 2019. A district prison declared by Order to be such was indeed considered a prison but has now moved on. The reason why it is important to bear in mind what is a prison is that many things happen in prisons which the law provides for.

In particular, I want to refer to the Interception of Communications Act in a short while in the context of this debate, and I will show its relevance. Secondly, I would like to refer to the Prison Rules as it deals with offences and treatment under the breach of Prison Rules position. Thirdly, I would like to refer to the Prisons Act itself where we have criminalized, very heavily, offensive behaviour by prison officers and prisoners, including for possession of things like cell phone devices, weapons, firearms, and communications coming from prisons.

2.30 p.m.

What is a prison is indeed defined in section 3 of the parent Act. There are:

- “(a) the Port-of-Spain Prison;
- (b) the Golden Grove Prison;
- (c) the maximum security prison...Golden Grove...”

—remand prison, Golden Grove; women’s prison, Golden Grove; Eastern Correctional and Rehabilitation Centre, Carrera convict prison, Tobago Convict Prison, rehabilitation centres—stick a pin on that—

“...convict depot appointed by Order, to be such by the Minister under section 4;

- (e) district prisons declared by Order to be such by the Minister under section 5...”—and—

“...labour yards or other places appointed by order in section 6.”

Mr. President, in the material circulated by the Parliament, there is reference to Legal Notice No. 230 dated December 10, 1990. And there you will notice in the

declaration of what is a prison by Legal Notice there, an:

“...Area is bounded as follows—

- (a) on the North by Western Main Road;
- (b) on the East by...western fence...Power...Association;
- (c) on the South by coastline...
- (d) on the West...”

—et cetera.

If you look to Legal Notice No. 297 in 2004:

“The building situated at Teteron Barracks...known as Crow’s Nest.”

There is a specific reference.

You look at Legal Notice No. 174 dated September02, 2011, the Prisons Order:

“Two buildings situate at the 26 Kilometer Mark, Churchill-Roosevelt...Santa Rosa...namely, Building 2, Phase 1 consisting...15,400 square feet...”

—et cetera; very specific references to what comprises.

If you look to Legal Notice No. 331, one which I drafted dated October06, 2020:

“One dwelling-building thereon...”—standing—“...ALL...”—and singular—“...that parcel of land...”

—full description in conveyancing terms.

Again, another one which I drafted, Legal Notice No. 347 dated October 30, 2020:

“Two dwelling-buildings...Island of Tobago comprising 1,684.5 square metres...”

Again, conveyancing-type description.

Now, why have I pointed this out in the context of section 3? Because Mr. President, the parent Act, and that is the Prisons Act, specifies in amendments we made in 2019, by amendments to section 8, the inclusion of a new section 8A. Section 8 is:

“Prohibited articles”

Section 8A:

“Trafficking in prisons by prisons officers...

Other offences relating to prison security”—8B.

We go down to 8C:

“Prisons officer accepting bribes, etc”

8D:

“Tipping-off”

And when we go through those, and then we add the Prison Rules, the antiquated ones, it becomes very clear that what is exactly the prison must be known in law. You need to know the parameters of the prisons.

Now, if you look to the Prisons Act in section 3, you will note:

“...Port-of-Spain Prison...”—no description.

“...Golden Grove Prison...”—no description.

“...maximum security prison...”—et cetera. Those do not require “prison” because they are not part and parcel of other premises. They are not co-occupying a space. The problem with the Order here, is that Staubles Bay and Teteron Barracks are occupied by the TTDF. Where one starts having a prohibited article within a prison and without of a prison, becomes an issue.

If you go to the Interception of Communications Act, which we amended, and you look again, that is Act No. 13 of 2020, and you look Mr. President, to the:

“Application...”—of—“...This Act...to—

(a) criminal proceedings;

(b) proceedings...of crime..."—et cetera.

But when we get down to the use of devices and the definition of “prison” contained in section 3 to that Act, Mr. President, you will realize that the very serious criminal offences that you allow for interception of communications in prisons, and also, the method by which you can lawfully intercept communications and use it in evidence in a court of law, an exception to interception of communications, is done by way of description of places where there is notice or no notice or where a warrant is provided for interception of those communications for the purpose of evidence to take to court. And therefore, there is more than the mischief described by the hon. Attorney General in the terms of this Order because the reference in this Order to a prison being, if I may quote:

Premises approved by the Minister at Teteron Barracks Chaguaramas and premises approved by the Minister at Staubles Bay

—does not go, in my view, respectfully, as far as it ought to. A: To allow the application of the Interception of Communications Act; B: to allow the offences from section 8 onward as amended in 2019, in the Prisons Act; and C: does not take into account the fact that these are mixed-use premises, if I can put that as an expression on the table. These are not of the type equivalent to the maximum security prison or the remand yard prison, et cetera. So, I respectfully believe that there needs to be specificity.

Now, I accept that one may say during a state of emergency that we do not wish the public to know where the prison is, but that is not the law. We are here to declare a prison and a prison is something which must be known with specificity in law, as I have demonstrated to the Prisons Act, for the Interception of Communications Act, for the Summary Courts Act, for the Administration of

Justice (Indictable Proceedings) Act as it previously applied, for the Administration of Justice (Preliminary Enquiry) Act and, for the Bail Act. And, Mr. President, for the Children Act. Because this Order, if we are being wholesome, does not take into account the fact that there may be child offenders as well, and that we have not provided in this law for the equivalent in the articulation of how we treat with a state of emergency. There is at present no child detention centre which would match up with section 54 of the Children Act. Now, these are not flights of fancy, Mr. President.

The judgment of the Privy Council [2021] UKPC 13 *Commissioner of Prisons and another v Seepersad and another* from the Court of Appeal, this is a matter that I had to treat with. Upon coming into office, I was greeted as Attorney General with litigation comments by one Anand Ramlogan. The Privy Council, in considering whether there was a breach of section 4(a) and section 4(b) rights, determined that there was no breach of a 4(a) right. But there was a breach of a 4(b) of the Constitution right, and the court held that there was significant damages to be paid to the two minors who were remanded in, by successive remand warrants, to prison but not to a child rehabilitation centre. The court, quite interestingly, had to wrestle with the fact that the then UNC Government passed the law, proclaimed the law, which mandated that all children must go to child rehabilitation centres; a child prison, if I can call it that, and did so without building a single child rehabilitation centre, making their remanding into a prison which was not a child rehabilitation centre, unconstitutional because the remanding provisions by the warrant said that they must go to a child rehabilitation centre.

