SENATE

Tuesday, December 02, 2025

The Senate met at 10.00 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. Phillip Alexander who is out of the country, Sen. Janelle John-Bates and Sen. Foster Cummings, both of whom are 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 Carla Kangaloo

President.

TO: DR. KIRK MEIGHOO

WHEREAS Senator the Honourable Phillip Alexander is incapable of performing his duties as a Senator by reason of his 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)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in

accordance with the advice of the Prime Minister, do hereby appoint you, KIRK MEIGHOO to be a member of the Senate temporarily, with effect from 2nd December, 2025, and continuing during the absence from Trinidad and Tobago of Senator the Honourable Phillip Alexander.

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 2nd day of December, 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 Carla Kangaloo

President.

TO: MR. SANJIV BOODHU

WHEREAS Senator Janelle John-Bates is incapable of performing her 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)(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, SANJIV BOODHU to be a member of the Senate temporarily, with effect from 2nd December, 2025 and continuing during the absence of Senator Janelle John-Bates 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 President, St. Ann's, this 2nd day of December, 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 Carla Kangaloo

President.

TO: FARAI HOVE MASAISAI

WHEREAS Senator Foster Cummings 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)(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, with effect from the 2nd December, 2025 and continuing during the absence of Senator Foster Cummings 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 President, St. Ann's, this 2nd day of December, 2025."

OATH OF ALLEGIANCE

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

Dr. Kirk Meighoo, Janelle John-Bates and Farai Hove Masaisai.

10.15 a.m.

HOME INVASION
(SELF-DEFENCE AND DEFENCE OF PROPERTY) BILL, 2025

Bill to establish the offence of home invasion and, in that context, to provide that a person has no duty to retreat when acting in self-defence or defence of his property; to provide that a person may use defensive force, including deadly force, to protect himself, his property or another person in his dwelling house; and to provide for related matters, brought from the House of Representatives [*The Attorney General*]; read the first time.

Motion made: That the next stage be taken later in the proceedings. [*Hon. J. Jeremie SC*]

Question put and agreed to.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Children's Life Fund Authority for the financial year ended September 30, 2015. [*The Minister of Planning, Economic Affairs and Development and Minister in the Ministry of Finance (Sen. The Hon. Dr. Kennedy Swaratsingh*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Children's Life Fund Authority for the financial year ended September 30, 2016. [*Sen. The Hon. Dr. K. Swaratsingh*]

HOME INVASION

(SELF-DEFENCE AND DEFENCE OF PROPERTY) BILL, 2025

The Attorney General (Sen. The Hon. John Jeremie SC): Thank you, Mr. President. I beg to move:

> That a Bill to establish the offence of home invasion and, in that context, to provide that a person has no duty to retreat when acting in self-defence or defence of his property; to provide that a person may use defensive force, including deadly force, to protect himself, his property or another person in his dwelling house; and to provide for related matters, be now read a second time.

Mr. President, the Government feels that there is a need for decisive action to harness what is unbridled and violent criminal activity taking place in the form of home invasions, which has plagued our law-abiding citizens for far too long. It has resulted in shattered families, loss of lives, a sense of violation, both of the person and in the sanctity of a person's home, shock and fear. It has also led to a loss of trust in, not only the criminal justice system, but also in those whom the public have elected to work in the best interest of all the citizens of Trinidad and Tobago and to keep us safe.

It is within this context, Mr. President, that the Law Reform Commission of Trinidad and Tobago was tasked by me, under the provisions of its enabling legislation, to develop a policy position and Bill to address home invasions. I asked the Law Reform Commission to be guided by the realities of our society, and I am happy to put on record that the Commission has worked assiduously on this project and delivered a Bill and a policy paper in short time.

Before I proceed further, Mr. President, permit me to briefly explain the concept of home invasion. Broadly speaking, a home invasion is defined as:

The unlawful entry into an occupied dwelling house with intent to commit a crime inside, such as to thief, assault or other serious offences.

Unlike simple burglary, a home invasion typically involves entering while occupants are present, which makes it more dangerous and all the more terrifying as a violent crime. The incidents of home invasions and other violent crimes in Trinidad and Tobago have—and this is a matter of record—become more pervasive.

The statistics for the last decade, illustrated by data from the Crime and Problem Analysis Branch of the TTPS, and also supported by the Population, Social, and Vital Statistics Division of the CSO—and I ask Members to have a look at the paper, Crime Rate Statistics for 2015—2024 of the CSO. I am not going to go into the figures, but the statistics illustrate an alarming increase in violent crime and in home invasion. The human toll is overwhelming.

Mr. President, I will briefly mention just a few of the reported incidents for the period 2015 to 2025, which were carried in the local media. There was a report in the *Newsday*, the 1st of December, 2017, a 32-year-old man of Chase Village shot and killed while protecting his younger siblings during a home invasion. In the *Newsday* as well, 2018, 13th of May, a 43-year-old man of Arima shot and killed during a robbery at his home in the presence of his family. In the *Newsday* again, 10 January, 2019, five men entered a Tunapuna house, occupied by Cuban residents, residents attempted to defend themselves, making it difficult for the men to steal much, but they are all beaten. In the *Newsday*, 23 May, 2020, "Princes Town man shot dead in home invasion", succumbs to two gunshot wounds by men who entered his house unannounced, and there are a number of other stories.

Those of us who practice law would know that one of our colleagues, a member of the Inner Bar, had a horrific incident which was broadcast. In these days,

these things are captured live on social media, broadcast to the entire nation. Not many people know that he was the victim of that crime. He is a personal friend of mine. He was a friend of my father. He was known to Sen. Al-Rawi, Sen. Chote and Sen. Vieira; all of us. It was a horrific thing to see a colleague of ours begging for his life, saying, literally, "Don't kill me," to his attackers.

After considered reflection, the Government has accepted the recommendations of the Law Reform Commission in its policy paper titled, "Protection Against Home Invasion in Trinidad and Tobago: An Examination of Stand-Your-Ground and Other Self-Defence Laws". Now, for the avoidance of doubt, I want to briefly explain the difference between the castle doctrine, which we appreciate as common—as persons who are familiar with the common law and stand-your-ground laws in the United States. The castle doctrine, it is said, stems from an old case, the Semayne's case, which a 17th Century English judgment, establishing that there is an exception to the legal duty to retreat from an attacker. The doctrine is that:

> A lawful occupant of a dwelling house has the right to use necessary force, including deadly force…

—this is in the 17th Century:

> A lawful occupant, right to use deadly force, necessary force, including deadly force against an invader without retreating from that individual if the occupant reasonably believes that the invader would commit an offence against him or others in the dwelling house.

Now, the doctrine applies only to the physical boundaries of the home, and it is incumbent on the lawful occupant to observe his legal duty to retreat from further confrontation with an invader who has left or is expelled from the premises. Now,

if you juxtapose that with the stand-your-ground laws, particularly in Florida, the stand-your-ground laws are a class of self-defence based on early jurisprudence in the United States. Now, they have a history, a social history on constitutional law history, which pay some attention to the right to keep and to bear arms.

Throughout the years, there has been a consistent development in the United States, which carries you from the duty to retreat in places outside of the home. The castle doctrine in the US has, therefore, been extended by stand-your-ground laws from a person's home to any place where he has a right to be. And places where a person has a right to be, in jurisdictions such as Florida, for example, now include businesses, shops, restaurants, inside one's vehicle, streets, parks, parking lots; basically anywhere.

Over the last century, with judicial decisions and legal codifications, stand-your-ground laws in the United States have expanded to a point where in certain circumstances an individual is entitled to use any force, including deadly force, based on a reasonable perception of threat to defend himself against imminent threat from another with absolutely no obligation to attempt to de-escalate or to escape. Again, Mr. President, I underscore that while we looked—by "we" there, I speak of the Law Reform Commission—while the Law Reform Commission looked at what obtains in Florida, as providing some legislative precedent, it is not actually the model for this legislation.

I note with grave concern that during that during the debate in the other place, the Opposition sought to strike division, to alarm the population, by suggesting that the measures in the Bill target certain ethnic and socio-economic sectors in our society. This is not the case. I trust my colleagues in this House would not descend to that level of debate. Crime affects us all. It is the great equalizer, it knows no

class, race, age or religion, quite opposite from what the Opposition would have the population believe based on their comments below. We have yet to hear them in this place. This Bill aims to achieve clarity and to uphold proportionality and fairness for all.

10.30 a.m.

In terms of similar legislative precedents examined, Mr. President, the models considered by the Commission include the United Kingdom, Ireland in particular, Canada and some of the federated states of Australia and territories in Australia.

Now, I move to the question: Why codify the castle doctrine, the common law and the principles of self-defence and defence of property? Why do that? And we have extended them in certain respects. I noted with some interest, Mr. President, again, that Members in the other place, on the other side, had also suggested that there is no need for a Bill to address home invasions. In the other place, one Member even indicated that the Government could just place a provision dealing with home invasion in an existing piece of criminal law. This Government will not trivialize the importance of this type of legislation to all of our law-abiding citizens—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC:—who are now virtual prisoners in what is supposed to be their castle, their safe space, their respite.

During its examination and consideration of existing laws, the Commission noted in its policy paper that Trinidad and Tobago already has laws which allow for self-defence and provide for the crimes of manslaughter, trespass, robbery, burglary and housebreaking. But the laws, of course, are contained by and large in old ordinances, old Acts. There is section 7 of the Offences Against the Person Act, section 4 of the Criminal Law Act, the Trespass Act 11:07, and other pieces of

legislation. The Larceny Act was passed in 1916. And we felt that the law was in need of reform.

As part of its remit, the Commission focused on the sufficiency of existing law. This involved determining the key elements of the act of home invasion and how they differed from acts such as trespass, which were captured in the old law, forcible entry and forcible detainer, both of which were also captured in the old law. These activities are already regulated by legislation, but do not expressly include nor could they reasonably be inferred to include the key elements of home invasion. The sufficiency, therefore, of existing law to address home invasion, we felt—the Commission felt—was severely deficient. The need for a dedicated law dealing with this area of the law was critically necessary.

The intent of the Bill is therefore simple: To codify and enhance the existing common law position on self-defence and defence of property. In this way, it was felt that there would be clarity and certainty on the use and application of the law in our modern society, and to define the offence of home invasion.

Mr. President, during the Government's and the Commission's respective public consultation exercises, it became evident that certain aspects of modern living required careful policy fixes. The Commission's findings were guided in part by our local experiences, international scholarship, and comparative assessments of developments in other Commonwealth jurisdictions, including those that I have referred to before.

The Commission generalized the elements of home invasion as follows: They defined it as a physical intrusion into a specific class of premises used primarily for domestic living, for varying individual and family arrangements.

Intrusion into the premises: The method of entry, the Commission said, often

includes deceptive entry, which may or may not be accompanied by violence, subsequently, or injury to a person in the dwelling house. The Commission went further, they said that: There may be individuals known or unknown to the invader inside the premises at the time of the intrusion. They noted that the victims come from any demographic group and nationality. And I hope that that quells some of the unfortunate comments which were made in the other place, which sought to reduce this Bill in certain aspects, to considerations of race.

The invader's approach, the Commission felt, involves physical assaults in practically all cases, threats, intimidation of the occupants, and the invader uses those commands to overpower and to diminish resistance from the homeowners.

Now, the Commission went on to say that very often home invasions, either intentionally or not, lead to the death of occupants. Mr. President, It submitted that these features distinguish home invasion as a notably different phenomena from others which were explicitly criminalized in Trinidad and Tobago, some time as long ago as 100 years.

I would like now to address the key features of the Bill. The codification of the common law on self-defence. Mr. President, two landmark Privy Council cases from Jamaica have clarified the common law position on self-defence, the first is *Palmer v R*, and the second is *Beckford v The Queen*. I will take you through both.

In Palmer, the Privy Council noted that a person may use reasonable force to defend himself. The board found that, and I quote:

> If there has been an attack so that defence is reasonably necessary, it will be recognized that a person defending himself cannot weigh to a nicety the exact measure of his defensive action.

Then they go on to deal with the jury. They said:

> If the jury thought—because this is a question of fact—that in a moment of unexpected anguish, a person attacked had only done what he honestly and instinctively thought to be necessary, that would be the most potent evidence that only reasonable defensive action had been taken.

That is the common law as decided by the Privy Council, as long ago as Palmer in 1971.

In Beckford, in 1988, the Privy Council confirmed that the test for a belief in facts that justify self-defence is subjective/is correct. They said, and I quote:

> A person may use such force as is reasonable in the circumstances as he honestly believes them to be in the defence of himself or another.

Mr. President, it is clear, therefore, that the core principles in respect of self-defence may be summarized as follows: the right to defend; reasonable necessity; contextual necessity; proportionality; no precise calculation—if the person is defending himself, he is not expected to weigh the exact measure of force that he uses—instinctive responses, and of course, there is no duty to retreat.

Mr. President, the learning in Beckford that the true test is whether the belief that would justify self-defence was honesty, has been adopted and applied in our local courts. On the 14th of December, 2023, our Court of Appeal affirmed that position, as they were bound to do, in *Kenyatta King v The State*, where it was noted that the subjective nature of the test acknowledges that the lawfulness of a person's actions depends upon the facts as he perceived them. A person who honestly believes he is under imminent threat commits no crime in his instinctive and appropriate defence against that threat.

Now, at this stage, Mr. President, I would like to mention an issue that arose, again in the other place, concerning the inclusion of clause 6(2)(k)in the Bill. Clause

6(2) of the Bill sets out a non-exhaustive list of the factors the court is to take into account when determining the defensive force used by an occupant during a home invasion. Now, it is set against the backdrop that an occupant has no duty to retreat during a home invasion in his dwelling house.

Paragraph (k) notes that the court is to consider:

> "…whether there was a possibility that the occupant could have safely retreated…"

That is in the Bill. The Government does not view this as a contradiction, Mr. President, but rather a safeguard, an additional check and balance. For example, if an occupant is safely locked in a heavily burglar-proofed and alarmed house, and sees a person standing in his front yard, proceeds to shoot at the person, and kills him, is it reasonable in those circumstances to say that because the occupant has no duty to retreat, his actions were necessary, reasonable and proportionate to the threat he believed to exist? Mr. President, again, I reiterate, this Bill is not the Florida stand-your-ground law. And we are not operating in the Wild West. We do not condone vigilante justice.

So, I turn from the home invasion to the codification of the common law and defence of property. In terms of the defence of property, there has been much talk in the other place, again, regarding clause 7 of the Bill, the potential to use deadly force in defence of property. Now, this is a matter that was flagged by the Law Association as well.

Let me say from the outset, Mr. President, that the Bill does not enable an occupant to use unfettered and unbridled force in defence of property. The Bill has numerous checks and balances to ensure that any action taken by an occupant of a dwelling house is carried out within strict parameters. The principles of honest

belief, reasonableness, and proportionality are the bedrock of the proposed measures.

In defence of property, clause 7(3) provides that the occupant does not have to meet the threshold that his belief was justified, once he can show it was honestly held. But in determining this, the court will have regard to the presence or absence of reasonable grounds for the occupant having the honest belief. It is also immaterial whether the occupant using force against a home invader had a safe and practicable opportunity to retreat from the dwelling house.

10.45 a.m.

There are a couple of points which I would like to canvass before looking to the nine—and it is only nine clauses of the Bill. One deals with the felony murder rule. Mr. President, for the avoidance of doubt, permit me to speak on clause 5(4), which speaks to the proposed new offence of home invasion. That clause provides and I quote:

> "Where a person kills or is party to the killing of another in the course of carrying out the offence of home invasion he, and any other person engaged in the course or furtherance of the commission of that offence, is liable to be convicted of murder even if the killing was done without intent to kill or intent to cause grievous bodily harm."

Now, that seems to be draconian, but the clause is based on the felony murder rule, which is derived from the English common law. The effect of this rule is to make those who engage in serious crimes of violence liable for murder if a death occurs during the commission or attempted commission of that serious offence involving violence, even if the death was unintentional.

So we say, so too with respect to home invasions. The rule holds all parties involved in the felony responsible regardless of who directly causes the death. The

concept is not new in our jurisdiction. It is contained at the present time in section 2A of the Criminal Law Act, which codifies the felony murder rule in respect of an arrestable offence involving violence and provides that if someone is killed during the commission of that arrestable offence, all the persons involved are guilty of murder on conviction.

Now, the key features of the felony murder rule are collective liability, no intent, mens rea. My colleagues downstairs, particularly the newer ones who are fascinated with the Latin, described it as mens rea. All that "mens rea" means is intent. So, I captured it by saying, these are people who did not intend to kill, but they intended to do some serious damage. Okay? The other phrase is "actus reus", which I heard below. It just means the circumstances around the crime, the physical circumstances. So we could dispense with that in this place. I know that my colleague, Sen. Al-Rawi, will assist me with that.

Mr. President, permit me to cite just two of the cases in this jurisdiction in which persons pled guilty to murder on the basis of the felony murder construct. There is *The State vs Dalipsingh* and Charles and another *vs* the State. In the context of the proposed offence of home invasion, it is the Government's view that the application of the felony murder rule is practical and will act as a strong deterrent and warning that the act of home invasion carries severe consequences for all participants. We make no excuses on that.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Additionally, it matters not which of the perpetrators actually caused the death to the occupant of the dwelling house. Home invaders may be forewarned that their acts of terror, their participation in those acts, and violence carry severe consequences and that they will be collectively responsible for deaths

resulting from their action. We will not retreat from that.

Mr. President, I want now to turn briefly to the nine clauses of the Bill. Clauses 1, 2, 3 deal with preliminary matters. In relation to clause 3, I would like to draw Senators' attention to the definition of the words "deadly force," "defensive force," and "immediate family member" and what is a serious criminal offence.

Clause 4 codifies the castle doctrine as in Ireland's Criminal Law (Defence and the Dwelling) Act of 2011. This clause provides that an occupant of a dwelling house has no duty to retreat from a home invader. It is important to note that the clause does not extend the physical boundaries within which the occupier may exercise this right beyond the dwelling house, unlike the Florida model. Additionally, the clause expressly provides that the occupier has the right to stand his ground and to use defensive force in order to protect himself, his property, or another individual.

Clause 5 introduces the new offence of home invasion, defining its key elements and other factors that set parameters. The primary elements include: physical intrusion into premises used as a dwelling house; the lawful presence of individuals in the dwelling house at the time of the invasion; and, the use of acts to suppress those individuals so that other criminal acts can be committed. The approach aligns with the legal trends observed in other Commonwealth countries.

The penalty for the offence of home invasion is aggravated by two factors, namely and again, we make no apology for this, where the accused is a gang member. This Government is at war with the gangs.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: We are encouraging all of those who are involved in gang-related activity to find something else to do. We are going to concentrate

on them and we are not going to let up. We have started it. It will not end until they [*Inaudible*]

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: So it is aggravated where the accused is a gang member or a participant in organized criminal activity. The offence is also aggravated where the victim of the offence is a child, a senior citizen, a person with a disability, or part of the vulnerable population as defined. Again, we make no apology for this.

Clause 6 provides for the right of self-defence as a lawful demonstration by an occupier that he is standing his ground against an invader. It sets out the circumstances under which the court will exercise its jurisdiction to determine whether defensive force was lawfully used. These circumstances include the necessity of using force, the nature of the force used by the invader, the use of weaponry against the occupier, and the nature and the history of any relationship between the invader and occupier. The necessity rule, we think, legitimizes the defence.

Mr. President, the Government feels there are other clauses 7, 8, and 9. I will just take you quickly through 7, 8, and 9. Clause 7, introduces the new concept of defence of property as a—

Mr. President: You have eight more minutes.

Sen. The Hon. J. Jeremie SC: Eight minutes. I am trying to speed up. I think I can manage. Clause 7 introduces the new concept of defence of property as an exception to the duty to retreat. The clause effectively extends the exception of the duty to retreat from the occupant's right to life to include his right to property. Under clause 6, the occupant can use or threaten to use force or take any other action he

honestly believes to be necessary.

Clause 8 legalizes the actions of an individual who acted in good faith, defends the occupant of a dwelling from a home invader, provided that the invader is in the course of attacking or has threatened the occupant.

Lastly, clause 9 provides for six circumstances where an occupier may not be able to claim self-defence or defence of property where a home invasion has occurred. The provision acts as a safeguard against abuse of the claim of self-defence and, by extension, the criminal justice system. The six circumstances are as follows: Where the individual against whom defensive force has been used or threatened had a right to be in or was shown to be a lawful occupant in the dwelling house. Where the degree of force used by the occupant or person assisting is grossly disproportionate. Where the occupant or person assisting the occupant who uses or threatens defensive force is engaged in criminal activity or is using the dwelling house to further criminal activity. Where the individual against whom the force is used or threatened is a member of a law enforcement authority acting in lawful execution of his duties. Where the occupant or person assisting the occupant who uses or threatens the use of defensive force knew or should have known that the individual entering the dwelling house was a law enforcement officer. Where at the time of the alleged home invasion, the occupant's mental faculties were substantially affected by voluntary and non-therapeutic consumption of a drug.

Mr. President, there are other matters that I expect will be raised during the course of the debate. I leave aside for the moment the constitutionality concerns raised by the Law Reform Commission. They are an independent body. I asked them to do a job. It was their job to flag that there were possibly constitutional concerns. I felt that there were not. I sought advice on that question. I am

comfortable that the cases of Suratt, Suraj, and Akili Charles cover us and that the legislation before us is properly before us without the constitutional right.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Mr. President, finally, I should just like to put on record that this Bill is not our only answer to serious crime and to home invasion. We have made steps and are continuing steps to reform the police service from the leadership to operations. We have made steps, insofar as that is constitutionally possible, to encourage our colleagues in the Judiciary to pursue the appropriate reforms to ensure that trials take place within a short space of time. We intend to bring legislation to guarantee that individuals would have a constitutional right to a trial in a short space of time. We also intend to bring legislation to protect the victims. A victim rights charter is on the books and there are other pieces and tools which we intend to deploy that will treat with this matter. This is not a one-stop fix-all policy, there are other matters to be dealt with, including the liberalization in a reasonable way with access to firearms and other methods of defending oneself. Mr. President, with those words, I beg to move.

Hon. Senators: [*Desk thumping*]

Question proposed.

11.00 a.m.

Mr. President: I recognize the Parliamentary Secretary in the Ministry of the People, Social Development and Family Services.

Hon. Senators: [*Desk thumping*]

The Parliamentary Secretary in the Ministry of the People, Social Development and Family Services (Sen. Dr. Natalie Chaitan-Maharaj): Mr. President, hon. Senators, "a man's home is his castle". We stand today as a legislative crucible

tasked with nothing less than restoring the fundamental contract between the State and the citizen; the assurance of security within one's own domicile. The debate surrounding the Home Invasion (Self-Defence and Defence of Property) Bill is not merely a legalistic exercise. It is a profound moral response to a crisis of domestic terror that has gripped the soul of our nation. It is a declaration in the clearest possible terms, that the home, the castle of a citizen is invioable and that the victim of a home invasion shall not be treated by any stretch of judicial or prosecutorial imagination as the second victim of the State.

The sheer volume of discourse this Bill has generated across Trinidad and Tobago from the most formal parliamentary Chambers to the most vibrant and vocal mainstream social media platforms, underscores its critical importance. Citizens are not just talking, they are pleading for legislative affirmation of their inherent right to survival. They are demanding a legal framework that shifts the moral and legal burden back onto the criminal, away from the terrified homeowner who acted instinctively in a moment of unimaginable peril. The time for hesitant legal niceties is long past. The time for decisive action, for legislative courage is now.

Mr. President, the Law Reform Commission in its comprehensive policy paper of July this year meticulously documented the genesis of this Bill, a rash of home invasions across Trinidad and Tobago. Even the language is stark: a rash, an epidemic, a systemic affliction upon the body politic. The Commission noted that the traumatic accounts of being tied up, threatened and beaten by bandits and most tragically that some citizens have even lost their lives in home invasions. That is a gentle, eloquent way to say, that dozens of us have been hurt and killed or worse, watched our loved ones as they were hurt or killed, watched the life leave their eyes. And for what? For someone to grab away the material things they did not earn?

The Home Invasion (Self-Defence and Defence of Property) Bill, 2025, is not a piece of capricious, reactionary law-making. It is a deliberate, well-researched and long-overdue legislative prophylaxis against a demonstrable social ill. The existing legal architecture relying primarily on common-law principles of self-defence and the Criminal Law Act has been found wanting. It is an established fact that currently a house holder, after defending their family and property from an armed and masked intruder, often finds themselves in a police station compelled to defend their character, their actions and ultimately their freedom against the very state they presumed would protect them.

The law in its current interpretation often demands a psychological composure from the victim that is simply biologically impossible when staring down the barrel of a gun in the middle of the night. To ask a victim to perform the calculus of reasonable force in that split second, is not merely unreasonable, it is an act of intellectual cruelty. The Bill addresses this deficiency directly in clause 4 by stipulating with crystal clarity that an occupant of a dwelling house has no duty to retreat from a home invader, and has the right to stand his ground and use defensive force. This is the very core of what the law must provide, an unambiguous shield for the innocent. We are not legislating a new right. We are codifying an ancient universally accepted principle of the castle doctrine, elevating it from subtle, often contested realms of common law, into decisive immutable certainty of statute.

Mr. President, we stand here today to give citizens the right to stand their ground in their own homes. The Opposition seems instead to stand on the duty to retreat, where they reside comfortably in their well-guarded towers harbouring an utterly impractical vision of conflict resolution in a home-invasion scenario. They suggest demure sarcasm that one might expect from a less-informed critic, that the

homeowner upon being confronted by an armed assailant should politely request leave to exit their own dwelling. Perhaps offer a choice of their valuables as a gesture of goodwill before making a swift and strategic withdrawal.

This notion is not only absurd, it is demonstrably divorced from the terrifying reality of a modern home invasion. Retreating in one's own home is not a de-escalation. It is an act of tactical foolishness that hands every possible advantage, knowledge of the layout, speed of movement, proximately to family members to the invading criminal. The duty to retreat is a doctrine that works perfectly in the tidy hypothetical world of a courtroom, yet collapses instantly when confronted by the blunt brutality of a reality of masked man wielding a gun at the foot of their child's bed.

The Law Reform Commission's reference to similar legislation in robust Commonwealth jurisdictions such as England and Wales, Ireland and Canada confirms that the abandonment of the duty to retreat within the home is an internationally accepted, pragmatic and moral response to such threats. To oppose the clear statement in clause 4, is to tacitly insist that the victim should risk being chased, cornered and potentially subjected to greater violence all for the sake of a legal principle that in this context serves only to confuse the jury and benefit the assailant. This Bill rightly confirms that the occupant has the right to stand his ground. This is domestic sovereignty made manifest in the law. It empowers the law-abiding citizen and sends an unmistakable chilling message of deterrence to the potential home invader: cross this threshold at your extreme peril.

Mr. President, the most frequently voiced objections against this legislation, sometimes amplified in echoes of foreign debates, do revolve around the fear of vigilantism and the spectre of misuse. The Opposition in its characteristic flare for

embellishments and alarmism suggests that this Bill will somehow unleash a hidden torrent of blood lust in the average Trinidadian and Tobagonian, transforming law-abiding householders into armed vigilantes eager for a chance encounter. Let us address this condescending assumption with composure, knowledge and plain commonsense. The suggestion that our citizenry, already over-burdened by the incessant psychological tax of escalating crime, is merely awaiting a piece of paper to license their latent desire for extrajudicial violence is an assault to the character of these law-abiding citizens. It betrays a profound lack of faith in the judicial system and the rigorous legislative safeguards that we have carefully embedded within this Bill.

Firstly, the Bill does not grant an unfettered licence to kill. It explicitly is a defence that operates under stringent predefined circumstances. Clause 9 outlines clear exceptions that prevent its abuse. First, the use of force must not be grossly disproportionate to the threat. This, Mr. President, maintains the necessary link to traditional common law, the requirement of proportionality albeit interpreted thought the lens of a person acting in fear of their life which the Law Reform Commission's paper judiciously addresses.

Secondly, the defence is unavailable if the occupant is engaged in criminal activity or is under the influence of a voluntarily consumed non-therapeutic drug. Therefore, a gang member who has a rival gang member enter his home, is not protected by this law. A person who is drunk or high or under the influence of any other recreational drug and harms someone entering their home, is not protected by this law.

Furthermore, as the Law Reform Commission's paper reminds us, the court's consideration of the reasonableness of the occupant's actions remains paramount,

guided by factors such as the nature of the threat, the imminence of force and the use of a weapon by the invader, and again, the proportionality of the response is paramount. The police investigation and the subsequent judicial process is the prosecution's burden to disprove the defence. They all remain robust immovable anchors of justice. To suggest that these rigorous checks and balances are suddenly obliterated by the codification of no duty to retreat within the home, is a dramatic exaggeration that ignores the framework of the criminal justice system.

The very essence of the Home Invasion (Self-Defence and Defence of Property) Bill, is its specificity. It is not a broad stand-your-ground law extending to public spaces or parking lots or verbal altercations about loud music which have regrettably been controversial platforms in other countries. This Bill is laser-focused on the single, universally understood and constitutionally sacred space, the "dwelling house". The crime this Bill addresses, home invasion, is inherently indiscriminate in its choice of victim, preying upon the most vulnerable, the elderly and the isolated in all communities. The citizens of Trinidad and Tobago regardless of their background are united in their demand for a law that protects the sanctity of their homes. To deny them this protection based on tenuous, inapplicable foreign analogies is to prioritize abstract legal theories over tangible public security.

A further and frankly more bewildering objection that has been supposed is the danger to law enforcement officers. One can only conclude that those who have raised this point with composed indifference, failed to read clause 9(d) and (e) of the Bill. The Bill is meticulously clear. The self-defence provisions are explicitly excluded if:

> "…the person entering or attempting to enter…"—is a—"…law enforcement authority acting in the lawful execution of his"—or her—"duties;"—or if the

occupant—"…knew or reasonably should have known…"—this fact.

11.15a.m.

The provision is testament to the responsible drafting process undertaken, ensuring that the necessary operations of the State's protective agencies remain unhindered, provided that they act within the execution of duty and with proper identification. The objection, therefore, is not a substantive legal point, it is a rhetorical scarecrow, erected by the Opposition, only to be effortlessly knocked down by the very language of the Bill they purport to critique.

Mr. President, we must now turn our attention to the Opposition's claim that the current legal framework is sufficient. This contention is perhaps the most refined piece of rhetorical—

Sen. Dr. Browne: Mr. President, Point of order, Standing Order 46(1). The Parliamentary Secretary is making repeated references to the Opposition's claims in the debate. We have not yet responded.

Mr. President: I think what the Senator is referring to is what—

Sen. Dr. N. Chaitan-Maharaj: The other place.

Mr. President:—would have been in the public domain and may be what they would have seen on Channel 11, when they were debating in the other place.

Hon. Senators: [*Desk thumping*]

Sen. Baig: "Continue, you doing good. You doing good."

Mr. President: Continue, please.

Sen. Dr. N. Chaitan-Maharaj: I thank you for stating the obvious, Mr. President.

Sen. Baig: "Do not be distracted by them, you doing good".

Sen. Dr. N. Chaitan-Maharaj: I thank you for stating the obvious, Mr. President.

This contention is perhaps, again, the most refined piece of rhetorical

absurdity presented to date. In common law, with its flexible concept of reasonable force and its inherent connection to the castle doctrine, if that were all truly sufficient, why are we here? Why is the populace, as evidenced by intense social media discourse and public consultations, demanding legislative change?

Hon. Senators: [*Desk thumping*]

Sen. Dr. N. Chaitan-Maharaj: Why did the Law Reform Commission conclude that existing laws, while covering crimes like housebreaking and larceny, lack the peculiar elements of home invasions? The current system forces the householder, the victim, to face an immediate post-event criminal investigation, where the standard of reasonable force, it is judged not by the terrifying adrenaline-soaked perspective of the person in the moment, but by the cool, detached and utterly safe perceptive of the prosecutor and the jury, reviewing the facts days or weeks later. The retrospective judicial assessment in extremist decisions has repeatedly resulted in the perverse outcomes of the victims being charged and having their lives held in agonizing legal dismay.

This Bill rectifies that fundamental injustice by defining the specific offense of home invasion and explicitly removing the duty to retreat. The Bill creates a powerful statutorily mandated presumption in favour of the occupant's action. The Bill's genius is that it adjusts the legal lens through which the event is viewed. It codifies the common sense principle that when a person unlawfully breaks into your home with the intent to use force, their inherent criminal action immediately justifies a heightened defence of response, including the use of deadly force to protect life and property.

This legislative certainty is not a small matter, Mr. President, it is the necessary psychological and legal reassurance that law-abiding citizens desperately

need. It is the definite swing of the legal pendulum back towards the law-abiding, affirming that the State would side with the victim, not force them into an adversarial dance with their own protective instinct.

The Opposition's defence of the status quo in the other place, in the public and the general media, not here yet, is therefore a confession of their preference to victimize the victims.

Hon. Senators: [*Desk thumping*]

Sen. Baig: Shame on them. Shame.

Sen. Dr. N. Chaitan-Maharaj: Mr. President, a final recurring objection, often whispered within the refined air of constitutional gravitas, often in Latin in this Senate, is the concern of the Bill's potential conflict with the fundamental rights enshrined in the Constitution and its potential impact for our international image to adjust the Constitution or clarity. The fundamental right enshrined in the Constitution, which the Opposition, in the other place, in the public, in social media, cites caution for, includes the right of the individual to liberty, security of the person and enjoyment of property.

The Law Reform Commission explicitly submitted that the act of home invasion violates all of these fundamental rights. Therefore, this Bill is not a threat to the Constitution. It is a legislative mechanism that allows the State to fulfil its primary constitutional duty to protect the lives of citizens and the security in their most private domain. To suggest that the right to life of a criminal, who has willingly and violently forfeited that protection by unlawfully breaching a private sanctuary, should somehow supersede the right to life and security of a person, of the terrified occupant, the very person the State has otherwise failed to protect, is a grotesque, philosophical inversion. This Bill corrects that inversion by proportionately and

with adequate safeguards, giving the victim the protection of the law.

Secondly, the lamentation in the other place, in the public, in social media, that this Bill, a measure to protect citizens from being murdered in their own beds, would somehow stain Trinidad and Tobago's international image, is perhaps the most sarcastic point of the entire debate. With all due respect to esteemed commentators and attorneys who have raised this point, I must ask, what precisely is the current international image we are so desperately striving to protect? Is it the image of a nation, where crime rates spiral and where the elderly are systematically terrorized and left traumatized, if not dead, by bandits ransacking their homes? Is it the image where we boasted one of the highest murder rates per capita, pre-April 2025, the image where country after country issued warnings to their citizens and travel advisories about our out-of-control crime?

The real stain on our international reputation, Mr. President, is the perception of lawlessness, the apparent inability of the State to provide basic security and the trauma inflicted upon its citizens. A country that passes well-crafted, highly specific and legally robust pieces of legislation to empower and protect its law-abiding citizens in their homes is not a country that endorses anarchy. It is a country demanding legislative maturity and the commitment to its populace.

International partners do not worry about a country that protects its citizens. They worry about a country where the criminal element operates with impunity. This Bill is a powerful, uncompromising message that impunity ends at the threshold of a citizen's home. Mr. President, while we in this august place operate under gravity of law, we cannot ignore the raw, unfiltered voice of the people we represent. Social media in Trinidad and Tobago, often a crucible of public opinion, has been overwhelmingly vocal in support of a definitive right to self-defence against home

invaders. As one resident of Paradise Heights so poignantly stated during a public consultation, after recounting her own trauma of home invasion, and I quote:

> "'I wholeheartedly support it…'"—this Bill—"'….because I still remember the details up to this day, and since then, I've become hypervigilant.'"

This is emotional truth, the lived reality of trauma, demanding a legislative balm. The public sentiment is clear. It is time the pendulum swung back into the hands of law-abiding citizens.

Hon. Senators: [*Desk thumping*]

Sen. Dr. N. Chaitan-Maharaj: The common pragmatic view, perfectly captured in the public discourse, is that this Bill is a necessary deterrent. It is a statement that says to the criminal class, "You come into my home, I will face you with fire. You come into my home to damage me and my family, I will stand up to you." It is the criminal's turn to learn because they do not respect the police or the judicial system. It is time for them to learn to respect the people who can stand up for themselves.

The Opposition's, in the other place, in social media and public spaces, other constant go-to caution is the fear of rushed or poorly crafted laws, that go-to option is predictable and abstract. But our Government's extensive work on, comparing this Bill to international standards and embedding numerous exceptions, provides the necessary balance. This Bill is not a reckless measure. It is a meticulously calibrated instrument of justice, designed to ensure the homeowner's instinctive, responsible act of self-preservation in the face of imminent deadly peril is met not with legal persecution but with legal legislative protection.

Mr. President, we have thoroughly examined the structure, purpose and safeguards of the Home Invasion (Self-Defence and Defence of Property) Bill. We

have addressed the Opposition's weak, unempathetic debate points in the other place, on social media and the general public, the fear of vigilantism, the supposed insufficiency of the current law, the ever-overstretching concern for constitutional rights, and the melodramatic, hypocritical concern for our nation's international standing, and found them to be either legislatively addressed by this Bill's own language or intellectually and emotionally disingenuous.

Now, I, Mr. President, for one, will always thank God that when my own home was invaded on the eve of my daughter's first birthday, that we were not at home. A dear colleague of mine, in my previous career, she was not so lucky. She counts herself lucky that she was only hog-tied, as she puts it, and not raped or worse. This legislation, had it been placed then, may have embolden her or her husband for a different or better outcome. We can all relate similar stories, not just read from the newspaper articles, but our own stories, those of our relatives, neighbours and friends.

It is time that we give each the right to consider a better outcome, the legal right. It is time we make criminals think twice before callously trampling on our rights, our sovereignty, our peace and our safety. After all, Mr. President, is there anything that we want more fundamentally for our loved ones than their safety? The purpose of this Bill is singular, essential and morally irrefutable. It is to ensure that the householder, the victim, never again faces the agonizing choice between defence of their life and risking legal jeopardy.

This Bill is a triumph of common sense, a legislative correction to a chilling social injustice and a powerful reaffirmation of the ancient right of domestic sovereignty. Let us be unequivocal. We support the certainty of law over the ambiguity of common law. We support the right of citizens to live without fear and

to be protected, not prosecuted, when they act to preserve their most fundamental right, the right to life.

The Bill restores dignity of victims of crime and makes it known that in Trinidad and Tobago, the home shall forever be the unconquerable castle of the citizen. Mr. President, I thank you.

Hon. Members: [*Desk thumping*]

Mr. President: Sen. Sanjiv Boodhu.

