SENATE

Friday, December 05, 2025

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. Faris Al-Rawi SC and Sen. Michael Simon Victor de la Bastide SC, both of whom are out of the country and, Sen. Melanie Roberts-Radgman, who is ill.

SENATORS' APPOINTMENT

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

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/Christine Kangaloo

President.

TO: MR. LARRY LALLA, S.C.

WHEREAS Senator Faris Al-Rawi, S.C. 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 (l)(a) and section 44 (4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint

you, LARRY LALLA, S.C., to be a member of the Senate temporarily, with effect from 5th December, 2025, and continuing during the absence of Senator Faris Al-Rawi, S.C. from Trinidad and Tobago.

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 5th 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.

TO: MR. MUSTAPHA ABDUL-HAMID

WHEREAS Senator Melanie Roberts-Radgman 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 (l)(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, MUSTAPHA ABDUL-HAMID, to be a member of the Senate temporarily, with effect from 5th December, 2025, and continuing during the absence of Senator Melanie Roberts-Radgman 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 5th 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.

TO: MS ZOLA PHLLIPS

WHEREAS Senator Michael Simon Victor de la Bastide, S.C. 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 (l)(a) and section 44 (4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ZOLA PHILLIPS, to be a member of the Senate temporarily, with effect from 5th December, 2025, and continuing during the absence of Senator Michael Simon Victor de la Bastide, S.C. from Trinidad and Tobago.

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 5th day of December, 2025."

OATH OF ALLEGIANCE

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

Larry Lalla SC, Mustapha Abdul-Hamid and Zola Phillips.

1.45 p.m.

CONDOLENCES

(MR. GARVIN SIMONETTE)

Mr. President: Hon. Senators, former Senator, Mr. Garvin Simonette, passed away on Tuesday, December 02, 2025. I now invite Members to offer tributes. I recognize the hon. Leader of Government Business.

Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, I rise to offer a tribute from this side to the late former Senator, Mr. Garvin Ignatius Simonette, who passed away recently. The late Sen. Simonette attended All Saints' Anglican Primary School and furthered his studies at St. Mary's College in Port of Spain.

Sen. Nakhid: [*Desk thumping*]

Sen. The Hon. D. Allahar: I do not know about that, Mr. President. I do not know about that, but we will ignore that.

Mr. President, he obtained a Bachelor of Laws degree from the University of the West Indies, Cave Hill, in 1984, and he obtained his master's degree from the London School of Economics and Political Science in 1985. He was called to the Bar at Gray's Inn in London in 1987, and then called to the Bar of Trinidad and Tobago subsequently. The late Sen. Simonette practiced as a commercial lawyer in both contentious and non-contentious matters, and he was considered by his peers to be one of the senior practitioners in the commercial law arena.

During his practice in Trinidad, he developed a robust insolvency practice and he had appeared in some of our largest insolvency cases in the region. He was admitted to practice all across the Commonwealth Caribbean. Apart from England and this jurisdiction, he was admitted to practice in Barbados, Antigua and Barbuda, British Virgin Islands, Saint Vincent and the Grenadines, and the Turks and Caicos Islands. He appeared as counsel in both the High Court and Court of Appeal, and also in major commercial arbitrations, and as an independent legal expert witness, and also in taxation law in the Texas courts.

He also sat on the boards of directors of several significant private-sector companies, and was a proponent of the Caricom Single Market and Economy. He first entered this Senate as a temporary Government Senator during the Eleventh Republican Parliament, until he was appointed a Government Senator in 2018, where he served until 2019. From the records we have, he debated 16 Bills and added to our laws, and he was also a member of several committees, including the Joint Select Committee on the Cybercrime Bill in 2017, the Committee on State Enterprises, the Committee on Public Administration and Appropriations, and the Special Select Committee of the Senate on the Sexual Offences (Amdt.) Bill, 2019, as well the Miscellaneous Provisions (Local Government Reform) Bill, 2019.

Mr. President, at the Bar, the late Sen. Simonette was always known for his courtesy and gentle manner, not only to the court but to litigants, witnesses and opposing counsel. In the Senate, he was always well prepared and his contributions were researched and scholarly. So, Mr. President, we remember his time here, and our deepest condolences go out to his family. May he rest in peace.