We could not defend it. Coming into office, on the first day I was being sworn in, September 09, 2015, this was one of the matters, this and the Jack Warner extradition. At the swearing in ceremony, I was alerted to this matter. As a result,

millions of dollars had to be paid in damages. It was to the point where the Privy Council asked Mr. Ramlogan to have a seat because they recognized he was the Attorney General of the Government taking the case against the Government. So, the irony of it was not lost upon the Privy Council. Mr. Clayton had to make the submissions.

Why is that relevant to this? Because, Mr. President, even though the hon. Attorney General is correct that section 7 of the parent Act allows for transfer of prisoners, and I go to section 7:

“The Commissioner of Prisons may transfer prisoners from any prison to any other prison as in his discretion may be necessary.”

That, respectfully, is not the end of the story.

When you go, Mr. President, to the Summary Courts Act, the Bail Act and the Indictable Offences (Preliminary Enquiry) Act and the Administration of Justice (Indictable Proceedings) Act, you will see that remanding is done to a prison and the prison in the remand warrant, which is your source of authority to place an individual into prison by virtue of a warrant of remand, that is done to a defined place and it certainly is not a district prison, which is, according to section 5(2) of the parent Act, a place for people convicted, sentenced of a summary offence with a term of imprisonment of under one month, Mr. President.

So, the hon. Attorney General is correct, there will be litigation, but the litigation is not only, as the hon. Attorney General put it, likely to be just what was referred to as the Richard's case a *habeas corpus* application. It will include judicial review under section 14 of the Constitution for an allegation which is reasonably foreseeable that there is an infringement of section 4(a) of the Constitution, but more particularly, 4(b) of the Constitution if you take the dicta of the Privy Council from the Seepersad decision.

So, we have a section 4(b) looming at us. Judicial review requires that you must exhaust other remedies before you come for judicial review. *Habeas corpus* is exhausted. It is not just hypothetical that we will be facing litigation for a section 4(b) of the Constitution violation if you go on the constitutional route, but for judicial review. And the judicial review will stand against those who caused a remanded prisoner who by a warrant was sent to the remand facility to be transferred to a different location.

Now, the hon. Attorney General referred to the fact that we were dealing with the State of Emergency. I think that the context is important in defending a claim such as judicial review or constitutional review. I believe that we would have in aid of that argument the fact that there is a state of emergency. That there was the proclamation of not only the State of Emergency but regulations, that the Regulations allow for detention. But detention of persons is not detention of prisoners. Detention of prisoners is done pursuant to other laws, Summary Courts Act, Indictable Offences (Preliminary Enquiry) Act, Administration of Justice (Preliminary Enquiry) Act, and, of course, the Bail Act, Mr. President, which treats with just four of those laws which treat with that.

It is therefore proper not only to bring this Order, but to ask ourselves, are we going far enough? Do we need two other things to treat with the mischief that I have just described? This is an open question. One, can we cure by mere retroactivity of the Order for affirmative resolution which is a statutory instrument? Can we cure by at a statutory instrument the detention of a person in a place that they are not warranted to be detained? That now says liberty, section 4 right, can you by a statutory instrument treat with a three-fifths issue? The right of detention. To be denied your liberty unless it is done by way of due process. So, are we going for enough with a statutory instrument treating with a three-fifths issue?

Secondly, is there need for a validation Act? Should we not be validating the acts of officers in the State from the odium of judicial review, constitutional claim, damages, et cetera? It is true that the State Liability and Proceedings Act will apply, et cetera, but it is likely that the hon. Attorney General will have to incur legal costs to a considerable sum to defend those claims, because even if it is declaratory relief, that is the case.

2.45 p.m.

We saw it, for instance, in the case by brought by Anand Ramlogan, the Sasha and Brian Seepersad case, which went all the way to the Privy Council. We had to pay millions of dollars in that case to a former Attorney General who was part of a Government that proclaimed a law for child rehabilitation centres, they had no child rehabilitation centres, he left government and then he went to sue the Government for no child rehabilitation centres and got millions of dollars. It is not impossible, it has happened before.

So, I personally believe that the hon. Attorney General is taking the correct step for the Order. I respectfully submit that the Order requires specificity. If you looked to the Orders that I referred to in 2021, the ones that I had a hand in, I have referred you, Mr. President, to the fact that the Schedules are specific. Why? Because we were defining “child rehabilitation centres”, so described by amendments in 2019 to be a prison in section 3, but I was consciously aware that it was mixed-use premises because we created the child rehabilitation centre where there was another prison; in one case, the women’s prison. So, you had to specify the child rehabilitation centre as different from the women’s prison.

In this case here at Staubles Bay and at Teteron Barracks, what is the prison and what is the barracks? Is it acceptable that this is just the place that the Minister declares? How do we apply the laws with specificity? The law must be

specifically applied. Where is the prohibited article? A cell phone on the outside of a prison is not a prohibited article. A cell phone inside the prison is a prohibited article. Taking a picture in the prison is not an offensive act. It is an offensive act if you are inside the prison. The prison rules apply equally, Mr. President.

So, I respectfully invite the hon. Attorney General to consider that the Order, as brought before us, is lacking in specificity, and I respect and I understand that there is going to be a need for national security to apply, but apparently that ship has left the harbour, drones have been reported to be overhead in the place that the people are detained in any event. So, the criminals know about it, the *Express* newspaper knows about it, we have been told that drones have flown overhead, but we need the specifics of the law because these are mixed-use premises. In a state of emergency, where there is aid to enforcement provided in the regulations for the army and police to work together, it is not going to be the case in the situation of a prison, Mr. President. So, whilst I support and reflect upon the path that we came to get to this Order, I respectfully believe that we have not quite hit all of the mischiefs that we should.