Hon. Senators: [*Desk thumping*]

Sen. Sanjiv Boodhu: Thank you very much, Mr. President, and I am, again, very grateful to be permitted to join this debate this morning, as a visitor to this honourable Senate.

Mr. President, I would first like to address a few very interesting things that my learned colleague, Sen. Dr. Chaitan-Maharaj, just said. One of those things was that, "This Bill allows the homeowner to face the criminal with fire." But, Mr. President, this Bill does not refer to anything that allows a homeowner to more quickly or to be entitled to obtaining a legal firearm in this country.

Sen. Dr. Chaitan-Maharaj: I never said "firearm".

Sen. S. Boodhu: Those were your words, Ma'am. "Face you with fire."

Sen. Dr. Chaitan-Maharaj: I said "fire". Fire is not firearm.

Hon. Senators: [*Crosstalk*]

Mr. President: Please, please. Let us not—[*Inaudible*]—in crosstalk, please.

Hon. Senators: [*Crosstalk*]

Mr. President: I will allow the Member to continue.

Sen. S. Boodhu: Indeed grateful, Mr. President. Let me repeat, this Bill, contrary to what is the messaging that goes with this Bill, does absolutely nothing to allow

law-abiding citizens to obtain firearms any quicker. That is number one.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Number two, my learned friend just referred to the insufficiency of the current law. But just before my learned friend spoke, the learned Attorney General referred to the state of the common law as being set out in the case of Palmer.

11.30 a.m.

Mr. President, that case is a 1971 case. It is 54 years old. I cannot understand what then is any inefficiency or ambiguity in a 54 year old piece of legislation—

Sen. Al-Rawi SC: And Beckford.

Sen. S. Boodhu: And Beckford and several other cases which I would get to.

So, Mr. President, permit me now to get into the Bill itself. Now this Bill as we heard seeks to do two things:

1. Establish the offence of home invasion; and
2. Provide that a person has no duty to retreat when acting in self-defence or in defence of property in the main.

Now in respect of establishing the offence of home invasion, and to put that together with the allegation of the insufficiency of the current law, I am not aware in this country that at any time someone broke into someone's home, the police arrested them and then did not know what to charge them with or for. And that tells us that there is no insufficiency of the common law. So I am not certain what this Bill seeks to fix, that needs fixing in the existing law, please, Mr. President.

But let us talk about what happens in a home invasion. There are several steps in a home invasion, and it starts with surveillance. The criminal element will stakeout the homeowner, will observe the home, might observe the business and observe the general comings and goings of the person that they wish to invade. The

next thing that is going to happen is that they are going to return, they are going to use some form of communication among them and they are going to carry out the execution of the home invasion. And of course, in the execution of that home invasion several despicable acts take place, inclusive of severe violence; inclusive of larceny; robbery; sexual assaults; common assault; serious injuries.

After that, the criminals are going to attempt to escape the premises. Again, aided by the use of communication devices. They are going to escape with a driver in a vehicle. They may have escaped in the vehicle of the homeowner. The next step in that process is to avoid being intercepted by the police. After they have avoided interception, they have to monetize the loot, the goods that were stolen. They have to sell it, they have to scrap the car, they have to sell the jewelry. After all of that, they have to continue avoiding detection for some time. And then the next step in the process is repeat. And in repeating a step, repeating a process, one tends to get better, as I hope I am getting better today, on my third visit here to this honourable Senate.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: So, Mr. President, in considering those steps and those elements that make up what is a home invasion, one would imagine that a Bill designed to address home invasions would address some, if not desirably all, of these elements, please, Mr. President. But this Bill simply does not, it does not address any of those elements. It does not aid the police in intelligence gathering, it does not aid the police in intercepting communications, which I have said is fundamental in each of those steps there.

In fact, there was a video quite recently circulating on Facebook where a vehicle was stolen and it was outfitted with some sort of recording device, and if

anybody saw the video they would have seen that the criminals were on their phone constantly speaking with somebody else who perhaps was giving them some instructions. And when that communication broke down, Mr. President, they abandoned the vehicle. So it tells you the importance of the communication aspect. Yet this Bill does nothing to aid the police in intercepting any communications. It does not create any sort of special unit to deal with home invasions, neither does it aid the DPP in terms of a prosecutorial unit, to aid in the prosecutions of home invasions?

In fact, it does not assist the criminal justice system at all. If anything, it adds yet another offence to what is our backlog system. But thankfully, the last administration had the foresight to do away with the preliminary inquiry. And so criminal prosecutions have now taken a lot shorter time than the usual, 10 years, five years. In a matter of months, a criminal is brought to the Master's Court, a sufficiency hearing is conducted and they are on their way to a trial in the assizes.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: That is what assists in the fight against crime, Mr. President. So this Bill really does nothing to introduce a solution for some challenge in finding law under which to charge a person who is carrying out a criminal enterprise as described here, as a home invasion. As I said, there has never been a time that somebody has committed an offence that is described here and the police say: I "eh" know what to charge this man with, so "ah" going to let him go. That has simply never happened, please, Mr. President. And there is nothing to aid the homeowner in defending themselves, either. And contrary to the narrative run by the Government, this Bill does not entitle any person to a firearm. It does not make it any easier to obtain a firearm; it does not amend the Firearm Act; it does not amend

the regulations; it does not modify the process; it does not enhance the police's ability to more quickly process applications or to deal with firearm appeals more efficiently, please, Mr. President.

So there is nothing to deter criminals engaged in home invasions as this Bill does not even seek to, let us say, amend the Bail Act, Mr. President, to restrict bail for persons charged under the offence. Does none of that. So, what really does this Bill do? Well, let us go to a clause 5 of the Bill, please. Mr. President.

Clause 5 is headed: Home invasions. It is the operational clause that introduces the offence of home invasions. And 5(1)(a) talks about:

"A person commits the offence of home invasion if he–

(a) unlawfully enters an occupied dwelling house when he knows or has reason to know that one or more persons is present in the dwelling house…"

The first bit there, "unlawfully enters an occupied dwelling house". Well, there are several pieces of legislation that cover that issue. In fact, the hon. Attorney General did make mention of it. There is trespass, there is larceny dwelling house, there is house breaking, there is warehouse breaking. If we go to (c):

"fraudulently represents himself to be a member of a law enforcement authority, or a representative of any other public or private entity, for the purpose of gaining entry into an occupied dwelling house…"

And of course, you are gaining entry for a particular purpose. You are gaining entry to rob somebody. Is obtaining money by false pretenses. There is larceny by trick. You have (d), a person who:

"…is invited into…"—the house—"and fails to leave immediately on being asked by an occupant to do so..."

Again, immediately a trespass arises. There is also civil action in thought that arises immediately, once you revoke that invitation or licence as it were. And then you have, the last one (e):

> "enters an occupied dwelling house and then forms the intention to commit a serious criminal offence."

And again, as long as the Act meets the intention, which is what the learned Attorney General says, you have a criminal offence occurring that is already captured in law. And then you go to a combining word here:

> "and–
>
> (f) while armed with a weapon intimidates, uses force or threatens the imminent use of force on any person within the dwelling house…"

We all know there are charges of possession of firearm, possession with intent, robbery with violence, robbery with aggravation, robbery occasional and actual or grievous bodily harm. There is wounding with intent, with aggravation with violence. There is rape, grievous sexual assault. All of these offences already exist. And in addition to that, the descriptions contemplated from (f) to (l), and again, that is section 5(1), they talk about what criminal practitioners will know to be aggravating factors in a crime. Even if it were that someone were to be convicted of home breaking or let us say larceny dwelling house, and they were armed with a weapon, number one, let us say, a firearm. Number two, they cause an injury; number three, they steal something; number four, there are children present in the home, there are elderly persons in the home.

Mr. President, all of those things are aggravating factors. They are a member of a gang, that in and of itself another criminal offence. Participants in an organized

criminal activity. You are lying in wait. There is a person who has a disability or otherwise vulnerable person, all of those things are aggravating offences that arise, if not in respect of the elements of the offence for which they are charged and convicted, certainly will arise on sentencing principles, Mr. President.

So all of these things are already contemplated within existing legislation. SoI would come back to the fundamental question, what exactly does this Bill achieve? What problem exists that this Bill attempts to cure, Mr. President? So I move now to the duty to retreat, which is the second main feature of the Bill. Now, that is captured firstly at clause 4 of the Bill:

> "Subject to the provisions of this Act, an occupant of a dwelling house"—and of course there is a definition of what an occupant is and what a dwelling house is:
>
> (a) no duty to retreat from a home invader at the dwelling house; and
>
> (b) the right to stand his ground and use, or threaten to use, defensive force to protect himself, another person or his property from a home invader.

And heavy weather was made by my learned friend about the duty to retreat. I do not know how to put this any simply than just there is no duty to retreat right now. So again, this Bill does nothing to introduce something new into law, please, Mr. President. This is where the messaging behind this piece of legislation gets really bad, eh? You see, because the population is told about this removal of the duty to retreat from the home invader and that you have your right to stand your ground in self-defense and protect your property and so on.

Now, I want to refer to an authority here which is the judicial—*the Republic of Trinidad and Tobago, Judiciary, Judicial Education Institute Criminal Bench*

Book 2015. It is a publication of the Judicial Education Institute of Trinidad and Tobago, please, Mr. President. And at page 241 thereof, there is a section entitled: "Self-Defence". And it reads as follows:

> "The accepted statement of law on self-defence is found in Palmer…[1971]"—Privy Council—"Jamaica. The Court of Appeal of Trinidad and Tobago synthesised the essential principles to be extracted from Palmer in Stephen Robinson"—a case I will mention later on.

And it goes as follows:

> "1. A person who is attacked is entitled to defend himself.
> 2. In defending himself he is entitled to do what is reasonably necessary.
> 3. The defensive action must not be out of proportion to the attack.
> 4. In a moment of crisis, a person may not be able to weigh to nicety the exact measure of his necessary defensive action."

I am emphasizing this a little bit, because it provides clarity. It says basically, that in the heat of the moment while you are under attack, the law does not require you to stop, as my learned friend try to allude to, to stop and assess what is the degree of force coming at me? What can I do commensurate with that? It does not require you to that. It says very clearly:

> "4. …a person may not be able to weigh to nicety the exact measure of his necessary defensive action.
> 5. In a moment of anguish, a person may do what he honestly and instinctively thought was necessary; and
> 6. If there has been no attack, then the issue of self-defence does not arise."

And it goes on to say:

"…the Court of Appeal directed that trial judges must direct the jury that an intention to kill is not inconsistent with self-defence…"

Now that is rather interesting, so I move two pages ahead here to the note section. And it says here at paragraph two:

'"Direction on Intention to Kill and Self-Defence.

39. Self-defence in Trinidad and Tobago is governed by the common law and thus a trial judge's direction to the jury must accurately reflect the common law. Palmer v R [1971] AC 814 is still regarded as the classic pronouncement upon the common law relating to self-defence. Lord Morris approved as correct the self-defence direction given by the trial judge, who had stated:

'A man who is attacked in circumstances where he reasonably believes his life to be in danger or that he is in danger of serious bodily harm, may use such force as on reasonable ground he believes is necessary to prevent and resist the attack"—prevent which is anticipatory of an attack and resist, meaning literal resistance of an ensuing attack—"and if in using such force he kills his assailant he is not guilty of any crime even if the killing was intentional."'

Well, that is interesting there, Mr. President. You see, to my mind, this refers and speaks directly to licensed firearm owners in Trinidad and Tobago. Because the question necessarily arises, well, if you own a firearm, you are in your home, somebody breaks down your door two o'clock in the morning and you acting responsibly and within your training and the confines of the law, point your licensed firearm in the direction of that intruder and you discharge a round. Well, what is a firearm intended to do? It certainly not—it is not designed with the intention to harm

somebody, that might be an occurrence that happens. But generally speaking, firearms are intended to kill people.

So, it cannot then be argued, perhaps it can, that the firearm owner, by using the firearm in defence of his property formed an intention to kill. But the law covers you here. It says, he is not guilty of any crime even if the killing was intentional. Now of course, this will not go as far as to say that one must form the intention, "ah man come in my house, ah going and kill him". You must not presuppose you are going to kill anybody or pre-plan to kill anybody. But certainly, if you are faced with an offence, as the homeowner, somebody has charged you for murder saying that you intend to kill that bandit and that is why you point your firearm at him and you discharge a round in his direction and he has died. Even if the court were to find that there was, there was an intention to kill by the use of the firearm, you are covered here under self-defence.

11.45.a.m.

There is another direction here quoted, and this is in the case of Baptiste:

> "Another important direction that the judge must give to a jury in appropriate cases is that an intention to kill is not inconsistent with the establishment of the plea, not only to self-defence, but also of provocation."

A different issue, so I would not go down there, Mr. Speaker. So, are we still going to pretend that there is insufficiency?

Sen. Roberts: [*Inaudible*]

Sen. S. Boodhu: Mr. Chairman, Mr. President, my sincere apologies, Mr. President, my sincere apologies. And, I want to thank my learned friend for correcting me. So are we [*Laughter*] still going to be talking about the insufficiency of the current law, Mr. President?

So, I move now to the question of property rights here, as it relates—and I will just be very quick on it—to the issue of constitutionality. It is rather a question than a statement.

You see, Mr. President, the Bill in clause 2 defines a few things. One is "associated place" and it goes on to (b) to say:

> "…any place, where a dwelling house is one of two or more dwelling houses in one building or group of buildings…"

Now, this refers practically to an apartment building, or a cluster of apartment buildings, or perhaps a gated community, or a residential area, right, because you have a group of buildings that occupants of the dwelling houses use in common with each other.

So, let us talk about an HDC development that has a common foot pass, perhaps a recreational area and so on. That is a common area. It goes then to also describe:

> "'curtilage" in relation to a dwelling house means, an area immediately surrounding or adjacent to the dwelling house, which is used for purposes connected with human habitation in conjunction with the dwelling house, regardless of whether the area—
>
> (a) is surrounded by a fence, a natural boundary or a combination of both; or
>
> (b) is enclosed in a manner that indicates the occupant's intention to keep persons off of his property…"

Now, that (b) there refers quite literally to an area that is unfenced, that is not demarcated, telling any visitors to the area that the owner of that parcel of land or the occupant of that parcel of land's intention is to keep you the visitor to the area

off of his property but does not include any other part of the area that is a public place. All right.

Let us go a little further here.

> "'public place' means an indoor or outdoor area, whether privately or publically owned, to which the public has access by right or by invitation, expressed or implied, by whether by payment of money or not, but does not include any premises in actual use for a dwelling house which are not used for commercial purposes."

All right. So it distinguishes here what a public place is, as opposed to a private place. But there is, by the definition in "curtilage" and "associated place", even with the combination of the declaration of public place, a restriction on the public's right to access certain areas that might be considered, either a common area or might be considered a public place, Mr. President. For that reason, Mr. President, I ask the question again, whether it might be more useful to reintroduce what was previously clause 2 of the Bill that was circulated for public discourse, in respect of the constitutionality. Yes, please.

VISITORS

Mr. President: [*Inaudible*] to interrupt the flow, but we have some students in the public gallery and they do have a performance to engage in and they have to leave in the next two minutes. So, I wanted you, hon. Senators, to join me in recognizing the Maria Regina Grade School choir present in the public gallery and to also indicate, and to remind Senators, that these students are here to engage in a performance in the Rotunda of the Parliament, the Red House, at 12.30 p.m. as part of the Christmas at the Parliament series. I would like us to warmly welcome them—

Hon. Senators: [*Desk thumping*]

Mr. President:—and at the same time to put all Senators on notice that we will have to take an early break because we want to give the students the necessary support in the Rotunda when they perform at 12.30 p.m.. So, I put you on notice that we will go and we will all join in supporting these students. Thank you very much. I recognize Sen. Sanjiv.

Hon. Senators: [*Desk thumping*]

HOME INVASION
(SELF-DEFENCE AND DEFENCE OF PROPERTY) BILL, 2025

Sen. S. Boodhu: Thank you very kindly.

Sen. Roberts: Wrap up.

Sen. S. Boodhu: Wrap up? [*Laughter*] Thank you very kindly and I greet the visitors very warmly this morning. I am glad for the honour and privilege to be on my legs when being visited by our nation's future, Mr. President. Mr. President, may I respectfully ask, whether I can have an indication of time?

Mr. President: You will finish exactly at, I think, 12.08 p.m.

Sen. S. Boodhu: I am indeed grateful, Mr. President, thank you very much.

Mr. President, I am going to move into some statistics now. I will start by mentioning that even the Law Review Commission's document that was published by the Attorney General's Office, again for public consultation, made reference and indication to the statistics in Florida, indicating that there was an increase in violent crime, in gun crime, and in murders after stand-your-ground legislation was introduced there several years ago. But, I want to look at some local statistics here, and I have them here from the TTPS website, Mr. President.

So, I am looking at the statistics for robberies, and very interestingly, Mr. President—You see, I am saying interestingly "eh" because the public will not be told this, you know. The public will not be told this by my learned friends on the

other side. Between 2023 and 2024, the crime of robberies decreased by 8.2 per cent, Mr. President. Larceny-dwelling house, very topical in relation to this Bill, there was a decrease in 2023 of 16.7 per cent and a further decrease on that in 2024 of 6.7 per cent, Mr. President. And, all crimes, total crimes, between 2023 to 2024, or in 2024 rather, there was an overall decrease in crimes reported by 8.5 per cent, Mr. President.

So, when we are told that nothing was done and crime was uncontrolled and it was increasing, at a rate that was so unthinkable, that is simply not true. Again, I repeat, these are statistics available on the TTPS's website. I specifically pulled these statistics on the 17th of September, 2025, please, Mr. President. But this morning, Mr. President, I went back on the website because you may have seen, Mr. President, in the news that for some time there were no statistics at all in 2025 on the TTPS website. In fact, there were some from the beginning of the year and then they were removed. I was happy to see this morning that they were returned, Mr. President, and so I looked at them.

Woundings and shootings. I am going to look directly from the website. Woundings and shootings. Mr. President, in 2025, reported: April, 40—4-0; May, 52; June, 49; July, 46; August, 50; September, 51. That was wounding. Robberies. Robberies in April, 141; May, 187; June, 149; July, 187; August, 130; September, 141. Kidnapping 2025, and I am pulling it live. Kidnapping generated report: April, 9; May, 10; June, 14; July, 11; August, 5; September, 10.

11.55 a.m.

Larceny Dwelling House—topical. May, 13; June—Oh, sorry, let me start with April, Mr. President. How could I do that? April, 4; May, 13; June, 11; July, 9; August, 9; September, 11.

Those are the facts. That is right this minute from TTPS's website. So, Mr. President, the narrative. You know, the last time I was on my legs in here, I spoke about misinformation being thrust upon an unsuspecting population, please, Mr. President. But I did say that the population is no longer unsuspecting. They are very suspicious and very alert to the misinformation that comes from the other side.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Mr. President, again, I want to return a little bit to the holders of licensed firearms in this country, please, who might take great solace with the messaging that is accompanying this Bill, but not necessarily the substance of it. Mr. President, for a very long time, the process of gun ownership in Trinidad, lawful gun ownership has been a long and arduous and oftentimes an arbitrary process. And some persons are asked to submit evidence in support, that other people may not be asked to provide, Mr. President. At least, that is my information.

But one of the things that concerns firearm owners, in our consultations it has arisen, and of course, we on this side conducted national consultations, not party consultations. We conducted national consultations in Port of Spain, in Arima, in central, and in south Trinidad. So when a firearm owner, a lawful firearm owner, FUL holder, discharges his firearm, what happens? Well, what happens, the police attend the scene, they take the initial statements and then they seize that firearm. They take the firearm from the firearm owner under the guise—well, perhaps it is not a guise, but with the communication to the gun owner that they are going to conduct some forensic examination on the firearm, perhaps a ballistics examination, or so on, which I have learnt is to determine, as a matter of fact, that the firearm discharged the actual projectile that might have been recovered or so on.

So the question is, Mr. President, if that is the case, why in the very first Bill

that has come to address criminality in this country, why has there not been any attempt to deal with those issues, if it is the narrative is "load up de matic, knock it on dem, empty de clip twice", when this Bill does absolutely nothing to address the firearm issues, legal firearm issues at all? Why has nobody come to the Parliament to say, "Ah goin to stop that ballistics ting?" Because when you buy a firearm within a matter of days, the regulations require you to attend the Forensic Science Centre and engage in a ballistics testing in the first place. So what is the need to do it again?

Now, of course, when you are doing it the second time, after the user has used the firearm, he is now left, or she is now without any firearm, the bandit already knows you had a firearm. They know the process too. You take the firearm from them and now they are left unprotected and guess what? This piece of paper here is not protecting them either. So why not do away with that and allow people to retain their firearms after they have used it lawfully, Mr. President? Those are the types of pieces of legislation we want to see on this side.

Now, Mr. President, I want to refer to an article here. This article is dated the 3rd of May, 2023, and it is published in the *Express*, the Trinidad and Tobago *Express* Newspaper and I am going to quote from this article, please:

> "Within recent times, there has emerged a spirited, if not oftentimes borderline acrimonious, public debate on the issue of the right of a homeowner to mount a defence of deadly force in the face of a perceived grave, imminent and perhaps deadly attack.
>
> In this instance, there is no need to proceed on what may amount to be an ill-conceived legislative dash to enact specific provisions which already form part of the common law."

The writer says:

"In my respectful view, the common law in relation to self-defence has at its heart the underlying fundamental notions of the stand your ground principle."

Sen. Roberts: Who is the writer?

Sen. S. Boodhu: The writer is none other than attorney-at-law, Mr. Jagdeo Singh, Sir.

Sen. Roberts: It is important that you record it.

Sen. S. Boodhu: Yes, very important, I thank you. So Mr. Singh writes:

"Whilst labelling this discrete principle of the common law with a sensational banner is somewhat attractive, it must not be forgotten that the common law of self-defence already offers the same degree of protection to persons and homeowners than a separate stand your ground legislative provision would provide. In short, there is no need for new legislation. What is needed is clear and unmistakable policy guidelines which cover both the investigative and prosecutorial stages of the criminal justice system, with particular sensitivity to cases involving home invasions."

And the learned and eminent senior attorney goes on to quote *Palmer v R*, the same case I quoted twice and he goes on to list the elements stated there. And I move on:

"It seems to be that there is collective societal misconception that a person under a threat, real or perceived, is under a duty to retreat. That is simply not so."

That means, he is concluding here in his observations that society as a whole misconceives—is under the mistaken belief that someone under a threat, whether the threat is real or whether they believe the threat to be real, is under a duty to retreat and that is simply not so.

"The current common law imposes no such duty on a person.

A person under threat is thereby fully justified in standing and meeting that threat with a necessary and proportionate use of force.

If the above compendium of principles is considered collectively, it becomes immediately apparent that a separate 'stand your ground' statutory provision is wholly unnecessary and will be mere statutory surplusage."

Now, the author is a man of description. What this means here is, if you consider the principles that he has set out in the article, if you consider it together, one cannot help but conclude it is inescapably conclusive that separate stand-your-ground statutory provisions become unnecessary and is a statutory surplusage. Meaning, a mere excess of legislation, a duplicitous legislation, please.

"Every precaution must be taken to ensure that homeowners, merely defending themselves, are not thereby cast under the shadow of a criminal investigation."

Now, that to me again, brings me back to the speed at which this previous administration has gotten criminal proceedings to, Mr. President, but I have already made that point, so I will move on. And in conclusion of this article, not necessarily of my point—

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu:—not necessarily of my contribution.

Mr. President: Senator.

Sen. S. Boodhu: Yes, please.

Mr. President: You have five more minutes.

Sen. S. Boodhu: I am grateful.

"There is often the complaint that unnecessary laws are oftentimes enacted. In this case, such a complaint would be entirely justifiable. A fair, reasonable,

proportionate and sensitive application of the common law already provides a comprehensive framework in this area of the law."

That is the end of on this article, please.

So in winding up, does this Bill if enacted provide a homeowner with any protections they do not currently have? Mr. President, the answer is no. Does this Bill protect the firearm owner any more than he is currently protected in law? Mr. President, the answer is no. Does this Bill enhance the police's ability to deter, detect, arrest, charge or successfully prosecute criminals engaged in home invasions? The answer, Mr. President, is no. Does this Bill allow any person to obtain more speedily a firearm or a "matic"? The answer, Mr. President, is no. Does this Bill allow any person with a "matic" to "knock it on dem, to empty de clip, to load up de clip again and knock it on dem again"? The answer, Mr. President, is no. This Bill is simply statutory surplusage and the Government must be honest and upfront with the people of Trinidad and Tobago about that.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Do not give people in this country false information. Do not give them misinformation. Do not give them unjustifiable guarantees that you cannot deliver, and false hope that this Bill is going to achieve anything. Mr. President, this Bill achieves nothing. I thank you very sincerely for the opportunity to contribute to this debate.

Mr. President: Michael S. V. de la Bastide SC.

Sen. Michael de la Bastide SC: Thank you, Mr. President. In making my contribution to this debate, I will first consider and comment on the provisions in the Bill which is before this Chamber and then I will say a few words about the likely impact of the Bill on the lives of the majority of the population where home invasions

are concerned.

Mr. President, in this country, there is no statute which deals in a comprehensive manner, or which sets out in a comprehensive manner the law relating to the circumstances in which occupants of houses or homes may use force to repel home invaders, or the degree to which, or the extent of the force which they can use. In this regard, we rely on the common law.

The origins of the common law with respect to those matters goes back to the early 17th Century as the hon. Attorney General said. Now, other developed common law jurisdictions have long ago passed legislation codifying, clarifying and expanding on the common law, and I think it is time that we did so.

Hon. Members: [*Desk thumping*]

Sen. M. de la Bastide SC: So, I commend the Government in bringing this Bill to Parliament to the extent that it represents an attempt, through legislation, to clarify, develop and codify the common law with respect to the law on self-defence in the home invasion context.

I think it is important to stress and I think it has been stressed that this Bill is just dealing with setting out the circumstances in which you can use force and the degree of that force that you can use in the home context. It does not apply and I think it is important for the population to know that it does not apply to businesses and public places. While I commend the Government in bringing this legislation forward, I found that some of the provisions in the Bill were less than clear and a few of them, I have some serious concerns about.

I begin by considering the purpose of the Bill and that is really set out largely in the preamble, but I can summarize it broadly by saying it is twofold. First of all, it is to create what might be called a home invasion offence, an offence for home

invasion. And secondly, to define the circumstances in which the occupants of a dwelling are permitted to use force to repel such an invasion and the degree and the extent and nature of the force with which they may do so. So I am afraid, Mr. President, I am going to go through some of the sections of the Bill and look at them, consider them and critique them. And that may not be the most existing thing but I think it is necessary.

If I go to the interpretation section, section three, I just want to flag the term "curtilage". It says:

> "'curtilage' in relation to a dwelling house means an area immediately surrounding or adjacent to the dwelling house, which is used for purposes connected with human habitation in conjunction with the dwelling house..."

And this importantly, Mr. President:

> "…regardless of whether the area—
>
> (a) is surrounded by a fence, a natural boundary or a combination of both; or
>
> (b) is enclosed in a manner that indicates the occupant's intention to keep persons off his property,"

12.10 p.m.

And why I think this is significant, Mr. President, is that it means that a passer-by may well enter into the curtilage of a dwelling house without realizing he is doing so and it could not reasonably be expected that he would appreciate that fact, and I will come back to that later.

We have "deadly force" defined and "defensive force", and these are not distinct concepts. You can have force that is both deadly and defensive. And then we have "dwelling house".

> "'dwelling house' includes…"

And it sets out subclauses (a), (b), (c) and (d). Now subclause (a) talks about:

"any structure or part…whether permanent…"—et cetera.

And that definition would accord with the ordinary meaning of what a dwelling house is, less so subclause (b); subclause (b) talks—includes:

"any adjacent land, building of other structure within the same curtilage as dwelling house and occupied for the same purpose;"

Now, it does not say that the adjacent land has to be fenced or enclosed in any way, and so there is nothing to suggest that that is a requirement or an ingredient of the definition of "dwelling house".

So, again, my concern is someone may enter into a dwelling house without realizing that he is doing so because he enters into unfenced, open land, which happens to be used by the adjoining occupant of the dwelling house for maybe intermittent activities related to the dwelling house, which is, I do not know, burning rubbish from time to time or parking cars from time to time. So he may enter into the dwelling house without appreciating that fact. And that concern is heightened by the fact that something could be a dwelling house, even if the dwelling house is, from time to time, uninhabited. That is how the definition ends. It says:

"and it is immaterial if the dwelling house is from time to time uninhabited;"

And then when we have the definition of "enters":

"'enters' in relation to a dwelling house means, any intrusion by a person or an instrument they control…"

And I go to subclause (b) now:

"into the curtilage…of a dwelling house…"

So this specifically seems to suggest that you can enter into an open space of land adjacent to a dwelling house, which you could not be reasonably expected to know

it is curtilage because it does not have to bound by anything. And then when we come to clause 5(1), which creates the home invasion offence, we see that you may have already completed the first—you may have committed one of the factual ingredients, as it were, to a home invasion offence without even realizing that fact.

So with that in mind, Mr. President, if I can go to clause 5(1). Clause 5(1) creates the home invasion offence, which I think is to be commended that we have an attempt to create this offence; an offence dedicated to home invasion. So I want to, again, to the extent that I am critiquing this legislation—I am not knocking it, I am not saying it is not necessary. So I want that to be—you know, I want everyone to bear that in mind. Anyway, the home invasion offence broadly consists of two elements. First of all, you have to enter into the dwelling house in one of the ways set out from subclauses (a) to (e), and at the same time, you have to commit one of the acts set out from subclauses (f) to (l).

But with respect to the first ingredient, I come back to my concern, that you may be entering into a dwelling house in circumstances in which it could not be reasonably expected that you would be aware of that fact. So we have a scenario where you have a passer-by, he enters into some open land next to a dwelling house, there is nothing really there that would make it clear to him that that is part of something called "curtilage". The occupant comes onto the land of the dwelling house and says, he has to get off, this is his dwelling house, as it were.

The passer-by does not appreciate that fact. He resists, he says, "I have every right to be here as much as you do." The occupier then decides he is going to use defensive force to try and remove him, and they get into an altercation and the occupier is injured. And then that you have the passer-by may be charged or even convicted with an offence of home invasion and this will be under 5(1)(e), and I

could see it happening. You could be charged under 5(1)(e) and 5(1)(h). So I think that scenario where you have someone committing an offence, when they really could not be expected to be aware of that, is unjust.

So I would suggest an amendment to that clause that the definitions of "curtilage" and "land" be amended to state—if, for example, we took "dwelling house", where it says:

"dwelling house includes—

(b) any adjacent land…"

—it should be amended to say:

any adjacent land which is fenced or enclosed in a manner that indicates the occupant's intention to exclude persons from the said land.

And "curtilage" should be amended in a similar manner. Let us say we take out the words:

"…regardless of whether the area…"

And replace it with "which". So it would say:

"…in conjunction with the dwelling house…"—which—

"(a) is surrounded by a fence…"—et cetera.

And subclause (b):

"…enclosed in a manner…"

And in that way, the passer-by, in my example, would have some certainty as to where he can go or not, as the case may be.

I move on to clause 6, and I had a little—perhaps, it is my own fault, Mr. President, but I had a little trouble arriving at what I believe is the correct construction but never mind. Clause 6(1) says that the:

"…occupant has no duty to retreat and has a right to stand his ground…and

use, or threaten to use, defensive force…"

So defensive force is basically reasonable force, or force that is reasonable and justified while acting in self-defence. So that is the force that clause 6(1) allows you to use, but it only allows you to use that force in certain circumstances, the circumstances being that you have to have a certain belief or you have to have a certain state of mind, and the state of mind is set out at 6(1)(a) to (c). These are the things you must believe. If you do not believe these things, then you cannot use defensive force. That is how I construe this clause. So even if, in fact, on the facts on the ground as they are, the force that you use would be reasonable and justified, if you do not have that state of mind, you cannot use that force, even if it is reasonable force.

So I think the intention of the drafters is to make it a prerequisite that you have the right state of mind or the right motive. So, for example, if you have an occupant and he sees a gentleman in the yard and he believes him to be stealing mangoes because for the last six months, people have been coming and stealing mangoes and he is fed up and he pulls out the gun and he shoots—maybe he does not mean to kill the guy, but he kills the man or he injures him seriously, and then the police come and they find that the man had a gun and he had instruments to break in the place and they find an accomplice outside and the accomplice tells them, "Aye, our intention was to go in there and murder and rape," the shooting of the man might be, on the facts on the ground, reasonable and justified. But because he did not have that motive, he did not have that belief, it was not used for the purpose of defending himself, he would not be able to use defensive force. It would not be a defensive to any action, any prosecution brought against him. So I had no problem with that.

Mr. President: Senators, as I indicated, we have to take the suspension at this time

to give support to the students who are here to perform as part of the Parliament's Christmas series. At this time, we will want to suspend and we shall resume at 1.30 p.m. This Sitting is now suspended.

12.20 p.m.: *Sitting suspended*.

1.30 p.m.: *Sitting resumed*.

Mr. President: Sen. Michael de la Bastide SC, continue, please.

Sen. M. de la Bastide SC: Thank you, Mr. President. I was on clause 6(1) of the Bill and I was saying that that clause, essentially, it says or provides that two things need to be established to use force. First of all, you need to have a certain set of beliefs. If you have those beliefs, and that would obviously be according to a subjective test, what you believe, and then once you have those beliefs, the force that you use must be defensive force, i.e., reasonable, and the court, under clause 6(2), will determine what is reasonable and the factors they take into account as set out there.

With respect to the first element of having certain beliefs, if I had my way, Mr. President, I would take out subclauses (a) and (c), and I would simply have subclause (b) where the occupant:

> "believes that his actions were necessary and reasonable in order to defend or protect himself, or another person, from the use or threat of force…"

And that is because, Mr. President, in law, if you are not certain about something, then you have no belief about it. So if I am not certain what force is facing me, what a proportionate response would be in terms of force, then it cannot be said, "I believe X, the force that I actually used, was necessary," because I was uncertain.

So to avoid any sort of defence or any sort of argument that you were uncertain, you did not know what was facing you, it was dark, you could not be sure

and therefore, you could not have believed that you should have used a knife or a gun, to avoid all of that—and this is speaking in the interest of the occupant—I would just have subclause (b), that the occupant:

> "believes that his actions were necessary and reasonable in order to defend to protect himself…"—et cetera.

Because that way he gets around that argument, he says, "Well, I was not sure, and not being sure, I did what I felt was necessary because for all you know, it could have been something serious, something with serious consequences that was facing me, so I responded with extra force, as it were, than may have been required."

With respect to subclause (2), that basically reflects the common law. That is what the courts presently—I believe that is what—the factors they take into account in determining whether the force used was reasonable. I would say—I mean, I know—and I think you all know what subclause (2) means but I would say that it is a bit circular because it says:

> "When determining whether the defensive force used was reasonable…"

But that is circular, in that, defensive force, by definition, is reasonable. That is what the Bill says. So to say whether—if you take it literally, it would read:

> "When determining whether reasonable and justifiable force used was reasonable…"

So I would have changed that to say:

> "When determining whether…"—the force used by a person acting in self-defence, defence of property or defence of others was—"…reasonable…"—in the circumstances.

But that is not a major point. I agree that subclause (2)(k) is not a contradiction of clause 6(1). The fact that you take into account whether there was a possibility of

retreat does not mean you have a duty to retreat.

Mr. President, we come on to clause 6(3), which sets:

"For the purposes of this section the use of deadly force may be justified where an occupant honestly believes that using or threatening to use such force is reasonably necessary to prevent imminent death, grievous bodily harm…"—et cetera.

The way I construe this, Mr. President, is that the implication of this is that deadly force may not be justified where you do not have the beliefs set out here.

1.35 p.m.

So I think, if I am correct, that is what the intent is. So, whereas in clause 6(1), you have to have a certain set of beliefs for defensive force, generally. If you are going to use deadly force, then you must have a different or more narrow belief. You must believe, not simply, that force is being used, or another person, or that a threat of force—it seems to set out that you must believe that the force is necessary to prevent these imminent death, grievous bodily harm, grievous sexual assault, or rape. I think subclause (3) could be cleared to say that. To say that "Deadly force will not be justified unless the occupant honestly believes that the force is necessary to achieve these things." But I have no problem with it otherwise.

Clause 7(1), which to some extent follows the lines of clause 6(1). It says:

"Subject to section 9, an occupant has no duty to retreat and has the right to stand his ground against a home invader and use, or threaten to use, defensive force against the home invader or do anything else."

Now, that "or do anything else", I do not understand why that is there. I find it very concerning. There is no definition for "or anything else". I mean, I do not think that the intention is to write a blank cheque for the occupant, but that is what

it seems to do to some extent, and I strongly recommend that it be taken out. I mean, maybe some explanation will be given as to what that will cover. But I find it difficult to support this clause once those words are there, remembering that in order to use defensive force under clause 7(1), there does not appear to be any requirement that there be any threat to life and limb.

The beliefs that you need to have are different to those under clause 6(1). Of course, clause 7 does not include a clause 6(2) or the equivalent of a clause 6(2), but the way I construe it is that it is the same way as clause 6. If you want to use force, then you need to have this mindset. You need to believe these things. If you believe those things, then you can use defensive force, but whether the force you use is defensive or not will be determined by the courts, and the courts will determine that on the basis as to whether the force was reasonable or justified.

But I think clause 7 should express reference to the fact that the courts will determine whether the force used is reasonable according to the factors set out in 6(2). It has been left out there. I do not know why. I do not know if the drafter thought it was obvious that, once these beliefs are established, then it is to be determined by the courts whether the force was reasonable and justified. But I would recommend that some reference be made to that, that "It is the courts that will determine whether the force is defensive", according to the factors in 6(2).

At 7(3), it says:

"For the purposes of this section, it is immaterial—

(a) whether a belief is justified or not if it is honestly held, but in considering whether an occupant using defensive force honestly held the belief, the Court shall have regard to the presence or absence of reasonable grounds for the occupant so believing and

all other relevant circumstances."

Again, I notice an equivalent clause is not in clause 6, or an equivalent subclause is not in clause 6. I do not quite know what this is targeting. I do not know when it is saying:

"…whether a belief is justified or not…"

—it is targeting the beliefs at 7(1)(a), (b),(c), and (d)—

So, I do not know if it is saying listen, "for 7(1)(a), (b),(c), and (d), it does not matter whether you had reasonable grounds for having that belief. Once it is honestly held, that is all that is required." Of course, in determining whether it is honestly held or not, the court can look at whether it is reasonable or not, right?