Mr. President: I recognize Sen. Foster Cummings.

Sen. Foster Cummings: Mr. President, on behalf of the Opposition Bench, I wish to offer condolences to the family of the late Sen. Garvin Ignatius Simonette. The former Sen. Simonette was born into a family of strong activism and social consciousness. It was no surprise that Garvin's life would eventually lead him along the path of politics. In fact, he was the son of the PNM's first General Secretary, the late Sen. Nicholas Simonette, and Hummingbird Medal (Silver) recipient, the late Irma Simonette. His first foray into the Parliament was as a temporary Senator in 2016, and in September of 2018, he was made a Government Senator, and served in that capacity until August2019.

The former Sen. Simonette died on December02, 2025, and Sir had a

distinguished professional career as a commercial lawyer. He, in particular, dealt with issues of insolvency and taxation, and during his time in the Senate, it was noted that he was a deep researcher who frequently presented scholarly discourses during his debates. Mr. President, he was well known for his skill in the field of commercial and taxation law, locally, regionally and internationally.

Garvin was dedicated to Trinidad and Tobago, and did all that he could to represent this country to the best of his ability. We are grateful for his contribution to our party and Trinidad and Tobago, and we would like at this point to, once again, wish his wife, Allison Demas, and his daughter, and the entire family and his friends our sincerest condolences on his passing.

Mr. President: Sen. Anthony Vieira SC.

Sen. Anthony Vieira SC: Mr. President, it is with a deep sense of respect that I rise to pay tribute to our former colleague, Sen. Garvin Simonette. The Simonette family is well known and well regarded in our national life, and the loss of Garvin is not felt only by his family, but by many communities across Trinidad and Tobago. I knew Garvin for over 50 years. He was a couple of years below me at St. Mary's College, where he and one of my brothers were classmates. He had formed very close friendships with that brother and with Ian Georges. They were class buddies.

We also played rugby together at St. Mary's College. Garvin distinguished himself even then as a committed sportsman, earning selection for the National Under-15 team, playing in the second row of the scrum. Those who know rugby understand that this is a position that demands discipline, strength, teamwork and courage, qualities that Garvin carried into every stage of his life.

Although we were not particularly close like my brother and he was, our paths continued to across over the decades in different realms. As attorneys-at-

law, we worked together on a number of matters, particularly in the spheres of commercial and construction law. I always found Garvin to be highly capable, industrious and steeped in the finest traditions of the Bar. He was meticulous, fair-minded and committed to the highest standards of professional conduct.

We later served together in this Chamber during the Eleventh Parliament, and as other Senators have indicated, his contributions were invariably well researched, thoughtful and delivered with scholarly elegance. Garvin brought to the Senate, the same qualities he brought to the rugby field and to the courtroom, discipline, clarity of purpose, composure and integrity. My interactions with his beloved wife, Allison Demas, an acknowledged authority in copyright and the collective management of intellectual property rights, added a further dimension to my respect for Garvin's family life, one grounded in learning principles and service.

So having known Garvin in these various capacities, our loyal son of St. Mary's College and the "old white and blue", as a sportsman, an attorney and a legislator, I can say, he remained remarkably consistent in character throughout. He was a man of principle, hard-working and respectful. Circumspect, he had eloquence and always possessed a generous heart. He regarded virtue, moral and intellectual, and excellence as a central guiding value. He lived according to reason and conscience. He treated others with fairness and respect and kindness, and he met adversity and the everyday challenges of life with integrity and quiet courage.

Today, I speak for myself, my brothers, for the old boys of St. Mary's College, and for the Independent Bench in offering this tribute to a truly decent human being. To his beloved wife, Allison, to his children and to all members of the Simonette family, we extend our deepest sympathies and condolences. We

share in your grief, but we also share in pride for a life thoroughly lived, honourably and well. It has been said that "all of life is a dream walking, all of death is a going home". Garvin has gone home, a journey each of us must someday make. May he rest in peace and may perpetual light shine upon him. Thank you.

Mr. President: Hon. Senators, I join with you as we pay tribute to the life and public service of former Sen. Garvin Simonette, a man who brought intellectual poise and an unwavering respect for democratic institutions to every space he entered. His contribution to national life, though concentrated within a specific period, left a disciplined and dignified imprint on our parliamentary history. Garvin Simonette's professional journey was one built on rigorous preparation.