One of the mischiefs is certainly to treat with this issue of converting a district prison into a convict depot or a prison. There is a material difference between a district prison and a convict depot or a prison. We are going for it being a prison. The remand warrants say that these persons as prisoners remanded are to be sent to a particular place. Those remand warrants exist. Section 7 of the Prisons Act says that you can transfer prisoners, yes, but you have to go to the specifics of the law and read it as a whole. Can we anticipate what litigation will be? Whilst the habeas corpus application may be moot, the judicial review application is not, and the spectra of a constitutional claim is not, and therefore, we need to look at that.

But if we want to look to the enforcement of meaningful provisions to deal with crime, then the offences created in the Prisons Act in 2019, in the fashion that we brought to Parliament, which the UNC did not support at all, not at all, those very important and powerful provisions to convict people, prison officers and prisoners, which has now brought us into the line-up of where we are—Mr. President, we have been told in the public domain that prisoners include the likes of Rajae Ali, wanted for the murder of Dana Seetahal by way of charge of LifeSport fame and—would you like me to give way?

Sen. Jeremie SC: Yes, please.

Sen. F. Al-Rawi SC: Sure.

Sen. Jeremie SC: Thank you for giving way. I am just imploring you. I did not, in my presentation, name any person. We have a serious national security issue and I would appreciate it—I am not standing on a Standing Order—if you would not name specific individuals.

Sen. F. Al-Rawi SC: I will take the caution of the hon. Attorney General, it is prudent and I have no objection in that. I thank you for your intervention. Suffice it to say, the antiquity of criminality that our country has experienced, dating as far back as 2010 to 2014, is very much alive in the State of Emergency. There are people that have first-hand information about that, and I understand that.

So, Mr. President, I am concerned about the remedies which we are now prescribing here. So let me, in summary, as I come to a conclusion, say as follows:

1. I understand the need for the Order.
2. I do not believe that the habeas corpus being moot puts an end to the story.
3. I believe we have the spectra of judicial review and of constitutional claim.

4. I think that section 4(b) of the Constitution is alive in that claim. The authority which lends aid to that claim coming against the State is the Sasha Seepersad/Brian Seepersad litigation against the Commissioner of Prisons decided by the Privy Council.
5. There is a need for specificity as to the confines of what the prison is. Reason being that in all cases where there have been mixed-use premises, we have defined the premises as such. Certainly, in my tenure as Attorney General, that was the approach taken and it appears from the record so too previously.

Mr. President, it is very important for us to seek to enable law enforcement to take avail of the offences in the Prisons Act as amended in 2019. What constitutes prohibited articles? The Interception of Communications Act is equally relevant so that we can use evidence inside a prison against prisoners. Crime has not stopped ever once, it seems, since Adam and Eve left the Garden of Eden. It has been around, it is a task that we all have to battle with, it certainly will not go away.

We join the Government in supporting the State of Emergency. It is required, so says the security services, so said Her Excellency the President in declaring the State of Emergency. It is a tool which we believe must be exercised. Even though it was heavily criticized by Members opposite when they were in Opposition, we accept that they were wrong and they are now accepting a different path. But I really do believe, Mr. President, that we are in dangerous waters with an unspecified Order. I do believe that there may be a need for a validation act. I have serious questions on whether a statutory instrument, that is an Order done by affirmative resolution with retroactive effect, can cure the three-fifths majority issues in play in section 4 of the Constitution.

Section 4 of the Constitution is the right not to be deprived of your liberty without due process and therefore, I think we have not gone far enough. I look forward to the observations coming from the hon. Attorney General, and Members opposite, and the Independent Bench because I am very concerned. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Anthony Vieira SC, please.

Sen. Anthony Vieira SC: Thank you, Mr. President. In 1990, 35 years ago, I was at this very time, like the rest of the country, confined to my home while the military and law enforcement lay siege in this place and at television house to free hostages and to recover control of these institutions.

They say history repeats itself, so it should not be lost on us, 35 years later, after that eventual and traumatic period of our history, we are today, again, under a state of emergency. We are once again hearing about a plot to destabilize our beloved country, this time as part of a planned prison break by a network of inmates, external criminal elements involving at least, so it said, six organized criminal gangs and complicit prison officers who have allegedly conspired to execute a large-scale terror attack aimed at unleashing chaos and causing casualties.

Mr. President, we have been summoned here today to approve at this Extraordinary Sitting the relocation of high-risk prisoners to premises at Teteron Barracks and Staubles Bay in Chaguaramas. Now, given the information provided and the seriousness of the threats allegedly posed, I rise today in principled support of the Prisons Order under consideration. I do so with the full appreciation of the urgent threat posed by certain inmates who, despite being in custody, continue to orchestrate violent criminal activity, issue deadly commands and subvert justice from behind bars.

This Order, in my respectful view, is not an overreaction it is a necessary response to a clear and present danger. However, Mr. President, support does not preclude scrutiny and it certainly does not mean that we, as legislators, should forgo our duty to interrogate the implications of what we are being asked to approve.

My first observation is what this relocation signals about the state of our conventional prison system. When a society feels compelled to extract high-risk detainees from the prison estate and relocate them to military premises under the control of the defence force, it raises fundamental questions. Are we conceding, implicitly or otherwise, that our prisons are no longer capable of holding the most dangerous offenders, and if so, what does that say about the physical security of those institutions, about intelligence gathering and about our internal capacity to counter subversive activity from within prison walls?

We have seen this before. In the 1990s, Dole Chadee and his gang were detained at Staubles. They were detained there for, I believe it was two and a half years. That experience, I believe, offers us a cautionary tale. Temporary measures can become long-term defaults, and so I respectfully ask, what is the anticipated duration of this current arrangement? Are we looking at a year, two years, five years, or more?

3.00 p.m.

If it is extended, is that sustainable logically, operationally, constitutionally? I turn now to some concerns which I hope the Government will address forthrightly. How do we reconcile the governance of detainees under the Prisons Act and the Prison Service Act when they are housed in facilities subject to the Defence Act and military law? Are we not at risk of legal ambiguity, jurisdictional confusion, or worse, institutional overreach? Are we also not blurring important

lines between defence and law enforcement? This is not merely a matter of administrative detail. It goes to the heart constitutional order. The military exists to protect the nation from external threats, not to manage internal penal indiscipline. Yet we are embedding prison operations into military installations.