I do not know it is targeting 7(1)(a), (b),(c), or (d), but if it is, it seems—why was it not included in clause 6? Maybe it is because in clause 6 they thought well, once we say "honestly held" it is obvious that, whether they are reasonable grounds or not, it does not matter, but for some reason they put it in clause 7, or maybe it is directed at the second stage of the test, which is when the courts come to look at whether force is reasonable or not, and maybe it is saying that when the courts come to do that, if they are looking at the belief of occupant, they are to ignore whether that belief was reasonable or not. So, it is a bit unclear as to why that is being included here.

Clause 3(b), they are saying:

"For the purposes of this section, it is immaterial—

(b) whether the occupant…"—had the option of retreating—

So that seems to be saying to the court, "Listen, when you come to determine whether or not force was reasonable or justified, you have to ignore the fact, in this scenario, under clause 7, whether or not the occupant could retreat." So, it seems a

bit unclear, but that is how I have construed it.

Now, I think the second fundamental problem I have with this Bill is clause 7(4). Now it says:

> "For the purposes of this section the use of deadly force may be justified where an occupant honestly believes that using or threatening to use such force is reasonably necessary to prevent or remove a home invader from his dwelling house, or to protect his property or that of another person."

So, again, this obviously does not say that "where the occupant honestly has that belief, he may use deadly force." What it is saying is that, how I construe it, it is almost as a prerequisite to using deadly force, you must have this belief. Where you have that belief, the courts will then determine whether that deadly force was defensive force by determining whether that deadly force was reasonable and justified.

So my problem with this is that it does not seem to require any threat to life or limb. It is saying that the courts will decide whether or not using deadly force was reasonable in circumstances where there was no threat to life or limb. Now, admittedly, it would be—I cannot think—I mean, I was going to say I cannot conceive of a court ruling that deadly force was reasonable or justifiable where there was no threat to life or limb, but as I am not a criminal lawyer nor a civil litigation lawyer—but I believe these things go to juries.

So, I suppose, it is possible that a jury might find, or maybe even a judge, I do not know, that even though there was no threat to life or limb, the occupant was justified in killing the invader. The Bill certainly seems to contemplate that result or that possibility, otherwise, 7(4) will not be here. If you are not contemplating that a court might find in those circumstances deadly force where there was no threat to

life or limb might be a reasonable, then I suppose you would not have clause 7(4) in.

So it seems to me that clause 7(4) opens a pathway, narrow though it may be, for a result that an occupant walks away, is innocent, and has no consequences, even though he has killed somebody where there was no threat to life or limb. I agree with what the Law Association said in its comments to an earlier version of this clause. In saying that, the section seems to elevate the occupant's interest in his property above the right to life of the home invader, and I do not think to that extent the Bill could be constitutional even if passed with a three-fifths majority. I do not think that—I forgot the language—but I do not think that that is something that could be considered in a proper society to be constitutional.

So I have a fundamental problem with 7(4) even though the possibility that I am talking about may be unlikely, the fact that it opens that pathway, I think that pathway is unconstitutional, and I have a serious difficulty in supporting the Bill, which a lot of things I approve, and I support a lot of what the Bill does, but this is something that is a sticking point for me.

I agree with the Law Association that a provision which has that effect, the effect I spoke about, is not reasonably justifiable in a society which has a proper respect for the right of life. So, that is just using the wording of the Constitution. But we are not even going for a three-fifths majority here, but, anyway. So, I will say that that is the number one concern of mine with this Bill, and sticking with clause 7, the words "or do anything else" in 7(1) is another problem for me. And that is what I have to say about the Bill in terms of its provisions.

With respect to the impact which the Bill, if passed in law, would have on the citizens, Mr. President, I know there is a lot of politics surrounding this Bill, but

trying to stay away from the politics and just focus on the reality of what the population thinks about this Bill and how they think it may empower, my impression is that a portion of the population at least may be of the view, that this Bill, if passed into law, will somehow empower them to protect themselves and their property against home invaders in way that they are not able to do so now.

The Bill has been described as "stand-your-ground legislation", and those words seem to have resonated with the public, as it seems they believe that under the law at present, they are required to run away or surrender in the face of a home invasion. This type of thinking is entirely misconceived and dangerous.

1.50 p.m.

Hon. Members: [*Desk thumping*]

Sen. M. de La Bastide SC: It is important that the public understand—and I do not say this to knock the Bill. I am glad the Government has brought a Bill trying to codify the law in self-defence, but my view is that it is important that the public understand that from their point of view, this Bill by itself changes very little for them, at least the majority of the public.

The Bill, at least, in terms of permitting occupants to defend themselves against home invaders, largely follows the common law, which is what we have now. Under the common law, there is no duty to retreat. I think we all agree with that. But, the degree of force which you can use must be reasonable and justified, just as the Bill prescribes. And, just as in the Bill under the common law, the degree of force which you can use is dependent on a range of factors, including whether or not there is an opportunity for you to retreat. As far as I can tell, the rights to protect against home invaders and to protect your property from such invaders as prescribed under the Bill are similar to that under the common law.

But, Mr. President, even if there was some debate about that, that is to say, even if assuming the right to stand your ground and protect yourself from home invaders would be enhanced if this Bill were to be passed into law, my view is that it would not make any difference for the vast majority of citizens as they do not own or have access to a firearm.

Mr. President: You have four more minutes, Senator.

Sen. M. de La Bastide SC: Thank you, Mr. President. However, it seems to be the reality that the vast majority of home invaders do have firearms and are ready and willing to use them. In those circumstances, the right to stand your ground and kill or whatever to defend yourself is academic. You have one or two or three persons with guns, and they are trying to get in, and they have weapons, they are trying to get into your house. How does this Bill affect your odds of successfully repelling them? Right now, in such a situation, you either run or, if that is not an option, you surrender, or you stand your ground and resist, and most likely you would be killed. The Bill is not going to change that. Those are going to be your options even if this legislation is passed.

If you decide to stand your ground and resist, against the odds, it will be a clear case of self-defence under the common law. The same is under this legislation. If that is the choice you make, you will make that choice whether this Bill is passed or not. Nobody is going to think or should think, "Ah, well, given there is this home invasion legislation, I will decide to resist and risk death or serious injury." Nor in my view will this Bill serve to reduce crime or, more particularly, home invasion. It will be fanciful to suggest that prospective home invaders are going to have second thoughts about invading homes because of this legislation. They are not going to be deterred from invading someone's house with weapons on the basis that this Bill

will make it more likely that they will face resistance or greater resistance.

Generally speaking, the persons which this Bill may have some interest are licensed firearms users. They are the ones who have the real potential to resist to defend themselves. But, it is not really going to change much for them either, because the Bill follows the common law. So, they are in the same boat. Now, in that may sound like I am knocking the Bill, I am not, I am just saying that we have to be careful that we do not raise the expectations of the public and we do not make them feel that they can do what turns out to be—take reckless actions.

And so, Mr. President, that is basically what I have to contribute to this debate. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: The hon. Minister of Agriculture and Fisheries.

The Minister of Agriculture and Fisheries (Sen. The Hon. Ravi Ratiram): Thank you most kindly, Mr. President, for recognizing me and affording me this opportunity to make my contribution in this august Chamber on the Bill that is before us today, the Home Invasion (Self-Defence and Defence of Property) Bill, 2025. Mr. President, before I begin, please allow me this opportunity to express my deepest gratitude to the hon. Kamla Persad-Bissessar, Prime Minister of the Republic of Trinidad and Tobago, for giving me this opportunity to serve as the Minister of Agriculture and Fisheries; for the opportunity to work alongside our farmers and fisherfolk to secure our agriculture sector and to return food security to the citizens of Trinidad and Tobago; and for the opportunity to be part of this honourable Senate alongside some of the most distinguished men and women in our country. Mr. President, I most graciously thank the hon. Prime Minister.

Mr. President, today I rise with humility and determination to place before

this honourable Senate the constitutional, moral and pragmatic case in favour of the Home Invasion (Self-Defence and Defence of Property) Bill, 2025. I do so mindful of the gravity of legislating on life, liberty and the protection of the family home. I also do so mindful of the people we serve, the farmers guarding a small homestead, the elderly pensioner who must not be terrorized in the place where they sleep with their families and their loved ones.

But, before I go further, Mr. President, allow me to speak plainly about the democratic authority under which we advance this legislation. In 2025, in the 2025 General Election, the people of Trinidad and Tobago delivered a clear and resounding message. Over 334,000 citizens cast their ballots for the United National Congress, the single largest vote of confidence in any political party in recent years. They handed us not only a government, they handed us a mandate, a mandate to restore safety, a mandate to reform the justice system, a mandate to protect families in their homes.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: And today in this Chamber that mandate echoes. Mr. President, I do so by making reference to our manifesto on the crime crisis facing our country.

> "The UNC will tackle the crime crisis with intelligence, competence and purpose.
>
> We will implement the following anti-crime plans:
>
> 1. Pass stand your ground laws.
> 2. Create the offence of home invasions."

Mr. President, so it was promised in our manifesto, and so we are delivering here today. Promise made, promise kept.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: Mr. President, one of the first tasks given to the hon. Attorney General by the hon. Prime Minister was to direct him to engage the Law Reform Commission to produce this Bill in furtherance of our campaign promise. Mr. President, since then, we have engaged in public consultation across the length and breadth of Trinidad and Tobago. Mr. President, we have engaged the Law Reform Commission. We have made promises to the people of this country, and unlike the history of the former administration, we are delivering on those promises.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: Mr. President, as I go into the Bill that is before us today, it is important to highlight that our Constitution recognizes:

> "(a) The right of..."—every person—"...to life, liberty, security of the person and enjoyment of property."

This Bill is not an assault on those rights. It is their practical expression. It seeks to criminalize a specific heinous pattern of conduct, home invasion, and to provide a clear, proportionate and judicially reviewable rule that allows law-abiding occupants to defend themselves and those in their care. The Bill does that. It defines the new offence in clause 5. It clarifies the right to stand your ground in clause 4. But it tempered those rights with concrete limits in clauses 6, 7 and 9. The measure is both firm and measured.

Mr. President, this is not theoretical. The data that informed the Law Reform Commission and the drafting of this Bill shows the context in which this legislation is necessary. While long-term trends in some categories have fluctuated, the Law Reform Commission's summary and the TTPS data collated for 2024 show that violent crime in domestic settings remains a serious public safety problem. For

example, the Commission's report records the following:

- For robberies in 2024, we are talking about 2,399 robberies.
- Burglaries and break-ins: In 2024, we are talking about 1,630 burglaries.
- Larceny, Dwelling House, we are talking about 112 in 2024.

And, Mr. President, allow me to add to these figures.

According to the 2025 achievement report of the Praedial Larceny Squad, over the past 10 years, they have received over 2,000 reports of praedial larceny. So, 2,000 reports of praedial larceny, Mr. President, where homesteads were internally accessible to the farmer's place of work. These are not abstract numbers. They are mothers, fathers, sons and daughters who have been harmed, who have been traumatized, robbed, raped, and in some instances, murdered.

The Commission correctly noted that home invasion is not included as a distinct crime in routine crime reporting. And that many of the gravest outcomes of home invasion are captured around broader offence categories such as murder and robbery. This legislative gap is precisely why this Bill's statutory clarity is necessary. Let me be direct, Mr. President. Police and prosecutorial practices have long folded violent home intrusions into multiple offence categories, which obscures the scale and the specific harms of the acts of home invasion. The TTPS itself has publicly recorded and acted on a wave of such incidents. While police operations have resulted in multiple arrests connected to suspect home invasion, these incidents demonstrate both the prevalence of the problem and the challenges police face in detection and prevention. These operational realities, arrests made, scenes investigated, and families traumatized are the real-world context that motivated the legislative reform represented in this Bill.

Mr. President, this Bill responds to a practical problem with practical solutions, and it does so along three pillars. One, criminalization and deterrents; two, clear rights for victims in their homes; and three, judicial guardrails to prevent abuse. Firstly, let us examine criminalization and deterrents. Clause 5(1) defines the new offence of home invasion with precision: Unlawful entry into an occupied dwelling while armed, committing violence, intimidation, theft, accompanied by force, discharge of firearm, explosive or weapons in a dwelling. Clause 5(2) and 5(3) impose penalties of 20 years and 25 years for aggravated circumstances, including if the act is committed in the presence of a child, a senior citizen, a disabled person or as part of an organized criminal activity.

Secondly, clarity of victim. Clause 6(1) gives occupants the right to defend themselves without the duty to retreat, but only where they honestly believe they are facing force, believe defensive action is necessary, and they act proportionately. Clause 6(2) sets out the reasonableness factors that the court must evaluate. This is no license to kill. This is a structured, court-supervised defence rooted in common law and in best practice, Mr. President.

Mr. President, thirdly, let us look at judicial guardrails. Clause 9 expressly excludes the defence where the person harmed had a lawful right to be in the dwelling, where the force used was grossly disproportionate, where the occupant was committing another crime, where the person harmed was a law enforcement officer lawfully on duty or where the occupant's faculties were impaired by nontherapeutic drugs.

2.05 p.m.

These are the hallmarks, Mr. President, of a responsible, balanced and constitutionally sound legislation. Mr. President, at this time, I wish to anticipate

the rebuttals, the main strands of Opposition criticism, not theoretically, but clause by clause, factors by factors.

The first refrain we will hear is that this Bill is dangerous because it produces vigilantism and reckless shooting. To that I say, the Bill does not make lethal force the first resort. It makes reasoned defence lawful. That is what this Bill does.

Clause 6(3) and clause 7(4) are explicit.

> "…deadly force may be justified only when an occupant honestly believes…is reasonably necessary to prevent eminent death, grievous bodily harm, grievous sexual assault or rape…"

It is there in clause 6(3) and clause 7(4). That is an intentional narrow threshold that has been established. The law's very language limits deadly force to the gravest of circumstances. And moreover, clause 6(2) obliges that the courts evaluate context, including the possibility of safe retreat, whether a belief was a reasonable mistake. The result is judicially manageable standards, not a licence for reckless violence.

So the second criticism may be that the Bill may be used disproportionately against members of marginalized communities. This is a legitimate social concern, Mr. President, and one we must confront through enforcement oversight and training, not by denying victims protection. The Bill's framework, including its emphasis on honest and reasonable belief and the court-centred reasonableness enquiry, creates opportunities for evidence to be tested and for prosecutorial prudence. We will pair the legislation with better crime reporting, improving policing in hotspot areas and community policing measures so that the law protects the vulnerable without unintended bias.

The Law Reform Commission itself emphasized that codification would improve prosecutorial clarity and help close the gap where home invasions were

previously prosecuted under several different headings. Having a specific offence will help prosecutors, investigators, and courts to treat home invasion cases with the specialist attention they require.

And thirdly, the third and related criticism that the Bill may reduce incentives to invest in community policing, social intervention, and broader crime prevention. To this I say, Mr. President, legislation is not a substitute for prevention. It is one pillar of a multifaceted response.

This Government, the Government of Trinidad and Tobago, remains committed to strengthening the Trinidad and Tobago Police Service, our municipal police, our praedial larceny squad, and improving border security to cut off illegal arms inflow and investing in community programmes that address the root cause of crime by investing into our youths and investing into the future of this country, Mr. President.

The Bill complements, not replaces, those efforts. It provides legal clarity at the moment of greatest danger while broader reforms do the long-term work of prevention. In short, citizens deserve both prevention and clear protection. The two are not mutually exclusive. They must go hand in hand, Mr. President. They must complement each other.

Mr. President, allow me to draw specific attention to a provision of special relevance to our rural and agricultural communities. Mr. President, the rural and agricultural sector lose millions annually due to praedial larceny, crops, livestock, tools, and equipment. But there are other losses, losses that money cannot pay for, such as peace and peace of mind. And the unseen cost is fear in this situation, fear that the thieves will return, fear that the tools will be stolen again, fear that the next robbery may be more violent, fear that the home invasions will escalate as they have

in multiple districts.

Mr. President, we have hosted consultations across the length and breadth of this country since becoming the Minister of Agriculture and Fisheries. And when a farmer from Rio Claro can say, "Minister, dey tief de goat last week". "This week, dey come inside de house. What next?" When another farmer from Barrackpore, can say to me, "Minister, we sleeping with one eye open", and these are real comments. This Bill is for those farmers and those persons out there.

Mr. President, allow me further to place on record some factual, verifiable incidents that illustrate the urgency of this Bill. I will not sensationalize. I will simply state the truth. I make reference to a CNC News report dated July the 9th, 2024, entitled:

"Residents: Carlsen Field a haven for home invasions" by Anna-Lisa Paul.

Mr. President, in July 2024, residents of Carlson Field awoke to a nightmare. Armed intruders stormed into the home of a livestock farmer after 2.00 a.m. Shots were fired. A 27-year-old son of a homeowner was killed on the spot. His father, a farmer who devoted his life to rearing livestock, was shot and wounded. Mr. President, Christopher Christian, 27-year-old, may his soul rest in peace. A livestock—

> "…farmer who worked alongside his father and brother at the St. James Market, died after being shot in the chest during a home invasion. His 66-year-old father, who was shot multiple times, was hospitalised in a stable condition."

This is not about stealing animals, Mr. President. This is not about praedial larceny. This was a full-scale home invasion, violent, brutal, and deadly home invasion that resulted in murder. The community described the area as being a haven for home

invasion that is in Carlsen Field. Residents said openly to reporters, "we are living in fear". Mr. President, this Bill responds directly to such cases, to bring about safety and comfort and protection and an option for our farmers out there.

Farmers have perhaps become the most vulnerable citizens to these attacks because their homes and places of work are internally accessible. The praedial larceny squad have documented theft over 120,000 in livestock in Carlsen Field during a single operation, violent incursions where thieves entered a private farmhouse after raiding animal pens, criminals armed with guns and cutlasses in rural districts, home entries where entire families are tied up while thieves load crops and animals into trucks.

In many rural homes, especially in that Carlsen Field area, in Tableland, in Penal, in Barrackpore, Rio Claro, Moruga, even in Toco, the home is the workplace. This makes clause 7(2) of this Bill not just relevant but essential, Mr. President. Clause 7(2), treats a dwelling house as a place of work and a place of work that is internally accessible as part of the same dwelling for the purpose of defence of property. That single carefully crafted provision protects farm families whose homes are physically connected to the place of work, a common and vulnerable reality in our agricultural sector. As Minister of Agriculture and Fisheries, I cannot overstate how important that protection is to the food producers and rural families who are isolated, who feel as though they were abandoned by the previous administration, who may be slow to receive police response and are sometimes targeted for precisely that reason, because of where they live.

This Bill strengthens rural resilience and ensures that the woman in Carlsen Field, who wakes up to the sound of forced entry in her farmhouse, may enact measures, defensive action to protect her life, her loved ones and the produce that

feeds our nation.

And on behalf of these farmers, Mr. President, today I stand proudly to thank our distinguished Hon. Attorney General and the Prime Minister of Trinidad and Tobago for bringing this legislation.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Ratiram: Mr. President, let us consider proportionality in the context of penalties and deterrence. Clause 5(2) prescribes a sentence of 20 years imprisonment and a substantial fine for home invaders. Clause 5(3) raises that to 25 years when the offence occurred in the presence of a child, a senior citizen, a person with disability or another vulnerable person or where the offender acts as part of an organized criminal activity. These penalties reflect the gravity of the harm. They are measured to the criminal act, not to the victim's legitimate defence.

If the Opposition suggests these penalties are excessive, I submit to this Senate to consider the horror faced by households robbed at gunpoint, raped or murdered in their own bed. The law's severity is a proportional response to severe harm, Mr. President.

Mr. President, in closing, I wish to return to the human element. When the people of this nation cast 330,000 votes for the UNC, they did not vote for abstract theories, they voted for safety, security and certainty in the law. They voted for a government prepared to act, not one content to talk. They voted for a Prime Minister with an iron fist who promised to defend persons in their homes, who promised to give property owners a right to defend themselves.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Ratiram: And today I stand and I endorse the statement of our hon. Prime Minister. When Sen. Sanjiv Boodhu came here today and spoke about

"empty the clip". What was his statement? When he came here and spoke about "load up the matic, empty the clip, knock it on them". Today, Mr. President, I stand and I endorse the statements made by the Prime Minister giving homeowners and giving the citizens of Trinidad and Tobago a legitimate right to defend themselves. If those on that side want to stand and defend criminals, we will stand on this side and we will defend the citizens of Trinidad and Tobago.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Ratiram: Mr. President, they voted for a government prepared to act, not one content to talk. Today in the Senate, we honour that commitment, promise made, promise kept. The Bill does not solve every problem of crime in this republic, but it fills a gap the justice system has long known. The absence of a discrete offence that captures the particular gravity of invading a home for violent ends, and the absence of statutory guidelines for those whose instinct is to protect lives and families in the face of imminent danger.

Mr. President, this Bill is constitutional. This Bill is balanced. This Bill is proportionate. This Bill protects the law-abiding citizens of Trinidad and Tobago, and I endorse this Bill. I support the contribution from my colleague, the AG and Sen. Chaitan-Maharaj, and I thank you most kindly for this opportunity.

2.20 p.m.

Mr. President: Sen. Brian Baig.

Hon. Senators: [*Desk thumping*]

Sen. Brian Baig: Thank you, Mr. President. Mr. President, I rise today in this hon. House to present my contribution to the Home Invasion (Self-Defence and Defence of Property) Bill, 2025. Mr. President, before I get into my contribution, I will seek leave to refer to my notes as I have some technical information to raise. Further to

that, I am battling a cold, so now and then you will hear me just cough a bit. But before I get in, Mr. President, I listened tentatively to my good friend opposite, Sen. Boodhu. Well, there are a few things that he said that I sought to jot down. I mean, he took us on a ride from Chaguaramas to Icacos, but I do not think his vehicle reached anywhere.

Mr. President, he talked about, that this Bill does not aid the police or does not aid the DPP. Mr. President, it is unfortunate, I do not think the Senator read this Bill properly. This Bill has clauses in it that has penalties where the police and the DPP can rely on to bring persons to justice. So, this shows that he did not read this Bill properly.

Hon. Senators: [*Desk thumping*]

Sen. B. Baig: He came talking about, "firearm, firearm, firearm, firearm, firearm". Well, I want to tell him this has nothing to do with firearms. This Bill has to do with citizens protecting themselves, and citizens standing their ground and defending themselves from perpetrators coming into their homes.

Hon. Senators: [*Desk thumping*]

Sen. B. Baig: But that is the narrative they want to bring. That is the narrative they are trying to bring, but sadly, he did not bring it.

Mr. President, I am here today in this House, not just as a sitting Member of this Government, I am not in this House only as a lawyer, I sit here as a victim of a home invasion. I am also the nephew of a person who was murdered because of a home invasion. I will get to that very soon. Mr. President, my view here today will also help my friends understand why this Bill is important, and why we need such a Bill in the Republic of Trinidad and Tobago.

Mr. President, just a few years ago, in the middle of the night, 4.00 a.m., to

be precise, my home was invaded, worse yet, my bedroom was invaded. The one place that you would expect to be the safest in is your bedroom. Mr. President, what that person did to me and my significant other, it did not only rob us of valuables, it robbed us of the sense of security. It robbed me, as a man, being able to protect my home. To this day, Mr. President, I wake up every day at 3.00a.m., the hour before that event, because I think that man is still in my house. I want my friends opposite to hear this, what it does to a person like myself, the psyche of a person, Mr. President. That event, Mr. President, it led to be one of the most horrific days of my life, because you have to understand my friends, a man's home is a place where he wants to be and feel safe.

I had no choice but to put security alarms. I had no choice to now have 24/7 security. I had no choice to even bring the dogs from my mother's home to my home to keep me safe, to keep my loved ones safe, because I would never, never want to experience that ever again. I am talking to you, Mr. President, and I am feeling the trauma still. Mr. President, night after night, not only myself, but other persons in this country have felt this. Mr. President, I have to say that this has done so much to me that when I speak about it, I tremble. Unfortunately, I do not think that the Members can see that my legs are shaking while I am talking about it. Because when this happened, the only thing that I could have done, Mr. President, was to keep the person next to me, my significant other, most calm ever, because a man was in our house, in my house, and you cannot have two hysterical people at the same time. Then eventually, I was able to get to a phone and call the police, yes. I had to call the nearest person to my home, which is my mother who has now passed on. This is not a nice feeling, Mr. President, to talk about because it hurts you immensely.

Mr. President, I will move on. In 2020 to 2025—Mr. President, I want to

show you a bundle here—I want my friends to see this. You see this here—[*Member displays document*]—I want my friends to see this. This is every reported matter in the newspapers between 2020 to 2025—I am sorry the media is not in the House—that showed home invasions.

Mr. President: I know—just take your seat. If you need to display anything you have to seek permission, so, please—

Sen. B. Baig: Mr. President, I seek leave to present this in the House.

Mr. President: No, no, not now. You cannot do that now.

Sen. B. Baig: No problem, Sir.

Mr. President: You cannot do that now. You had to do that before.

Sen. B. Baig: Mr. President—[*Inaudible*]

Mr. President: Okay.

Sen. B. Baig: But, Mr. President, I will talk about one incident that happened in Couva. It made news. An elderly pensioner by the name of Amina Mohammed was murdered from a home invasion. Now, I can talk about it without looking at it. There is a reason for that. Amina Mohammed is my aunt, my father's sister. This is a lady who, on a normal night, prepares dinner for her husband, my uncle Nazem. Lo and behold that would have been the last night that she would ever see him and live. Persons came into the home, Mr. President, broke into the home, bounded my uncle, who is a heart patient, recovering from bypass surgery, tied them up to a chair, took her, and took her into a room, their bedroom. That was the last he ever saw of her. She was murdered. Her throat was slit from ear to ear. To the country she was known as Amina Mohammed, but to me and my family, she was known as aunty Angie.

My family could not believe the news that came out that a pensioner in

Couva was killed, and the name Amina Mohammed came across, but we all just said, "Nah, that can't be aunty Angie." It was until DJ Sheriff posted her picture on social media, that is when we realized it was our aunt. Mr. President, if there is one reason I am here today, it is to talk about that, and I dedicate my contribution to her today.

Hon. Senators: [*Desk thumping*]

Sen. B. Baig: Mr. President, I say before I leave this world, I must come and talk about her, and I will talk about her in the place where this Bill will be passed, and must be passed. If it is one thing, honour this person and let us have this law. Do not let her die in vain because all she was doing was just taking out her dinner. That is all she was doing it for her husband. A loving, caring woman. Many may say, "Well, anybody would say that about their aunt," but the reason I could say it is because we lived this lady every day in our lives. This is a person who will take up the phone just to call to find out how you are doing.

So, Mr. President, I listened attentively to the debate in the other place. Mr. President, I heard the Opposition in the another place—and to not be called for relevance, also in the public space, but especially in the other place, where an Opposition MP talked about, that he suffered a home invasion, that he had a person take his phone—it is on the *Hansard* if you do not believe me—and they took the SIM card, and they put it on his pillow. But if it is one man who should have voted "yes" in the House for that Bill, it should have been him, but he still voted "no". I mean, that is—I cannot believe that. And I say to that MP, shame on him, because that means that you have told other victims that you do not feel their pain. He does not feel my pain and clearly, he does not feel my family's pain.

I listened to another Member in that House, at that other place, who tried, in

some way or the other, to say that this Bill is targeting persons of a certain type. Mr. President, one thing I will tell you, when a bandit or a man comes into your home, "he doh not check to see wa is yuh race, he doh not check to see what you look like and he doh check to see wa is yuh social status", because he is coming for one main reason, and that is to either rob you, hurt you or even kill you. So I have to say to that MP as well, shame on you, Sir, shame. Do not go down that road. That is shameful.

Mr. President, I fully accept that Parliament must not only legislate on the Motion alone, but must also legislate to ensure that our nation is taken care of and to make sure our nation is safe. That is what this Bill is about. That is what this Government is about, to make sure our people are save in this country. Mr. President, there are many headlines that tell that same story: Businessman gunned down; three young women assaulted; twelve-year-old girl shot. All of that is dealing with home invasions.

Mr. President, I want to commend the hon. Kamla Persad-Bissessar today because when she was in Opposition, she said it, and made it clear, that we would bring laws for persons in this country to stand their ground, and today, we have done that.

Hon. Senators: [*Desk thumping*]

Sen. B. Baig: I want to congratulate the members of the Law Reform Commission for an excellent job that they have done. What they have done is they have brought different parts of the common law that are applicable and they have made it relevant to home invasions. In 10 years, under the previous administration, there was no stand-alone offence. They did nothing, except they scoffed at persons who were victims of home invasions.

Mr. President, I too want to thank the hon. Prime Minister for being there and consoling victims, such as myself and other persons. That shows that she is a leader that also cares for the people of this country, and I, personally, on behalf of me and my family, I want to thank her for what she has done for this country so far.

Mr. President, I want to turn to the Bill. Mr. President, I want to commend the Attorney General of this country. The AG's first task was put upon him by our Prime Minister to bring laws that deal with home invasions, and promise made, promise delivered. I want to congratulate the Attorney General.

Hon. Senators: [*Desk thumping*]

Sen. B. Baig: This Bill is:

> "…to establish the offence of home invasion…"—and—"…it provides…a person…no duty to retreat when acting in self-defence or defence of his property; to provide that a person may use defensive force…deadly force to protect himself, his property or another person in his home..."

The people of this nation, besides victims, have been clamouring for protection from criminals who, every day, defile their homes, invading, killing, beating, robbing violating and traumatizing individuals and their entire families.

For 10 years, Mr. President, when the PNM was in power, home invasions became so prevalent that persons, every day, lived in fear of their own homes. Mr. President, many people, again, came to us and told us to protect us and save us. That is why we are here today. Mr. President, this Bill is based on "a man's home is his castle". The castle doctrine, as the Attorney General pointed out to us, is based on this Semayne's case. This case ensured that the house of everyone is his castle, although the life of a man is a precious thing and favoured in law.

2.35 p.m.

So, Mr. President, Siemens case ensured that the common law has recognized the use of lethal force in defence of property when persons invade one's home. Mr. President, with this Bill, criminals will think twice as people can fight back now. They can fight back against persons coming into their homes.

Hon. Senators: [*Desk thumping*]

Sen. B. Baig: This Bill will act as a deterrent when criminals know homeowners can legally fight back without retreat, and they are less likely to take the risk. The Bill sends a message, Mr. President, it says, if you enter someone's home with violence, well, be prepared, violence coming back, because I will not allow you to attack me and my family. I will now stand my ground, Mr. President. The people will now get a chance to stand their ground

This Bill can help shift the balance of power, Mr. President, away from criminals towards citizens who want to live in peace. As people become more confident, Mr. President, in defending themselves, criminals become more afraid of the consequences they will face.

Mr. President, in looking at this Bill, I will look at a few clauses. At clause 4 of the Bill, Mr. President, clause 4 of the Bill provides that:

"…an occupant of a dwelling house has—

(a) no duty to retreat from a home invader…and"—has

"(b) the right to stand his ground and use…defensive force…"—in order—

"…to protect himself…or his property…"—or a—"…person."

This is important, Mr. President, because before people would have cowered called in fear. Just like we were—I was given a fear that I never had, I never thought I would have in my life, Mr. President. I stayed, we cowered, we were in fear, but now with this under clause 4, Mr. President, there will be no more fear. I will face

no fear anymore.

Clause 5, Mr. President, sets out comprehensively the particulars of what constitutes a home invasion. Accordingly, Mr. President, a person commits a home invasion if they enter a dwelling house unlawfully, fraudulently, or remains after an invitation is withdrawn or the use of force is threatened to use force to any person. Mr. President, within a dwelling house, the use of a firearm:

> "steal...damage...destroy your property...during the commission of an offense, discharge a firearm"

This clause is very precise, Mr. President. It ensures that a criterion has been set out, and once a person is in breach, they have committed an act of home invasion. Let me stress on the point of this, that this never existed before, now it will exist, Mr. President.

Mr. President, in a case where a person is indicating self-defence against a home invader and is taken to court, the legislation has placed factors to determine whether defensive force was used and was used reasonably. So there are clauses in place to ensure that. Clauses in place to make sure if a person has to use force that they have to show why. So it is there, Mr. President.

Mr. President, I move to clause 7. Clause 7, deals with the protection of property. So it is not only of yourself, but it is of your property. Mr. President, this Bill extends to the right to use deadly force to the protection of your property, which goes beyond the limits of the common law. Under the common law, deadly force was for the protection of property, but it is almost never justified. What this means is that the current law, says you generally cannot kill someone just to protect your property, like your car or money. Mr. President, the man took money from me. "Hmmm, if I only tell you how much he took", Mr. President. "Hmmm."

Deadly force usually only allowed if your life, Mr. President, or someone else's life is in danger. But this Bill changes that, Mr. President. It says that if someone break into your house, you may be allowed to use deadly force, Mr. President. So it allows that. So clause 7 talks about the protection of your property, Mr. President.

Clause 8, Mr. President, person assisting an occupant. Clause 8, Mr. President, that a lawful person who is acting in good faith, is coming in aid or in direction of an occupant who is being attacked. So, Mr. President, if you are in your home and someone is attacking you, and your neighbour sees it, and he comes to help you, that person is protected under the law. Under this, these are good Samaritans. If a pensioner, Mr. President, saying "Oh God, somebody help me, help me." And you run over and help, that person is protected, because at the end of the day, all of us have pensioners living next to us, you know. If your pensioner bawl out "Neighb, help meh neighb, somebody beating meh, somebody in meh house." You are then able to help them and protect them.

Mr. President, this Bill has some penalties, which I want to focus on. Mr. President, I want to turn to where in that—the penalties are found in clause 5 of the Bill. This Bill introduces harsher penalties, up to "twenty years" imprisonment and a fine of "five hundred thousand" for basic offenses. Up to "twenty-five" years and "seven hundred and fifty thousand" where aggravating factors are present, such as the "presence of a child", member of a gang. And also, Mr. President, if a person commits the act of murder, there is the issue of death penalty. Mr. President, the reason why we have come with these penalties to have them so very much at this level, because the Government has had and said it, enough is enough. And it is time to take it to the criminals, and we are doing it with this piece of legislation, Mr.

President.

Hon. Senators: [*Desk thumping*]

Sen. B. Baig: Something that the PNM refused to do, Mr. President. As my colleague Sen. Ratiram said, we have a mandate and one of those mandates, Mr. President, is to protect our nation, and that is what we are doing with this Bill.

Mr. President, as my colleague talked about, we did public consultations. But, Mr. President, we are a Government of the people, by the people and for the people, and we are a Government that will listen to the people of the Republic of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. B. Baig: Mr. President, I have been to areas of Arima, Mausica, Malabar, along with my colleague Sen. Smith. I have been to areas of Port of Spain, Laventille, with my colleague Minister Zakour, Sen. Charles. I have been to La Horquetta/Talparo. I have been to Point Fortin, Mr. President. I have been to areas of Sangre Grande as well, Mr. President, and every person there, when we asked them, if anybody knows a victim of home invasion, nearly half the room put up their hands. Because home invasions was becoming part of what is happening in our country. And Mr. President, I want to tell you, all those persons there, when we asked them, "Do you want stand your ground legislation?" With a resounding "yes", all of them said, "We want this Bill." And Mr. President, we have brought it. We have brought it here.

Hon. Senators: [*Desk thumping*]

Sen. B. Baig: And they were first to say, thank you to the hon. Kamla Persad-Bissessar, because again, this is a Prime Minister who listens first, then acts. Mr. President, I want to just say to my colleagues here, I am closing now, that this

Bill was brought because our nation was crying. If you listen to the videos, you listen to social media, you hear families crying. But hear my cry as well. I say it again, do not let my aunt die in vain, because all that lady was doing on an evening was taking out some rice, some stewed chicken, potatoes, for her husband, while he sat there, just waiting for his meal to come. I am saying, do not let a young man who today still is traumatized by this—we have families, my friends, who are still reeling in trauma with this.

I say to you, Mr. President, this Bill is a good Bill. I support this Bill and I ask my colleagues opposite to support this Bill. If not for yourselves, but for the nation of Trinidad and Tobago, who is crying out for legislation like this. Mr. President, with these few words, I say thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Faris Al-Rawi.

Sen. Faris Al-Rawi SC: Thank you, Mr. President. Mr. President, I start off by expressing my condolences to my friend, Sen. Baig. It takes courage to admit difficult circumstances in one's family, and certainly nobody deserves to have gone that way. And we all, I am sure, are compassionate as to the stories told today.

I think it is safe to say that we can all recount stories ourselves of the situation in which the world, and certainly Trinidad and Tobago, is in. Just not too long ago, my own relatives were held up at gunpoint. I am sure many people know everyone in the same point. In the instance in my own family, that was literally at home as well. The AG was absolutely correct. We were horrified at the story that one of our colleagues had to endure, that a very good man who served this country commendably should have been put through that. But it is the same everywhere.

The Bill has a legitimate aim, Mr. President. It is captured not only in the

long title of the Bill, but if you go squarely to clause 4 of the Bill, we are looking at the application of the law:

"Subject to the provisions of this Act, an occupant of a dwelling house has—

(a) no duty to retreat from a home invader at the dwelling house; and

(b) the right to stand his ground and use, or threaten to use, defensive force to protect himself, another person or his property from a home invader."

Clause 4, is the application of the law that sets out the legitimate aim. If you go a little bit further into the legitimate aim, it is obviously a law that has been crafted using elements of a number of other laws. I thank the Attorney General for commissioning the Law Reform Commission, and more particularly for making that paper public because it allowed us an insight into the policy behind it. Both the Government and the Opposition held significant consultations on the law and its import, and we both had an opportunity to look at a number of elements of the law. This law does capture elements of the Canadian law, the Irish law, parts of Australia, certain other parts of the Commonwealth that we find in our own interest. This law is intended, according to the hon. Attorney General, the mission of the Law Reform Commission was to examine the law in the context of Trinidad and Tobago.

If you look to the Law Reform's paper, the Law Reform's paper is instructive as well, because it sets out, in reference to data, an important aspect. And permit me to just read that into the record. The Law Reform's paper, at 2.4, refers to:

"Total Crime by Offence- Comparative Report"—for 2023-2024.

And it deals with:

"…robberies, burglaries and break-ins, larceny dwelling house, murders."

Now, I propose in my interrogation of this law, Mr. President, to go through

not only what this law does give application in law to, which is clause 4, it can be expanded, but let us start off with a look into who the law does not cover, or what the law is intended for that is absent or is in question. Then I propose, Mr. President, to look at the constitutional reflections, because there is a question mark in my mind on some of it that I wish to put on the record, and to hear from the hon. Attorney General in wind up on it. And then, look to how the law can be improved if it was to be a feature of our law, if the Senate should so agree.