I am told that as a commercial attorney, trained both at the University of the West Indies and at the London School of Economics and Political Science, his work reflected mastery of detail, strategic clarity and an appreciation for the rule of law. Those same qualities would later define his service in the Senate of Trinidad and Tobago. Guided by this conviction, he accepted the call to national service and entered the Parliament of Trinidad and Tobago as a Senator. In that capacity, he brought to the national table what he had long brought to the legal world, clarity, discipline and a commitment to principle.

2.00 p.m.

His contributions in Parliament demonstrated a deep respect for governance, accountability and responsibilities that accompany public office and when faced with a moment that required difficult reflection, he chose the path of honour by stepping aside from ministerial appointment and resigning his Senate seat. He placed the dignity of public office above personal ambition. That decision, though costly, reflected his belief that service must always be grounded in integrity.

Hon. Senators, let us remember him not only as a skilled attorney or as a

former Senator, but as someone who believed sincerely in the ideals of service, accountability and national duty. His legacy encourages us, whether in law, politics, diplomacy, or public administration, to hold ourselves to the highest standards of conduct.

May his example remind us that the true strength of a democracy lies not only in its institutions but in the character of those who serve within those institutions. May his memory inspire continued commitment to integrity, respectful dialogue and responsible stewardship in public office. On behalf of my family, all Members of the Senate and the staff of the Office of the Parliament of Trinidad and Tobago, I extend wishes for comfort and strength to the family of the late Garvin Simonette. May his soul rest in peace. Hon. Senators, I now ask that we stand and observe a minute of silence as a mark of respect.

The Senate stood.

Mr. President: May his soul rest in peace. Thank you, hon. Senators. The Clerk will convey to the family of the late Sen. Garvin Simonette the sentiments expressed today.

CONDOLENCES
(DR. DAPHNE PHILLIPS-GASKIN)

Mr. President: Hon. Senators, former Senator and Minister, Dr. Daphne Phillips-Gaskin, passed away on Wednesday, December 3rd, 2025. I now invite Members to offer tributes. The hon. Leader of Government Business.

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Thank you, Mr. President. Mr. President, I rise once more, this time to pay tribute to the late former Senator, Dr. Daphne Etheline Phillips-Gaskin, who departed this life on the 3rd December 2025. Dr. Daphne Phillips-Gaskin, was a woman of extraordinary depth. She was an academic, a nurse, a mentor

policymaker and a patriot.

> "'Her life-long commitment to empowering communities, uplifting women, strengthening families and enriching the cultural fabric of our nation will forever stand as a testament to her vision and integrity.'"

Dr. Phillips-Gaskin served our country with distinction in the Basdeo Panday administration of 1995 to 2001, holding several key ministerial portfolios, to wit, Minister of Community Development, Culture and Women's Affairs, Minister of Culture and Gender Affairs and Minister in the Ministry of Community Empowerment, Sport and Consumer Affairs. She also served as a Government Senator during that period and later returned to the Parliament as an Opposition UNC Senator in 2008. Such was the esteem in which she was held, that she was entrusted to act as Prime Minister on multiple occasions, and she carried out that responsibility with calm competence and unwavering dignity.

Incidentally, Mr. President, she was the second woman to act as Prime Minister of this country, the first being the hon. Kamla Persad-Bissessar. Dr. Phillips-Gaskin was a stalwart of the UNC and in 2024, the hon. Kamla Persad-Bissessar, honoured her with a long service award, celebrating her sterling and endearing contributions to the UNC party and our national development.

> "'Before joining the UNC, Dr. Phillips-Gaskin was a member of the People's Popular Movement, the PPM, under Michael Als. When the PPM merged with the newly formed UNC in 1991, she became part of this party's foundation and never wavered in her commitment."—to the UNC thereafter.

She served not only in the government and the Parliament but also within the UNC's internal structures, including as a member of the UNC National Executive and:

> "Her voice, wisdom and steadfast support strengthened the organisation

from its earliest days right up to her final years."