Further, I ask, is it healthy? Is it healthy to embed the culture of the prison into the ethos of the regiment? Are we even inadvertently creating a conduit through which high-risk criminals might gain exposure to military structures, personnel or tactics? That possibility is not merely theoretical. There is always the danger that corruption, coercion or collusion, the very same dynamics that have plagued our prison system could contaminate our armed forces. What safeguards are there in place to prevent this? What precisely will be the role of the defence force in this arrangement? Will soldiers be guarding prisoners? Will they interact directly with them? And if so, under what chain of command, and with what training or accountability? What assurances do we have that the same corrupting and undermining influence currently in our conventional prisons similarly do not infect our soldiers? Let me be clear. I fully understand the importance of maximum security and the obligation to protect the public. But even as we seek containment and security, we must uphold the rule of law and the constitutional guarantees that apply to all persons including those awaiting trial.

Many of the high-risk inmates likely to be transferred or who have been transferred, as you have heard, are on remand. They have not been convicted. Their constitutional rights including the presumption of innocence, the right to legal access and protection from inhumane treatment, those rights remain intact. Will this new location allow adequate and timely access to counsel? Will family visits, court appearances and medical needs be properly managed? As our courts have repeatedly observed, the conditions and treatment of detainees, even those

charged with the most heinous offences must remain consonant with constitutional standards of fairness, dignity and due process. Justice and the rule of law encapsulates the obligation on the prison service to treat prisoners with fairness and humanity. We cannot lose sight of the fact that prison service is not merely a containment agency. It is part of the criminal justice system. Its legitimacy and its long-term stability rests on its ability to strike that very careful balance between security, control and justice. That balance is delicate, and the more we disrupt it, the greater the risk of systemic instability.

In the circumstances I respectfully urge the Government to consider the following. There should be some time limits whether they want to call it. A sunset clause. This measure must not be indefinite. The relocation of high-risk prisoners to military facilities should be treated as a stop-gap measure, not a permanent fixture, and the measures we are approving today are based on certain exigencies. There is a crisis we are trying to avert, and currently the threat level is high. It is intense. But this should not be a permanent solution to what may be a temporary situation.

I think too, in the long term we need to construct a dedicated facility. Perhaps Government might consider re-purposing Carrera island or designating some other secure facility outside the traditional prison system to house these high-risk inmates, one designed with appropriate security technology and isolation infrastructure, but firmly under civilian correctional oversight. I believe the situation that we are trying to address today is systematic of deep underlying structural deficiencies in our prison system. We cannot fix that with external transfers alone. There is a dire need for systemic penal reform, from how we manage intelligence, controlled contraband, engage staff and structure our management frameworks.

It was reported in the media that intelligence identified approximately 40 prison officers including a senior officer as aiding these illicit activities by smuggling contraband into the prison system. Now this is both concerning and disappointing, but we should not make Peter pay for Paul. If some prison officers have succumbed to bribery or intimidation or corruption, that should not blind us to the fact that members of the prison service as a whole have against heavy odds managed over the years to contain an almost impossible situation by showing immense dedication, courage and professionalism. They have coped, usually successfully, with what could have been many explosive situations.

So let me say quite clearly, that I do not cast blame on the rank and file of our prison officers as a whole. As civilians, we are largely unaware, and I would say unappreciative, of the pressures, the challenges and the constraints they are subjected to on a daily basis. But more to the point, instead of focusing merely on the facilities at Chaguaramas, it seems to me that the Order under consideration today should prompt us to consider the bigger picture, which is the need for comprehensive reform of our penal system. The mischief that we are trying to cure today is symptomatic of series of underlying difficulties in the prison system. This Order is a temporary solution. It should not obscure the need for institutional change. Unless we make substantial changes to the prison infrastructure, the prison rules and the processes and relations between management and staff and between staff and prisoners, the underlying difficulties cannot and will not be brought to an end. This Prisons Act—1900. Right? And it goes back even further to the 1800s because that was the Act it was modeled under.

So the call for prison reform has been made before, but usually in very sweeping terms and without a clear understanding of the systemic ills that we need to remedy. In this country our penal system is still in 2025, we are still grappling

with legacies of colonial governance, structural under-investment and pressures of modern crime. What this Order highlights, in my respectful view, is the need for a meaningful programme of prison reform that would aim to address some of these ills.

Overcrowding: Our prisons especially the remand yards, they are chronically overcrowded, and that creates inhumane conditions and increases the risk of violence, disease, mental breakdown. And why? Because of chronic delays in our criminal justice system, overuse of pre-trial detention and an inadequate use of bail. We need to reduce pre-trial detention through bail reform, judicial deficiency and alternatives to incarceration.

Then there is the issue of remand injustice, delayed injustice. Too many individuals are spending years awaiting trial, often times longer than the sentence they would have received if convicted, and that raises all kinds of constitutional issues, like the right to liberty. So, we need to reintroduce strict timelines for trial commencement to bolster our public defence services, and to implement robust case management systems.

Then there is the lack of rehabilitation and little or no meaningful attempts at reintegration. You know, our prison function as warehouses for bodies rather than as centres of rehabilitation, and this results in high rates of recidivism and the entrenchment of criminal networks. We need to be doing more, expanding vocational training, education, counseling, reentry programmes, making rehabilitation the primary statutory objective of imprisonment. At least two judges, Madam Justice Judith Jones and Madam Justice Carol Gobin have commented on the human rights abuses and degrading conditions in our prisons. Whether it is poor sanitation, inadequate nutrition, limited access to medical care, physical abuse by staff or other inmates. But when the State puts people in

custody, the State is responsible for their care. We need to be doing better. There is a lack of transparency and independent oversight. The prison system operates with limited public accountability and complaints are often ignored or suppressed. Besides creating an independent prison inspectorate, we must strengthen the office of the Inspector of Prisons and empower parliamentary committees to conduct periodic reviews.