So, let us look to the Bill and let us look at this name, "stand your ground." The Bill, specifically in the definition section, helps us get to what is your "ground". Because the debate here is really, where can I exercise this right that is being given to me, the so-called right to not retreat, the right to use force, including deadly force, in defensive action. Where can I do this? Whose ground are we talking about? Who has ground? That is the most important preliminary issue for us to look at.

So let us look to what the law says. Clause 3, says that we are dealing with a dwelling house. A "dwelling house" is well defined:

> "(a) any structure or part of a structure…permanent or temporary …fixed or capable of being moved…designed or adapted for use as a dwelling or residence"

Great, that fits Trinidad and Tobago. We have chattel houses. We have container houses. It includes any adjacent land building or other structure within the same curtilage, dwelling house and occupied for the same purpose.

I want you to stick a pin on that because I propose to address the hon. Minister of Agriculture on this point, because he has raised the issue of praedial larceny being covered in this Bill, and I wish to specifically deal with that.

2.50 p.m.

It also includes:

"(c) any boat, ship or other vehicle in or on which a person resides…"

—et cetera, and any:

"…associated place…immaterial if the dwelling house from time to time, uninhabited…"

So "dwelling house" is defined. It includes, when we look to the definitions further:

"an associated place" or a "curtilage".

"an 'associated place…

"(a) any place that is used exclusively in connection with, or for purposes ancillary to, the occupation of a dwelling house; or

(b) any place, where a dwelling house is one of two or more dwelling houses in…"

One compound, apartments, condominiums, townhouses, tenements.

"'curtilage" in relation to a dwelling house means an area immediately surrounding or adjacent to the dwelling house, which is used for purposes connected with human habitation in conjunction with the dwelling house regardless of whether…"

"(a) is surrounded by a fence, a natural boundary or a combination…

(b) is enclosed in a manner…the occupant's intention to keep persons off…"

That is important again. Stick a point when we come to the concept of praedial larceny, because according to the Minister of Agriculture, this law is going to assist people in praedial larceny situations.

Now, who invokes the ability to stand your ground in this Bill is an occupant. So we must jump to the definition of "occupant". Trinidad and Tobago, this Senate,

in dealing with the sobriety of law, must deal with whether you are an occupant who gets the benefit of clause 4, that is, the right to stand your ground, the right to have home invasion dealt with.

"'an occupant means…'"—listen to this—"a person in lawful possession of a dwelling house…"

Let me repeat this:

"…in lawful possession of a dwelling house…"

Remember "dwelling house" includes the "curtilage", the "associated place". It includes:

"(a) the owner, occupier, tenant, or any other person having the control or management of a dwelling house;

(b) an immediate family member who resides in the dwelling house either permanent or temporary;

(c) a person who resides…permanently or temporarily, in a dwelling house with the express permission…

(d) a person who at the material time, has a right to be at the dwelling house because he—

(i) is in the employ…

(ii) …directions…

(iii) is responsible for…care and support,"

"(e) a person who, at material time, is visiting a dwelling house an invited guest;

"'occupant' means a person in lawful possession…"

To get the right, to say that somebody has trespassed in your dwelling house, you must have lawful possession. To kill somebody, and we are going to come to that.

To threaten, to deal with them in standing your ground, you must, first of all, be in lawful possession.

Now, the mandate of the Law Reform Commission was to look at Trinidad and Tobago's context. I expect in the United States of America, there is a different perspective. I expect in England, there is a different perspective. I expect in Australia. I had the privilege of being the elected Member for the constituency of San Fernando West for 10 years straight and I lost in the last election. But, of the 25,000 registered electors in San Fernando West, 8,500 live in HDC apartments—there are 11 of them—and over 3,500 people live in squatting conditions.

Now, who is a squatter? Let us turn to the law, because we are deciding the law today. Let us go to State Land (Regularisation of Tenure) Act, Chap. 57:05.

> "'dwelling house'…"—as defined in that Act—"means a building or part of a building used mainly as a dwelling house or as a dwelling or residence, construction of which was completed or was in the course of completion immediately before the appointed day, and includes land occupied…not exceeding 5,000 square feet more…"

The appointed day was 2000. It triggered, under this law, the ability to get a Certificate of Comfort. A Certificate of Comfort, you went into the Land Settlement Agency, you got a tenancy, and from the tenancy after a survey you got a lease. You missed the Certificate of Comfort; you are a squatter. This law has another definition, "landless".

> "'landless' refers to a person who falls within a category designated as disadvantaged by the Minister to whom responsibility for social development is assigned, and who has no legal or equitable interest or…other interest or

claim to such an interest in a dwelling house, residential land, or agricultural land upon which a dwelling house is permitted to be built"

So, we know what a "landless" person is.

We have here a squatter:

"'squatter' means a person who is in actual occupation of State Land without probable claim or pretense of title thereto;"

So, our laws in Trinidad and Tobago have the concept of landless, squatter, state land, private land—you can treat with—there are squatters on private land—they can be regularized. This Act treats with non-disapplication of this law to the Real Property Act, for instance. You can bring private lands into ownership by way of adverse possession, by converting it into an application to bring lands under the RPA.

So, we have squatters in this country. In San Fernando West, where I represented for 10 years, 3,500 people live in squatting conditions on State lands. Back of Embacadere, Upper Hillside, Marabella Train Line; areas that I spent a lot of time developing, "lotifying", managing outside of Certificates of Comfort because they did not qualify for Certificates of Comfort. They were not designated areas under the State Lands (Regularisation of Tenure) Act, but none of these people are with lawful possession of the land because they do not own it. None.

When you get to those communities, and we are dealing with the right to equality of treatment, and we take away the argument that this law, according to the Government, is being touted by the Opposition as being racially discriminatory. No, Mr. President, in Trinidad and Tobago, 230,000 people are squatting and have been and are not in "lawful possession" because they are squatters in adverse possession to the state land or private land.

They have families. They could be just like Sen. Baig, legs weak at the table, understandably today, shaking. Do they deserve the right to stand their ground too? When you go to the definition of "dwelling house" that I read a short while ago, where a "dwelling house" includes in "associated place"

> "any place where a dwelling house is one of two or more houses in one building or group of buildings"

Let us typical HDC community. An HDC community like Olera Heights, like Embacadere, the corridor ways, the common areas, Mr. President. How are we applying the stand-your-ground principle with ease?

Now, Mr. President, let us be plain in the talk. Persons that have a fence, a wall, a yard, are covered. Middle Trinidad and Tobago, socio-economically ranked, upper Trinidad and Tobago, are certain to have certain aspects of this law there. But, Mr. President, that is not the entire country of Trinidad and Tobago, and when you go to the communities occupied largely as HDC communities, and certainly LSA settlements, or squatting communities, you will find that there is a radical socio-economic deviation, a racial deviation, a skew when you look to the characteristics of the neighbourhood. But what I can tell you, Mr. President, is that none of these people, by the hundreds of thousands are included in stand-your-ground. "Dey eh have no ground to stand on in law".

We are coming now into the Minister of Agriculture. Minister of Agriculture was referring to section 7. He did not do so overtly, but surely this is what he meant, where he was dealing with parts that are accessible from another place. He must have been referring to clause 7:

> "(2) Where—

(a) a part of a building is a dwelling house in which an occupant resides;

(b) another part of the building is a place of work for the occupant or another person…also…in the dwelling house;

(c) that other part referred to in paragraph (b) is internally accessible…

that other part and any internal means of access between the two…are each treated for the purpose of subsection one of the building that is a dwelling house."

That, Sir, is not a homestead agricultural lot. You may argue that the homestead agricultural lot is part of an "associated place" or a "curtilage", but where it is unfenced, you get into the domain of danger that Sen. de La Bastide warned us about, and that I share. Because if the area is not overtly a dwelling house, if it is used for agricultural, industrial, manufacturing purposes, it is not a dwelling house. So, where was Sen. Ratiram, the entire Cabinet decision, Legislative Review Committee consultations, where was the hon. Senator there present, if at all, in saying that this law is going to help you, how? How is it going to help? It certainly will not unless we have clarification of the law, which I hope that the Attorney General can consider, and will be looked at it this way.

But Mr. President, let us go a little bit further to come down now to—because we are opening the door on equality of treatment. Section 4 of the Constitution, enshrined rights, treats with the right to life, the right to liberty, the right to property, the right to private life, et cetera. This Bill has very excellent cautions of proportionality laid in it. But I am quite concerned as to whether we are in fact, on this occasion, in need of a special majority.

I accept that Suraj and Suratt and Akili Charles help us in terms of Privy Council decisions, legitimate aim, rational connection to the aim, not going too far, associated with it, et cetera, the three grounds of proportionality are covered and that due process is there because these things will be decided in court. But, I cannot see how the right to kill someone with defensive force on this occasion, can genuinely be easily dealt with by proportionality. Because you are saying in this law that you can use deadly force.

Now, I accept that we are codifying certain aspects of the common law. I do not believe that codification is a wrong thing to do. Codification was certainly required when we were dealing with codification for the Bail (Amdt.) Act, 2024, for instance. Contrary to what Sen. Baig said, this is not the first time that laws have been brought to codify, and it certainly is not representative of the PNM having failed to do anything.

I recall trying to pilot and pass restrictions to bail with due process and the Opposition then, the UNC Government now, just simply not supporting it. Today, we are being invited to deal with something, but my concern is on the codification point. Codification has its pros and cons. Codification in this form is useful. but what it does is that it certainly allows a freezing, or a flash freeze of the law at a particular point in time. When we look to this, let us start by saying the duty to retreat is certainly not a feature of our law.

The duty to retreat has been dealt with. In fact, it is in the case of *Chris Gerard Jhardat v the State*. The appearances in that matter included Sen. Sophia Chote, Senior Counsel, Criminal Appeal 1/2014 and in this particular case, is a case on point with self-defence. The Court of Appeal went through the rationale on the duty to retreat and the direction that was given to the jury. It in fact, set aside the

conviction—the direction of the judge at that point, but most importantly, the court was very plain to say the following words at page 13 of that judgement.

3.05 p.m.

> "In our judgment, the direction was expressed in too inflexible terms and might, in certain circumstances, be regarded as significantly misleading."

In bold now—this is the court saying this, Court of Appeal:

> "We prefer the view expressed by the High Court of Australia in R v Howe (1958) 100 CLR…that a failure to retreat is only an element in the considerations on which the reasonableness of an accused's conduct is to be judged..."

—and then they, of course, quoted *Palmer v Reginam*. That is the 1971 case. That is exactly on point because we, in clause 7, include—and I agree with the Attorney General, it is not inconsistent—we include that you must look to whether the retreat could have happened or not in judging proportionality. But in codifying this law, it is not correct to say that you had a duty to retreat absolutely, your back must be up against the wall, and only then, in an element of nicety, you choose the kind of action that is proportional. No. It is a subjective test. The common law is very clear on that.

What we are adding into this law is that only a select few people can "stand your ground", people in lawful possession as an occupier, only they can "stand ground"; leave everybody else out. It does not include the agricultural, industrial estates next to a house. That connected pathway is not a building in the meaning of clause 7 of the Bill; you are out on that. But if I were to ask Sen. Baig the simple question, in that very harrowing, horrible experience that he shared with us, what would you do differently, woken up at 4.00 a.m. in the morning, somebody in your

face?

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: How do you fight back with this law? Magically, two guns appear, "yuh sling it out yuh waist", and you start to shoot, "Bam, bam, bam, bam, bam". If you were an FUL holder in any circumstance—

Hon. Senators: [*Crosstalk*]

Mr. President: Please, please, allow the Senator to speak without crosstalk, because I am hearing you. Continue, please.

Sen. F. Al-Rawi SC: Let me take avail of the comments made. I mean absolutely no insult or intent to cause harm or distress to Sen. Baig. If the example I gave is unfortunate, let me use it in an abstract way. Somebody whose home is invaded at a particular hour of the morning—and if I have caused discomfort, I apologize, Sen. Baig. Somebody who has cause to wake up with somebody in their face, this law is not going to assist you unless you are ready at the draw or found an opportunity to engage in a means of self-defence that could assist you, either through use of an FUL permit by actually using your firearm, or some other way.

Mr. President, I have spent a lifetime doing martial arts, a lifetime. I taught it. I practised it. I would consider it extremely difficult to defend myself at three o'clock or four o'clock in the morning if somebody was next to me, because you would be worried about the person next to you. If your child is involved, you are in that severity of emotional state, this stand-your-ground law does not give you that opportunity. What the stand-your-ground law does, which I commend, this law says if you enter the dwelling house, if your instrument enters before you do, the tool that you are using to get in, the firearm in your hand that you are using to get in, if that happens, you could defend yourself.

Maybe then the gun is at the draw and you shoot the person, but then the proportionality has to come in and you examine the circumstances on the duty to retreat, et cetera, which is canvassed in the conditions in the law, but that is the existing common law right now. That common law that we have right now does not discriminate to the squatters of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: That is the material difference between the common law, which we are codifying, and the statute, because the statute only gives this right to somebody who is in lawful possession. You cannot be a squatter on state land, "all ah allyuh out". You cannot be on your homestead that is not used for human habitation, you are out, and that, Mr. President, is one of the dangers in flash-freezing the common law into a codification of statute for a select few. And because it is a select few, it raises my enquiries as to whether we do need a constitutionally majority or not, because you are giving the right to kill for the right to property, not only the right to life, and that is not your average proportionality consideration, nor is it your average due process consideration.

Mr. President, the biggest mischief we are not treating with, the largest legitimate aim which we ought to have is the fact that, if you have stand-your-ground, as what you did, you are going through the process of the criminal law. You are going to be interviewed. You may be charged. If you are charged and "I stood my ground" is your defence, you gave your defence through the process of the Administration of Justice (Indictable Proceedings) Act, AJIPA. You are going to an initial hearing before a master, you are going to a sufficiency hearing; after sufficiency hearing, you are going to a trial. The prosecution will offer its evidence. You have certain disclosures to make before you get there. When the

prosecution offers its evidence, you have the opportunity to say, "There is no case to answer", and you make a submission.

If you have a case to answer, it is then your defence comes in. Your cross-examination may be the way in which you explore your defence, or your primary evidence may also assist you, but, Mr. President, that is going down the line. What is not here for us to consider by way of evidence to interrogate the proportionality of this law, and whether it needs a three-fifths majority or not, what is not here is the length of time for persons who are charged with murder—and we heard the hon. Attorney General say something that is very important, he has the ambition, in the legislative agenda of the Government, to pursue the ability to have a right to a speedy hearing. Canada has it. In Canada, they threw out a whole bunch of their cases that just did not meet the time frame.

In Trinidad and Tobago, our prosecutorial management is not quite where it should be. We created the public defenders, we have AJIPA, we have amendments to the Evidence Act; a lot of things are happening, but we do not have prosecutorial speed. So nobody who has "stood your ground" has the benefit of one of the most important features, for example, in the State of Florida, an immunity provision. Is that so alien to consideration in our context? There is the Administration of Justice (Indictable Proceedings) Act, section 13 of the existing law has a very important comparative tool, alibi. If you want to rely upon an alibi, you have, under the terms of our existing law, to either tell the master what your alibi is or tell the DPP what your alibi is.

In the United States of America, in Florida, if you are "standing your ground", they have an immunity section. They say, "Listen, if you are going to raise that as your defence, let us deal with that upfront". You will go in front of a judge, you will

say, "I stood my ground". They then tell the prosecution, "You have to deal with this defence that is put up". They lower the burden of proof from proof beyond reasonable doubt, to a lesser standard, and only if you cross that lower hurdle do you actually go ahead because you are given immunity.

If you want to make sense of the public statements of Minister Sturge, of the Prime Minister of "knocking the matic" and "reloading it", and killing people, and "Better 12 men decide your fate than six men carry out your casket"; all of that, "Kill first and shoot first", if you are really going to convince people that stand-your-ground works, the real benefit will be if they did not have to go through an entire trial and they had the advantage of an immunity provision like Florida does.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: It could easily be inserted by a consequential amendment to the Administration of Justice (Indictable Proceedings) Act, just where you are giving the "Notice of alibi" in section 13, you can perhaps consider it there.

Now, Mr. President, what I could tell you for certain, I personally wrestled with this law as to the conceptual thought of "support" or "not support". Part of me very much wants to support this law. I think that there is no shame in saying when an idea is a good idea, something can advance the nation's purpose. I had the privilege of drafting many laws which I thought would take us in that direction. I have seen what democracy involves, et cetera, absolutely no problems with that. But when I wear the veil of ignorance now, as a legislator, and I look to what the potential mischiefs of the law are, that is when I start to coil in reverse.

I am very concerned about the social inequity in the exclusion of people who cannot take use of this law; certainly squatters cannot. Certainly we have 230,000 squatters. Certainly people in HDC buildings and positions will have a difficulty in

saying "who yard is who", but we are really turning a blind eye to a reality which we live in, in Trinidad and Tobago, and that is that squatting is a huge part of our country. And, please, it makes little sense to come up and say, "Well, PNM was there". It does not help. Every society has socio-economic inefficiencies and inequities in their society, we are dealing with the law, lest this law turn into a position that some people in our society find themselves in a disadvantageous situation.

Many members of the communities that I spoke to absolutely support the concept behind this law, as I initially looked at it and thought, "Yes, there are certain pearls inside of here", but when you get down to the actual nitty-gritty of the law, and you go to clause 7 in particular, 7(1):

> "Subject to section 9, an occupant has no duty to retreat and has the right to stand his ground against a home invader…"

Mind you, that is only a person in lawful possession, right:

> "...and use, or threaten to use, defensive force..."

That means you could kill:

> "...against the home invader or do anything else that he honestly believes to be necessary-"

This concept of "honest belief" is not alien to us. It is in the very Court of Appeal decision that Sen. Chote prosecuted on behalf of her client there. "Honest belief" is well known in our law, in the common law. I do not have a problem with that, it is the line, "or do anything else", because now you are giving a statutory platform.

So, Mr. President, if I had a wish list, I could respectfully ask the hon. Attorney General to address us on, it would be to give us some reflections upon the constitutionality of the right to life versus property in the context of the—I should

say that life, in my version of fundamental rights, is by far the most paramount of the issues. I know that that is a two-sided coin because the right to a victim staying alive is as important as a person who may innocently walk into a curtilage with an instrument that did not even cross the yard and get killed yet. I would like the hon. Attorney General to address the issue of lawful possession, and that is squatters or persons that do not fall under the state lands regularization. But, Mr. President, what about children's homes, geriatric homes, child rehabilitation centres? We have state institutions that are dwelling homes, none of them are covered here.

Does the defence apply to the watchman or the homeowner that is managing a children's home? What about a safe house? Maybe that could apply, but the institution management, are they denied the defence of "stand your ground"? Why should a children's home with five children not have the same rights and privileges under here? Why? So there is a whole aspect of the State that needs to be explained, which I would request the hon. Attorney General, and I am requesting him to address. And, Mr. President, the considerations as to immunity, in particular, including notices of stand-your-ground as a condition immediately upfront, perhaps at the same time as a "Notice of alibi" is done, under section 13 of the Administration of Justice (Indictable Proceedings) Act.

With those reflections on record, and I believe I have just a minute left or so, Mr. President, I will say this, the Opposition stands to support any law that advances the best interests of the people of the Republic of Trinidad and Tobago. There are elements of this law that head in the right direction, but there are serious concerns to be addressed. We look forward to hearing from the speakers in the Government Bench as to the concerns expressed. Thank you.

Hon. Senators: [*Desk thumping*]

3.20 p.m.

Sen. Dr. Desireé Murray: Thank you, Mr. President, for the opportunity to contribute to this debate. First, do no harm. First, do no harm. This principle has guided my professional life as a medical doctor, and it guides my contribution today in this Chamber.

Today, we consider the Home Invasion (Self-Defence and Defence of Property) Bill, 2025. A basic expectation of any civilized society is that the sanctity of one's dwelling is respected. No citizen in any country, including Trinidad and Tobago, should feel unsafe in their own home.

Home invasion is a violation of the most intimate space we possess. It should not be conflated with other offences, such as breaking and entering or armed robbery. It leaves victims stripped of dignity, of safety, of peace of mind. And I really do empathize with Sen. Baig's impassioned plea. Tragically, it can also sometimes result in loss of life. Mr. President, the fear is real, and the statistics bear it out.

In moving the Bill in the Lower House, the hon. Attorney General informed that in 2024, according to the Central Statistical Office, Trinidad and Tobago recorded a total of 624 murders, making it the deadliest year on record. Our murder rate is among the highest in the hemisphere. These numbers represent real households, real families, real trauma, individual and societal. Against this backdrop, it is no surprise that citizens are crying out for protection.

In that regard, the Bill has several strengths. There is merit in ascribing a specific category to the act of home invasion and naming this crime for what it is. Codification of the English common law will assist in gathering more accurate data on home invasion. In addition, the Bill proposes significant penalties with enhanced sentences where aggravating factors exist. This reflects the gravity of the offence

and sends a clear message of deterrence.

The question before us is not whether we should act, but rather, how we should act. It is in that spirit that I raise the following concerns. Mr. President, my first concern pertains to the clear constitutional infringements of this Bill, which the hon. Minister and Attorney General denies.

It was acknowledged by the Law Reform Commission that the Bill contains provisions—not the entire Bill—which are inconsistent with our Constitution, and would therefore require the support of thirty-fifths of all the Members of each House of Parliament for passage. That is because we are dealing with the most fundamental of rights, the right to life.

Section 4(a) of our Constitution enshrines:

> "…without discrimination by reason of race, origin, colour, religion or sex…
>
> (a) the right of…"—every—"…individual to life, liberty,"—and the—"security of…person and"—to the—"enjoyment of property and the right not to be deprived thereof except by due process of law;"

Section 5(2)(b) states that:

> "…Parliament may not…
>
> (b) impose or authorise the imposition of cruel…"—or—"…unusual treatment or punishment;"

This amended Bill omits the constitutional override clause that appeared in both the Preamble and clause 2 of the Law Reform Commission's July 2025 Home Invasion (Self-Defence and Defence of Property) draft Bill.

Mr. President, the report of the Law Commission reads, and I quote:

"Part 1: Introduction

1.1 in accordance with section 3 of the Law Reform Act, Chap. 3:04, the Law Reform Commission ('the Commission') received instructions from Senator the Honourable John Jeremie S.C., Attorney General of the Republic of Trinidad and Tobago, to undertake a comprehensive examination of Stand-Your-Ground…laws, in particular the model which exists in the American state of Florida and any other relevant statutes (domestic and foreign) which address self-defence options available to occupants of dwellings by which they can protect themselves from home invaders."

Part 6.2.6 reads:

"As stated at sub-paragraph 6.2.1, the Bill's provisions would have effect even though inconsistent with sections 4 and 5 of the Constitution. The proposed provisions in Clauses 7 and 8 seek to justify the taking of life in specified circumstances and would therefore infringe upon to right to life as provided in section 4 of the Constitution."

I would just point out that clauses 7 and 8 in the original draft Bill are now clauses 6 and 7 in the Bill being debated today.

Part 6.2.6 continues:

"A Note has been prepared which explains the treatment of provisions which infringe this country's fundamental…rights and freedoms and the requirement for support of three-fifths of all members of each House of Parliament. The Note is attached as Appendix B."

Appendix B of the Law Reform Commission's Policy Paper is a "Note on the Right to Life", and reads as follows:

"Clauses 7 and 8"—as I pointed out before, these are now clauses 6 and of the revised Bill—"of The Home Invasion (Self-Defence and Defence of

Property) Bill, 2025…seek to provide that a person has no duty to retreat when operating in self-defence and defence of property in the context of home invasions. These provisions expressly state that the use of deadly force may be justified where it is necessary to—

(a) prevent imminent death, rape, grievous sexual assault or grievous bodily harm; or"

—and this is one of my main concerns:

"(b) prevent or remove a home invader or to protect property."

The proposed provisions in clauses 7 and 8 seek to justify the taking of life in specified circumstances and would therefore infringe upon the right to life as provided for in section 4 of the Constitution."

Appendix B concludes that:

"…the aims of the Bill in light of the current bane of criminal activity, are sufficiently important, necessary and proportionate to limit the fundamental right to life."

Mr. President, if a Bill breaches the fundamental rights set out in the Constitution—and there are many who are more familiar with the Constitution than I am, who are of the view that this Bill does exactly that, it infringes on the Constitution—then the Bill should expressly state this. In other words, the Bill must clearly declare any inconsistencies with the Constitution.

Parliament is required to engage in a balancing exercise when passing legislation because even well-intentioned laws may infringe rights. Where rights are, in fact, breached, the Bill should explicitly acknowledge this.

Legal opinion is divided on whether certain provisions contained in this Bill will infringe fundamental rights. So it is not universally accepted that constitutional

rights are not being infringed. Enacting legislation that is inconsistent with the Constitution inevitably creates a floodgate for litigation. As such, laws can be challenged in court. This undermines the very intention of the draft Bill, since constitutional challenges may delay the protection it seeks to afford citizens within their homes.

Notwithstanding the above, if the draft Bill is passed and becomes law, it may then be challenged in the court, and the court will determine whether the Act is reasonably justifiable in a society that respects the rights and freedoms of the individual. Ultimately, the court has the final say on the constitutionality of the Act.

The omission of an express acknowledgement of the potential inconsistencies with the Constitution in the proposed legislation carries significant legal and practical consequences. By failing to clearly identify where the legislation may infringe fundamental rights, particularly the right to life under section 4(a), the legislation exposes itself to constitutional challenges that may delay or frustrate the intended objectives.

As affirmed in Jason Jones, it is ultimately for the courts to determine whether an Act is reasonably justifiable, balancing individual rights against public interest. Without a clear indication of possible rights infringements, the proposed legislation not only invites litigation but also imposes an added burden on the courts to reconcile conflicts between the legislation and the constitutional rights.

Accordingly, to ensure both legal clarity and effective protection of citizens' rights, any legislation that may impinge upon fundamental rights should expressly recognize such inconsistencies, provide justification for them and uphold the constitutional requirement for a three-fifths special majority.

My second concern relates to the misrepresentation of the legal term "stand

your ground" to describe this legislation. I was happy to hear the hon. Attorney General dissociate himself from the stand-your-ground Florida model. There is no mention of "stand your ground" in English common law. The term "no duty to retreat" is used.

Much of the public debate was described as stand-your-ground legislation. I humbly suggest that this terminology is inaccurate, misleading and unhelpful. The term "castle doctrine", which transitioned from English common law, is the correct and more appropriate terminology. And a historical perspective is warranted here.

In a famous and much-quoted decision from 1604, Sir Edward Coke, a 17th Century English jurist, declared that, and I will read:

> "…the house of everyone is to him as his Castle and Fortress as well for defence against injury and violence, as for his repose…"

He went on to say that:

> "…if theeves come to a mans house to rob him, or murder, and the owner or his servants kill any of the theeves in defence of himself and his house, it is no felony, and he shall lose nothing…"

He also declared:

> "So it is holden…every one may assemble his friends or neighbours to defend his house against violence: But he cannot assemble them to goe with him to the Market or elsewhere to keep him from violence: And the reason of all the same is, because *domus sua cuique est tutissimum refugium*."

And the Attorney General will know that that means, "everyone's house is his safest refuge". Over the years, this has been simplified to "a man's home is his castle". This declaration solidified the legal understanding that a man's home was a sanctuary, affording them unique protections against intrusion.

The castle doctrine applies specifically within one's own residence. The doctrine typically presumes that an intruder unlawfully and forcefully entering a protected space intends to commit an unlawful act involving force or violence or to cause serious bodily harm. Importantly, the castle doctrine demands safe retreat in public, but not when defending against an intruder in one's home where there is no duty to retreat.

3.35 p.m.

In English common law there is a duty to retreat in a public space, if safe to do so. But there is no duty to retreat in one's own residence. Part:

Part 3 of the Law Reform Commission's policy paper deals with the castle doctrine and stand-your-grounds laws and states:

> "3.3. In the U.S., the jurisprudence for the…"—stand your ground—… "class of self-defence is based primarily upon a series of judgments from the 19th century. At that time, American courts departed from the English common law principle of a duty to retreat in public places."

The policy paper goes onto state:

> "The Castle Doctrine was therefore extended from a person's home to any place where he has 'a right to be'. Places where a person has 'a right to be' in jurisdictions such as Florida now include: businesses, including shops and restaurants; inside in one's vehicle; and streets, parks and parking lots."

So,

> "Over the last century, with judicial decisions and legal codification"—stand-your-ground—"laws in the U.S. have expanded…"

Importantly, stand your ground is a legal term and refers to public spaces outside the home.

In 2015, an American Bar Association report recommended that States restore the safe-retreat standard in public places. At least, 10 States have introduced Bills to repeal or scale back their stand-your-ground laws which have been linked to racial disparities and increased gun violence. Do we really wish to import those associations into our own discourse? This only serves to add fuel to the fire. The terminology, "the right to stand his ground" appears in sections 6 and 7 of the Home Invasion (Self-Defence and Defence of Property, Bill. Section 6(1)and 7(1) of the Bill states that:

"…an occupant has no duty to retreat and has the right to stand his ground…"

Mr. President, I know we Trinis love to say "reverse back", "also too", "each and every" and "former, former". But the phase "no duty to retreat and has the right to stand his ground" as used in the Bill seems redundant to me. More importantly, the provisions of this Bill are confined to his home. Whereas US stand-your-ground legislation extends to public spaces. The term "castle doctrine" law is more accurate and truer to our context. No duty to retreat is less inflammatory, less confrontational and suggests that although there is no duty to do so, retreating remains an option if it is safe to do so. The decision ultimately relies on the occupant's judgment.

My third concern relates to the defence of property. I listened very attentively to the Sen The Hon. Ratiram. Despite over 2,000 reports of praedial larceny as noted by the hon. Minister of Agriculture and Fisheries it occurred to me that some farmers may not be covered by this legislation. For farmers their property is their livelihood, but not necessarily their home. Many farmers have to camp out in their fields during bearing season in order to protect their fruit and vegetable crops from praedial larceny. However, some coconut, cocoa and citrus estates cannot be interpreted as a "dwelling house" as defined this Bill. The definitions of "associated place",

"curtilage", "dwelling house", "home invader", "occupant" and "property" are not applicable to many if not most or all farmers. Although the Bill defines:

> "property" to mean "real or personal property, whether tangible or intangible, movable or immovable, including money or any other right or interest;"

Section 7(1)(c) states that:

> "…an occupant has no duty to retreat…against a home invader…to protect his property."

Not all farmers live on their farm. Farmers may life in nearby villages or urban areas and travel or commute to their land. So not all land tenure holdings include a dwelling house. As such, a farmer tending to his field or estate is not necessarily covered under this legislation, because although the crop could be considered property, the farmer is not an occupant and the thief is not invading a home.

Farmers place their lives at risk so that we can enjoy well-seasoned meats at Christmas, enjoy healthy salads containing sweet peppers, tomatoes, cucumbers, lettuce, and quench our thirst with watermelon juice and coconut water. Praedial larceny not only puts farmers' lives at risks. It also stymies the nation's food security campaign and the quest to reduce the food import bill. The Praedial Larceny Prevention Act does not speak to self-defence and defence of property. Despite the vital role played by farmers, some farmers are not protected by the Home Invasion (Self-Defence and Defence of Property), Bill, and this is of great concern to me. I am respectfully asking the hon. Attorney General to consider how the Bill can be amended to include farmers whose fields may be invaded when the fields are not within the curtilage as defined by the Bill.

My fourth concern rests with way the Bill defines occupant, the offence of home invasion and the home invader. For the law to be clear and certain, individuals

should know whether an action is legal or illegal without having to carry out the action. This is crucial to the rule of law.

Mr. President, "occupant" broadly includes owners, tenants, immediate family members, invited guests, employees, care givers, persons who reside temporarily or any other person having control or management of a dwelling house.

> " 'home invader' means a person who knowingly enters or remains at a dwelling house in which he is not an occupant, with the intention to carry out a home invasion;"

At the same time, clause 5(1) establishes the "offence of home invasion" which broadly sets out the parameters of the offence. It captures not only violent or forced entry, but also where cases where someone lawfully enters by being invited in and then "fails to leave immediately" when asked and:

> "(j) damages or destroys any property with or without the use of intimidation, threats or violence;"

This overlap creates a troubling ambiguity. Under the Bill, the same individual could be both an occupant and a home invader either concurrently or in quick succession. For example, a guest invited into the home who is therefore deemed an occupant under clause 3, and who allegedly damages or destroys any property, but has not used intimidation, threats or violence "…commits the offence of home invasion…", if they fail to leave immediately upon request. But who invited them in? And who asked them to leave? Must it be the same person? These unanswered questions could have far-reaching consequences.

This drafting risks blurring the lines between domestic disputes and dangerous invasions by armed gangs. Quarrels among relatives, disagreements with friends or tensions between partners and ex-partners could be placed in the same legal category

as a violent gang breaking into a house to night. Labelling persons known to the occupant as "home invaders" is disproportionate, particularly given the severe consequences of that designation up to and including the use of lethal force.

We already have laws that deal with these situations. The Offences Against the Person Act, 1925, the Sexual Offences Act, 1986, the Domestic Violence Act, 1999 and the Children's Act, 2012. These statutes are designed to address domestic disputes, violence, abuse and provide protection within homes and families. To conflate these circumstances with home invasion, risks undermining fairness and clarity of law. I therefore urge this honourable Senate to consider or reconsider these definitions and to ensure that the law is dawn with the necessary precision and clarity.

Mr. President, my fifth concern pertains to clause 9(1)(f) which denies legal protection to occupants with whose mental faculties are substantially affected by the voluntary consumption of a drug which is not therapeutic. This provision raises some critical questions and once again demonstrates the absence of clarity in the legislation. My question is, what constitutes being "substantially affected"? Who determines the extent of the mental impairment? How are the mental faculties of the occupant to be assessed? While the intent may be to close loopholes in the statute, is it just, Mr. President, those whose mental faculties are impaired? Who are unable to flee or think clearly? Is it just those persons who should be denied protection in their own home?

Substance use can influence decision-making, but being drunk in one own home is not a crime and we cannot possibly legislate for every scenario. A home owner under the influence may still act in self-defence during a violent home invasion, and I think that our current legal and forensic systems are capable of

discerning fact from fiction. Blanket exclusions risk undermining justice for those who may need it the most.

My sixth concern relates to mental health and trauma. We heard from Sen. Baig about his harrowing experience during a home invasion. Victims and witnesses of crime suffer tremendous psychological trauma. But the dimension of mental health is not just from being a victim of crime. The trauma of killing another human being even in the context of self-defence should not be underestimated. Studies from jurisdictions with similar laws reveal a troubling aftermath known as Post Traumatic Stress Disorder or PTSD, depression, substance abuse, long-term emotional instability or other psychological distress reactions including intrusive memories, nightmares, hypervigilance and detachment. Guilt often involves feeling responsible for the outcome even if the actions were justified. Remorse is a feeling of regret or sorrow for having caused harm or loss. Both can represent or both can present after a self-defence killing.

Moreover, Post Traumatic Stress Disorder (PTSD) does not end with the shooter. A child who witnesses a parent shoot or kill a home invader, even one who is unlawfully present suffers tremendous psychological damage that is real and long lasting. We cannot assume that the killing of another person leaves no wounds, and we certainly cannot ignore the secondary trauma experienced by victims who must now navigate the aftershock of a violent death in their home.

My seventh concern, concerns the good Samaritan principle. In Trinidad and Tobago there is no explicit good Samaritan law, those the principle exists in practice. It provides legal protection to civilians who voluntarily assist persons in distress, so long as their actions are undertaken in good faith, but does not mandate that they render aid however, they are important caveats, and one is duty of care. If one caused

the harm, example, in an accident, the duty to assist is mandatory. You cannot flee the scene of an accident. Similarly, police officers are required to render aid and rush suspects to medical facilities for treatment after they have been shot.

The second caveat is medical ethics. According to the Medical Board of Trinidad and Tobago's code of ethics in the practice of medicine, physicians are ethically bound to assist in emergencies, balancing personal safety, competence and available care options.

3.50 p.m.

So this creates a dilemma in cases of self-defence. If a homeowner shoots an intruder who is left seriously injured but not dead, and they are still alive, what are their obligations? Should they call the police? Summon an ambulance? Attempt first aid or allow the intruder to bleed to death? Would failure to render aid be deemed criminal neglect or breach of medical ethics? This grey area highlights the urgent need for clearer statutory guidelines on good Samaritan protections and responsibilities, and should also cause us to reflect on the constitutional right to life.

My eighth concern relates to constant comparisons to the United States of America. Trinidad and Tobago is not the United States of America. According to the Institute of Health Metrics and Evaluation, the US leads the world with mass shootings and has the highest levels of gun violence of any developed country by a wide margin. The US has a unique crisis of gun violence, which has reached epidemic proportions. There are more civilian firearms than there are people. Its history, long-standing culture of gun ownership, and legal system differ profoundly from ours, and we must resist the temptation to import a model borne of their particular challenges.

Americans have had since 1791 the constitutional right to bear arms.

Understanding this historical context and legal interpretations is essential for engaging informed debates on this critical issue. The Second Amendment to the Constitution of the United States:

> "…protects the right for Americans to possess weapons for the protection…"—and "…their rights, and their property."

Mr. President, do we want to follow a model where the first response is to arm, or do we want to build a model where the State fulfils its duty to protect and where policing is strengthened, and communities are made safer?

My ninth concern is the inevitable result of more guns in the home in the name of safety, without a clear, accessible, and enforceable framework for mental and physical health assessments. Are we ready for that? Let us not be misled. While the Bill references weapons in a general sense, in practice, the real concern is firearms; no one brings a knife to a gunfight. Do we have the safeguards in place to prevent abuse? Are our storage laws strict enough? Are mental and cognitive fitness tests rigorous enough? Is retraining regular enough? What if the holder of a firearm user's licence develops a neuropsychiatric disorder, such as dementia, after they have been granted a firearm user's licence? How will revocation of the FUL be managed? Who is accountable for reassessment? These are important questions. Mr. President, how much time do I have?

Mr. President: You end at 3:59.

Sen. Dr. D. Murray: Three-fifty?

Hon. Senator: Nine.

Mr. President: Nine.

Sen. Dr. D. Murray: Nine, okay, six more minutes.

Mr. President: You have six more minutes.

Sen. Dr. D. Murray: Okay, I will be finished by then, thank you.

Mr. President, my tenth and final concern relates to intersectionality, youth crime, and the age of criminal responsibility. Child criminals are of great concern among police, teachers, and parents. What if the intruder is a child? A *Guardian* newspaper article written by Shane Superville states that:

> "As of September 30, 2024, 34 children were charged for possession of arms and ammunition…"

Between 2021 and 2024:

> "Robberies were the second highest crime committed by children…followed by breaking and entering and wounding/shootings."