She was a highly trained social scientist and she specialized in Sociology, Behaviour Modification, Health and the Sociology of Development. She pursued her studies at the University of the West Indies in Trinidad and Jamaica, and later at the University of Illinois at Chicago. Her early training at Bishop Anstey High School and Osmond High School laid the foundation for a life of academic excellence and service. Dr. Phillips brought her extensive experience in nursing, "midwife-ry", I think it is.

Hon. Senator: Midwifery.

Sen. The Hon. D. Allahar: Yes, I am sorry. And nurse education in the Caribbean shaping countless professionals across the region. She taught later at several tertiary institutions, including the University of the West Indies, where she helped mould future generations of leaders and thinkers.

Across her academic career, Mr. President, Dr. Phillips shaped public discourse on public health sector reform, the migration of medical workers, violence and social problems in school, teenage sexuality, class and ethnicity in Trinidad, HIV/AIDS and public health and women's development and gender affairs. As an advocate for women, youth and communities, as Minister and community leader, Dr. Phillips championed the needs of the vulnerable. Her achievements included establishing programmes for disadvantaged women, introducing one of the first male domestic violence units to address gender-based violence at its roots, supporting youth development through counselling, training and community engagement, strengthening cultural institutions, including contributions to the National Steel Symphony Orchestra and the National Trust.

Now, Mr. President, Dr. Phillips's later years were marked by the profound challenge of chronic illness and the onset of multiple sclerosis changed her life

physically, emotionally and spiritually. Yet, rather than withdraw, she committed herself to advocacy supporting others through her own struggles with MS. Her lived experience and her profound empathy contributed to the eventual establishment of the Multiple Sclerosis Society of Trinidad and Tobago, giving voice, community and support to those living with the disease.

Dr. Daphne Phillips leaves behind a legacy of public service of the highest order, a body of scholarship that advances national understanding of critical, social issues, a lifelong commitment to women, youth, the vulnerable and the marginalized, a model of personal integrity, resilience and faith, a courageous and compassionate fight on behalf of persons with multiple sclerosis and her life, Mr. President, was transformative not only for herself but for the countless individuals, communities and institutions that she touched during her lifetime.

Mr. President, we on this side extend condolences to her dear family and may she rest in peace and rise in glory. Thank you.

Mr. President: Sen. Dr. Amery Browne.

Sen. Dr. Amery Browne: Mr. President, I too, join in respectful tribute to offer some words in respect of the memory and legacy of Dr. Daphne Etheline Phillips-Gaskin. I offer this tribute as well on behalf of the People's National Movement Bench in this Senate.

Mr. President, Dr. Daphne Etheline Phillips-Gaskin, was born on the 24th January, 1944. She lived a long and fulfilling life, having passed on the 3rd of December 2025. It is no exaggeration to state that this was one remarkable lady. She leaves to mourn a loving family, including two children. Dr. Daphne Phillips-Gaskin was one of the most multitalented and multifaceted citizens to have served a public role in this nation of Trinidad and Tobago.

2.15 p.m.

She attended Bishop Anstey High School and Osmond High School. She subsequently obtained a Bachelor of Science degree in Sociology at the University of the West Indies, a Master of Science in Sociology of Development at the University of the West Indies, and then in 1993, she earned her PhD, also in Sociology of Health and Medicine, from the University of Illinois in the United States of America. But that was just the beginning. She was also a registered nurse and certified midwife. Indeed, her family and loved ones must be very proud of her various contributions and her overall legacy.

She is one of the most versatile individuals to have served as a Senator in this country. From 1991 to 1993, she worked for the United Nations Economic Commission for Latin America and the Caribbean (UN ECLAC), and also worked as a consultant with the United Nations. She also worked as a research and training officer at the Family Planning Association of Trinidad and Tobago. She also served as a lecturer in Sociology at UWI St. Augustine, and as a lecturer in behavioural Science at UWI St. Augustine. She also served as a lecturer in Medical Sociology at UWI Mount Hope. Mr. President, she was there when I was there as a medical student. She was there as a lecturer, quiet, calm, respectful and very interested in medical students' future.

In the year 2002, she became the regional coordinator for HIV research in the Caribbean at CAREC. She also lectured at the Bar at UWI St. Augustine. She went on to become a senior lecturer in Sociology at UWI, and then as Professor of Sociology at the University of the Southern Caribbean. So, nursing, medical training, Sociology, research, coordinating, HIV at CAREC, and also worked at the Family Planning Association; an extremely versatile and multitalented individual. We know that she also worked at Cipriani Labour College and lectured for a short while at the Seminary of St. John Vianney. Throughout this suite of service, Dr.