Criminologists will tell you that in many respects, we create criminals, and that was one of the reasons why I supported the legislation to decriminalize marijuana. We criminalize poverty in this country. Right? Inmates often come from socioeconomically disadvantaged backgrounds. Many are imprisoned for minor offences. They cannot afford bail, they cannot afford to pay the fines, and so we should be aiming at a society to decriminalize minor offences. We need to be promoting restorative justice and we need to adopt income-based fine systems and means testing for sentencing.

There is lot more that I could say about the need for penal reform. But suffice it to say, there is a lack of legislative and policy coherence. This penal system is governed by a patchwork of outdated laws, as I said, going back to the 1900s. So, we need to enact modern prison legislation which is grounded in human rights, rehabilitation and international best practices. This is not just a matter of humanitarian concern. It is integral to public safety, constitutional governance and social equity. A modern penal system must not just punish. It must also protect, rehabilitate and uphold the dignity of all persons under state custody. Ultimately, we must confront the weaknesses in our penal infrastructure, not circumvent them by outsourcing control to the military.

3.15 p.m.

The prison system needs to be self-sufficient, secure, and stable. And we

need to recognize it, and we need to treat it as an integral part of the criminal justice system. Mr. President, I support this measure because there is a real threat. But, I support it conditionally, with eyes wide open to the legal, ethical, and strategic implications. This is not a solution. It is a stop gap. It is a response to an emergency, and it should be treated as such.

In the long run, military defence and penal corrections should not mix. To do so is to court complexity, confusion, and possibly even compromise. I am fond of the saying alcohol and gunpowder should not mix. It does not taste good, and it would not shoot. Military law and penal law are separate systems, and they should be kept that way.

In the long term, I do not think it is healthy or desirable to embed the subculture of a prison inside a military institution. So, let us proceed, but let us proceed cautiously, with transparency, accountability, and above all, the constitutional integrity of our justice system intact. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Francis Lewis, are you ready? Are you speaking?

Sen. Lewis: No.

Mr. President: Okay, good. Somebody? Okay, who? Who is next? Anybody else? Did I miss anybody else? Can I call on the Attorney General?

Hon. Senators: [*Desk thumping*]

The Attorney General (Sen. The Hon. John Jeremie SC): Thank you, Mr. President. I must say that I was prepared for a longer debate because of what transpired in the other place yesterday evening. I should like to thank Sen. Al-Rawi and Sen. Vieira, who both expressed support for what the Government is attempting to do. Sen. Vieira did so saying that he was keeping an eye on what would happen in the near future. Sen. Al-Rawi did so, and his caveats were

different. He has some issues, which I propose to address briefly.

Now, on the question of the constitutionality of various provisions in the Prisons Act. I like my chances. It is a 1900 piece of legislation. It predates the '62 Constitution. A lot in it, not everything in it, a lot in it is covered by what we now know to be a very powerful saving of existing laws clause. So, I like my chances. I also like my chances because so far, of course, there are other proceedings, and I wondered if we were—I did not make an objection when Sen. Al-Rawi spoke, but there are other proceedings now, before the court, a mixed judicial review constitutional claim. I cannot say much about it, but I am not worried.

Now, I want to say though that between the time when the Commissioner of Police would have spoken to us on the 17th, which would have been around I would say it was no later than nine o'clock on the 17th—9.30, I am told. Between then and 12.02 when Her Excellency the President signed the proclamation, my Chief Parliamentary Counsel, who could not have known of this beforehand, was able to do yeoman service. He picked up on the fact that what we were faced with on the 17th and on the 18th, was different altogether from what had obtained in the past.

This is a prison break. So, we cannot conceivably think of where do we put these persons? Do we put them in a district prison? Do we put them in a prison? What do we do with these persons? The Chief Parliamentary Counsel went under section 5. You know why? Because the Parliament was on recess, and he had the power of foresight to know that the only way we could designate somewhere as outside of the detention centres as a prison, the only way we could do that without parliamentary oversight, was to do it by way of a district prison. And he found a way with what we had to make more than an argument. This is a cogent argument.

So, I say we are here out of an abundance of caution. But I am pretty certain—I could be wrong. I am pretty certain that if this point is tested and the context is placed before the court, that no review court looking at this is going to say that we acted, he acted, and I acted unlawfully in all the circumstances.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: So much for the technical issue. Now, I did hear Sen. Vieira speak of the balance that must be struck between the rights of the individual and the rights of the many. Although, I am not sure that he put in that way. If you accept that there is a threat, if you accept that on the 17th and the 18th there was an imminent threat. The job of any policy maker in balancing individual rights, and the rights of the many is to avoid precisely that occurrence that you spoke of 35 years ago. It was in that context, in the other place, that I spoke of the fact that we might not have been here today. Given everything that is different today, given the difference in terms of the capabilities of these groups, and believe you me, what you are looking at outside of the prison, in terms of numbers, is greater than what we faced in 1990. That is all that I say on that.

So if in 1990 persons were able to leave a compound in Mucurapo where you had an army base right outside of the compound, persons were able to get from there in Mucurapo, to here, to *TTT*, and other places in the country. They made an attempt at the airport. If that could happen in 1990, with the manpower that they had, which is nothing compared to the manpower that these people have today, and that is not a national security secret, because these youngsters take photographs of themselves, selfies, and they do whatever young people do with these photographs. They show off. Now, you can argue that it is our job to find them, and that is correct, it is our job to find them. I say nothing more on that for the purposes of what we are about this afternoon.

Now, in terms of what happened in 1990 as well, and how that balance was struck or not struck. We have had a commission of enquiry report into 1990. I have spoken to one of the detainees, the man who was in charge of this place, on the other side. And, when those individuals were driven out of this property in 1990, a bus took them down to the general vicinity of where these people are today. That bus did not arrive there you know, it made a detour. These guys were stripped. There were mock executions. People were beaten because the armed forces were looking for copies of the amnesty. This is a matter of record. It was in the Commission of Enquiry Report, and the leader of the group that was inside here, who I say without apology today is someone that I speak to, and I have no beef with him today. But he was the subject of a mock execution.