The World Health Organization placed Trinidad and Tobago among the top 10 countries with the highest homicide rates among boys aged 10 to 19. Some of these children may have undiagnosed personality disorders, mental health issues, such as anxiety or depression, learning disabilities, and autism. These are not children who woke up one morning and decided to be criminals. These are children failed by the very systems meant to protect them.

Trinidad and Tobago ratified the United Nations Convention on the Rights of the Child in 1991. Article 37(b) is clear. Every child has the right to survival, development, and protection against abuse and exploitation. It also addresses issues with regard to education, healthcare, juvenile justice, and the rights of children with disabilities. Yet, three decades later, too many of our children are still left vulnerable, still left unprotected, and are still being failed by us.

Mr. President, our laws allow a child as young as seven to be held criminally responsible. Children as young as eight have been reported to extort money from businessmen. Although the doctrine of *doli incapax*—did I get that right? *Doli*

incapax means being incapable of forming the intent to commit a crime, which provides a presumption of incapacity. Children aged 11 and 13 have previously faced manslaughter charges in this country. No recommendation for leniency is made for the eventuality of the home invader being a child criminal, as opposed to a hardened adult offender. This is left up to the discretion of the courts.

This Bill, though well-intentioned, must be linked to stronger measures of prevention, rehabilitation, and protection. If we are to defend lives and property, let us equally defend the rights and futures of our children. Too many of our talented youth have had their lives cut short from gun violence when they have only just begun to live. Mr. President, the fears of our citizens are real. Home invasion is terrifying, but let us not sacrifice our values in pursuit of immediate relief. Violence begets violence, and restraint begets peace. Is it not peace that we wish to leave as a legacy for the next generation? John Wesley is quoted as saying:

"What one generation tolerates, the next generation will embrace."

I will end as I began first. Do no harm. Thank you, Mr. President, for the opportunity to lend my voice to this debate.

Hon. Senators: [*Desk thumping*]

Mr. President: The Minister of Trade, Investment and Tourism.

Sen. Roberts: Mr. President.

Sen. Allahar: Mr. President, I wish to be recognized, Sir, please.

Mr. President: You wish to?

Sen. Allahar: To be recognized, thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Alright, well, I recognize the hon. Leader of the Government Business.

Hon. Senators: [*Desk thumping*]

Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Thank you, Mr. President, for recognizing me. Mr. President, I had planned my day to be a very long day, and I thought that I would have spoken, perhaps, sometime after midnight tonight. But seeing that my good friend Sen. Al-Rawi spoke, I could not resist speaking soon after he did. I always enjoy speaking after Sen. Al-Rawi.

Sen. Roberts: "Because it does make yuh sound bright."

Sen. D. Allahar: It makes me sound bright.

Hon. Senators: [*Laughter*]

Sen. D. Allahar: Mr. President, so it is my pleasure to make a few points by way of some stocktaking. We are almost in the middle of the debate. We have had eight speakers and we are not close to the middle. I want to flag a few issues and address them as best as I can, based on the comments that we have heard, especially those coming from Sen. de la Bastide, Sen. Al-Rawi, and of course, Sen. Murray, that have to do in the main with constitutionality.

So I want to deal with some of the constitutionality issues and concerns. I also want to go on if I have enough time—it is 4 o'clock, so I have 40 minutes. I also want to deal with the whole question of the definition of "occupant," which Sen. Al-Rawi spoke about in the Trinidad context, as it relates to squatters. Both Senators Al-Rawi and de la Bastide dealt with the whole issue of curtilage and open spaces, so I want to deal with those at the end. But let me deal with the constitutional issues as best as I can. We have a lot of lawyers here today, and sometimes a surfeit of lawyers results in the confusion of law.

Hon. Senators: [*Desk thumping and laughter*]

Sen. The Hon. D. Allahar: But I think we are very strong on our side, ledby the

hon. Attorney General with respect to the views of the law.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar: Because the hon. Attorney General took the time to get, first of all, the learned opinions of the Law Reform Commission, the technocrats who have been doing this for many years, taking the best laws from all over the Commonwealth. He has also taken the time through the Law Reform Commission to get the comments of the Law Association.

I want to remind the Senate at this point, I think it is useful, that the first iteration of the Bill earlier on this year was sent to the Law Association of Trinidad and Tobago by the Chairman of the Law Commission on the 16th of July2025. Sen. de la Bastide spoke about the Law Association's comments. So I want to just deal somewhere into those. On the 8th of August 2025, the President of the Law Association sent LATT comments on that initial version of the Bill to the Chairman of the Law Reform Commission, and copied the hon. AG with respect to the Law Association comments.

Now, I understand, Mr. President, from my very long association as a former member of the Council of the Law Association—I started being a Council member in 2009—that the LATT comments were prepared by LATT's internal Legislative Review Committee. That Committee comprises not only Council members but also members of the legal profession in good standing. I believe one of them was Sen. John-Bates, she is not here today, it is a pity, but she is a member of LATT's internal Legislative Review Committee.

I understand that the Committee has 69 members, but like all committees, not all members participate. But let me just say again—that is why I mentioned LATT, why I mentioned the Law Association? It is a statutory body established by an Act

of Parliament in 1986. One of its functions is to assist the public in all matters relating to the law. So it tries its best to assist the public in all matters relating to the law. That is why the Law Reform Commission asked the Law Association for its comments on the first draft of the Bill.

We have taken those comments on board in redrafting the Bill and the iteration that we all have before us here today. We have not agreed with everything the Law Association has said. I will get to that later because, unfortunately, sometimes the Law Association gets it wrong, especially sometimes in some of its press releases, but that is for another debate. But they get it wrong sometimes, but sometimes they get it right.

So let me start first with an easy issue, the creation of the offence of home invasion. Now, we have heard arguments about "we don't need this offense. A new offense." Sen. Boodhu—and he is not here—said that it is covered under other Acts and other offences. I am sure Sen. Masaisai will tell us about the Larceny Act, the Offence of the Person Act. I see he is chomping at the bit to tell us of these things.

4.05 p.m.

And some will say it is not necessary. Some might even say that the penalty is too high. I believe in the other place they were talking about something like that.

Mr. President, this is a Chamber, it supposed to be a Chamber of mature and reasoned and reflection, and I do not want to go any further. But I would like us to reflect on what the Law Association said. Let us forget the politics a bit. What the Law Association said about this new offence of home invasion. At paragraph one, at the very first paragraph of its comments, the Law Association said, and permit me to quote, Mr. President, from their comments. It says, I quote:

"As a general principle, the Law Association of Trinidad and Tobago (LATT)

> is supportive of any legislative initiative which seeks to effect greater protection for innocent homeowners against the invading criminal element. To that end, LATT supports the creation of the offence of home invasion and the clarification and strengthening of the law of self-defence…"

They got it right. We agree with them. This is a body that is set up to help everybody with the law. We agree with them.

So, I just want to put that on the record. It is one of the easier issues, and I dare say, Mr. President, if I can be so presumptuous to say, that in this mature and reflective Chamber there ought to be no objection by anyone here, with the greatest respect, to the creation of that new offence in all the circumstances that we live in today. And that is what I want to say about that new offence.

I wish Sen. John-Bates was here, because I am sure she may have participated in those discussions at the Law Association. Now, the second issue is an issue that was raised, touched on by Sen. Dr. Murray, Sen. Al-Rawi and in part by Sen. de la Bastide, even though he did not develop it, and that has to do with the proportionality or let us use the word "constitutionality" of using lethal force in self-defence during a home invasion to protect oneself and one's family. So there are two lethal force issues we have here: One is for the protection of oneself and one's family, and there is the other one with respect to property. So we will get to the property in a little while.

But with respect to lethal force protection of oneself and one's family, the LATT, the Law Association in the first iteration of the Bill had concerns that the Bill did not have a definition at that time of what was called "deadly force". So they wanted a definition of deadly force. And, Mr. President, in clause 3 we now have a bit of clarity, we now have a definition of deadly force, which means, and I am

quoting from clause 3. It means:

> "means any use of force that is likely to cause or creates a substantial risk of causing death or grievous bodily harm including, but not limited to, the discharge of a firearm…"

Including but not limited to the discharge of a firearm.

So, this debate is not about firearms, but we are going to get to that in a little while. It is wider than that, okay. So then I want to also put on record what LATT said about this lethal force in defence of yourself and your person and the members of your family in the event of a home invasion. And what was the Law Association's view of the constitutionality of that limb, because the changes we made in the Bill since then, did not substantially affect that aspect of it. What did they say, and I want to quote:

> "LATT is of the view that as currently worded, the right to use defensive force in self-defence, does not infringe any right under the Constitution, including the right to life…"

That is what they said.

> "As established by the Privy Council in *Suraj v the Attorney General*…"

Sen. Al-Rawi's favourite case. He likes to invoke it, and I continue to quote:

> "…no right is absolute and the precise ambit of any right must be drawn in such a way as to accommodate the protection of the rights of others. As recognised in all common law systems, a permissible limitation on the right to life is killing in self-defence or in defence of another person…"

So it is nothing new, okay. The law, meaning the draft that we gave to them and the substantive measures we have now.

> "The law justifiably gives preference to the lives of innocent civilians over

the lives of aggressors."

This is what the Law Association said.

Now, the learned committee in the Law Association gave us a case. This is a case of the South Africa Constitutional Court. I do not want to quote it in detail, but I think some words are useful at this juncture, if I may, Mr. President.

The *State v T Makwanyane*. M-A-K-W-A-N-Y-A-N-E. Forgive the pronunciation. And it says—you know the pronunciation?

Sen. Roberts: "Nah, it sound good."

Sen. The Hon. D. Allahar: Okay. I quote—and this is what the President of the South Africa Constitutional Court said, Judge Chaskalson:

"Where a choice has to be made between the lives of two or more people, the life of the innocent is given preference over the life of the aggressor. This is consistent with section 33(1)."—Of course, of their Constitution.

"To deny the innocent person the right to act in self-defence would deny to that individual his or her right to life."

So we have to look at the right to life of the victim as well.

We have been focusing on the right to life of the aggressor, of the invader. We have to look at the right to life of the victim. And I see Sen. Dr. Murray is nodding in, hopefully, agreement. So, the South African court gives us and I want to continue quoting, gives us an example of it—and I am just kidding—an example —Sen. Dr. Murray. And the example, and I quote:

"The same is true where lethal force is used against a hostage taker who threatens the life of the hostage. It is permissible to kill the hostage taker to save the life of the innocent hostage."

That is what the police do when they come in, right, and nobody blinks an eye, right.

"But only if the hostage is in real danger. The law solves problems such as these through the doctrine of proportionality…"—just as in our system.

"…balancing the rights of the aggressor against the rights of the victim, and favouring the life or lives of innocents over the life or lives of the guilty."

So, Mr. President, this echoes—this is what the Law Association gave us, this case reference, and it echoes the legal system and the jurisprudence we have here. Sen Al-Rawi is gone, but he would shake his head and nod his head because that is the—

Sen. Al-Rawi SC: [*Inaudible*]

Sen. The Hon. D. Allahar: Oh, you are right there, great. And that reflects the jurisprudence we have with respect to proportionality, okay. Mr. President, that is what we are here about on this side, favouring the lives of our innocents over the lives of the guilty.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar: Now, I am not going to go into Suraj and Suratt in detail. I think we have rehearsed and we all know what the proportionality test is. And I think in another—we have done it and we had started doing it in the Prime Minister's Pension (Amdt.) Bill. Sen. de la Bastide was the first one to give us the very useful exposition. Sen. Al-Rawi loves to quote Suratt and Suraj. He quoted it again today. It incanted them again today, but he did not go in with respect to any detail—you can go ahead and have your tea and come back, okay.

But I just want to encapsulate as a reference point some of the things, the proportionality test, because sometimes people jump up and wave these cases and they do not go into their application analysis. It is not about catch-words and buzzwords. Lawyers know we have to do a bit of analysis. So the first—let us go

to the simple things. What is this proportionality test? First of all, rights are not absolute and may be qualified:

> "…rights…may be limited…by…legislation…provided…the limitation pursues a legitimate aim and is proportionate to it. It is for Parliament…to strike the balance…"—in the first instance—"between individual rights and the general interest."

So basically it is a balancing act. We, the Parliament, we have to pursue a legitimate aim.

I am very happy that Sen. Al-Rawi started off his contribution by saying the Bill has a legitimate aim, and he pointed us to the long title and clause 4. So thank you, Sen. Al-Rawi, for that analysis, for that piece of the analysis. However, Sen. Al-Rawi commented later on in his contribution that he, and I do not want to misquote him, but what I wrote down, with respect, he said, "I cannot see how the right to kill someone with defensive force can be easily done without a special majority".

But, in between those two comments he has not given us any real analysis, quite apart from acceding and adopting the fact, admitting that there was a legitimate aim. But he has not gone into any analysis of the proportionality of the measures. Unfortunately, he has not told us in coming to his conclusion whether the guardrails and whether the mechanisms we have put in place in the Bill to prevent abuse are in pursuit of that legitimate aim and provide that sort of balance. He has not gone there, it is unfortunate, but we have gone there and we have highlighted that those guardrails are there, and I will get to them in a little while.

So, in fact I could just jump and mark them out now, because I want to get to proportionality in relation to defence of property, because that is a sticking point. So

I want to get to that, before I get to this. So, what we have done is after hearing the comments of others, including the Law Association, there was a redraft. And what we did is we standardized the exceptions in clause 9. So that the exceptions in that—the instances where one cannot rely on the defence of self-defence, yes, and now uniform across clauses 6 and 7. So we have standardized the exceptions which are the guardrails so that they apply, they carve out or they apply to both lethal force in protection of person and lethal force in protection of property, okay. And what we have done, and I will say it at the start before I get into the other aspect of property, is that if you look at clause 9(1)(b), and this is very, very, important:

> "…the degree of force used by an occupant, or a person assisting an occupant, is grossly disproportionate in the circumstances…"

And that is an exception. In other words, you cannot run a self-defence defence or a defence, I was protecting my property and I used lethal force, in either limb, if the degree of force is disproportionate in the circumstances. And that is for a court to decide. Yes? In other words, even before we get to "honest belief" and that sort of thing, we have to cross that threshold. So, if the force is disproportionate from the start, there is no spectre, there is no hint of discussing, we could not even be getting past that gate to even discuss honest belief and sort of thing. It does not even open that gate. These are the strong exceptions. It is not the only exception. These are a list of exceptions that we have here among others. And we have them in clause 9(1)(a), (b), (c), (d).

4.20 p.m.

So, there is the carving out of law enforcement as well and, of course, (f) with respect to the mental faculties, which is what Sen. Murray was speaking about. So, I say that only to make the point that there are guardrails that refer to the limiting of

the availability of the defence to only certain circumstances, to avoid abuse, and that is an aspect of the proportionality test. So, I am very happy that Sen. Al-Rawi accepted the fact that there was a legitimate aim, but let us move on to the other one. Let us move on to this whole notion of using lethal force in protection of one's property.

Now, I think it was Sen. de la Bastide, if I am not mistaken, you had mentioned the Law Association's concern. I think it was Sen. de la Bastide. Someone mentioned it, or Sen. Murray. Somebody mentioned earlier and it got me looking at the Law Association's comments again. They seem to be very popular today. But somebody mentioned the fact that the law association had a problem with deadly force, and I think the hon. Attorney General mentioned it as well in his contribution.

So, on that second limb, there was a concern, and a valid concern, that the use of deadly force in protection of property as opposed to life and limb was something that we should put a red flag on. And the—let me see, I do not want to misquote anybody. The Law Association did say that—I want to quote the Law Association to be fair to them. Paragraph 35 of their comments, they said:

> "It is LATT's view that in the absence of any threat to life, or any threat of grievous bodily harm, serious sexual assault or rape, it is not reasonably justifiable in a society which has proper respect for the right to life, to elevate and occupant's interest in his property over the life of a home invader who is not putting the life or security of the person of an occupant in any danger."

That is their opinion. Sometimes they get it right and sometimes they get it wrong.

So, I looked at it and I said, "Okay, that is their opinion." But I am a lawyer as well and I like to look at footnotes. and the Law Association footnoted in support of that lovely statement, the case of *Govender v Minister of Safety and Security*,

which is a 2001 South African case. And what they did is they put this case in the footnote and they highlighted the judge saying there—and I think this was the basis of their objection, eh. I have to be fair to them. And let me read it out. They said that:

> "…there was no allegation of hijacking, assaults or other acts of physical violence, having been perpetrated by Justin or by the other passengers in the car. Nor was there any threat to danger to the police or members of the public."

I will get to that—I will explain that context. But interestingly they say—the judge says:

> "Under these circumstances, what interest of society was so pressing that they justified the violation of Justin's physical integrity?"

Justin was the aggressor apparently.

> "Can it be said that in our law the protection of property (via the criminal law system) is invariably more important than life or physical integrity? Surely not."

So that sounds very attractive and that is the basis upon which our Law Association has based its objection.

But I am a lawyer, so, I read the case. I pulled the case up and I read the case, and this was not a case of home invasion apparently. Sen. Chote, sometimes—I mean, you know, sometimes lawyers quote a line in a case and they go home on that, but when you read the case, you realize that the case has nothing to do with what we are talking about much at all. Anybody could quote a line and I think, with the greatest respect to the Council of the Law Association, they have taken this case and they have quoted a line, because when I read the case—and I am putting it on record. This was not a case of home invasion. This was a case where the police were in hot

pursuit of a man who stole a BMW from a shopping mall. The car thief, Justin, crashed the vehicle and jumped out and ran. The police gave chase and shot the man, and it was a civil action where with the father of the 17-year-old, Justin, brought an action against the State for damages for his injuries caused by police shooting him in his leg, and this is what our Law Association based their opinion on. So, I am afraid that they got it wrong. They got it wrong.

The hon. Attorney General has said in the other place, and said this morning, and I am sure he will go further to assure us that like clause 6, clause 7 is proportionate in the circumstances, in relation to what we have here and with the guardrails that we have put on. But I was going to refer to the castle doctrine, but I see Sen. Baig and Sen. Murray referred to Semayne's case in 1604. I was going to refer to that to assist us as well with this thing about "a man's home is his castle" and using lethal force is not only confined to protecting oneself and one's family, but also protecting one's property.

Sen. Jeremie SC: 17th Century.

Sen. The Hon. D. Allahar:—17th Century case, and that is judicial acknowledgment. I want to thank Sen. Murray for quoting it. I am not going to quote it but, Mr. President, that is judicial acknowledgement from, at least, the 17th Century, that it matters not if the thieves come into your home, into your sacred space to rob you or to murder you. In fact, let me quote that part because I want to focus on that for a bit in Semayne's case:

> "'…if thieves come to man's house to rob him, or murder, and the owner or his servants kill any of the thieves in defence of himself and his house, that is not a felony.'"

That is from the 17th Century. It is property and person. That is the castle doctrine.

And that is why we say this as proportionate because it is reflecting what the law is before.

And you know, I remember my father always saying—my father, he has always said, and it is a Trinidadian saying, and I am sure you all know it, wise words: "A thief is a murderer and a murderer is a thief." Everybody knows that saying, okay? I am not expected to ask an intruder, who has come into my home at 3.00 a.m., in the morning, to say, "Okay, Mr. Bandit, could you please sit, Sir, and have a cup of tea with me, and please tell me whether you have come here to rob me or to do me harm? Which one is it? So that I would decide whether I should use lethal force or not." A thief is a murderer and a murderer is a thief. And sometimes the common sense of the common law is what we have to rely on. It has been there since the 17th Century, the common sense of the common law. Some of us do not have that but I want to appeal to those who do, the common sense of the common law, okay?

So the little boy—somebody talked about stealing mangoes, I think that is a popular one. The little boy stealing mangos from your tree in your garden unarmed, those are the circumstances that we speak about in the legislation when we say proportionate—grossly disproportionate in the circumstances and one would know what proportionate force to use. So it is not a simple case of you see a little boy stealing mangos from your Julie mango tree and automatically, you go and you kill him, or you maim him, or you chop him, because in the circumstances, it would be grossly disproportionate. Whether or not you honestly believe the force was necessary—because we do not even get pass the first hurdle of grossly disproportionate. So let us not mix the concepts because there is a sequence.

4.30 p.m.

So, Mr. President, I have 10 more minutes and I want to deal with—nine more minutes. So I also want to deal with—I think both Sen. Al-Rawi and Sen. De La Bastide had an issue with occupants. I am sorry. Before we even get to there, "curtilage". Senator, "curtilage", so I think that is the one. But I want to remind Sen. De La Bastide that when you look at the definition of "curtilage", nobody referred to it when they were looking at the definition of "curtilage" but I want to remind everybody that we need to read down to the end of the definition because I think the concern was, okay, there is an open space, there is no fence and someone can accidentally wander into an area and that sort of thing. But part of that definition, the last part is:

"but does not include any other part of the area that is a public place."

So that is taken into account as well. There could be a part of the area that is a public place that customarily is open to the public. So if you are wandering around in it, you might have an expectation that this is a public place. So I want us to take that on board as well. That is one of the safeguards.

I also want us to take into account maybe and this might be a cultural thing or something that is more common past the lighthouse, that certain homes in this island have outside kitchens which may or may not be connected to the house but they are in the open. So they are part of the curtilage of the house but they have "ah lil chulha", they have a fire place or they have a ring stove and it is not part of—within the house, and this incorporates that cultural aspect of certain things that happen in other parts of the country. So we should be sensitive to that as well; an outside kitchen. I am sure some of you here know about it as well. It is the best kind of kitchen for cooking certain things so you do not—right. So good, we want to deal with that.

The last thing is, let us talk about occupants. Now Sen. Al-Rawi was at pains to tell us that social inequity, because this Bill discriminates against squatters and there are so many squatters in San Fernando West and so on and championing about social inequity against squatters and that sort of thing. But again, we need to read carefully. We cannot just throw up a definition, speak about squatters, speak about social inequity and not read the definition of "occupier". So let us read it again:

"'occupant' means a person in lawful position of a dwelling house…"

That is fine and this is where Sen. Al-Rawi jumped on the thing and said "Oh, lawful possession" and we are limited to lawful possession. But every first-year law student knows that a definition section that uses the word "includes" expands the definition to other instances outside the plain meaning of the first part. So it says:

"…and includes…"

So it is expanding a definition artificially now to:

"the owner, occupier, tenant or any other person having the control or management of a dwelling house;"

Okay. And those of us who practice in the area of adverse possession know what possession is in terms of squatters and they know what de facto control is in terms of squatters. So any other person having the control of a dwelling house includes a squatter because that is de facto control in accordance with the case of—remember the case of *Powell v McFarlane* from the House of Lords, de facto control, de facto possession. So in our humble view, this covers the squatters so there should be no alarm bells in San Fernando West in relation to that, Mr. President.

Hon. Members: [*Interruption*]

Sen. The Hon. D. Allahar : Now, now, now. But sometimes, Mr. President, I do not know whether "we coming or going" when I am trying to write and I am trying

to use colour codes. Because when I looked at the debate in the other place, people were speaking and saying "oh, Florida and we gonna turn here into ah wild west because of Florida law and Florida law is going to cause people to come down here and everybody is gonna be shooting up everybody and it so bad". Florida is so bad. But then I was so amazed at today. I do not know if "ah smoke something" because today, I heard Sen. Al-Rawi say why do we not borrow something from Florida and use immunity. So I do not know. We want to have our cake and eat it too? So Florida is so bad one day and now Florida is so good that you want to tell us how to change this law to make it better.

You know, Sen. Al-Rawi said that he had a privilege of drafting many laws. He said 3,000 or something at some point in time. But he did not draft this law because it is only a UNC Government that can come up with a law like this.

Hon. Members: [*Desk thumping*]

Sen. The Hon. D. Allahar: So it is either "yuh want Florida or yuh doh want Florida". But we say, Mr. President, that this law is proportionate. That this law pursues a legitimate aim as Sen. Al-Rawi has told us. That this law does not infringe any constitutional provisions insofar as protection of the person as the law association has told us, and we say that this law is a reflection of the castle doctrine as it relates to using lethal force in protection of one's property.

We also say, in closing, that this law has been tuned to take into account our peculiar local conditions. The fact that we have outside kitchens. The fact that I will defend my family if under threat. I do not care if I have a firearm because there is some discussion about "Oh, this law will only apply if yuh have ah firearm". No, Mr. President. If somebody attacks my family and my children and my wife, I will take up anything that I have including "ah three canal, ah cutlass" to defend my

family.

Hon. Members: [*Desk thumping*]

Sen. The Hon. D. Allahar : So it is a bit elitist for some of our friends on the other side to say that this Bill does not make sense if you have a firearm. It is not about firearms. I do not know what the fixation is about firearms, that side of the lighthouse you know. I do not know. Some of us use cutlasses to defend.

So, Mr. President, with those few words, I thank you very much.

Hon. Members: [*Desk thumping*]

Blessing of the Christmas Crèche

(Invitation)

Mr. President: Before I call on the Minister of Trade, Investment and Tourism, I want to advise hon. Senators of the following: Now, during the tea break which I intend to propose at 5.00 p.m., you are invited, all Senators, to join with the Honourable Speaker, myself and staff of the Parliament to participate in the blessing of the Christmas crèche in the court yard of the Red House at 5.15 p.m., quarter past five. The blessing will be conducted by the Head of the Inter-Religious Organization, IRO, accompanied by a serenade from the choir of the Office of the Parliament and they are good. Your attendance at this brief ceremony will be highly appreciated.

HOME INVASION

(SELF-DEFENCE AND DEFENCE OF PROPERTY) BILL, 2025

Mr. President: I now recognize the Minister of Trade, Investment and Tourism.

Hon. Members: [*Desk thumping*]

The Minister of Trade, Investment and Tourism (Sen. The Hon. Satyakama Maharaj): Thank you very much, Mr. President. I see I have 20 minutes, right, so

I will not repeat much of what has been said about the details of the Bill. Mr. President, esteemed colleagues of the honourable Senate, I rise today in full and resolute support of the home invasion Bill, 2025. This legislation is not only timely but also essential. It reaffirms one of the most sacred principles of our society: sanity and security of our home. If citizens cannot feel safe in their own homes, suffice to it to say, very little else in a society will function as it should and I will explain in more detail. This Bill sends a clear message: Our homes are our sanctuaries and any violation of this sacred space will be met with the full force of the law.

Trinidad and Tobago has witnessed a disturbing rise of violent crime over the past decade. Home invasions and armed break-ins of residences have become alarmingly pervasive leaving ordinary citizens terrified in the very spaces that ought to be their sanctuaries. Annual homicides climbed almost from 420 in 2015 to 624 in 2024; an almost 50 per cent increase. I do not know where Sen. Boodhu got his figures from. Serious crimes overall rose from 825 per hundred thousand people to nearly 1,000 per hundred thousand people.

Between January and May last year, burglaries and robberies spiked up 31 per cent in Tobago; 21 per cent in central; 14 per cent in north/central, and 11 per cent in Port of Spain. Behind these numbers are real families and real trauma. A teenage boy beaten in Aranguez. A young bank employee shot dead in Petit Valley. A senior official's household ransacked. Humble elderly couple traumatized. These violations are heart-wrenchingly common.

Mr. President, only within the last seven days, I have been personally traumatized by two incidents. One related to my former workplace and one related to where I am presently employed as a humble public servant. In both cases—in one case, a knife was stuck to the neck of two young girls and they had to open the vault

and take everything out. That is in my former workplace. My present workplace, I would not mention the details but it involved a couple, who was tied up, a young child and an elderly person. They are both traumatized.

Hon. Member: And both happened within the last week.

Hon. S. Maharaj: Both happened in the last seven days. And you heard what Sen. Brian Baig went through, very heart-wrenching. This trauma never leaves you.

You see, Mr. President, I have been around in the business world for over four decades hiring thousands of people over the years so you know you would interface with a lot of families, friends and businesses, and almost every week, something is coming up and they are never the same. Employees that have been held up and tied up in their house, when "yuh see dem ah month later, dey lose about 20 pounds". They are so traumatized. They are not the same people and it is really, really heart-wrenching.

4.45 p.m.

The economic, social costs are staggering. Crime costs Trinidad and Tobago billions annually in security expenditures, investments, and lost opportunities. Tourism revenues suffer by more than $200 billion a year, and investor confidence is undermined. The University of the West Indies has noted that violent crime is a public health and economic crisis in the Caribbean, costing our region an average of 3.8 per cent of GDP. Simply put, an unsafe country struggles to prosper. One might ask, "Aren't home invasions already illegal under burglary, robbery, assault, and murder statutes?" Yes, but until now, there has been no specific offence of home invasion and no statute that clearly codifies a homeowner's right in such scenarios.

This Bill fills a gap by creating a standalone offence of home invasion defined as unlawful entry into a dwelling with violent intent. I would not go through the

penalties that have been explained by other people in the interest of time. These provisions are carefully calibrated; they reinforce long-standing common law principles of self-defence, defence of habitation, but now in clear statutory language.

In drafting the legislation, we took into account comparative lessons from Ireland, Canada, and Western Australia. I would not go into details. Our Bill mirrors these principles but tailors them to our context. Unlike some US stand-your-ground laws criticized for fostering vigilantism or racial bias, our legislation is limited to dwelling house situations with safeguards to ensure proportionality and fairness.

Here is where I will turn, Mr. President, to the impact of crime on economic diversification. At the Ministry of Trade, Investment and Tourism, we have channelled all our energies into driving economic growth and diversification built on three pillars: Trade, investment, and tourism. From the outset, we deliberately avoided a typical winging-it or wishful-thinking approach, that has doomed so many diversification efforts of the past. Instead, we adopted a disciplined, structured and strategic framework with measurable outcomes.

Mr. President, we are working very hard. We have viewed the diversification of the economy beyond oil and gas as a primary objective of the Ministry. One of the first realities we confronted was that energy exports were 70 per cent and non-energy exports were 30 per cent. We took a strategic decision, because we put strategy at the forefront of our agenda to bring this up to 50 per cent within five years. That is not easy. It is a lot of hard work.

This became our benchmark, and our definition of a diversified economy. To achieve this, we established clear national targets supporting initiatives and strict timelines. I will tell you, Mr. President, every single week—because our problem in this country is we have ideas. Ideas are contagious, but we do not implement. We

have inherited that. Every week, we meet for updates, and we target updates and benchmarks.

Recently, I was in private business in the United States, and I took the opportunity to advance this agenda. I met with senior executives of a major airline—I will not call the name—trying to encourage them to consider having direct flights to Tobago. I outlined the many compelling advantages: Our pristine national assets; the growing tourism interest from North America and Europe for an authentic experience; improved airport facilities; and the Government's commitment to developing Tobago as a world-class tourism destination. The executives were visibly impressed because I can mesmerize anyone with my language.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. S. Maharaj: They were all nodding their heads, and I said, "This is a win". But when the senior executive got up to speak and thank me for my presentation, their primary concern was the crime situation in Trinidad and Tobago. I was crestfallen. But not to be debarred, I sought a meeting because I was in North Carolina. I said, "That is Nucor? I want a meeting with Nucor," because steel is our largest non-energy export.

I sought a meeting, and I got a meeting with the senior executive of Nucor, not the chairman; I got the vice-chairman. I tried to encourage them, again, in my compelling way, tried to encourage them to expand production in Trinidad. I gave them all the incentives we have to encourage them, like, probably, you know, the Ministry will take, you know, a hands-on approach to facilitate the expansion. When they got up to speak, the first thing that came out of their mouth was the brutal murder of one of their employees in Trinidad in a home invasion that has the company in America traumatized. So, they begged to decline my offer. This is what

we are facing, Mr. President.

These two encounters, one in tourism and one in investment, reinforced the sobering truth: All our efforts in economic growth and diversification, our strategies, all our targets, can be undermined, and are being undermined if we fail to address the crime situation decisively.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. S. Maharaj: Investors will not risk their capital. Airlines will not risk their passengers, and visitors will not risk their safety. If we want to transform Trinidad and Tobago into a truly diversified, competitive, and globally respected economy, we must demonstrate clearly and unequivocally that we are taking a hardline, results-driven, approach to confronting crime.

You see, Mr. President, I have a lot of experience in the gaming sector. I was chairman of the Betting and Levy Board, and I was one of the architects of the Gambling and Gaming Bill. So, I know the gaming industry, and I pay attention to it. Recently, in the budget, the Minister of Finance announced—people call it draconian—penalties—for the people who have illegal Play Whe, that is costing NLCB $500 million a year—and slot machines, and roulette machines, and illegal gambling. And the moment he announced that, Mr. President, these draconian measures, I started going around to these places where I know these machines are, and these NLCB scams that are going on, all disappeared, because of these draconian measures. So those people who say that this legislation is draconian, this is what we want to show our local population and international investors in tourism, that we are taking a hardline.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. S. Maharaj: "I am from de south, yuh know. We hah baseball bat

and cutlass, yuh know, generally, yuh know. We eh hah no gun. Right? So I doh know way this gun thing come from, right?" But I take the point.

As Minister with responsibility for trade, investment, and tourism, I must emphasize the economic ripple effects of improved citizens' security. Investor confidence, both domestic and foreign investors, considers security and the rule of law when deciding where to put their money. If home invasions and violent robberies are rampant, what message does this send to a potential investor or a skilled expatriate thinking of relocating?

We have digital nomads, you know. There is a huge potential for digital—you think they want to come here when they are not sure if they are going to be a victim of a home invasion? It signals instability and risk. We have heard from our business community that crime is a top deterrent to entrepreneurship. You see, we go out and we proactively engage the business community. We do not guess what they are saying. We go and ask them, and we meet with them, and crime is a major deterrent.

We have heard in one forum the former American Chamber President stress that crime is seriously affecting business and investment decisions. At AMCHAM T&T's 2024 economic outlook, business leaders reported that crime and security have become major risks to investment, with 57 per cent of firms increasing spending on security and insurance, and Guardian Holdings CEO recounting cases where investors chose other countries over Trinidad and Tobago because they did not want their staff living and working here.

By tackling home invasions aggressively, and yes, imposing draconian fines and penalties—you see, when we drafted the Gambling Bill, Mr. President, I had to fight. They wanted to put a $5million fine or five years in jail. I made them put a

$5million fine and five years in jail, and that is why it stopped. That is why the madness stopped. Because illegal gambling in this country, I think, is bigger than illegal drugs. When we were drafting that Bill, we had a consultant come from Australia, and he called this country the "wild, wild west". He said when he goes to those gaming forums in the world, we are the laughing stock of the world and that we do not know what kind of crime and criminal activity this is facilitating. So, we have to take draconian measures, and that is what we are doing with this Home Invasion Bill. We are sending a clear signal to the investor community that we are taking a hardline, serious approach to addressing crime in this country.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. S. Maharaj: High crime imposes hidden taxes on all economic activity, money that must be spent on private security, alarm systems, higher insurance premiums, and health care for crime victims. I come from business, and I am telling you it is a huge cost.

These costs estimated are nearly 4 per cent of GDP in the Caribbean, as noted earlier, and directly squeeze profitability and productivity. If a manufacturing company has to spend millions on 24/7 security patrols for its staff, neighborhoods, or a retail chain on ground and guards at every outlet, that is capital not going into export marketing, factory expansion, and hiring. That was a livid experience for me. I learned that in the past.

Reducing violent crime helps free up these resources. The Inter-American Development Bank found that T&T spends more on crime fighting as a percentage of GDP than many of our neighbouring countries, indicating that success in crime reduction could yield substantial savings. These savings can be redirected to development projects and public services that further enhance our investment

climate. So, Mr. President, I will bypass some of my very valuable content.

So, Mr. President, imagine the terror of families awakened by intruders at 2.00 a.m. So, Mr. President, my colleagues, I support the Home Invasion Bill without reservation. I urge everyone to act with unity. Let us act with courage. Let us act with purpose. Mr. President, I beg to move.

Hon. Senators: [*Desk thumping and laughter*]

Mr. President: You are not the mover of the Bill.

Hon. Senators: [*Desk thumping and laughter*]

Mr. President: You—[*Inaudible*]

Hon. Senators: [*Continuous desk thumping and crosstalk*]

Mr. President: Minister of Trade, Industry and Tourism, you want to take over the role of the Attorney General.

Hon. Senators: [*Laughter*]

Mr. President: Anyway, hon. Senators, before moving for the suspension, we normally take 45-minutes for tea, but in this season of peace and goodwill toward men and women, I would like to suspend until 6.00 p.m.

Hon. Senators: Oooh.

Mr. President: Okay? So this Sitting is suspended until 6.00 p.m.

5.00 p.m.: *Sitting suspended*.

6.00 p.m.: *Sitting resumed*.

Mr. President: Sen. Melanie Roberts-Radgman.

Hon. Senators: [*Desk thumping*]

Sen. Melanie Roberts-Radgman: Thank you, Mr. President, for inviting me into the debate at this time. And before I start my contribution, I note that Senators are still making their way in, but I just wanted to take a moment to acknowledge, and I

guess connect with the lived experiences of the various Senators who would have shared their personal experiences with home invasions and other types of violent crimes at some point in their lives. It is not a pleasant experience.

I have been fortunate enough not to have experienced any such thing, but I can only imagine the sort of trauma that these Senators and their families, and their loved ones, have had to live through and continue to still come to terms with. So I connect with that, and I just take a moment to acknowledge that. And in that vein, Mr. President, I also chose to break ranks at this time, and place on the record that I, Sen. Roberts-Radgman, born and bred Tobagonian, firmly and irrefutably endorse the right of every single citizen of Trinidad and Tobago to protect themselves—

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman:—protect their properties, protect their homes, and their families from criminal invasion. I make no bones about that, and I make no compromises where that is concerned. I reject, and I stand against any invasion that threatens the lives, the livelihoods and the general well-being of our people, particularly the people of Tobago. And we have, in recent times, been plagued with a lot of these home invasions. The stories that we hear from neighbours, friends are quite scary.

A few days ago, persons residing in the western part of Tobago were startled awake by the sound of—a very unfamiliar sound—a military aircraft leaving the ANR Robinson International Airport in Tobago. We did not give permission for such an aircraft to operate, we did not invite them on our property—

Sen. Allahar: Mr. President—

Sen. M. Roberts-Radgman: We were not consulted on this.

Sen. Allahar: Mr. President, 46(1), Mr. President.

Mr. President: I am trying to see where my hon. senatorial colleague is going before I can—so continue, please.

Sen. M. Roberts-Radgman: Thank you for your guidance, Mr. President. And this took place near homes, near businesses, as families slept. They were startled awake. They were not sure what was taking place. They did not know if someone was breaking in, if something had exploded. They did not know what was happening. We were not—

Hon. Senator: Fear.