Daphne would have empowered, edified and enlightened tens of thousands of students, who are all grateful.

As has been indicated, she served as a government Minister of Trinidad and Tobago in several portfolios and as acting Prime Minister of Trinidad and Tobago. Dr. Daphne would be remembered as a very serene, calm, well-put-together Senator, who was very knowledgeable on matters on which she would have spoken. Quite a non-toxic servant of the people who always sought to get the job done, she is also noted as an exemplary mother to her dear children.

Mr. President, I join others in respectful and sincere tribute to the memory of Dr. Daphne Phillips-Gaskin, who has left her mark on this country during her long and distinguished service in a variety of capacities. May she rest in God's divine peace, and may her beloved family and loved ones find comfort in the knowledge that her legacy will live on in the lives of her many students, of her colleagues in the Senate, and in the endeavours of the next generation whose lives she touched and improved. May she rest in peace.

Mr. President: Sen. Dr. Marlene Attzs.

Sen. Dr. Marlene Attzs: Thank you, Mr. President. I rise this afternoon on behalf of the Independent Bench to pay tribute to Dr. Daphne Phillips-Gaskin. As we have heard from colleagues in their contributions, she was a scholar, a sociologist, a former Minister, a former Senator, a community advocate, a nurse, and a woman whose public life exemplified the deep connection between rigorous academic work and meaningful national service.

In making in this tribute, Mr. President, I also pay tribute to my former UWI St. Augustine colleague. Dr. Phillips spent more than two decades at the University of the West Indies, St. Augustine campus. She was my colleague in the Faculty of Social Sciences, and we were actually office neighbours since we occupied offices

on the same corridor.

I had the privilege of seeing her dedication and quiet strength up close. Before she entered political office, Dr. Phillips was, above all else, a sociologist. She was a scholar who examined the structures, the systems and the social forces that shaped everyday life in Trinidad and Tobago. At the UWI Faculty of Social Sciences, she lectured in Sociology, social policy and the sociology of health. Her students remember her as a demanding but deeply compassionate teacher, someone who insisted that social science must illuminate the lived realities of ordinary people.

Her research, published in journals such as Caribbean Dialogue and International Sociology shaped regional thinking on health and society. Her influential 1996 article, "The Politics of Medical Dominance in Trinidad and Tobago", published in the Sage Journals, international sociology, examined how structural inequalities and professional hierarchies influenced patient experience and access to care.

Long before the terms "health inequity" and "structural violence" became part of mainstream policy discourse, Dr. Phillips was interrogating the power relations embedded in our healthcare system, and calling for a more humane and equitable model. Her scholarly work extended to nurse migration, youth development, community resilience and the social roots of public health challenges. Across her academic career, she asked difficult but necessary questions, including: Why do our health care systems continue to marginalize the very people that they are meant to serve? How do race, gender and class shape access to care and justice? What structural changes may be necessary to make development truly people-centred?

In many ways, her sociological lens became the compass of her public life.

She approached society not as a set of problems to be administratively managed, but as a living system of people whose dignity and well-being required deliberate, thoughtful and evidence-based action.

Dr. Phillips was part of a rare tradition in Trinidad and Tobago, scholars who bring their academic training to bear on national policy. As noted earlier, she served in several Parliaments and her legislative contributions reflected her sociological preoccupation with justice, opportunity and the structure of community life. Among the Bills she debated were the Domestic Violence Bill, the Equal Opportunity Bill, the consumer protection legislation and measures relating to gender affairs, culture and community empowerment. These are not, Mr. President, incidental details. They reveal a policymaker who saw the State not merely as an instrument of administration, but as a mechanism for equity, protection and social transformation.

A colleague who worked with Dr. Phillips in the sphere of gender affairs remembers her as Minister of Community Development, Culture and Gender Affairs, and later as a Senator who championed the idea that development must begin with the strengthening of people's capacity to participate in society, to work, to create, to belong, and to strive. Her legislative record shows consistent attention to the everyday struggles of households and communities, especially women, working families and those whose voices are least heard.