So that what you are looking at is nothing that is new. We are committed as a Government, committed to the rule of law, attempting to strike that balance between the rights of the individual, and the rights of the many in the society. It was that fact that drove me to pay a visit to the detainees in Teteron last week before Cabinet and I spoke to them. I went into their cells and I spoke with them. I was not fielding requests for meals and better this, and so on, and so forth. I saw the premises and I am not a prison expert, but I thought it was my responsibility to see that they were alive, that they were being treated appropriately, given the nature of the threat that we face.

Now, of course, everybody is complaining. There are complaints about all manner of things, but these are persons who—I mean to be frank our intelligence services tell us were plotting some exit, and they were an existential threat to the State days ago. So, I mean you should understand that while I listened to them, I looked at them I did so with a jaundiced eye. I would say that.

But I take the point that we must balance and we are attempting to balance.

Sometimes the balance is equally struck, sometimes you weigh one in favour of the other. And, at this point in time I am sorry to say the balance has to be weighed in the favour of the rights of the many.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: And I say so notwithstanding the fact that I wore no mask. Everyone else was doing that. So, I say it to this Senate, and I said it to them, that we are dealing with a crisis and their rights are secondary to ours.

3.30 p.m.

So, with the greatest deference to Sen. Vieira, I say that today is not a day—and you are speaking to someone who has an important role in terms of the guardian of our fundamental rights. There will come a time and that day may be soon, when I am very concerned about their constitutional and human rights. Not so today.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremy SC: Mr. President, I commend the Order to the House. I want to place on record my appreciation for the work of the officers in the Chief Parliamentary Counsel who worked, not only between the hours of 9.00 and 12.00 when the proclamation was done, but got up and then worked throughout the day on the Detention Orders, the Prison Orders, revising the Detention Orders, revising the Prison Orders and the Chief Parliamentary Counsel who might be here today—most importantly I want to place on record the officers under the command of the Minister of Homeland Security who are very often overlooked in this. They were the ones who had the presence of mind to be doing those things which allowed us to know what was on the agenda for all of us.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremy SC: And the police and the army, in particular, but also

the prison service because there are individuals in the prison service as Sen. Al-Rawi, I think, mentioned, who are good hard-working persons even though they themselves have come under serious threat. So I want to place that on record in this place, and when I went to Teteron all of them were present.

Now, on the need for greater specificity and the other issues, the niceties of the law, as I call them, I appreciate the fact—and this is a different debate entirely from the one which I had last evening in the other place, when the tone was different, the points were different and the attitude of those opposite, that attitude was different, because I have heard nothing but support in this place. The point is that on the niceties of the law, description of “premises” and the like, similar to the human rights points, I am prepared to stand behind the advice of the security forces, and those forces have asked us to designate premises in a particular way. The premises have been designated in that way. These individuals are secured in those premises, the premises are not the Hyatt, but they are secured in the premises. With those few words, Mr. President, I commend the Motion to the House, I beg to move.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Senators, the question is, be it resolved that the Prisons (No. 2) Order, 2025, be approved. Those in favour say aye—

Hon. Senator: Division, division.

Mr. President: No, please. When I am on the floor, when I am finished speaking people can speak, anyone, but I am on my legs. I have not put the question fully, so we cannot call for a division until the question is properly put. So please, please, be guided. Let me just repeat.

Question put.

Hon. Senator: Division.

The Senate divided:

Ayes 23

AYES

Allahar, Hon. D.

Jeremie SC, Hon. J.

Roberts, Hon. A.

Swaratsingh, Hon. K.

Maharaj, Hon. S.

Baptiste, Hon. L.

Alexander, Hon. P.

Ratiram, Hon. R.

Persad, Hon. Prof. P.

Chaitan-Maharaj, Dr. N.

Baig, B.

Charles, Ms. K.

Zakour, Hon. E.

Smith, Hon. D.

Nakhid, D.

Vieira SC, A.

Attzs, Dr. M.

De La Bastide SC, M.

Jones-Simmons, Ms. C.

Lewis, F.

Lalite-Ettienne, Ms. A.

Mc Nish, C.

Phillips, Ms. Z.

The following Members abstained: Dr. A. Browne, Mr. F. Al-Rawi SC, Mr.

V. Dhanpaul, Mr. F. Cummings, Ms. J. John Bates, Mr. F. Masaisai, Dr. D. Murray.

Question agreed to.

Resolved:

That the Prisons (No. 2) Order, 2025 be approved.

Hon. Senators: [*Desk thumping*]

Mr. President: Leader of Government Business.

ADJOURNMENT

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, I beg to move that this Senate do now adjourn to a date to be fixed.

AFRICAN EMANCIPATION DAY GREETINGS

Mr. President: Hon. Senators, before I put the question on the adjournment, as you are aware Emancipation Day, 2025, will be celebrated on Friday August 01, 2025. I now invite Senators to bring greetings in observance of this historic occasion. Leader of Government Business.

Hon. Senators: [*Desk thumping*]

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, while I am on my legs I do not wish to attract your ire once more—

Hon. Senators: [*Laughter*]

Sen. The Hon. D. Allahar:—but I wish to crave your very kind indulgence before I begin, because I could not resist acknowledging two other significant dates.

Mr. President, on behalf of all of us in this Chamber I wish to extend very happy belated birthday greetings to our good friend, Sen. Dr. Amery Browne, Leader of Opposition Business.

African Emancipation Day Greetings
Sen. The Hon. D. Allahar (cont'd)

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Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar: He celebrated his birthday yesterday and therefore was not prepared today to speak, I understand.

Hon. Senators: [*Laughter*]

Sen. The Hon. D. Allahar: Only joking. I think with age comes a sense of humor. Mr. President, furthermore, but by a very, very, happy coincidence and again on behalf of all of us in this Chamber I wish to also say a very happy birthday to our good Senator, Sen. Anthony Vieira, today.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar: My birthday is not tomorrow by the way.

Mr. President, Sen. Vieira will eventually celebrate his birthday later today and this is probably why we have concluded today's business within a reasonable time. So once again thank you, Mr. President, for your kind indulgence and I have risen with great pleasure to bring greetings on the observance of African Emancipation Day 2025.