Sen. M. Roberts-Radgman: They were fearful, and they remain fearful at this time. I can tell you as a fact, I have a family member who has not returned to her home since that experience because she is in fear, she is concerned, she is uncertain. She does not know what is happening. We have been invaded by a foreign military. We did not give permission—

Mr. President: Unless you could connect that to the Bill before us, I will have to sustain the points of relevance because I think you are going into an area that is not associated with the matter properly before us. So, that is why I said I wanted you to put it in context so that we can see the relevance of what you are saying, and I gave you the opportunity, but I realized you were going on and on. So, could you get to the subject matter of home invasion? This is not a military invasion. It is home invasion, okay? Thank you.

Sen. M. Roberts-Radgman: I am guided, Mr. President. The connection is that I am trying to make the connection between the fears that persons experience when they are startled awake. We would have heard the experiences of several Senators, and most of these invasions took place while people slept, or while they did otherwise regular tasks in their homes. So what I am doing is connecting because I

would have started by saying that while I empathize with what some of these Senators would have experienced, I have never personally experienced a home invasion. So what I am doing now is connecting the sort of fear and that uncertainty of being in your home—

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman:—having this kind of intrusion and having absolutely no idea what is happening. It has been a traumatizing experience. Nonetheless, Mr. President, I will move on from the point. You see, it is—let me leave that alone for now. I have a duty to perform, and I will do so despite the heaviness that I currently carry in my heart. Today, we are called on to debate, to contemplate, and to legislate on a matter that, as we have heard, has impacted each and every one of us here in this Chamber in some way or the other. And we are called to make laws that safeguard the rights of all citizens, not just some, but all citizens and the importance of what we do here this evening is not lost on me, and I do not imagine it is lost on any single one of us sitting here.

Now, the Government has laid before us the Home Invasion (Self-Defence and Defence of Property) Bill, 2025. And this Bill does, among other things, it formally establishes the offence of home invasion, and it establishes the right of a person to stand their ground while indicating that there is no duty to retreat, where one sees it necessary to defend oneself, another person, or one's property. And my contribution, Mr. President, is divided into two segments. First, I will spend some time cautioning against what I term as a fire-fight, fire with fire approach within the Trinidad and Tobago context, specifically. And then I would, slightly, for a short moment, advocate for a comprehensive treatment of the root causes of Trinidad and Tobago's crime endemic.

I would have heard the hon. Attorney General mention that the Government has other plans in place, and they have certain things in train, so it is going to be a comprehensive approach, and I actually do welcome that. Now, this piece of legislation before us seeks to expressly codify that in home invasion cases, occupants will have no duty to retreat. Occupants can stand their ground. That being said, the possibility of a safe retreat is still one of the factors that the courts can consider in determining the reasonableness of a defendant, meaning the homeowners' use of defensive force.

Unfortunately, the sentiment that the public is getting right now, because persons are so embattled and so frustrated with the crime situation, the sentiment that they are getting is that they might be able to shoot first, ask questions later. And I know as a fact that this is not what any of us want for our country. You see, at a glance, we get the impression that we are being empowered to defend crime when it reaches our doorstep. And when I said that I want to caution against the fight fire with fire approach in the Trinbagonian concept, this is what I am talking about. There are times when retreating—

[*Senator sneezes*]

Hon. Senator: Bless you.

Sen. M. Roberts-Radgman:—bless you—when hiding, when finding a sensible escape might be the safer option. The reality for a lot of persons, not for all, but for a lot of persons is that standing their ground, choosing to fight fire with fire, will result in a bloodbath. Mr. President, the average citizen does not know what it is to shoot somebody, to chop somebody, to stab, use a cutlass. The average person does not know what it is to do that. I know I have never had to do it, and I do not even know if I have the strength or the flexibility to really do something like that.

Especially when it comes to a hardback, hardened criminal. We are not the police. We have not been trained or even mentally conditioned to carry out such acts.

And I heard Sen. Dr. Murray mention a bit about the PTSD that actually results from an average person, law-abiding, family person taking a life. There is a mental impact. I know for a lot of persons, especially women, older people, they might not be in a place where they can stand their ground. And I recalled when the Opposition did, when we did our first stand your ground consultation in Port of Spain. And there was a lady from the area, she is a resident, and she took us through her ordeal. She had been a victim of a violent home invasion, and in that invasion, actually, her brother got shot, and she expressed that to this day, he still has not regained use of his arm.

But what she said at the end was quite telling for me. She said, even if she had the means of defending herself and her family, even if they had some weapon of sorts in their home, the way in which that home invasion unfolded, it would not have made sense for them to defend themselves. And she said to us, "As a victim of a home invasion, I believe if we tried to fight back, if we tried to defend ourselves, if we tried to stand our ground, we may have endured worse". The reality is that for a lot of citizens, stand your ground is not the safe option.

And now, I remember that Sen. Allahar mentioned that the law is broader than the use of firearms. And that is very true. It does not specify that you stand your ground with a firearm. You use whatever tool is available to you. But, realistically speaking, the best chance that a homeowner, an innocent person, a law-abiding person, the best chance that they really have against a criminal, is really and truly a firearm. When you think, for instance, of a female or someone who might be weaker, trying to use a bat or a cutlass or a knife, it really does not work for them, especially

anything that requires you to be in sort of close proximity with the criminal.

Now, the question for me is, how many citizens currently possess FULs? And then it goes further, we have to ask the question, how many citizens can legitimately afford to purchase a firearm even if they are granted a FUL? And then the next question is, how many citizens actually have the means to properly, to safely, to lawfully secure a FUL meaning to keep it away from children, or from non-licensed persons living in the home or even from thieves? Now, I do not want us to stand here, and I would have heard arguments for and against the impact that this piece of legislation has on different socioeconomic groups. And there is merit in both sides of the argument, I concede that. But we also have to acknowledge the fact that access to FULs and then access to a legitimate firearm is impacted by socioeconomic factors.

For most persons living in what we would call lower-income communities or even middle to lower-income communities, they would have a very difficult time accessing FULs for a variety of factors. However, it is mostly those persons living in those kinds of communities who are the highest victims of home invasions. For the most part—I am not saying that it does not happen, but for the most part, a person living in a gated community, a gated compound where there is restricted access, where, you know, more upper class communities, they are less likely to be plagued by break-ins because there are so many safeguards in place to thwart those types of invasions. Also, realistically, those persons in those kinds of communities are more likely to hold FULs and to be able to hold legal firearms. So the question then becomes, and it is a legitimate concern, who then does the law really protect? And who then does the law truly target?

And I am not saying this in terms of race or purely on account of persons

belonging to various classes, I am saying it on account of my argument that a firearm is really the easiest or the most expedient or the surest way to defend yourself, yet we see a very proven disparity in the classes of persons who can lawfully obtain a firearm. Then, to add to this phenomenon that we have, we also have to think about situations where more criminals break into homes, but they come properly equipped to kill their victims.

Whereas before we would have had some bandits that break in with the intent just "to thief", maybe terrorize a little bit and leave. I am not trivializing it at all, but we would have had some of the more petty thieves coming in, and they want to make a quick—and escape. We run the risk of having criminals now coming in either ready to steal people's firearms or coming in fully prepared to fight back, on the expectation that their victims will be at home, fully prepared to defend themselves.

6.15 p.m.

I suspect that the fallout from this would be that we will see a marked increase in the occurrence of violent home invasions ending in higher numbers of homeowner fatalities.

The question that we need to ask ourselves—and my approach right now is very tempered because as I said, I see the merits on both sides. So the questions I am asking, I am asking out of genuine concern to get an answer to facilitate discussion actually. The prevalence—right now we have a high prevalence of illegal firearms, we have a lot of guns on the street in Trinidad. Even with the high presence, the amount of weapons that we have on the streets and the high likelihood—for a criminal I am talking about—of a criminal being killed, have we seen this risk deterring criminals out there from carrying out criminal activity? Are criminals, at this point, genuinely thwarted or deterred by the risk of being shot or being killed by

one of their own?

Every day, we are seeing our young men or young women out there being gunned down like dogs in the streets, gang against gang, gun against gun, I am not convinced that the risk of death stops any of them. Crime is still out of control. Actually, as a matter of fact, just last week I think it was, just down the road from by me in Tobago, in Mason Hall, a young man was gunned down just out the road and the CCTV footage was circulated, and it was just raw to see the way in which the perpetrator came out of the vehicle and just shot him down in the road, no hesitation. This is not an indictment on any one government.

The point I am trying to make is that at this present time, the risk of being killed does not seem to stop a criminal. So I am concerned, I am fearful that what we will now have is criminal still entering homes—they are "badjohns", they do not seem to care. They will be shot down in the street and they are still carrying on with their behaviours. I am fearful that they are still going to be entering homes with a "kill or be killed" mentality. They come prepared to kill first. More guns, more weapons, more right to kill do not seem to be the answer at this point in time.

Now, another factor we need to consider in all of this is the psyche, the culture of our Tobagonian society. In local parlance, we like to say, "We blood hot." "Trinbagonians, we does get vex quick". Let me lay out a few examples that really hit home for me. In the month of April this year, a young man allegedly broke into the home of a police officer and what subsequently took place was quite disturbing. The police officer encountered the young man in the street, he was handcuffed, and we saw the video footage of the young man being shot by the police officer while handcuffed because had broken into the officer's home.

In the month of May something even more disturbing took place. In the

village of Mt. St. George, a pensioner, an older man, he has, I guess they said that he has Alzheimer's or some sort of degenerative disease, he was right in his little area, his little yard or whatever, and he wondered about and he opened the wrong door. He got confused and he opened the wrong door. It was the door of a police man, a licensed firearm user, of course, and he shot the old man on the spot.

These two enquiries, I would have raised them a few weeks ago to find out what the status of the CPA investigations are, because it really shook the Tobagonian society. And in this instance, I heard Sen. Baig in his contribution ask, whether or not we are defending criminals. Sen. Baig, in this instance, I am not standing here to defend criminals, I am here defending Mr. Frank Sandy, a senior citizen, now deceased. May his soul rest in peace.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: Another incident that has resonated with me, and continues to weigh on my mind—and this one did not end in a fatality, thank God, but it demonstrates concern about our psyche and how hot-blooded we can be, and how sometimes we react and our judgment is not the best as a society. There was—on local media in Tobago there was a recording being circulated of a FUL holder pointing his firearm at a neighbour while shouting. Apparently, they had a dispute about a fence. So, these are neighbours and the firearm holder was pointing his firearm and shouting, and it made the news.

Now, I am simply pointing these out to show how easily it is, and how easily our propensity for violent retaliation can lead to unnecessarily fatal outcomes. Now, when we come here to legislate, I believe that it is imperative that we take into account the ideologies, the prejudices, the temperaments, even the biases that shape our society. We have to consider the benefits of what we are doing, but also the

negative fallouts of what we are doing. We have to think about the untended consequences of any new piece of legislation. You see, when people are hypervigilant, when they in fight mode, mistakes are bound to happen, and fatal mistakes, ones that we cannot take back.

For me, fighting fire, standing your ground does not benefit citizens who are ill-equipped to defend themselves. It increases the occurrence or the likelihood of victim fatalities during home invasions. I am not sure that fighting fire with fire is necessarily suited to the nuances of Trinbagonian culture, and it may be a case where the public needs to be a bit more educated on what the law really does do, but for now, I think the sentiment is a dangerous hype out there that "somebody turn my door and yuh nuh suppose to be here, and I am a firearm user, or I have the means of defending myself, I could take dem down".

The other thing that we have to consider, and I heard it mentioned to varying degrees during today's contributions, is that how we live and where we live does not look the same for everyone. I suspect that courts may have some difficulty—and I am just pulling out one point from the legislation, from the Bill, to make this point about people living having different types of set-ups. I would have heard Sen. Allahar talk about south of the lighthouse and people having, you know, an outdoor kitchen, and it made me think about—actually, let me read the definition, and then I will make the point that I am making.

The definition of "curtilage", it is defined:

> "…in relation to a dwelling house as an area immediately surrounding or adjacent to the dwelling house, which is used for purposes connected with human habitation in conjunction with the dwelling house regardless of whether the area—

(a) is surrounded by a fence, a natural boundary or a combination of both; or

(b) is enclosed in a manner that indicates the occupant's intention to keep persons off his property,

but does not include any of the area that is a public place;"

I heard Sen. de la Bastide SC going to the deficiency that he found in this definition in great detail. So, I want to go over the legal aspects of it, but I would—much like Sen. Allahar who spoke about the south of the light aspect, I will speak about the Tobagonian aspects. And actually, before I get to the Tobagonian aspect, let me connect it even to places in Trinidad.

Now, this definition seems to work really well for gated communities and communities that have very properly demarcated boundaries, where people have their fence lines, and they have a gate, and they might be able to understand who is who. And even if there is not have a fence line, there might be a hedge or just some sort of demarcation that lets you know that this is my yard and you do not go into it. But then I think about lower income areas, I think about places in Maloney, in Belmont, right here in Port of Spain, for instance, and then I think our more traditional communities in Tobago. Tobagonians like a communal style of living. I think about, for instance, the yard that my father lives in, he grew up there, and what you see is that people share the yards, they share the easements, they share the gardens, and they share the spaces around houses. You have generations after generations living in one yard, and "mammy" said, "Yuh could build up on the side dey," and daddy said, "Yuh could go over dey," and there is no real demarcation, all the spaces are shared. They are not necessarily public but they are sort of like—there are blurred lines.

Then I think about even our culture, people—even people with yards, people walk into people's yards, pick seasoning, "dey doh ask". We heard the example of mangoes, we have Harvest in Tobago—I am sure quite a few people would have visited and enjoyed Harvest—where you walk into a stranger's place, you walk from house to house, and you receive food and drink, and whether you know them or you do not know them, friend, enemy, "you eh care", you just walk in unsuspecting, you do not know who or what is waiting for you. But this is how we tend to socialize in Tobago.

Even now that we are in the Christmas season, we have one of the biggest parangs in the village that I grew up in, and it is the same concept, you just walk into anybody yard, you do not even know if it is an enemy, you just walk in. I guess the question for me then is, how do we determine that an area that immediately surrounds, or as the law says, is adjacent to one's dwelling house as opposed to another in these circumstances, how do we say, "This area here between these houses is adjacent to you or is adjacent to me?" In the event that we have an incident, a fatal incident, and we now have to determine what your curtilage is, what your dwelling ground is, did you stand your ground, were you on your property, how do we make the determination when we have these little nuances in certain types of communities? It made me also wonder, if it is that the expansive reach of this definition of "dwelling house" to include:

> "any adjacent land, building or other structure within the same curtilage as a dwelling house and occupied for the same purposes;"

—it made me wonder if it really operates to provide equal levels of protection across all segments of society? We cannot take chances with people's lives, we cannot be vague and we cannot be ambiguous, especially where the possibility of loss of life

is concerned.

Mr. President, before I move on to speaking about my views on addressing crime at the root cause, I find it necessary to issue a caution to those who are eager for this piece of legislation to pass. The population is asked to note that just like common law self-defence, what you get here is a justification defence. Even if killing the home invader can be justified, the public needs to note that the process does not end at the scene of the killing. It does not mean that you stand your ground, and that is end of it. After you kill someone on your property, your claim of self-defence still has to be verified, there is full police investigation, you will likely be detained for questioning, you would have to give a statement, you may be kept in custody, and your file will be sent to the DPP for determination of whether or not you will be charged. The DPP may decide, "Listen, there is not enough uncertainty," lay the charge against you. We know how our society is, people might label you a murderer, and then it is now up to the court to determine that you acted in self-defence. The defence is available to you but here is the fallout from it.

The process that you have to go through, especially when we still have a few bits of uncertainty, is that you will be negatively impacted. Your family will be impacted, possibly your reputation will be impacted, your employment might very well be impacted, definitely your bank account will be impacted, and as Sen. Dr. Murray mentioned, the PTSD that you get after taking a life is a—PTSD is a very real concern.

The public needs to be advised that this is not an automatic get-out-of-jail-free card. The system will run its course and it will bring with it all the inefficiencies that currently plague the system. So, after the citizens have been left to fight crime for themselves, citizens then have the additional burden of defending themselves

against prosecution for the crime they were left to fight.

6.30 p.m.

Now, Mr. President, I note that I have about 10 more minutes, so I would shift focus to talking a bit about addressing the root cause of some of the criminal activity that we see taking place around us. And one of the things that I want to point out is the issue of unemployment. Now, at the most basic level, employment provides us with an income. You have a job, you receive an income, you could provide for your basic needs. No job, no income, and your needs remain unmet. Desperation starts to seep in. For some people, they have a safety net; for others, they do not have the safety net, they were not socialized properly, they come from certain families, they have certain propensities already and the next thing they resort to is crime.

Then you have the next thing that employment does for most of us is it keeps you occupied. For the idle ones, it keeps them occupied. You have a job, you get ready, you go to work, you are focused. You have no job, you have no purpose, you become distracted. The wrong company or the wrong opportunity comes your way, and before you know it, you are involved in a life of crime. And it might seem simple for us because most of us are law-abiding citizens, but then, I think about a marginalized society, I think about at-risk youths, and these are the people that you find—almost immediately after not having an income, this is the kind of desperation that seeps in and this is the kind of issues that you see popping up.

And the connection I am making here is that I am concerned that if we do not address crime at the root cause, we just have generations and generations of criminals coming up that invade our homes and then we have to stand our ground. We keep on having to stand our ground. We keep on having to, hopefully, shoot down or chop down a man if we can. We never really get to the root cause. We just

live to fight another day.

Let me put it this way. In recent times, we have seen where so many persons have been left without jobs. We have seen so many incomes taken away. The fallout from this is bound to be an increase in crime. Now, some persons may be able to pivot, some may get help, but then we have to think about the most vulnerable, those who see no sort of alternative, except to go into a life of crime. And the question then becomes, do we pit citizen against citizen? Do we pit the law-abiding, the homeowners, against the vulnerable, now turned criminal? Is it the intention now that one segment of society must stand its ground against another segment whose misfortunes have been brought about from issues, such as unemployment?

The next concern I have has to deal with youth programmes, community-based initiatives. Again, at the most basic levels, for marginalized societies and at-risk youths, these programmes tend to keep them occupied. The reality for many persons living in Trinidad and Tobago is that their homes are not the ideal—the most ideal place to be. It is overcrowded, it is unsafe, they are facing abuse, they are living in toxic environments, they are even witnessing crime at home.

So when you start talking about your youth programmes, your cultural programmes, your community-based initiatives, these are the things that provide them with some sort of respite. Simply going down to the pan tent, going to the hardcourt, going over by the football field and taking a sweat, it does a lot, it does wonders for the mental health of a lot of persons living in these communities.

For a lot of them, these sorts of initiatives are the only thing that stands in the gap between their current circumstances and their complete moral breakdown. By participating in these programmes, what we see happening is that they develop skills, they develop new perspectives, they are exposed to positive role models, they get

the opportunity to leave their community. Some of them even get to travel all over the world, they get to participate in wider society, they start striving for more, they start being more or wanting to be more. And this is where you see a pivot from going into a life of crime and a pivot towards becoming a more productive member of society.

When you think about programmes like MiLAT, CCC, YTEPP, these are the kinds of programmes that help hone discipline, build character, and take otherwise troubled youngsters and mould them into respectable and productive members of society.

Mr. President: Senator, you have five more minutes.

Sen. M. Roberts-Radgman: Actions like cutting funding for pan, shutting down projects like the Point Fortin Youth Development Centre, these kinds of actions do not augur well for any one of us. By taking away the only viable options available to the marginalized and the at-risk, we are putting some of the most vulnerable persons—we are making them into persons that we would eventually have to stand our ground against.

And then, we look at even the killing off of industries. This morning, I read a newspaper report—actually, last week, I saw a news report where hoteliers in Tobago complained about a drastic drop in the occupancy rate because of the current climate and the uncertainty that is taking place. This morning, I read a news article that spoke about cruise liners cancelling Tobago port calls. And then, I think about the persons who rely on the tourism industry, our little tour operators, the boat boys, the arts and craft ladies who sell down by the beach, the sugar cake ladies who sell on the roadside, they depend on this sort of tourism activity. And when we have these industries, when we have entire sectors being jeopardized in this kind of way,

we force—again, I am talking about the most vulnerable segment of society—them to go down a road that then forces us to have to stand our ground against them. And I would have heard the AG, as I said, mention the reforms to the police service and for the Judiciary, so I will completely—I will leave that part out. I refrain from putting in those factors right now, and I look on with cautious optimism.

Mr. President, the enactment of stand-your-ground laws in other jurisdictions have not always proven to reduce the occurrence of home invasions in those places. Actually, what the data has shown us is that in a lot of jurisdictions with stand-your-ground laws, you see a higher incidence of unjustified murder, motivated by either discrimination, racial profiling, silly mistakes or just personal biases. I do not believe that at this point in time, putting policing responsibility into the hands of citizens is truly the answer to Trinidad's crime problem. I do not believe that empowering some citizens, while endangering others, is truly the answer. I do not believe legislating where there is ambiguity, especially where the innocent loss of life is at stake, is truly the answer to the crime problem that we currently face.

Unfortunately, I am not sure that at this point, this piece of legislation would necessarily answer what we all admit is a serious problem, probably one of the biggest problems we are facing here in Tobago. And, Mr. President, before I close, I have to say on behalf of the people of Tobago, the radar has to go. Thank you.

Hon. Senators: [*Desk thumping and laughter*]

Mr. President: Sen. Candice Jones-Simmons.

Hon. Senators: [*Desk thumping*]

Sen. Candice Jones-Simmons: Thank you, Mr. President, for recognizing me and for affording me this opportunity to contribute to this debate on what is a very important matter.

Now, Mr. President, we have heard this principle repeated often in this House today, but I would like to repeat it again. A man's house is his castle and his safest refuge. This principle that was first articulated by the English jurist Edward Coke in 1604, has long represented the inviolability of a person's home. Now, this principle was originally intended to protect citizens from abuse of state power. But back then, it acknowledged the homeowners' right to defend their homes against threat and violence. This principle has evolved across jurisdictions and has informed doctrines, such as the castle defence doctrine in the United States, which permits the use of deadly force to protect your home without an obligation to retreat.

Now, the Bill before us draws on these principles. It seeks to clarify and to codify the rights of homeowners who, when faced with violent intrusion, can resort to force, including deadly force, to protect themselves, to protect their families and to protect their property. Now, why does this matter? Why are we here?

Over the past two decades, Trinidad and Tobago has experienced significant increases in violent crime. We have all discussed this, we know this. But initially, this increase was attributed to gang conflicts. And in the past, law-abiding citizens would say, "Well, as long as we are not involved in that type of activity, we are relatively safe." However, recent increases in violent home invasions have shaken the sense of safety of law-abiding citizens, and these incidents are often accompanied by extreme violence, and sadly, delays in the police response, and this has left many people vulnerable and unprotected. The urgent calls from citizens for relief have intensified, as this crime is hitting home.

Like many in our nation, and as I have learned here today, like many in this Senate, I have not been spared. My family home was once emptied of all of its contents. You know, in the words of Mr. Killa, they literally took my house and ran

with it. All we were left with was the shell of the house. The thing they left back, I think, was a lampshade. They took all of our furniture and appliances. I cannot begin to tell you what that feels like.

And again, in 2023, we experienced an attempted home invasion that left us all still very traumatized. But the thing is, my story is not unique. We have heard these countless stories. I can relate to the plight of citizens who feel that they have to take matters into their own hands. I know what it feels like to go around looking for footage, trying to solve the crime on your own. You are left with perpetual fear, perpetual anxiety, and unease and an unrest, something that can never be restored.

So, it is against this backdrop that citizens have called urgently for the Government to give us relief. And the Government has answered the call by bringing the Home Invasion (Self-Defence and Defence of Property) Bill, also known as the stand-your-ground legislation.

But, Mr. President, despite public consultation from both the Government and the Opposition, it has been my observation that a lot of misunderstanding remains in the public as to what this Bill does and where the limitations lie. So permit me to share my perspective on what the Bill seeks to do. And I will be brief, because a lot of what the Bill seeks to do has been covered before.

So, it creates a distinct offence of home invasion in clause 5. And we have all heard that, of course, our existing laws cover burglary, robbery, trespass, housebreaking, and there is no specific legislation that treats with home invasion, and the Bill seeks to fill that gap. This Bill imposes substantial penalties and custodial sentences of 20 years. And in the case of aggravated offences, such as where there is gang involvement and vulnerable victims are traumatized, up to 25 years imprisonment.

These penalties signal the recognition of the seriousness of this crime. This Bill proposes to apply a felony murder-type rule. So if a death occurs in a home invasion, the invader may be charged with murder. So if the home invader comes to the premises and the homeowner suffers a heart attack, or they fall down the stairs and they die, and the home invader never intended to kill them, they will still be charged with murder, even though they lacked the requisite intent under our existing law on murder.

We have also heard it often repeated that it removes the common law duty to retreat and allows occupants to stand their ground and use defensive force, although the legislation makes it clear that the court may still consider retreat when assessing reasonableness.

Though, I must say, in practice, if a person is to mount a self-defence argument and they satisfy the test, this question of retreat will be moot.

6.45 p.m.

The legislation codifies self-defence and defence of property. Now, I want to speak a bit about that. Our self-defence law is based on common law principles that allow a person to protect himself or another from harm. It acknowledges that in certain situations, the use of force may be necessary to prevent injury or death. Now, in self-defence matters, the state of mind of the accused is relevant to determine whether he was acting in self-defence. The court must determine whether the defendant genuinely believed they were in danger, even if that belief later on appears unreasonable in hindsight. The principle aims to protect individuals who acted out of genuine fear, even if their assessment is flawed. However, Mr. President, this principle does not provide blanket immunity as the accused's belief is subject to

scrutiny, and the defendant's actions must be evaluated for reasonableness and proportionality.

Now, it is here I wish to discuss an incident that occurred in July 29th 2023. On this day, a woman was at home with her child in Chaguanas and she heard a noise and when she went to investigate, there was an intruder at her door. He came into her yard, he went into her car, blew the horn, went to her front door, shook it, and banged on the door. She was afraid. She went and she retrieved her husband's licensed firearm, though she had no licence herself. And, when this intruder continued and went to her window and began banging on the window, she took the firearm and shot him in his head, and he died. Now, Mr. President, there were mixed views about this matter. There were some people who even said, "But why did not she shoot him in his foot? That did not seem reasonable, why kill him? It was not even her gun." How would this matter be determined?

Now, Mr. President, a senior attorney who practises criminal law, weighed in on this matter and is reported as saying, and permit me to quote:

> "'One has to consider why does one intrude into a person's home, and if there is an intruder and you apprehend violence to yourself or a family member, then the law allows you to use force to ward off…an imminent attack…you feel is likely to occur."

Well, here is how this went, Mr. President. Even the police said that in the circumstances they believed that no charges would be laid against her because she did what they felt was reasonable, and in the circumstances, the common law principles supported that action. So, there we have it, Mr. President. Even in those circumstances, the existing law as it is allowed her to stand her ground successfully without the intervention of this legislation. So I think it is important for people to

know that even now, if you have to stand your ground, the law will stand with you. But notwithstanding this, Mr. President, this Bill incorporates these same common law principles.

A person may use defensive force, including deadly force, under this Bill, if they honestly believe it is necessary to prevent imminent death, grievous bodily harm, rape or sexual assault. Citizens should be aware that under the Bill, it is your honest belief that matters, even if this belief is not objectively justified. So, this is a subjective test, but the court may still evaluate proportionality based on the nature of the threat, the mental state of the occupant, physical attributes and other contextual factors.

Now, the Bill also allows defensive force to protect property even without the imminent threat to life. I plan to address this again later on. This clause allows deadly force to be used to prevent or repel a trespasser even when there is no imminent threat to life. This, however, represents a significant shift from our common law principle. The Bill extends protection to persons acting in good faith to assist the occupant.

Now, let us talk about where the Bill might be limited. The Bill is often compared to the stand-your-ground law, but this Bill, of course, is not stand-your-ground legislation, as Sen. Murray made it very clear. It applies only within the dwelling house and its curtilage as defined in the Act, and not to public spaces. Important limitations include that defensive force cannot be justified where the intruder has a lawful right to be there, where the occupant's response is grossly disproportionate, the occupant is engaged in criminal activity, the intruder is a law enforcement officer acting lawfully, and the occupant is intoxicated to the point of impairment. Citizens should also be made to understand that even where self-

defence is claimed, there will still be an investigation, you could still be charged, and you still may be arrested and have to stand trial.

Now, Mr. President, I do not underestimate the challenge that any administration faces in tackling this matter of violent crime, and so the introduction of the Bill does signify the Government's genuine attempt to respond to public fear and anxiety and to provide clarity to the law. So, in this way, I wish to acknowledge that there is value in defining the crime of home invasion and there is utility in codifying self-defence principles.

Now, for every citizen who, through fear of a home invasion, is urgently calling for this Bill to be passed, there is a citizen who, through fear of the risks, or the potential abuses, is calling for legislators to hold their hands and reconsider. Therefore, it is important for us to consider the Bill and its unintended consequences. Mr. President, law shapes behaviour. That is no revelation. In fact, that is what we expected to do. This Bill may produce two opposing effects on behaviour. Some citizens may feel empowered to protect themselves, and I dare say, it is not farfetched that others may feel emboldened to use excessive force or engage in vigilantism.

On that note, Sen. Baig, I also wish to extend condolences to you on the passing of your aunt. In fact, I remember the matter when it was reported and I was disturbed. But, Sen. Baig, I wonder if you know that even on the post of your aunt's passing, citizens were so outraged and incensed that one person was even calling for citizens to band together in a vigilante group and go and take down these criminals. People are that upset. People are that outraged, and there is no telling what they will do.

Recent incidents have raised legitimate concerns. I too am from Tobago and I was disturbed by this incident in May 2025 where a 74-year-old man with cognitive decline was shot and killed by his neighbour, as Sen. Roberts reported. In Princes Town in July 2025, there was a property dispute by two brothers at home and it resulted with one of them being shot in the head. And, yes, I was also taken aback when I saw the viral video of the neighbours' dispute in Tobago with the man pointing the gun and unrelenting with his gun at his neighbour over a fence dispute. It seems that people are charged, and as we say, people's blood is close to their skin.

Research from the Law Reform Commission and international studies that have been much discussed in this place and in the other place show that stand-your-ground laws do not reduce violent crime. Rather, they often correlate with increased firearm murders, increased overall violence, and escalation during disputes.

Now, I want to say, criminals also adapt. As we add cameras, electric fences, burglar-proofing, and alarm systems, they have been able to penetrate those. Every time we make a move, they make a move. So, what do you think they are going to do when we make this move, when we decide to stand our ground? The crime of home invasion is a business for some people. Any prudent businessman will be paying attention, assessing the threats and risks to their business, and in the same way that we are strategizing to deal with them, it is my genuine fear that they will be planning and they will be expecting to have confrontations which may become deadlier for both sides.

Now, people have been talking about a wild, wild west. I am not talking about a wild, wild west. I think I want to quote the words of 3Canal. We can end up in a situation where:

"…who ain't dead, badly wounded, who ain't dead, badly wounded…"—none shall escape.

It may end up in situations where we are fighting to the end to be the final survivor, and that is not necessarily the homeowner. I want us to consider this, because this is something that came to me as I was recounting the events with that woman who defended herself successfully. In that case, in 2023, her trauma did not end there. For days after she stood her ground and killed that intruder, her family continued to live with trauma in the fear of reprisal, the fear that revenge would be exacted upon them. So, this is something I want to raise.

We may think that after we have stood our ground that that is the end of the matter. Do we have to fear reprisal so we stand our ground again, and again, and again? The Bill does not provide immunity, as I said before. Traditional investigations and prosecutions remain. Access to firearms at this current moment is unequal and bureaucratically restricted, and even if it is amended, it is my expectation that only a select few would benefit from any ease in those restrictions. Which brings me to my next point. The persons who are not going to be able to afford firearms, the economically disadvantaged and the elderly, and the disabled, we must spare a thought for them.

Because if this legislation is in fact successful in its intent and it does act as a deterrent and home invaders fear that we will be armed so they will retreat, I dare say, some of them may retreat and focus their attention on the vulnerable, the disabled, the elderly and the economically disadvantaged. Though I have heard Sen. Baig say, "Help out your neighbour. If you hear them in trouble, go to their rescue. Stand your ground allows you to help your neighbour." That is good, but why should

they have to rely on neighbours to help them when they are disproportionately affected and would be impacted?

Now, I revisit clause 7(4), which deals with deadly force to protect property, even without imminent threat. Now, I am not here to defend criminals, but I am here to defend the law. There should be distinctions between deadly force and non-deadly force to treat with issues of proportionality, as the right to use deadly force to property without the threat of imminent danger does offend the rule of proportionality. I note that the Florida Statute Chapter 776, which was reviewed by the Law Reform Commission in its examination of the stand-your-ground law. It makes a distinction between deadly and non-deadly force, and it is my view that this distinction could be made here.

7.00 p.m.

> Proportionality in law matters. It is a fundamental principle of justice that prevents excessive punishment, maintains public confidence in the justice system and serves as a restraint on the State.

Now, Sen. the hon. Darrell P. Allahar stated—well, I do not see him here. I wish he was here.

Hon. Senator: [*Inaudible*]

Sen. C. Jones-Simmons: He is here? Good.

Hon. Senators: [*Laughter*]

Sen. C. Jones-Simmons: He stated—Sen. Allahar, we are waiting for you. I am happy. So you stated that, "a thief is a murderer and a murderer is a thief", although they are both criminals, the crime committed by them is reprehensible, but their crimes represent, fundamentally, distinctions in the harm caused to victims and society. I am sure you can appreciate that. So the violation of property rights, versus

the irreversible taking of a human life, those two are different things. Property may be recovered, repurchased, restored, but murder, the loss of life is irreversible, so we cannot compare them and call them the same.

The mental elements of those crimes are not the same, Sen. Allahar. A murderer intends to cause serious bodily harm or death, while a thief intends to lawfully deprive someone of their possessions, and society generally views the intent to end life as a more heinous wrong, and legal systems universally categorize murder as a far more serious event. I too share the view of the Law Association, as espoused in their email, with respect to clause 7(4). Now, as you said, "Sometimes they get it wrong", but I say, sometimes they get it right, because a lot of the recommendations that the Law Association made—I noted when I compared the second iteration of this legislation incorporates a lot of changes that they recommended. So it seems that they could get it right.

And get it right they did, even when they recited that Govender case that you discussed, because, you see, Sen. Allahar, I am aware that sometimes attorneys could take one statement out of a case and misapply it, but in this case, sometimes the facts do not fall squarely, as we say, on all fours, but that does not prevent us from taking a principle out of a case and applying it to different facts. So the principle in the case dealt with whether the actions of the police in killing a man who posed no threat was proportionate, and the court found that it was disproportionate, Senator. So, in this way, we can evaluate whether it is proportionate to take a life because somebody took a thing.

Hon. Senators: [*Desk thumping*]

Sen. C. Jones-Simmons: So that I say, Sen. Allahar, the Law Association got it right.

Now, let me bring you to another matter that I observed and read in the paper which caused me great alarm. In September 2025, a retired policeman was asleep and he got up at 2.00 a.m., alerted to a noise, and when he went outside, he saw three men who were trying to get into a car, so he raised an alarm. They did not hear him. He shouted out to them, and you know what he did, he took his licensed firearm and he shot them, because, in his mind, they were taking a car that belonged to his daughter's friend, taking property, and he shot them, and two of these three men were injured. Now, it is not clear to me what about these men caused this policeman to think that they were bandits, but the worst thing about it is that he subsequently realized that he knew them and he took them to the hospital.

Now, this is someone acting under an honest belief that property was going to be stolen and taken and there was no imminent threat to his life. Is it that under this legislation, if he had killed them, then he could mount a defence that in his honest belief he acted, and perhaps his actions were not grossly disproportionate? Would he then be able to stand his ground and escape criminal liability, and, in this case, he would be killing innocent citizens? This is a8u genuine question that I have. So, in these circumstances, I respectfully recommend that clause 7 of the Bill be removed. Removing this clause still affords a homeowner the right to defend himself under this legislation and defend his property where he feels that his life is at danger.

Then there is another clause that causes me some pause, it is clause 5(1)(d). I like to call it, "where the invitee becomes the invader". Imagine, if you will, that you are invited to somebody's home and you are actually lured there, and they tell you to leave and they deal with you, and when the police come, "a dead man tells no tale". There is no context that you could give as to what caused you to move from an invitee to an invader, because, as the legislation will codify, you can simply

become a home invader after you are invited to someone's home and they tell you to leave immediately and you do not comply. So if I was any citizen in this country, I would be wary of accepting certain invitations to places. I would be very skeptical about doing that going forward.

Let us talk about domestic violence, mental health, and racial tensions in our society. These societal realities must be considered when creating laws that expand circumstances in which deadly force is justified. I also want to emphasize that even in assessing this legislation, there has been no evidence or no data that says that citizens are currently unable to rely on the self-defence principles when legitimately threatened. Now, we need a sustainable solution to underlying crime issues, and I am not knocking the Bill, and I am certainly not criticizing the Government's effort, I appreciate it, because something has to be done, but what has to be done is the question.

Home invasion must be addressed at its root, so let us consider the causes. Substance dependence; economic desperation, we have heard of that just now; unemployment; inequality, when are we going to make bold moves to deal with these issues? Financial gain, peer influence, opportunism, anti-social behaviour developed through exposure to violence, and the last one, a lot of home invasions are caused by a strategic well-planned criminal enterprise, treating home invasion as a business, because a lot of times we feel that we can deal with them and "stand your ground", but have you observed that a lot of these crimes are not just committed by one person, they are committed by a team of persons. They are coming with a getaway car, they are coming with communication, they are coming armed. It is a lot of them and sometimes one or two of you. So these are things that we need to consider. A data-driven, evidence-based approach towards dealing with this crime

is essential.

Mr. President, I respectfully propose that the legislation be amended to remove clause 7 and uphold proportionality—

Sen. Boodhu: [*Desk thumping*]

Sen. C. Jones-Simmons:—ensure that the Bill is considered against the backdrop of domestic violence, mental health and social tensions. Just this morning, I was listening to the words of former Independent Senator, Professor Ramesh Deosaran, who said that, you know, if this legislation is passed, the one thing that we would need—and I encourage the Government to pursue this—is a massive public education drive, please.

Hon. Senators: [*Desk thumping*]

Sen. C. Jones-Simmons: Because though I understand that we have to say what we have to say to get the Bill passed, it is so much more important for us to educate the citizens on the full implications of the legislation after the fact. So if it is one thing I expect you to do, is, please, have that public education awareness drive.