Mr. President, on the 28th of August, 1833, an Act for the Abolition of Slavery throughout the British Colonies, and that is the long title, was passed by the imperial Parliament and that Act came into effect in all of the colonies, the British Colonies, on the 1st of August, 1834. On that day, Mr. President, our brothers and sisters who laboured under the yoke of slavery and were six years and under, became free men. Those above six years were re-designated as apprentices and they were required to work 40 hours a week without pay as a form of compensation to their former owners. The Emancipation proclamation was read out by the then Governor Sir George Hill on the 1st of August, 1834, at a spot just outside of the old Treasury Building on the Brian Lara Promenade. Today a monument marks that spot.

Mr. President, I understand from speaking with members of the Emancipation Support Committee recently, that the monument standing outside of the old Treasury Building is a replica, and we in the Government are in the process of ascertaining where the original monument is stored. Mr. President, at midnight on the 31st of July, 1838, full Emancipation was achieved and incidentally Trinidad and Tobago was the first country in the world to formally acknowledge and commemorate the end of that brutal system of African enslavement, and that was when the old Discovery Day holiday was discarded in favour of the Emancipation Day by way of legal notice No. 147 of 1984.

So today, Mr. President, we celebrate with our African brothers and sisters and we salute their struggle to keep their cultural and religious traditions alive despite colonial suppression. We honour that struggle and we acknowledge the pain and suffering that has been endured for centuries as a result of that brutal and inhumane suffering.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar: Mr. President, all of the people of these lands are affected by the legacy of slavery and the legacy of colonialism and we struggle together to overcome those legacies.

3.45 p.m.

The colonial device of divide and rule will never stop us from moving forward as one people to overcome the traumatic aspects of our past.

Mr. President, it was the Nobel Laureate, our own Derek Walcott—well, St. Lucia's, but I think we have claimed him more than St. Lucia—who described us as the flotsam and jetsam of colonialism. In other words, we were the debris or wreckage left on these islands after our colonizers left. Poetically, that may be so, Mr. President, but together, on these islands, we have formed our own civilization

and forged our own identity. The culture, resilience, music, food, dance, contributions and traditions of our African brothers and sisters, having no small part, contributed to who we are as a people. And, Mr. President, while these traditional garments that we wear today express outwardly our solidarity with our African brothers and sisters, Mr. President, in our hearts, we are one, for we are all sons and daughters of the soil of these islands.

Mr. President, on Sunday, I was privileged to lay a wreath, on behalf of the hon. Prime Minister, at the monument outside of the Red House on the northern side, commemorating the lives of those who have fallen during the 1990 coup. I paused then to reflect on the importance of freedom, personal freedom, that freedom that we take for granted and which was restored to our brothers and sisters in 1833, and, Mr. President, the fragility of that freedom when the wicked elements among us tried to divide us. Mr. President, we must all stand together.

So therefore, Mr. President, on the 1st of August this year, as in every year since 1984, we celebrate freedom and I am once again very pleased to wish our African brothers and sisters, and indeed the national community, a happy African Emancipation Day. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: The hon. Dr. Amery Browne, Leader of Opposition Business.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Amery Browne: Mr. President, two million Africans died on the journey across the Atlantic, two million just on the journey alone. Men and women and children, their bodies flung overboard without ceremony, or notification, or even a second glance. Europeans, who would cry and mourn and hold a solemn funeral if their household cat or dog perished, were throwing African bodies into the ocean by the millions without even pausing to trim the sails.

That Middle Passage was the deadliest long-distance movement of people in all of the recorded history of mankind, and in some ways, the journey continues. Almost 13 million sons and daughters of Africa were placed on those ships and 10.5 million of them arrived in the Caribbean, North America and Latin America, with heavy emphasis on Brazil. Mr. President, 90 per cent of them were brought to the Caribbean and South America, and 6 per cent to North America. This was not just a case of a fleet of ships, loaded with Africans, sailing across the Atlantic one faithful year and dumping their cargo. The horrific mortality of the journey and the astronomical evil of chattel slavery, especially in the Caribbean, resulted in increasing crossings throughout over three centuries, with over 36,000 one-way journeys for sons and daughters of Africa. Those ships were very busy.

How can one possibly summarize or encapsulate the experience of slavery in one paragraph? It is impossible. Disfigurement, dismemberment, dehumanization, separation from name, family, culture, identity, diet, landscape, faith, one's entire history of civilization, one's way of life, simply to satisfy the greed of some humans Great Britain built their empire and industry and wealth and lovely castles on the backs of our forefathers and our mothers, as did Portugal, Holland, Spain, France, Denmark and Sweden, with Belgium being deserving of dishonourable mention whenever the topic is historical atrocities against African people. Mr. President, bloodstains fade over time, but the loud volume of so much suffering and the complete silence of so many nations when it comes to apologizing or even acknowledging or admitting, well, that silence must never be met with our silence.

And what about the night of the 22nd of August, 1791, when enslaved men and women started a revolt against the slavery system on a French territory north of here called Saint-Domingue to obtain their freedom and independence? That land today is known as Haiti, and that uprising, in addition to the challenges with

the economic model of slavery, set forth a series of events that eventually led to the abolition of the slave trade.

The Haitians are still paying a horrific price to this day for their audacity to fight for liberation and freedom. And that fight is by no means over, and attempts to denigrate people of African descent based on their appearance, how they got their names from slave masters, how they worship, sometimes how they dress, that mentality continues to thrive in some quarters, Mr. President.

There are still people, including people in positions of power, who feel that African people are inferior based on hair texture, shape of nose, colour of skin, their intonation and other phenotypical characteristics. That evil is not assuaged by the perpetrator wearing an African robe or turning up at an African-related event. As long as that mentality exists anywhere amongst us, we, the right-thinking, must join hands in solidarity and respect for the greatness that resides within us as a people and as a nation. We must stand up to those who are neglected and tormented and dismissed.

We must not just satisfy ourselves by building tolerance within and between the races and cultures. We must build more than that. We must build appreciation, admiration, love and respect. I am happy and proud to say African Emancipation Day, just as I am proud and happy to say Indian Arrival Day. I am pleased that Sen. Allahar used the correct phrasing of “African Emancipation Day”, while noting that some others have not. I ask this Senate, Mr. President, to reflect on the words of the inspirational civil rights activist, Fannie Lou Hamer, who said.

“Nobody’s free until...”—everyone is—“...free.”

Mr. President, there is a reason the great black heroes like Nelson Mandela always made time and space for the plight of others, such as the plight of the Palestinian people. There is a reason. And there is a reason why African unity has

been resisted and fought against from all directions for many years. The journey that started with abolition and emancipation, continued with the American Civil Rights Movement. That journey continued with our own independence movement, which was led by the People's National Movement, not supported by all in this land. And that journey continued with our black power movement and continues with the wider Pan-African consciousness and unity movement, needed more today than ever before.

The Emancipation Support Committee is an important part of that journey, as is the Freedom Project Caribbean, as is the African Women's Association of Trinidad and Tobago, and the national and regional reparations committees, and the overall reparations movement which must not be sacrificed on the altar of political expediency, or worse yet, based on any desire to kneel before revived colonial masters.

African Emancipation Day reminds us both of the horrors of slavery and the absolute beauty of freedom. But even more than its intrinsic beauty, freedom offers us an opportunity, the opportunity to inspire others to achieve our full potential. And in this manner, Mr. President, all of us, all of us in this blessed and diverse land can truly live together, unshackled. Happy Emancipation Day to all. Happy African Emancipation Day. Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Dr. Marlene Attzs

Hon. Senators: [*Desk thumping*]

Sen. Dr. Marlene Attzs: Thank you, Mr. President. I rise today on behalf of the Independent Bench to extend heartfelt Emancipation Day greetings to all Members of this honorable Senate, and indeed to the people of Trinidad and Tobago.

As noted by the Leader of Government Business, Sen. The Hon. Darrell

Allahar, August 01, 1834, and more fully, August 01, 1838, stand as historic milestones in Trinidad and Tobago's history. These were the dates when enslaved Africans in these islands were declared free. But emancipation, Mr. President, was neither immediate nor painless. It came only after generations of dehumanization and struggle, and through the courage, resistance and undying resilience of our African ancestors.

In recognition of this profound legacy, on August 01, 1985, the Government of Trinidad and Tobago declared Emancipation Day a national holiday to commemorate the abolition of slavery. This was a symbolic institutional acknowledgement of the enduring impact of that historic struggle. And I add, in 2024, the Government took the decision to rename Emancipation Day, African Emancipation Day.

4.00 p.m.

Mr. President, I ask that we embrace African Emancipation Day as more than a public holiday. I ask that we remember that this day stands as a powerful reminder of the human spirit's resilience in the face of cruelty and oppression. The sacrifices of our forebearers laid the foundation for the vibrant independent nation that we all call home today.

But, Mr. President, African Emancipation Day also demands that we reflect. In a richly, diverse and multiethnic society such as ours, this day challenges us to confront the unfinished work of emancipation. The work of building a society where freedom is not just a legal condition but a lived experience. True emancipation means more than the absence of bondage. It means the presence of justice, equity and opportunity. It means addressing the inequalities that persist in education, in employment and access to resources regardless of race, class or creed.

Mr. President, as we gather in this Chamber today, let us remember that our freedom was fought for and won through sacrifice and let us honour that legacy by recommitting ourselves as lawmakers and citizens to a nation where every individual can stand tall in dignity and purpose.

Mr. President, on behalf of the Independent Bench, I wish the people of Trinidad and Tobago a meaningful and reflective African Emancipation Day. May we continue to work together and walk together on a path to a more just, inclusive and free society for this generation and for generations to come. Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Senators, it is my privilege and honour to join those who have spoken before me in bringing warmest greetings on the historic occasion of the 187th anniversary of the Emancipation Day, now christened African Emancipation Day to be observed on Friday, August 1st, 2025. This is a rare and welcomed moment in our parliamentary calendar as the Parliament is traditionally in recess during the emancipation celebrations. Opportunities such as this to collectively reflect and offer tribute within this Chamber are both meaningful and profound.

African Emancipation Day, first officially celebrated in Trinidad and Tobago in 1985, honours the historic journey of African people from enslavement to freedom. It is a day that speaks not only to liberation but also to dignity memory, resistance and identity. It marks the formal end of slavery in the British Empire in 1834 and the end of the apprenticeship system in 1838, transformative events, which signalled the rise of a new kind of citizenry in our islands: resilient, rooted and resolute.

Hon. Senators, the people of African descent in Trinidad and

Tobago have contributed immeasurably to the building of this nation, its culture, its institutions, its leadership, its value and creative life. Their legacy is etched into every corner of our society from language and cuisine to literature and music, to justice and political thought.

African emancipation is not only a commemoration of the past. It is also a call to vigilance in the present. It reminds us to be ever-mindful of justice, equity and the on-going need to dismantle the legacies of inequality that still linger in our systems, our institutions and our imaginations. It is also a time to celebrate heritage with pride across the country and especially in the capital city. Citizens don the regal garments of Africa, not as costumes but as cultural affirmation. The Emancipation Village, the procession down Frederick Street onto Independence Square and the drum beats of ancestral rhythms are all acts of joyful remembrance and living connection.

As we mark African Emancipation Day 2025, may we reflect on the strength, the wisdom and spiritual fortitude of those who came before us. Those who endured unimaginable hardship, yet dreamed of a society that the people demanded a better tomorrow. Let us carry it forward that legacy by fostering understanding, protecting freedom and ensuring that every citizen, regardless of race, class, status or region is treated with inherent dignity that freedom requires.

As we celebrate this occasion in unity, we are reminded of the words of our Trinidad-born activist and philosopher in his own right Kwame Ture, formerly Stokely Carmichael, who said and I quote:

“No man can give anybody his freedom”

End of quote. These words poignantly remind us that freedom and dignity are not bestowed, they are claimed, upheld and lived by communities themselves. Let us never forget the global footprints indelibly established by intellectual giants whose

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contributions to pan-Africanism should always be cherished, names such as Sylvester Williams, George Padmore, C.L.R. James and Kwame Ture, among many others.

In the spirit of freedom, heritage and community, allow me on behalf of the Parliament of the Republic of Trinidad and Tobago, myself and my family, to wish the people of our beloved Trinidad and Tobago, happy African Emancipation Day 2025.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.13 p.m.