Lastly, I encourage you to continue with the fight, fight you must, because we need you to address the root causes of home invasions through evidence-based, crime-fighting, social support, and preventive measures. We need it now. I end by saying, Trinidad and Tobago, it is our collective castle, and though I have seen many people leaving, in the words of Denyse Plummer, for a lot of us, "We nah leaving", and since "we nah leaving", I ask you, please, do all you can to make it our safest refuge. With those words, Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Minister of Public Administration and Artificial Intelligence.

Hon. Senators: [*Desk thumping*]

The Minister of Public Administration and Artificial Intelligence (Sen. The Hon. Dominic Smith): Mr. President, I thank you for the opportunity, at such a late stage, to join in this debate, and to start by recognizing, and stating clearly for the record, some names I have on this paper here: Stacy Gopaulsingh; Amina Mohammed; Kumari and Nasheed Baksh; Asha George; Devon Drayton; the Phillipine family from Whispering Winds, the family of seven. Any of these names, Mr. President, it could have been any single individual in this very small, concise, succinct Chamber, anyone. Mr. President, I have sat here for the entirety of the day, it is now 7.11p.m., and you know what shocked me, Mr. President, we have a small sample size in this Chamber, very small, yet each speaker that stood up today, like a tapestry of hurt and indignation and pain, each of you stood up here and represented well, your families, your relatives, your loved ones.

It is sad that we have to bring this type of legislation, but it is deeply necessary in these circumstances. Mr. President, while I take lawyering, as I would like to call it, from the other side, and while I take that—in fact, this Bill deals with aspects of legislation, and while I understand the need, Mr. President, to go through clause by clause, definition by definition, argument by argument, I take a different perspective on this Bill today, Mr. President. You see, Mr. President, for too long our society has been ravaged by crime and criminality.

For too long, bloodshed of our friends, our families, our neighbours, lay in the road, blood smeared, women crying, mothers wailing, and we have become desensitized, Mr. President, as we read off the script, names that have real meaning. These people had lives. These people went to work and none of these people, Mr. President, knew that that day, on that fateful day it would be their last. So forgive me, Mr. President, at this late hour to indulge my colleagues for a time in this good

Senate, this place where real decisions are made here, decisions that will impact real lives in real time.

7.15 p.m.

You know, Sen. de la Bastide spoke earlier. I have a lot of respect for many of the lawyers in the Chamber. Many of them are Senior Counsels, many of them will become Senior Counsels. And it struck me that this learned Senator, in his contribution, he said, "This Bill is not going to change that." He said it about three times. "But this Bill, though it is good, it is not going to do this, and it is not going to do that, and it is not going to do the other." But this Bill, like many things that this country has faced, and citizens of this country have faced over a long time, what it does provide, Mr. President, is a word I call "hope". Those are the intangibles, Mr. President, that we do not see or speak about, hope for the people of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: And what is hope, Mr. President? "H", healing; opportunity; people first; and one thing we can take from this Bill, if nothing else, it provides a level of empathy for the people of Trinidad and Tobago, for the now and for the future generation. Dr. Attzs would know about sustainability and intergenerational equity, and all of those terms in economics. And I submit to this Chamber, Mr. President, that hope is a very important, very powerful word, and this Bill is equally about hope. Sen. Candice Jones-Simmons, she said, "Who ain't dead, badly wounded." Senator, "is years now people badly wounded in this country. And is years now that people dying".

So we could sit here and speak about what is plausible, what is likely, what the Bill does and does not treat with, our citizens deserve better from us. And to me,

at the very least, this Bill provides a basis for that hope, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: I am a passionate person, Mr. President. I did not intend to speak so deeply in my opening, but it really did strike a chord in me based on the comments and the contributions by Senators. I was going to beat up a bit on Sen. Al-Rawi, but given the tone, Mr. President, I think I will give him a chance this rounds.

Hon. Senators: [*Laughter and crosstalk*]

Sen. The Hon. D. Smith: And, Mr. President, I was going to say a few words about my colleague's contribution from Tobago as well. I think the radar contribution—I do not know where in the Bill that became relevant.

Hon. Senators: [*Interruption*]

Sen. The Hon. D. Smith: But that being said, Mr. President, I will leave 46(1) with her for now and for the future, and she can consider that written in *Hansard*. But I take your point.

But Mr. President, I want to say that Bill is very important, and it is clause-by-clause-by-clause important as well. But it is not crafted in a vacuum. You see, Mohammed did not climb the mountain and end up at the top in one foot. There is a pattern of activity that usually brings legislative change, legislative reform. There is a quote that says:

> In every moment, people feel powerless; hope must become—what?—policy.

And this is an attempt, Mr. President, by a caring Government, by a UNC-led Government, by a Government that won the hearts of the people on April28th. And they said, "Hey, we willing to take ah chance." And this legislation, Mr. President,

like all that we have submitted in the Manifesto, every day they are being checked off, Mr. President. One by one, promises made, promises delivered.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: Friends—do not worry, this is not a manifesto, this is my contribution. [*Member displays document*] This is my contribution. Have no fear.

Hon. Senator: [*Inaudible*]

Sen. The Hon. D. Smith: I cannot display my contribution?

Hon. Senator: No.

Hon. Senators: [*Interruption*]

Sen. The Hon. D. Smith: Have no fear. Have no fear, gentlemen. All in good time. The point being, Mr. President, that we have crafted a manifesto that treats with the people's needs and we have done the hard work that former administrations have not done, unfortunate as that may be. And we have done the public consultation that they had an opportunity to do but failed to do. We have done the hard work that they could have done, they should have done, but they simply would not bring themselves to do it. And for whatever reason that might be, Mr. President, we have before us legislation that is indeed workable.

And I think in particular, Mr. President, I personally like clause 8. And for those of you who are unaware of what clause 8 says—I call it the "my brother's keeper clause", Mr. President, because in this Chamber, we are our brother's keeper. And it says:

"For the purposes of sections 6 and 7, it is lawful for a person—

(a) acting in good faith in aid of an occupant during a home invasion; or

(b) who acts on the direction of an occupant during a home invasion,

to use the same degree of force against a home invader that an occupant may reasonably use."

And I particularly like this clause, Mr. President, because as legislators, we are our brother's keeper, and if it is one clause you cannot be angry about, it is clause 8. Helping someone in need, that is what good governance is about—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith:—meeting the needs of the people, listening to people. And no amount of legislative, academic lawyering can make you understand the needs of people than being in, what the young people call, "de sauce". "Yuh in it". You are meeting with people. You are treating with people. You understand their pains, Mr. President. You empathize with them. That is what real leadership is about.

And I can tell you, Mr. President, this Bill is piloted by the goodly AG, a man that I respect, a man that I know loves people.

Hon. Senator: But not on that side.

Hon. Senators: [*Laughter*]

Sen. Jeremie SC: [*Inaudible*]

Sen. The Hon. D. Smith: The AG says he loves everyone. I believe him, Mr. President.

Hon. Senator: [*Inaudible*]

Hon. Senators: [*Laughter*]

Sen. The Hon. D. Smith: And so, Mr. President, I also want to say that the fact that this has come to this good Senate Chamber is also a reflection of a woman with vision and a woman with heart. And it would be remiss of me not to recognize the Prime Minister—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith:—the hon. Kamla Persad-Bissessar, bringing, once again, legislative reform that really treats with the hearts of why we are here, and that is the people of Trinidad and Tobago.

So while, Mr. President, I understand the labouring in the vineyard that Sen. Al-Rawi likes to do when he goes through clause-by-clause, definition-by-definition, for me, this is bigger than definitions. This is providing a safety net for persons to protect themselves, to protect their families and certainly, to protect their property. Because when you put your foot in the other shoe, as the saying goes, then you really understand the plight of your brother, Mr. President. "Who feels it knows it". That is another phrase that we commonly use in Trinidad and Tobago. And I can tell you that every single person outside of this Chamber, if they really were to think and listen to their inner self, you cannot see much wrong with a Bill meant for you to stand your ground.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: So, Mr. President, the Bill, I think, is an excellent one. I support it, both in its intangible qualities, but I also support it, Mr. President, because it is detailed. And though many across the Floor have identified, in their minds and in their responses, items related to curtilage, which I would not get into, items related to the codification, I believe was the term of the law, persons have mentioned items related to proportionality, I do not think I need to go into those areas. As they say, too many cooks spoil the pot. And I am not a lawyer, so I would not get into those details.

But I will say, Mr. President, that I particularly like the fact that this Bill represents all people. You see, crime affects all people, rich, poor, indifferent to this

Bill or not, any walk of life, any space in this country, crime impacts them. This Bill, Mr. President, is a good start for the people of Trinidad and Tobago. And that is why it has been piloted by this Government.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: But, Mr. President, a few things that I just wanted to cover as it relates to the clauses—and initially, I wanted to speak about the long history of murders, and what would have led to this type of legislation being brought, but I think everyone here understands that we are in a bad situation, a situation that was long and labouring, and a situation that must be stopped at all costs, Mr. President.

I think we all understand as well that we are all victims, whether actually having been a victim of a serious crime—

Hon. Senator: Or know someone who is a victim.

Sen. The Hon. D. Smith:—or home invasion, or know of someone who has received that type of trauma, something that I empathize with the persons here, that may never leave them—

Hon. Senator: Sen. Jones-Simmons as well.

Sen. The Hon. D. Smith:—even Sen. Jones-Simmons, who would have experienced what I myself would never like to experience, but knowing full well that at any point, Mr. President, any one of us here can have that experience, God forbid. But any person here in the current environment, without such progressive legislation, can fall victim to these things.

7.30 p.m.

Now, Mr. President, I also like the point that the Senator made across the Floor as it relates to deterrents. Now, the suggestion was made, this is already dealt with in the law and so why the need to bring this type of legislation? But why not? Does it take

away? Does it? Is it a zero-sum game when we are dealing with legislation? I think not. So consider this as an additive, consider this as an addition. Even in the back of your mind as a citizen, knowing that this law gives some level of power to you, in the back of your mind, it is almost a feeling of validation that, hey, the law is finally on my side and that in itself, Mr. President, is important. So, according to subclause 5(2), a person convicted of home invasion will now face a fine of $500,000 and a prison term of 20 years. Well, if I were a bandit, which I am not, and my "wuk" is home invasion—

Hon. Senators: [*Crosstalk*]

Sen. The Hon. D. Smith: Some people disagree there. But for me, 20 years in whatever prison, a fine of $500,000, which I probably never seen in my life, I would think twice, but maybe I do not have the characteristics or the DNA of a bandit, I "doh" know. Safe to say, Mr. President, this is a deterrent, of course it is. Now, granted it might not be a deterrent where all persons will be captured, but certainly some, and I think that is worthwhile. It goes on to say, for those who commit these acts as part of a gang.

Senators would have mentioned gang-related activity. And you see, when good men leave evil to continue, evil continues to prevail, almost like a disease. So, the Senator referenced that initially crime-related activity was very specific, it was gang-related and all of a sudden, during that 10-year gap certain associated criminality started occurring, home invasion being one, kidnapping at one point being another. And you see, if you allow these types of criminal activity to be unchecked, unspoken of and certainly left to its own devices, I can tell you, fundamentally and the facts would suggest also, that this is something that cannot and will not be tolerated, else all is lost, Mr. President. And so I like this particular

section where it says, in these aggravated circumstances, the fine increases to $750,000, and this is as it relates to the terrorization of families, in the presence of a child or other vulnerable persons.

I think this is important because the Senators opposite would have mentioned the vulnerable. This treats with that mischief, as the lawyers say, right? So, I think it is important to consider that these clauses, Mr. President, there is a level of validity in terms of what the law can treat with and what this Bill seeks to accomplish. But why does this Bill matter? Beyond the heart-wrenching discourse, beyond that, there is also logical reasoning behind why this Bill matters.

Well, one philosophically, people have said well, a home should be a safe place. Persons have mentioned your home being your castle, I think that is important. You know, the happiness index, in fact and many academic papers have been written as it relates to crime and the level of happiness in society. And I can tell you, as far as I remember as a younger person, Trinidad was a very happy place. Our Caribbean brothers and sisters often find us to be colourful and also happy people. But recently from, I would say, from the 2015/'16 period when murders skyrocketed to around 420 per year, going all the way up to 620 murders as of recent, that level of, I dare say "happiness" has waned. And so it is important that also we must also take that into consideration, Mr. President, when we are discussing the pertinent elements of this Bill.

What is not lost on me as well, Mr. President, is that we always have a victim mentality but we fail to empower the victims. This Bill seeks to empower law-abiding citizens to protect themselves—and the clauses are very specific—their family, their property, et cetera. Now, if you ever lost something you always feel a level vulnerability, Mr. President. If someone has stolen something from you, I

myself have been a victim of theft in that way. I was held up at gunpoint in Curepe and I would say that my experience, I do not want to even compare it to the experiences that persons have already mentioned here but I will say, Mr. President, I felt very used. I felt guilty. And that is really incredible, given that a victim must feel guilty. A victim must feel powerless. A victim is the one left traumatized and this Bill in my mind, Mr. President, it may not give all the power required but, certainly, Mr. President, it gives some power to the law-abiding citizens of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: And persons have argued well, if, and if, and if, and in a specific circumstance, if met with criminality, well, I am not trained to react or I may not have the ability to use force. But, Mr. President, whether it is a firearm, whether it is the "good ole handy one and twos", whether it is a kick, a cuff, a whatever that you choose, Mr. President, your first instinct upon meeting an individual who intends to put you in harm cannot be that you are thinking, well, should I run because the law does not that provide I go forward? That should be the last thing. If you cower and if you do not do anything then, so be it, if that is your natural reaction. But if God has given you inspiration to act and defend yourself and your family certainly, Mr. President, this Bill provides that level empowerment and I support that.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: The third thing, Mr. President, messaging. Messaging is important. A narrative is important. Story telling is important and we have heard a number of them which are real life stories. This Bill sends a powerful message to the criminals because we have so much room to improve in our judicial system.

There is so much room to improve in our prosecutory system. But certainly violent home invasions especially those linked to gangs, will carry severe penalties as I mentioned, Mr. President, and offenders, I think, will pay attention to that.

The fourth area, Mr. President, why this Bill matters in my mind, it provides a level of legal clarity and certainty. So homeowners will not be left guessing what about, what level of defensive force is lawful. The law is explicit, it says, if they genuinely feel a fear for life or safety and the law protects them in that regard, Mr. President, and think that is worthy of consideration. We speak about the vulnerable in society. We speak about children who cannot defend themselves. We speak about the elderly, the law recognizes this level of trauma, Mr. President.

Mr. President: So there is a Procedural Motion that we have to take. I call on the Leader of Government Business.

PROCEDURAL MOTION

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Thank you, Mr. President. In accordance with Standing Order 14(5), I beg to move that the Senate continue to sit until the completion of the business at hand.

Question put and agreed to.

Mr. President: The hon. Minister, please.

HOME INVASION

(SELF-DEFENCE AND DEFENCE OF PROPERTY) BILL, 2025

Sen. The Hon. D. Smith: Thank you, Mr. President. So the point I was making is that it protects the vulnerable. The sixth item that I thought it was useful for, Mr. President, is that it prevents the abuse of self-defence claims because the Bill does include some level of safeguards. Self-defence cannot be claimed when the force is

excessive, when the person defending is also committing a crime or when force is used against the police performing his duties. So Members would have mentioned items related to safeguards. I think it also provides a level of safeguarding for the population at large. Certainly, Mr. President, I think it gives us a level of leeway when we are speaking about national defence and organized crime. I think that is also a complementary type of approach that we can take to the Bill.

So, Mr. President, the last couple of points I want to make—and Mr. President, how much more time do I have?

Mr. President: You continue to speak. I will guide you.

Sen. The Hon. D. Smith: Mr. President, I just wanted to make the point as well that when we look at specifically the jurisdictions, the legal principles behind this Bill are not radical, they do not jump out of a box. There are certain precedents that are provided. Now, it may not be "apples to apples," but certainly you can draw reference which I know in many cases when legislation is being formed, there is a need for looking at other jurisdictions and the way in which they have crafted and patterned their legislation and you can take pieces, Mr. President, that treat with the nuances of your culture, of your people, of the type of system you have whether Westminster or otherwise and I think this Bill sufficiently in its clauses provides for that level of affirmation, Mr. President.

Persons have committed to the castle doctrine, I will not get into that. Safe to say that our approach, Mr. President, in crafting of this has been quite, in my view balanced and persons have also dealt with the proportionality. I will not get into that, Mr. President. But I will say related to the point of lawful occupants and in particular clause 4(b), clauses 6 and 7 where lawful occupants of a home are not required to flee when faced with a home invader and they have the right to stand

their ground and use defensive force including deadly force if they believe it is necessary to preserve their life, their property.

Mr. President: Five more minutes.

Sen. The Hon. D. Smith: Thank you, Mr. President. And in many circumstances, to prevent grievous bodily harm, sad to say, victims of rape as well and other serious crimes. This Bill at least, allows us to consider what are the possibilities of defence against such, what I call evil. That is evil.

I know the good Senators in the Opposition will stand with us on this Bill, Mr. President—

7.45 p.m.

Sen. Dr. Swaratsingh: If they "doh" stand, they [*Inaudible*]

Sen. The Hon. D. Smith:—because this Bill, Mr. President, is attempting to stop evil, in essence. I cannot see, as a goodly citizen, as a good Opposition, as patriots of this good nation, Mr. President, that they would vote against legislation that is progressive, that provides a level of empowerment, and certainly provides safeguards. Maybe not in its entirety in all the wishes that they would want in their Christmas list, but certainly, Mr. President, it is progressive and it provides room for the people of Trinidad and Tobago to benefit. Why would you not support a Bill like that? It is lost on me. So, I look forward, Mr. President to the support of the Opposition in what I think is landmark legislation. I look forward to Sen. Al-Rawi voting with us on this Bill.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith: I know he would have looked at the proportionality of the substance of my contribution and he would have made a decision in support. So, I thank him for that in advance, Mr. President.

So, Mr. President, I would not labour the matter much longer. I know it is late, persons are tired, persons are reflective as well, but I want to leave us with one thing as the Independent and the good Opposition here contemplate what is really at stake here and what is the yardstick for success. You see, Mr. President, I will take this particular excerpt. If one really wishes to know how justice is administered in a country, one does not question the policeman, the lawyers, the judges or the protected members of the middle class. One goes to the unprotected and listen to their testimony.

I want to suggest to all Senators here that this Government did exactly that. We went to the people. We met them where they were. We had stand-your-ground consultations, laboured in the vineyard, listened to the people, got consultation from law and lawyers and bodies affiliated with such. Mr. President, most importantly, we listened to the people not in this Chamber, because we are all quite privileged. We listened to the people on the ground, the people who are affected daily, Mr. President, and that is what I hope Senators opposite will take from this legislation. So today, Mr. President, in this Chamber, today is the 2nd of December? Christmas time is coming. I am hoping for a Christmas present from the Opposition.

Sen. Dr. Swaratsingh: An unanimous vote.

Sen. The Hon. D. Smith: An unanimous vote, Mr. President—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Smith:—will herald a song of unison in this good Chamber, good tidings after such a wonderful display by our Parliament.

Sen. Dr. Swaratsingh: **"**Dey better doh parang de wrong house."

Sen. The Hon. D. Smith: I will encourage, Mr. President, all Senators in the season of giving to give us your votes in this Senate tonight. Thank you, Mr. President, and

thank you to the viewing public.

Mr. President: Sen. Dr. Kirk Meighoo.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Kirk Meighoo: Thank you, Mr. President. Hon. Senators, I want to begin today by thanking the hon. Kamla Persad-Bissessar for appointing me as a temporary Government Senator and for giving me the opportunity to contribute to this historic debate. Because, this is truly a historic debate, not only because of the nature of this Bill's important enhancement and our God-given natural right to self-defence. This Bill is historic because, this is by my account, my rough count, the tenth promise made by this Government which is being fulfilled and kept. This is astonishing. No other government in the history of our country has kept and fulfilled so many promises.

Hon. Senators: [*Desk thumping*]

Sen. Dr. K. Meighoo: Not only in the entire term, but in just seven months. I heartily congratulate the hon. Kamla Persad-Bissessar for having the vision, the tenacity, and the determination to stick to her word, bring down murders by 46 per cent and bring an unprecedented level of safety to—

Hon. Senators: [*Desk thumping*]

Sen. Dr. K. Meighoo:—Trinidad and Tobago immediately after experiencing the highest murder rates in our history in the year 2022, which was at 603 murders. In 2023 we had 575, and in 2024, 624 murders. This is astonishing. This is nothing short of miraculous and we must appreciate this historic achievement.

I rise today in defence of something older than Parliament, older than law, older than even the State itself, the God-given natural right of every human being to defend oneself and one's family to feel safe in one's home. For too long in this

country, the scales of justice have been tilted grotesquely against the law-abiding. This is not only unjust. It is immoral. For decades, we protected the rights of criminals more than the rights of victims. This Bill corrects that unjust imbalance. It brings morality back into our legal framework, as Sen. Chaitan-Maharaj had said herself.

When we go back in history, we see that the American colonists, the French revolutionists, and the Haitian revolutionaries created the basis for our modern world because they realized that God himself, not governments, not kings, God himself, had given us natural rights and freedoms, and governments were immoral and unjust when they took these rights away from us or suppressed them. These are the revolutionary ideas of the modern democratic age. We here as lawmakers must not, we must never take away or restrain these God-given natural rights. It is for us the lawmakers to recognize and protect them. This is what republicanism is all about, protecting the God-given natural rights of individuals. This is what we here today are called to do.

Mr. President, we were brought here by the failure, the cold-heartedness, and the injustice of the previous government. They failed to reduce crime, home invasions or even recognize it as a crime. They failed to support the police, to appoint the recommended Commissioners of Police, to fix the justice system, to empower citizens, and failed to give communities hope. Now, after crime fell by 46 per cent under this Government, now suddenly they have opinions. For years under the last government, home invasions did not just rise. They multiplied. It was a a crime that was not even classified by the police, yet it became a frighteningly regular occurrence with elderly citizens robbed and beaten, children tied up, and entire families traumatized for life. Families begged for help, and what were they told by

that government?

"No, my duty is not to ensure that people feel safe and secure."

That is a quote.

The Government cannot control the minds of criminals.

Another quote.

Crime occurs all over the world. Who live, live and who dead, dead.

Until today our inadequate laws and our heartless previous government have forced our citizens to be helpless and make themselves victims to heartless predators.

I recognize and welcome Sen. Al-Rawi's seeming support and also Sen. Melanie Roberts-Radgman's breaking of the ranks. So, I do look forward to their support in the vote. But besides them, those in the Opposition, the vast majority, they seem not to care. It is like they want the situation to continue. They like it so, Mr. President. They like it where the intruder has more protection than the pensioner he terrified, where this was not even considered a crime. They like it where the criminal had more rights than the child he traumatized. Where the victim, after surviving the unthinkable, could wake up the next day and find police waiting for them, not to protect them, but to question them. This is fundamentally wrong. Every one of us feels it in our bones; it is our souls. That era of injustice, of enforced victimhood, ends today.

Today, we recognize home invasion as a crime deserving of severe punishment. Today, this Parliament says that victims have God-given inalienable natural rights that will no longer be denied to them by us lawmakers. Today, we say that citizens will no longer be punished or threatened with punishment for surviving, and let it be known without apology, never again will the innocent be treated like the criminal. Never again will the victims be made to feel handcuffed in their own

homes. Never again will we let this injustice reign.

Home invasions are particularly traumatic crimes and they deserve their own category of crime. We cannot collect statistics on these crimes if the offence does not exist. We all know that what gets measured gets done. But this is not only about statistics, although that is important. A home is not concrete and steel. A home is your memories, your children's first steps, your mother's photo on the wall, your sense of peace, the place you lay your head when you go to sleep. That is why home invasions are psychologically destructive, socially destabilizing, economically damaging and nationally demoralizing.

Victims report PTSD. The victims we are concerned about here, they report PTSD; chronic fear; moving out of communities; loss of productivity; medical expenses; children traumatized. This goes beyond security, beyond security. It helps to rebuild a sense of safety necessary for community life to flourish. It demonstrates the continuous heartlessness to deny this as a new crime. It is no longer the quality, but the quantity, because home invasions are costing too many lives.

We have heard the tragic case of Sen. Baig's aunt. We have Shaffeak and Babita Vialva murdered during a home invasion in Penal; a relative of a close family friend of ours. A 48-year-old mother Gracelyn Ramberan and her 25-year-old son Randy Rampersad, they were shot dead during a home invasion in Ste. Madeleine.

8.00 p.m.

A 38-year-old man was killed during a home invasion in Chaguanas. A 64-year-old Drupatee Chance was murdered during a break-in in Moruga. A 79-year-old contractor was killed during a Toco break-in. A married couple in their 60s, Nasheed and Kumari Baksh, were murdered during a Cumuto home invasion, that is this year. Last year, we had Amina Mohammed, 68 years old. We had elderly

Ronald Ramjag; 65-year-old pundit Ramesh Maharaj; 27-year-old Cristopher Christian; 59-year-old Stephen Sookhan; 37-year-old Allan Babwah; 58-year-old Aquie Persad; businessman Richard Ramkissoon. And the list goes on and on, from all over Couva, Maracas, Sangre Grande, Carson Field, Chaguanas, Cunupia; these are the deaths from home invasion.

The Sunday *Guardian* interviewed some of them and shared their stories with us. With your permission, Mr. President, I would like to take from one of the stories, but we did have real stories from Sen. Jones-Simmons, from Brian Baig. So, in the interest of time, I will cut that. But notably, it was the UNC led by the hon. Kamla Persad-Bissessar, who originally recognized this problem and the injustices, and it is we who championed this legislation. We went throughout the country, and we generated support from all sectors of society. I just want to quickly show what has been revealed in the media already.

We had criminologists. We have business people, lawyers, at least one media house. Criminologist Randy Seepersad said citizens have been empowered following the passage of this Bill. The Bill empowers the citizens of this country. Attorney Fareed Ali, he also supported the legislation, and he said that—let me get the quote here:

> "No legislation under any previous Acts, like the Larceny Act, the Trespass Act, includes penalties of this magnitude, and those other fences do not parallel the circumstances addressed by this new legislation."

Business people such as Kiran Singh from the Greater San Fernando Area Chamber of Commerce. Baldath Maharaj from the Chaguanas Chamber of Industry & Commerce. Deoraj Mahase, the President of the Couva/Point Lisas Chamber of Commerce. All of them have expressed support. Even the Sunday *Express* in this

editorial. They said that the Bill is well drafted. They talked about clauses 5, 6, and 7. They say that the Bill does not allow individuals to attack or kill anyone without cause. We have widespread, almost universal support except for a recalcitrant minority in the Opposition.

In the interest of time, we want to wrap up. So I do want to say, following Sen. Sanjiv Boodhu, that this is not the only—the entirety of our crime-fighting plan, it is absolutely wrong to claim so. The crime-fighting plan so far, I can say, is this:

1. Split the Ministry of National Security into the Ministries of Justice, Homeland Security, and Defence, that is what we did;
2. Dismantle the state funding of gangs, that is what we did;
3. Allow the Police Service Commission's first choice to become the Commissioner of Police, instead of interfering and manipulating.

Hon. Senators: [*Desk thumping*]

Sen. Dr. K. Meighoo:

4. Demonstrate political will in the face of opposition to progress and opposition to radars;
5. Support the people's right to self-defence, as we are doing today;
6. Support international assistance in fighting drug trafficking in the Caribbean.

Hon. Senators: [*Desk thumping*]

Sen. Dr. K. Meighoo:

7. Deal decisively and strongly with criminal plots and threats to national security.

So far, all this has brought the fastest and largest reduction in crime and murder that this country has ever experienced in history.

Hon. Senators: [*Desk thumping*]

Sen. Dr. K. Meighoo: This is not theory. We are not asking you to hope because we have already delivered this.

Sen. Dr. Swaratsingh: And more yet.

Sen. Dr. K. Meighoo: And more yet to come, already.

Hon. Senators: [*Desk thumping*]

Sen. Dr. K. Meighoo: Over 200 lives have been saved from murder this year. We are no longer in the top 10 most violent countries in the world. This is an incredible achievement that we have had, and there is more. We are also addressing the root causes of crime. In the interest of time, I will not go through that. But I will say that every Ministry here is involved in that. The Ministry of Public Administration, Works, Labour, Sport, Social Development, Education, Tertiary Education, Community Development, Defence, Justice, all, the whole Government is working on this. We are delivering on this major issue not just talking. We have achieved significant success already.

So I want to—

Sen. Dr. Swaratsingh: "Performance beat ole talk."

Sen. Dr. K. Meighoo:—performance, performance, and we performed. We have performed.

Sen. Baig: "All de time."

Hon. Senators: [*Desk thumping*]

Sen. Dr. K. Meighoo: So, I will close and wrap up. I will say, of course, I proudly support this Bill. History will record that on this day, we reclaimed the sanctity of the Trinidad and Tobago home. I thank the hon. Kamla Persad-Bissessar, for having the vision, for having the courage, for having the tenacity to ensure that this Bill has

reached this Parliament, and has the chance to become law. Let history show that all of us here stood on the side of our people. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: The Minister of Labour, Small and Micro Enterprise Development.

Hon. Senators: [*Desk thumping*]

The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Leroy Baptiste): Mr. President, thank you for the opportunity to contribute to this debate.

I rise to express my full support for this, the Home Invasion (Self-Defence and Defence of Property) Bill, 2025. I do not propose to take long at all because I think this debate has treated with a number of the issues that I would have had in my mind to speak about. I have heard it eloquently expressed by the people on this side, people on the Independent Bench. So, I am going to be particularly short tonight.

Hon. Senators: [*Desk thumping and laughter*]

Sen. The Hon. L. Baptiste: "You looking for short?"

Sen. Roberts: "Give dem all. Give dem full."

Sen. The Hon. L. Baptiste: [*Laughter*]

Sen. Dr. Swaratsingh: "Just for dat, 40 minutes. Just for that."

Sen. The Hon. L. Baptiste: Short, short, short, short, I will have it short tonight.

So let me start with Dr. Murray, as she—

Hon. Senators: [*Interruption and laughter*]

Sen. The Hon. L. Baptiste: Short right?

Sen. Dr. Murray, I want to take note of a point that you made. Basically, where you would have juxtaposed the right to life, as almost comparing it with the right to property. I think I also would have heard similar sentiments expressed by

Sen. Jones-Simmons. I want to say that from where I sit, I do acknowledge the right to life. But where I differ is that whereas the person has the right to life, they surely "doh have the right to life in my house", and that is where I differ. That life cannot be lived in my home by invading my home. They continue to hold on to this right to live which is the right for me to defend myself.

I say that because I take the next point that Sen. Jones-Simmons would have mentioned, and I think it undervalues the wisdom in what Sen. Allahar would have expressed when he would have made the point that a thief is a murderer. I know all of us—you look at social media, you see the robberies. The thieves invariably, they all have guns, firearms. When someone says a thief is a murderer, the thief will come into your home with a weapon, and they are not carrying a weapon for games. They carry a weapon because they are preparing to use it if anyone gets in the way of what they are prepared to do.

Sen. Baig: That is right.

Sen. The Hon. L. Baptiste: When they intend to take what they want to take in your home, if you get in the way, they will take your life, that is the reason why they are walking around with guns and knives or whatever other weapons. Therefore, the saying of "a thief is a murderer" is to understand these people are prepared to kill, to advance their cause. Therefore, if anyone has wisdom, then you have to treat a thief a potential murderer. That is what you have to treat them as.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: To treat them otherwise, as though we have some way to prevent them from—like, if they would have some kind of hesitation to take our lives. I think there is a lot of wisdom that "a thief is a murderer," and we must treat them as such.

I listened to Sen. Boodhu—

Sen. Dr. Swaratsingh: If you could have made sense of that, then you are a brighter fella.

Sen. The Hon. L. Baptiste:—no, no, I think he was helpful. I think when I listened to Sen. Boodhu I now know there is definitely the need for the Home Invasion (Self-Defence and Defence of Property) Bill, 2025.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: Definitely. He took his time and he showed how difficult the landscape of trying to understand all the—"when the law and the common law, and everything is in respect to satisfy this issue of an invasion of your home". Therefore the need to codify, the need to pull it together, so that now with 10 clauses an ordinary citizen, not the lawyers, I know the Senior Counsels and—

Sen. Dr. Swaratsingh: Junior counsels.

Sen. The Hon. L. Baptiste:—bright attorneys they have it down pat. But this is for the ordinary citizen to come to terms with what equals his or her rights.

Sen. Dr. Swaratsingh: To have clarity and concern.

Sen. The Hon. L. Baptiste: Because we all know, we all know it is real, this is not made up. We had Sen. Dr. Meighoo, who went through a couple years—and it is life after life we have lost to home invasion. It is something real, and people are unsure how to treat with it, because they do not have the benefit of Sen. Boodhu's legal acumen—

Sen. Boodhu: Thank you.

Sen. The Hon. L. Baptiste:—to navigate. The hon. AG put in 10 clauses that someone could understand the landscape as it relates to home invasion. Therefore, again, I want to commend the AG for having this law.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. L. Baptiste: I just want to touch base with—I think, I like the contribution of the question about the "curtilage" and all that, because that is important. Why is it important? Because I know there are a lot of communities that—"we does call it what now?" Gated communities. They are not even allowed to have fence in front of their property. How then do you protect a person from doing what they want on your property? The law takes into consideration that kind of development all over this country right now. Therefore, the whole issue of curtilage is—and yes, an unfenced property has now become a feature in our landscape, gated communities all over. So it is one of the features that you must have catered for, and the law caters for that.

My simple contribution, nevertheless, is as the Minister of Labour, Small and Micro Enterprise Development. I want to say that victims of crime are workers too. The victims of crimes are workers too.

8.15 p.m.

I do not hold the view—as much as we are focused on the home invasion, but I do not know any home invasion criminals, I just know criminals. If it is one thing that they do is invade homes. But I wore a hat before this one, and one of the things I used to have to interact with is a worker who is a victim of crime. I have had that to deal with a lot. And let me tell you what that does, that damages workers and it impacts their productivity, it impacts from—increase in absenteeism. You see reduced productivity, you see impaired concentration and decision-making, and a greater likelihood of workplace errors. And let me tell you what happens.

You know why this ends up before a union? Because their supervisor would not understand that when you are a victim of crime, what you are going through

when you have to come to work the next day and they see you distracted, or they see you missing in action, and people will go at the worker and therefore, I would have had to intervene. I have had several cases of workers, and I say this—I do not even like to remember it, but I will say this. Victims of rape, "dais not no easy thing to deal with"; victims of rape. I have had persons in their early 20s who would have been raped, and hear what is the strange thing about the rape victim. The rape victim do not even want their colleagues at work to know what they have been through.

Hon. Senator: True.

Sen. The Hon. L. Baptiste: So you have to find a way to treat with that because it is a kind of—they are almost ashamed. It is like they feel they are diminished, being a victim of rape. And I would have had to intervene to create a space to get them help and support and somehow have the organization adjust to them without everyone knowing why, what happened to them, because they did not want persons to know in, general, what they have gone through.

I know of 20-year-olds, I know of someone over 50 going and jogging, would have been pulled aside and raped and then had to deal with that in the workplace. Those are not easy things to do. We must know that victims of crimes are workers too, and it affects economic activities by way of the loss of productivity when we see—we are listing people who would have suffered and people who would have died. Those things impact families and it impacts the world of work and productivity, something that, as the Minister of Labour, Small and Micro Enterprise Development, I am concerned with.

Moreover, I am also concerned with the small business, the micro-enterprise. Those things are impacted. I, myself, was impacted by that. When I was a youth growing up, my parents had a shop. They were—it did not have guns in the way it

has guns today, but, yes, home invasion, not once, twice, but three times. It led to the closing down of the shop. But that happens all the time. I know in Aranguez, people who were invaded, someone got shot, the business closed. It impacts economic activity.

Now, I do not know if people—the journey of a thousand miles starts with a single step. I do not know that this was intended to be a magic wand or some silver bullet to solve crime, and I know that it was a single step. Sometimes I wonder why the resistance. This is real. We all know that something has to happen.

Sen. Dr. Swaratsingh: And it has to start now.

Sen. The Hon. L. Baptiste: We were going up from year to year, with increase in crime and criminality, that we had to do something. This is just but a single step to try to impact, to offer some relief. Sometimes it seems to me—I see the value, and I take Sen. Al-Rawi's point that a firearm—and even with a firearm, you are not sure what you could do with it because, really, who points first? I agree, but I am sure all the firearms persons, no one would give up their firearm, not today. You know why? Although a firearm in itself "cyah save yuh because who point first", it gives you a greater sense of you having an ability to defend yourself. It could all be in your mind, psychologically, the main—or you may be probably able to help someone else with your firearm more than yourself, but it would not take away from the fact that your home—you hear a noise, you are glad that you have a firearm than not have one. And for us to devalue the significance of these things now is unfortunate, because it is all part of a number of strategies to treat with this scourge of crime and criminality. It is real.

I am not even in the mood to knock the Opposition, but the reality is that it has been going up for the last 10 years. We have to do something. This is about

doing something. It is not a fix-all. But it is surely nothing to—what is the alternative? Not do it? Allow it to be in the form that it existed as defined by Sen. Boodhu? We have an opportunity to simplify it, give persons a sense that we are taking their cries seriously. We allow their concern to be the focus, home invasion, because it negatively impacts the worker, it negatively impacts small businesses in particular, and we need to do something to help those persons.

It started with ensuring that they have and understand their rights, and that beyond that, whatever else we need to do, whether it is for firearms to whatever else we need to do to help in persons being able to defend themselves—as we deal with the social issues too, one of the things we must deal with, we must deal with employment, we must—all those things must be dealt with. But the journey of a thousand miles starts with a single step. And in that regard, I would want to say that I, beyond a shadow of a doubt, fully support this Bill as one of the steps towards creating a safer society. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Farai Hove Masaisai.

Hon. Senators: [*Desk thumping*]

Sen. Farai Masaisai: Good evening, everyone. This is my maiden innings.

Hon. Senators: [*Desk thumping*]

Sen. F. Masaisai: I would start by just saying thank you to the hon. Opposition Leader, Pennelope Beckles-Robinson—

Hon. Senators: [*Desk thumping*]

Sen. F. Masaisai:—for the faith she has had in me to serve in this august House. I will probably start off where my friend, the Minister of Labour, Small and Micro Enterprise Development, ended. And I would agree that the journey of a thousand

miles has to start with at least one step. So I too support the codification of the law.

Hon. Senators: [*Desk thumping*]

Sen. F. Masaisai: It is a good start. It is a good start. It is an attempt to codify the common law. Now, anyone who knows me knows that I do not practise criminal law, so I would not try there, but I do practise constitutional law and I do practise civil law. So I will go to where I think I am stronger.

Now, when we look at the constitutional element of this Bill, obviously, we have heard for the evening the issue of proportionality, and I would suggest that the Bill does have, inbuilt in it, proportional elements. So it is not really a Bill that paints all thieves as murderers and all murderers as thieves. It is an Bill that seeks to balance—have a balance. And as the Attorney General started off the debate, he was clear to say that this does not follow, one, the Florida laws, as well as the hon. Attorney General gave the example of if you are in your house behind your burglar proof and you see the person in the yard, you are not just going to shoot them because you are in your house, you are behind your burglar proof. So the Bill itself does not define all thieves as murderers and all murderers as thieves, because then that would be unconstitutional, because it would not be proportionate.

Now, what stood out for me when I was looking at the Bill was the clause 9(1). And in clause 9(1)(d), it exempts a:

> "…person against whom the force is used or threatened is a member of a law enforcement authority who enters or attempts to enter the dwelling house in the lawful execution of duties;"

And as a constitutional attorney, what do we do when the intruder is the police? That is a serious question that the Bill itself needs to answer. Because in many communities, deprived communities at that, there is the real instance when police do

their dawn raids and they kick down people's doors, they arrest them, probably 3.00 in the morning, 4.00 in the morning. They like to do their operations on a long weekend. Sometimes they go in plain clothes, so you may not know that the person kicking down your door is a police officer. Are they exempted? Now, I would say, no, under the Constitution, they are not exempted, because the Bill itself says they have to be lawfully executing their duties.

Now, I will take the time to read from a real-life case. This is a judgment from Madam Justice Eleanor Joye Donaldson-Honeywell. She is now a Court of Appeal Judge to the former Solicitor General. But as she then was in 2020, she gave a judgment in *Alyssa Morgan v the Attorney General*. And the judgment starts:

> "1. The Claimant Alyssa Morgan, a trainee employed in the State Health Service, was arrested at home hours before daylight dawned one morning in"—the year—"2016. She was detained in a police vehicle driving for hours to pick up male prisoners who were kept in the tray of the vehicle. Eventually she was driven to a police station and imprisoned for several hours. The arrest was on a warrant for default in paying $100 outstanding on a $1000 traffic ticket, as a sanction for which the Claimant was to be imprisoned for 9 days.
>
> 2. The ticket payment was due for not wearing a seatbelt almost four years before the arrest, when the Claimant was a…"—child. As it turns out, the $100 had been paid by the Claimant's mother many years ago. It was paid about a month after the arrest, just a few days past the due date and after the warrant was issued for her arrest.
>
> 3. On the night of her arrest four years later, the Claimant's attempts to explain to the Police Officers who came to arrest her that she had paid the full amount due were to no avail. She seeks by this claim compensation for breach of her

constitutional rights to personal liberty and security of the person."

8.30 p.m.

"The Court's determination based on the analysis above is that the actions of the officers in the instant case were in breach of the constitution and the Defendant was not protected by Section 49 of the Police Service Act in these circumstances.

The events of this case reflect gross incompetence both in keeping track of paid fines and in the process of addressing suspected non-payment of a fine for a minor offence. The case…reflects unfair treatment of the Claimant who was arrested based on a warrant that ought to have been recalled many years ago. She was innocent of the suspected offence. There was an unjustified breach of her rights to liberty and security of the person.

The failure of the Defendant to put into place a proper system to ensure that warrants are recalled, once outstanding fines are paid, caused an unacceptable breach of the Claimant's"—constitutional—"rights. The approach by the Police of seeking, based on an unrecalled warrant, to arrest the Claimant at a time before dawn, when any response she gave to the allegation that she had not paid the fine could not be verified, was also unacceptable. It is clear that the warrant was executed in an untimely manner, without due diligence, without deference to the Constitutional rights of the Claimant and without proportional exercise of a discretion in the circumstances where she truthfully said the fine had been paid."

Now, I read this for emphasis because many poor people face this daily in Trinidad, where police officers abuse their power. And we have here a real instance where the home invader was the police, and they infringed the constitutional rights of the

homeowner. So, I ask the hon. Attorney General to look at that.

Now, this Bill, certainly, we put the victim first and I want to ask the hon. Attorney General, Mr. President, when we put the victim first, we put a system in place to allow the victim to have an expeditious hearing. In other jurisdictions, they call it a "pre-trial immunity hearing". So, it saves the victim from having to have to wait for a long trial. So, yes, I protected my home, I protected my property, I protected my wife, my children, but now I am sitting in a cell with other prisoners who are there for the common crimes. So I—

Sen. Jeremie SC: [*Inaudible*]

Sen. F. Masaisai: Pardon?

Sen. Jeremie SC: [*Inaudible*]

Hon. Senators: [*Laughter*]

Sen. F. Masaisai: If you put it in, well, I cannot—I have to stick to the—[*Inaudible*]

Hon. Senators: [*Laughter and crosstalk*]

Sen. F. Masaisai: Anyway, but it is a suggestion. Respectfully, I am suggesting, if we can put that in the Bill, it certainly will support the victims.

Sen. Jeremie SC: [*Inaudible*]

Hon. Senators: [*Interruption*]

Sen. F. Masaisai: So, when we look at the weakness of the Bill, there is the potential for the excessive use of force. Despite the proportionality requirements, the removal of the duty to retreat and the broad allowance for deadly force based on the honest belief, it may lead to situations where excessive or unnecessary force is used, especially in ambiguous circumstances.

The test, with regard to the honest belief, certainly is a subjective test. And what I am seeing—now when you have the subjective test, mixed with a an assistant,

meaning the good Samaritan who helps you to protect your property, is it that the test is the test of the homeowner or the test of the Samaritan, in terms of having that honest belief? You may have someone in your home that is your friend, and your friend might be a bit irrational and they might exercise a certain level of force that you may not, as a homeowner, exercise. So in the Bill, it leaves that ambiguity.

Now, in the Bill, one of the things I did not see in the Bill is any accommodation for victims of domestic abuse, and I think it would have been an opportune time to put something in the Bill to protect those who may have to defend themselves in their own house from someone who is violent but they are in an intimate relationship with them. So that is something that I have seen in others but I did not seen in our version, but it is something that we could consider, respectfully.

One of the things that I wanted to just emphasize as well is the issue of persons with mental disabilities, and my friend, my learned friend, Sen. Roberts-Radgman, she gave the real example, and I think that happened last year, where the elderly gentleman had Alzheimer's and unfortunately, went to his neighbour's house and—

Hon. Senator: This year.

Sen. F. Masaisai: It was this year, yes—and unfortunately, his neighbour killed him. That is a real situation, you know. So we have to—yes, those are vulnerable persons who may themselves become trespassers or intruders in other person's home but through no fault of their own, meaning they suffer from a mental disability under the Mental Health Act. The Bill needs to make provisions for those persons who may wonder off and have no intention to create harm but obviously, they maybe trespassing on someone else's property.

And finally, the definition section of the Bill, under the "vulnerable person", I would suggest to the hon. Attorney General, if we actually include children in the

"vulnerable person" definition. Because it is already there, in terms of the fines at the end, grouped with vulnerable persons but we can specifically say that in the definition of "vulnerable person", apart from persons with disabilities and that sort of thing, children who are probably under a certain age. And with that short contribution, I thank this august House.

Hon. Senators: [*Desk thumping*]

8.40 p.m.

Mr. President: Hon. Senators, I would like you to join me in congratulating Sen. Fari Hove Masaisai on his maiden contribution.

Hon. Senators: [*Desk thumping*]

Mr. President: I now recognize Sen. Dr. Marlene Attzs.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Marlene Attzs: Thank you, Mr. President. At this hour, I feel as if I am one of the final batsmen, but we will see how that goes and if I can score the runs required. Mr. President, first, I wish to thank you for the opportunity to contribute to this Bill, the Home Invasion (Self-Defence and Defence of Property) Bill, 2025. Before I get into the heart of what I wish to address, there are a couple of kinds of framing narratives that I would like to put on the record. First, I agree that crime is a burning platform, and I am using "crime" as opposed to the specific language of the Bill because I think home invasion, the offence that this Bill breathes life into, is really part of the larger scourge that we are facing in the country.

So, I agree that crime is a burning platform, and, I would like to congratulate the Government based on what I have heard today and the learnings that I have had from several legal luminaries in this Chamber. I would like to congratulate the Government for creating a special category of offence called "home invasion",

because I now have the clarity that by separating this offence it provides an opportunity for there to be greater attention to something that has plagued the country for many years. I will come to talk a little bit more about some of the data, because, I heard colleagues speak about data in different ways. And, as someone who regularly consumes data from the TTPS, from CAPA, and from the CS, I have not yet seen a category of data under home invasions. But, as the day progressed I realized that I was not alone, that many other colleagues really have not seen data on home invasions. But, there is a reference to it by one of the Government Ministers that I would come to in my address shortly. But, the generic issue is that crime is a burning platform, so I welcome the conversation around this Bill.

I also wish to state that I appreciated the legal contributions that have been made today. Because, those legal contributions have helped me to certainly understand the implications of the different clauses and, you know, elucidate in my mind the things that I am comfortable with, the things I am not so comfortable with, and the things that I think we can live with if we have some changes as it were. So I appreciated that. My contribution today, Mr. President, and colleagues, is going to be a departure from what has been primarily a legal framework. I would focus more on the socioeconomic governance and policy framework dimensions of this Bill from my perspective.

I was heartened in disregarding that the hon. Minister of Trade, Investment and Tourism and the hon. Minister of Labour, Small and Micro Enterprise Development actually introduced in their contributions the economic dimension of crime; how crime is impacting on day-to-day to life, day-to-day business; but also on investment possibilities; and, ultimately, all of that is culminating in an economic impact on our country. So, I was happy to hear them introduce that. I always say

that economists run the world—

Hon. Senators: [*Laughter*]

Sen Dr. M. Attzs:—but, you know, I realize now that, you know— But yes, sorry, Mr. President, but, I could not allow that to pass. My focus lies on essentially what is my domain, looking at how this Bill can be framed from an economic context, not simply in terms of what the two hon. Ministers have identified. But, really, I want to talk about crime and public safety as what we call in economics of "public good", because I think somewhere in the conversation that has been lost. Public safety is what we call an economic public good.

Mr. President, as I begin my contribution, one of the things I have become acutely aware of over the past couple of months that I have had the opportunity to be in this House, is that the citizens of Trinidad and Tobago look to us, not simply for legislation, but they look to us for leadership. They want to be comfortable that the people who occupy these spaces, and who worked assiduously and tirelessly from 10.00 this morning until not too sure when, we are doing it in the best interest of the population. And, we are also trying to ensure that there is coherence in terms of what we discussed, and the impact it has on the population, but also how it relates to the other aspects of what we do in Trinidad and Tobago.

I think our population looks to us for reassurance that the decisions taken here in this House, and in the other place, that those decisions are grounded in evidence, proportionality, and also grounded in the constitutional values of the Republic, which is why, again, I was very heartened to be exposed to the conversations throughout the day in terms of the constitutionality and issues of proportionality, et cetera. We all need to ensure that decisions that are taken here are in the best interest of the citizens of Trinidad and Tobago.

The Bill before us, Mr. President, touches on what is most personal to every citizen. I wish to extend empathy and sympathy to Sen. Baig and his family and I also want to congratulate him for sharing with this House what has been a most horrendous personal experience. Not many people could have done what you did, Sen Baig, so I want to thank you for sharing that with us.

Hon. Members: [*Desk thumping*]

Sen Dr. M. Attzs: Mr. President, the Bill touches on what impacts on people in their homes, what impacts on their families and what impacts on their right to safety. The issue of safety and security is such a pain point and has been such a pain point for such a long time in this country, that the Government successfully campaigned on the issue of national security and the population overwhelmingly—and we have heard references throughout the day, that the population trusted the Government to deliver on that promise.

Mr. President, I have tried to approach my contribution on this Bill this evening with empathy and with clarity, and, as I said before, with a focus on trying to do what is best for the public good. I am using that pun intentionally, because as I said, public safety and security is a public good and we are here to do what we consider to be in the best interest of the population. The trauma and fear caused by violent home invasions in Trinidad and Tobago are real, and as we have learnt today, there are few of us, in fact, I dare say there is none of us in this Chamber who is indifferent to that fear. But, Mr. President, I wish to respectfully suggest that fear alone should not inform or should not shape the law. Fear must be met with evidence; fear must be met with a coherent national security strategy, vision and plan; but fear should also be met with constitutional restraint.

It is in that context that I wish to share with the hon. Members of this Senate

a public statement made in August 2025 by the Oropouche East, Member of Parliament, the hon. Dr. Roodal Moonilal who said that, based on a November 2024 freedom of information response that he received from the Trinidad and Tobago Police Service, we had more than—Well let me quote.

"…over 500 home invasions…"—in Trinidad and Tobago in 2024.

Now I think that number is significant because throughout the day when we have been discussing it, we have sort of agreed that there was no such category of crime and we use as proxy indicators: Woundings, you know, robberies, et cetera, wounding with intent. But the hon. Member of the Parliament, the hon Minister indicated, and to this publicly recorded, that there were over 500 home invasions in 2024. I have not, as I said, seen such a category, and the events would be recorded under burglary, robbery, wounding, et cetera.

Mr. President, to my mind, when Parliament is being asked to expand the legal grounds for deadly force, which is what we are being asked to do in this Bill, this is not an insignificant ask, and such a request should be based on data. Far-reaching and expansive legislation that impacts on crime and is meant to help address this scourge must rest on facts, not fear-driven narratives. So, while I listened intently today, I was waiting to hear—I know the hon. Attorney General would have access to resources that I do not have access to and other Government Members would have access—this number of 500 turn up, but I did not hear it turn up anywhere. So, you know, Mr. President, I am a little taken aback by that, but it was reported by a senior Government Minister that there were over 500 home invasions in 2024 based on the Freedom of Information Act request.

With that in mind, Mr. President, I think it is important for us to understand what the Bill actually proposes, and as I mentioned, that was ventilated by several

of my colleagues today, whether the provisions in this Bill align with the evidence and the reality before us. As I mentioned, colleagues have already dealt with many of the issues and the clauses in the Bill. The Bill defines "dwelling houses" expansively, extending curtilage, adjacent buildings and structures, boats, et cetera, uses residences, which, to my mind, Mr. President, dramatically widens the geographic scope in which deadly force may be justified. The Bill also, as mentioned by several colleagues, removes the duty to retreat and introduces the stand–your-ground standard, which allows the occupant to use force, including deadly force, if they honestly believe it is necessary in the circumstances.

Another element of the Bill that I have to say that I appreciate and I appreciate it on the one hand—I mean, there is an old joke about economists on the one hand and on the other hand. But, on the one hand, I have to say that I appreciate the imposition of significant penalties, which for normal persons would probably serve as a disincentive. But, I am quick to add that I quite suspect that persons who choose a life of home invaders or persons who have a penchant for that kind of life, they may not be easily dissuaded. In fact, they might see that as a challenge to see whether or not they can get away with it.

I think it was my hon. colleague Sen. Smith who talked about this Bill not coming on its own; there is no policy vacuum. I smiled when he said it, because I said, "I wonder if he kind of was reading my mind". But that is quite likely given Sen. Smith and I share a long-standing academic relationship. So, it might have been that he was actually reading my mind, telepathy, that sort of thing. Mr. President, it is my view that the Bill emerges in a troubling policy vacuum, because when a Bill of this magnitude is brought before the Parliament, I think citizens would reasonably expect to see it embedded within a coherent national security framework.

Certainly, that is what I would expect, and a framework that will tell them how this measure, this particular Bill that introduces the home invasion as an offence, how this fits in with the larger architecture for us to address the crime scourge. That strategy should tell the population how this is going to help them be safe. But when we examine the surrounding architecture, to my mind, there is a troubling vacuum.

Mr. President, it was just a few weeks ago that we were in this Chamber on the 27th of October examining the national budget. The national budget is the single most important policy document that a Government can share with the population, but the country heard nothing of a national security strategy.

8.55 p.m.

But the country heard nothing of a national security strategy. We heard passing references, "Yes, we have a plan". My colleague, Sen. Dr. Meighoo spoke about this being part and ticking off that the Government has in fact done and delivered several things since they have assumed office. But we, the people, heard nothing of a national security strategy. So that we could come back today and say, well, okay, so we now understand how things are lining up to help us deal with the scourge of crime.

So we are here now debating a Bill that places responsibility for addressing a significant aspect of the crime scourge, 500 in 2024, according to the hon. Member of Parliament for Oropouche East, more than 500 in 2024. So we are debating this Bill that places responsibility for addressing this scourge on individuals, and to my mind, that is a concern.

This Bill also places even more responsibility on a system already overwhelmed, creating legal permission for more killings without strengthening the institutions responsible for determining whether those killings are justified. To

understand the full implications of this Bill, Mr. President, I suggest we examine the capacity of the very institutions that would be required to support, to enforce and adjudicate its provisions.

Mr. President, on this score, I would wish to share some of the concerns raised by the Joint Select Committee on National Security during its fourth session in 2023/2024. That report paints a stark picture of a criminal justice system in crisis and I think it was either Sen. Meighoo or Sen. Smith who spoke about the criminal justice system in crisis. But that JSC report on National Security, their findings were that 75 per cent of criminal cases remain unresolved after five years; that 40 per cent of those criminal cases remain unresolved after 10 years; that only 36 per cent of reported crimes lead to prosecution; only 5.7 per cent result in conviction. National detection rates for serious crimes is about 30 per cent. Public trust in the TTPS is low which fuels under reporting and the Forensic Science Centre faces thousands of backlogged cases. So we are in fact creating the conditions for more layers of bureaucracy to be applied to an already stressed system or a system that is already on some form of life support.

Mr. President, those findings in that JSC report make one thing painfully clear, that Trinidad and Tobago does not have the investigative, prosecutorial or forensic capacity to reliably or swiftly resolve cases involving deadly force. So I ask the question: Are we as a nation really prepared to add yet another layer of complexity and bureaucracy to a system that is already bursting at its seams and for which we have no meaningful fixes in sight? I heard Members on the Government's side speak of, you know, plans that are in train or about to be in train, or left the station or will soon leave the station, but we, the people, the population has not been privy to that holistic strategy so that we can understand where this particular Bill fits into that

architecture.

Mr. President, I now wish to frame the issues before us in this Bill, issues of crime and public safety, as what we call in economics "public goods", where a public good is defined as one which is non-rivalrous and non-excludible, meaning something everyone can and should benefit from and one person's use or benefit from it, does not in any way reduce another person's access to it or the ability to benefit from it. So by virtue of public safety being a public good, it must be provided by the State through policing, justice and social investment. Public safety is not optional, it is not selective, it is not uneven. It is a public good and must be treated as such.

Mr. President, I respectfully suggest that this Bill does more than shift the burden of safety on to private individuals. It could also perhaps, inadvertently, be interpreted that this Bill signals a quiet retreat by the State from perhaps its most fundamental duty, essentially saying to citizens: We are constrained, we realize that this is more of a mammoth task than we had actually determined, and we want to give you the opportunity to defend yourself because we cannot guarantee your public safety.

I heard the word being used as "empowerment" and to my mind, Mr. President, I respectfully disagree that this is not empowerment. It is the privatization of violence and the outsourcing of the State's most sacred duty to thousands of frightened, untrained, unsupported individuals. It replaces organized state-managed public security as a public good with ad hoc household by household self-defence. It transforms safety from a guaranteed public right to a private gamble. And let us be clear, Mr. President, that when violence is privatized, it is not privatized evenly. George Orwell reminded us decades ago, systems of unequal power always produce

outcomes where some become more equal than others. And this simply means that those who have the resources will fortify themselves and those who do not have the resources will be left more vulnerable, more exposed and more at risk of fatal misunderstandings.

Mr. President, the Government itself declared and Sen. Meighoo reminded us this evening, that the Government declared through its campaign commitments that it intends to slash crime by 50 per cent within five years, cutting murders from roughly 600 annually to around 300 by the next general election in 2030. The Government committed to a hybrid approach, hard enforcement through technology-enabled policing, stronger laws, softer prevention strategies, enhanced victim support, et cetera. These are all noble and laudable undertakings that of course require significant amounts of funding. They also require cross-cutting agency coordination and a justice system that functions at a high level of efficiency.

Mr. President, I want to pose another question at this juncture: How does this Bill help us to achieve that 50 per cent reduction in crime? How does it integrate, as I asked before, into a broader national security architecture that the Government promised, and what, pray tell, are the other elements of that strategy? Where are the policing reforms, the social interventions, the institutional upgrades that ought to accompany this Bill if it is to contribute meaningfully to crime reduction? Because if we cannot clearly articulate how this Bill fits into a coherent strategy, then we risk substituting legislation for strategy and activity for impact, and offering the public, by extension, the illusion of safety instead of the real thing. So I have a gun, I can protect myself, I feel safe but "I really not safe" because something might happen by my neighbour next door.

Much was said about legislation, similar legislation in other jurisdictions, and when we look beyond our borders, the research suggests that homicides increase after stand-your-ground laws are enacted; that firearm deaths increase; that there is no consistent evidence that these laws deter crime, and that these laws, this is based on the research, that these laws disproportionately harm marginalized communities.

Mr. President, given the real and perceived inequalities in our country, it is my view that this Bill could, inadvertently, widen existing inequalities. Wealthier households that can access firearms, alarms, private security, will thrive and they will be able to breathe life into this Bill, and to essentially to undertake some of the self-defence mechanisms that this Bill allows but poorer households may not be able to do that.

The conversation around "curtilage", mention was made earlier of shared spaces. Look at some of those housing developments—some of them were mentioned—where you have shared compounds, you have apartment stairwells, you have shared car parks and informal settlements. Mention was made of that earlier. Even if you have engaged in the act of self-defence, wealthier persons can afford the best attorneys and forensic experts. Poorer citizens will not be so fortunate or may not be so fortunate. Moreover, these inequalities are not hypothetical. The JSC's report to which I referred earlier, they also confirmed them. The report found massive delays, forensic backlogs and low detection rates as I mentioned earlier. Introducing the opportunity for more civilian killings into the system could pose the risk of profound injustice. Justice delayed is justice denied.

Mr. President, while we are debating this Bill today, and as I said, there are some useful elements to this Bill and some useful suggestions made throughout the day, I think we also need to face the opportunity cost. What it is that we are not

discussing. We are not discussing some of the issues that actually determine and undermine public safety. For example, we are not discussing or debating firearms interdiction, how illegal guns are being stopped before they reach our streets, at our borders, our ports, our airports, our transit points. We are not hearing about witness protection or about youth intervention strategies or meaningful criminal justice reform. We are not hearing about the strengthening of the Forensic Science Centre or about any coherent plan to interrupt community violence at the source. I respectfully suggest again, Mr. President, that these are some of the pillars that undergird public safety and security but they need to be part of the national conversation.

Mr. President, before I close my brief contribution, I want to return to what I consider a consequential issue, the issue of evidence. The statement, the claim that Trinidad and Tobago experiences 500, more than 500 home invasions a year is significant. And if we do not have the data, the real disaggregated validated data, then how do we understand the scale of the problem that we are trying to address, that we are trying to correct? Because if the 500 quoted is accurate, then Parliament needs to ask whether this Bill meaningfully addresses this threat.

9.10 p.m.

However, if the number is not accurate, then we have an even greater duty to pause, particularly since this legislation sanctions deadly force, and it ought not to be driven by speculation, by emotion or by political expediency.

Even if we assume for argument sake that the number is correct, that we have had more than 500 home invasions in 2024, Mr. President, we need to have a wholesome legislative, judicial, forensic and investigative architecture to breathe life into this Bill, so that when the acts are committed, there is a natural process through

which the architecture—that these issues can be ventilated and brought to some level of resolve.

Where is the strengthened TTPS detection framework? Where is the resourced Forensic Science Centre? Where is the modernized judicial case flow system? Where are the integrated investigating protocols? Where are the evidence handling systems, the training and the oversight? None of these have come before us.

So we are left with a Bill that expands private use of deadly force without the institutional backbone required to determine when that force is justified. I suggest that that is not evidence-based policy making, and ergo, it does not make for good governance. And it may not serve the people of Trinidad and Tobago in the ways in which the Government intends it to serve the people.

Mr. President, we, the people of Trinidad and Tobago, want and deserve real safety. We want safety built on good governance. We want strong institutions to support our public safety and we want evidence-based decision-making. Allow me to state unequivocally, lest persons choose to misunderstand me, in all its brutal and corrosive forms, crime is a scourge that must be confronted in Trinidad and Tobago.

I reiterate my support for some elements of the Bill, particularly because I am not criminally-minded. The penalties would give me some pause, but I am saying that it may be a necessary but not sufficient condition for persons who are in that life of crime. Crime is eroding our communities. It is wounding our families. It is undermining our economy and it is shaking the very confidence of our people. Addressing it is not just urgent, it is an existential threat to our country's survival.

But we must hold fast to a fundamental truth that public safety is, by definition, a public good. It is not a privilege for a few. It is not a commodity to be

purchased. It is not a responsibility to be outsourced to frightened households. It is a right and it is a duty that rests squarely on the shoulders of the State. So, any measure brought before this honourable House must strengthen, empower—another word I heard today—and reinforce the institutions responsible for delivering that public good. It must make our police service more effective. It must make our forensic systems more capable. It must make our courts more efficient and it must make our community interventions to address crime at the community level more strategic.

What we cannot do, Mr. President, and what we must not do, is shift the weight of public safety and security onto the backs of ordinary citizens, and then present that as empowerment. "I am empowering you to take charge of your own safety." May I repeat, Mr. President? What we cannot do, and what we must not do, is shift the weight of public safety and security onto the backs of ordinary citizens, and present it as empowerment.

Mr. President, my final words are that the Government cannot retreat from the battle it was elected to fight. The people of the country voted for the Government to fight this battle on their behalf. The people of Trinidad and Tobago want to be protected. They want to feel safe, but what they do not want is to be handed a licence to kill. I do not think the average citizen wants that. The average citizen wants to feel safe and secure.

So, Mr. President, with these few words, I wish to thank you for the opportunity to contribute to this Bill. I wish to thank my colleagues on both sides of the Senate for their contributions today and for the learnings that I have been able to distil from their contributions. So, Mr. President, I wish to thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Anthony Vieira.

Hon. Senators: [*Desk thumping*]

Sen. Anthony Vieira SC: Thank you, Mr. President. As I rise to my feet, I anticipate my contribution may be bittersweet. On the one hand, as I am the last speaker for the evening, there may be a sweet sense of relief. On the other hand, because it is late and we are all very tired, speaking overly long may have a bitter effect. So, I will try to be brief.

When I was young at the Bar, I recall a senior lawyer advising a licensed firearm user who was concerned about the possibility of having to shoot someone breaking into his property. And the advice given was that, "You should fire two shots. The first one, you take out the person, and then you fire a second shot in the air." Now, why that advice?

The sad reality is that victims who were successfully able to resist their attackers would often end up being charged for excessive self-defence, making the victim, a victim, twice over. Based on the advice given, the home occupier could say that he fired a warning shot, which the attacker failed to heed, consistent with the obligation not to make a pre-emptive strike.

There are two realities which make this Bill a matter of great public interest: The frightening prevalence of violent home invasions in Trinidad and Tobago, 500, and the willingness, I would say, even propensity of law enforcement and the DPP to charge persons who were able to successfully defend themselves when their assailants were harmed or killed. In that event, the occupier would have to get bail, hire lawyers, and move into the realms of burden of proof and reasonable doubt, potentially facing criminal conviction, when all he was doing was trying to defend his loved ones and himself, in other words, having fought off a physical attack from

criminals and then having to fend off serious proceedings brought by the State in having to justify that he sought to retreat and that the force used was reasonable.

This legislation touches on the most intimate of constitutional spaces, the home, and the perennial tension between self-protection and state protection. The Bill does two things of immediate significance. First, it removes the duty to retreat and expressly authorizes an occupant to stand his ground. And secondly, it permits the use of deadly force in defence of limb, life or property within the dwelling house.

These are profound changes to our self-defence law, which historically reflected English common law restraint. But given the realities of violent crime today, they are not without logic. As legislators, we must ensure that the architecture is sound, proportionate and safe. So, I propose to address the Bill in four parts: What the Bill gets right; gaps and ambiguities that may require amendments or refinement; serious risks to police officers and households, illustrated by recent case law; and whether the Bill, in its present form, should be supported.

First, what the Bill gets right. It responds to a real societal problem. We have all seen the disturbing videos and read the reports: Families terrorized, elderly persons beaten, children traumatized, instances of savagery untainted by mercy, citizens living behind burglar bars as if in fortified compounds. Trinidad and Tobago has a real and an acute problem of organized, often brutal, home invasions, and the Bill directly addresses that reality. It recognizes that at 2.00a.m., retreat is not always possible. It recognizes that victims who resist intruders sometimes end up being charged for excessive force, when in truth, the situation was fast-moving and terrifying.

Secondly, the legislation codifies and clarifies the self-defence principles, and I think this may be an opportune time to compliment the hon. Attorney General for

his excellent introduction and explanation of the Bill.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: Clauses 4 to 8 provide residents with clear statutory rights and remove long-standing ambiguities about proportionality, immediacy and the ability to use force pre-emptively.

Thirdly, the Bill protects parties coming to assist. Clause 8, Sen. Smith's favourite clause, enables persons acting in aid of an occupant to use reasonable force. And this is important for family members and neighbours who intervene. And for all these reasons, I support the intent of this Bill. But does the Bill go far enough? Are there gaps and ambiguities? And this is an aspect I would like now to consider. It bears noting that protection is limited to dwelling houses, and the Bill defines "dwelling house" broadly, including structures, boats and vehicles adapted for habitation. But there are clear omissions.

What of a business owner in a shop at night, a taxi driver, or somebody "running PH", a farmer in his field facing praedial larceny gangs? Criminal violence does not only occur in the home. Many of our most vulnerable citizens, farmers, proprietors and taxi drivers face violence outside the dwelling house. If the policy is that a person should not have a duty to retreat when facing imminent harm, should not that protection also extend to them?

By way of comparison, Florida's stand-your-ground law applies anywhere a person is lawfully present, not only the dwelling. However, English common law limits force to what is necessary and proportionate, but does not create a special category confined to the home. There is, therefore, a strong argument that if Parliament wishes to modernize self-defence law, it should either reform self-defence holistically, or at minimum, extend statutory protection to business

premises, vehicles, farms and agricultural lands where persons also face violent attacks.

9.25 p.m.

Other speakers have alluded to the issue of whether the Bill protects persons who cannot fight back. The Bill assumes that the householder can repel an attacker, but many simply cannot; lack of physical ability, elderly persons, disabled persons, children and those without access to weapons, lack of psychological capacity. Many people freeze when under threat. Even trained firearms owners hesitate to shoot, and even when they do act, the psychological aftermath can be severe. Sen. Roberts-Radgman spoke about having the mental ability or being in a place where you can stand your ground.

Self-defence laws must protect those who act, but it should also protect those who cannot act. The Bill is silent on this. Perhaps we might consider including an explicit safeguard ensuring that failure to act cannot be construed as assisting the home invader and post-incident care obligations or referrals for trauma treatment. It should be made clear that proportionality is assessed objectively but contextualized by age, disability, and physical capacity. And, what about the possibility, some might say the reality, of retaliation? Sen. Jones-Simmons spoke about reprisal. In our small society, it is not unusual for criminal gangs or relatives to retaliate when one of their own is shot during a home invasion. This Bill may unintentionally increase the exposure of householders who successfully defend themselves. There is no corresponding protection for relocation assistance, police protection for threatened families, or confidentiality of firearm ownership or use. These practical realities deserve attention.

Another cause for concern is whether the Bill increases the risk for police

officers. A most serious risk, and one that must not be dismissed, is the danger of mistaken identity when police execute warrants at night. Sen. Masaisai raised the point, which I would like to develop. The judgment in *Wasim Mohammed v the Attorney General*, delivered in April this year by the hon. Mr. Justice Westmin James, provides a stark illustration of risks when police forcibly enter a home in the early hours of the morning. The court found that the police had unlawfully entered the wrong apartment, breaching the door at 3.00 a.m. as they are wont to do, restraining the claimant and detaining him for hours. The court emphasized the constitutional protection against arbitrary search and seizure, and the need for precision and restraint in warrants.

The evidence showed that the residents were asleep, the police failed to properly identify themselves, and there was confusion about the subject of the warrant. The claimant was injured in the process. He was detained and restrained for hours without justification. This is not an isolated incident. Under this Bill, a householder awakened at 3.00 a.m. by banging on the door who sees unidentified men forcing entry may lawfully believe his life is in danger. He may shoot, he may kill. Only later might it be discovered that the intruders were police officers executing a warrant. Although clause 9 excludes a claim of self-defence against a member of a law enforcement authority acting in the lawful execution of his duties, this assumes that the police are indeed acting lawfully and that the householder knows or should know they are police.

In the Mohammed case, the police did not act lawfully. They entered the wrong dwelling. The officers did not sufficiently identify themselves. Would a householder be criminally liable for defending his home against an unlawful entry by the police, or would he be protected? The Bill does not resolve this tension. And,

in that uncertainty lies mortal danger for both the police and for citizens. In the event, should we consider amending the Bill perhaps, to include clear statutory obligations that police executing warrants must announce themselves loudly and continuously, must display illuminated identification during night operations, must use body-worn cameras with audio, must activate flashing lights on marked vehicles? Such measures were not adequately followed in the Mohammed case.

And, where a householder reasonably but mistakenly believes the intruders are criminals, and the police entry was lawful, the householder should not be criminally liable for using defensive force. That is to say, there should be protection for homeowners acting under a reasonable mistake. This mirrors principles recognized in English and commonwealth jurisprudence on mistaken self-defence. Further, any use of force incident involving police entry and homeowner resistance should trigger automatic independent review. I believe such amendments could save many lives.

Now, other Senators have asked this question, and I think it is pertinent. Is this Bill a crime-fighting strategy or an admission of failure? Some have heralded this Bill as a solution to crime. It is not. It is at best a defensive measure. It shifts the burden of immediate protection from the State to the householder, and Sen. Attzs explored that theme in some detail. It codifies an individual's right to meet force with force, because the State cannot always arrive in time. But we must avoid the illusion that this represents a long-term strategy. It does not reduce the supply of firearms, it does not dismantle gangs, it does not address the root causes of violent crimes. Now, to be fair, the Attorney General assured us that this legislation is not the only answer to serious crime. It is not, as he said, a one-stop policy; other reforms are underway. I agree. To pass this Bill without acknowledging the deeper

systemic failures would be intellectually dishonest, and it would run the risk of selling ourselves short.

Another concern I have is whether this Bill is a prelude to a gun culture. Whether it is being used to pave the way for wider firearm access. If you tell citizens that they have the right to stand their ground and repel deadly threats, many will logically conclude that they need a firearm to do so. In a country already grappling with illegal guns, lack of training and weak oversight, liberalization of firearms access could unleash consequences beyond recall. We may be letting a genie out of the bottle. The Attorney General, in fact, spoke about liberalization of access in a reasonable way to firearms. I respectfully suggest that, were such to occur, Parliament must, we must, insist on stronger firearm storage obligations, mandatory training, psychological screening, periodic certification, and greater accountability for misuse. Without such safeguards, the Bill may unintentionally escalate violence rather than deter it.

Mr. President, I support the principle that citizens should not face prosecution when they lawfully defend themselves during a home invasion. I support codifying a clear statutory right to self-defence in the home, but as drafted, the Bill does have certain deficiencies that may expose both householders and police to unacceptable risk. So while I support the Bill in principle, I would urge the Government to consider certain amendments, including: Mandatory policy identification protocols for night time operations; explicit homeowner protection where police entry is unlawful or inadequately announced; extension of stand-your-ground protection to business premises, vehicles and farms; safeguards for vulnerable persons and persons who cannot physically defend themselves; psychological and security support for householders after self-defence incidents; no automatic pathway to

firearms liberalization without robust safeguards.

With such amendments, the Bill will achieve its intended purpose, giving citizens lawful protection in the most frightening moments of their lives without creating new dangers or unintended consequences. However, having said that, I acknowledge that this legislation reflects the mood of the hour, and to oppose it for the sake of argument miscalculates the mood of the nation. I am not convinced that the legislation requires a special majority, as it mainly affects private citizens and does not seek to amend the Constitution. As I see it, the Bill is not changing or infringing any fundamental rights and freedoms, it does not alter the fundamental limits on government power.

It may help to understand the difference, I think, between negative and positive freedoms. Freedom from as opposed to freedom to. Negative freedom is freedom from external interference that prevents citizens from doing what they want when they want to do it. The castle doctrine places restrictions on occupants when defending themselves. This Bill gives occupants access to a range of opportunities, regardless of whether they decide to take advantage of those opportunities or not. We do not require a majority to now free occupants from restrictions that previously required them to act in a certain way.

If the legislation mandated home occupants to act in a certain way, for example, by requiring them to use deadly force against home invaders, here, there would be a lack of positive freedom, here, a constitutional majority would certainly be required. This is an important distinction because there are two contrasting ways about thinking about liberty or freedom. On the one hand, you can think of freedom as the absence of obstacles external to the agent. Here we are freeing home occupants to act as they consider necessary. No fundamental rights and freedoms

are being infringed here. This is the freedom from.

On the other hand, if we were bringing a law which requires occupants to act in a certain way, not free to do as they want, where choices are constrained, and fundamental rights are infringed, then a constitutional majority would be necessary. But that is not the case here. The Bill does not mandate anything. Rather, it frees home occupants to choose how they want to respond against home invaders in a given set of circumstances.

As I conclude, let me just say, there are many who want to cling to the old because it is new, but home invasions are a reality, and the rise of lethal violence is often perpetrated by gangs. Gangs terrorizing the population, and who need to be stopped. Home invaders must not be allowed free rein, and I agree with those in the Government who have said this legislation is one step towards halting a troubling trend. But most importantly, the occupant of a dwelling house should never have been under a duty to retreat or made to justify whether he used reasonable force in protecting his loved ones and himself.

9.40p.m.

In today's Trinidad, such requirements, and such obligations are completely out of touch. They are ineffective and unfair. Doing away with them, as this Bill seeks to do, is a legitimate aim worthy of support. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Chairman: The hon. Leader of the House.

ADJOURNMENT

Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, notwithstanding the Motion that we moved and agreed to previously, in accordance with Standing Orders 14(5) and 117, and based on an agreement

among all of the Benches, I beg to move that this Senate be adjourned to Friday, 5th December, at 1.30 p.m. to resume the debate on the Bill now before us.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 9.41p.m.