Dr. Phillips assumed the portfolio as Minister of Gender Affairs at a pivotal moment, just after the landmark 1995 Beijing conference, when global conversations on gender equality were deepening. It was Dr. Phillips who first moved to shift the national discourse from women's affairs to gender affairs, recognizing that meaningful transformation required understanding the full spectrum of gender relations in Trinidad and Tobago. She was the Minister who

insisted on grounding policy in the lived realities of both women and men. As part of this work, she initiated projects such as homework centres, and skills training programmes in non-traditional areas, thereby opening new pathways for economic participation, particularly for women and young people.

Her colleagues remember that Dr. Phillips was the first Minister to formally engage a committee of men, so that she could better understand their perspectives and show early recognition in our national space that progress in gender justice required insights and participation of men as well. What stood out most, however, was her approachability and humility. Despite the trappings of ministerial office, Dr. Phillips was known for truly listening to even the youngest members of her teams. She was not swept up in ceremony or status. She was described simply as powerful, as an excellent Minister, one whose sincerity, curiosity and willingness to learn made her leadership both effective and deeply human. This testimony reinforces what her parliamentary and academic record already shows, that Dr. Daphne Phillips brought to every role—lecturer, sociologist, Minister, Senator—a profound respect for people and a desire to shape policy that resonated with the social realities of those she served.

Dr. Phillips embraced her degenerative illness with extraordinary candour and courage. Rather than retreat, she transformed her private struggle into public advocacy, cofounding and later leading the Multiple Sclerosis Support Foundation of Trinidad and Tobago. Through that work, she helped bring visibility to a condition that often leaves people feeling isolated and unseen.

Mr. President, as I close this tribute, I say that Dr. Phillips' journey offers three enduring lessons for us in this Chamber. First, Dr. Phillips showed that academic insight enhances public policy. In an era when debate can be driven more by rhetoric than reason, she demonstrated that evidence and scholarship still

matter, that good sociology could illuminate good governance.

Second, her work affirmed that social policy, gender justice, community development and culture are not peripheral to national progress. They are central to the health and resilience of our society. The Bills she debated, the Ministries in which she served and the research produced, all reflected a unified vision, that a nation must be judged by how it treats its most vulnerable and how it builds belonging.

2.30 p.m.

Third, Dr. Phillips-Gaskin's courage in the face of long-term illness reminds us that public life is not merely about positions held but about character demonstrated, perseverance, generosity, and advocacy for persons living with chronic conditions speak to the best of our civic tradition.

Mr. President, on behalf of the Independent Bench, I extend sincere condolences to her family, her friends, her former colleagues in academia, the Multiple Sclerosis Foundation, and the communities she served across decades. We thank them all for sharing her with the country.

Dr. Phillips-Gaskin leaves behind a legacy made not only of Bills debated and policies shaped, but of minds mentored, systems interrogated, communities uplifted, and people empowered. She embodied the conviction that scholarship must serve society, and that public service, when grounded in compassion and evidence, can indeed shape a more just and humane Trinidad and Tobago.

Mr. President, in remembering Dr. Phillips-Gaskin, may she rest in peace and may perpetual light shine upon her. Thank you, Mr. President.

Mr. President: Hon Senators, I rise to add my own words of tribute to our departed colleague and friend, Dr. Daphne Phillips-Gaskin, former Minister of government, scholar, advocate, and national servant.

It was more than three decades ago that I first met Dr. Daphne Phillips-Gaskin, who soon became my comrade in struggle. While she was a scholar of remarkable depth in the field of sociology, her work was defined not by theory alone, but by her profound empathy for the living experiences of ordinary citizens. She was grassroots in her outlook and interactions. She understood our society, its struggles, its hopes, its contradictions, and she has taught others to understand it with clarity and respect. Those who sat in her classroom did not simply learn, they were awakened. Her remarkable brilliance did not remain within the walls of the university. As previously mentioned, Dr. Daphne Phillips-Gaskin was a government Senator in the Parliament of Trinidad and Tobago, from 1995 to 2001, holding key ministerial portfolios, inclusive of Minister of Community Development, Culture and Women's Affairs, and later served as a Minister in the Ministry of Community Empowerment, Sport and Consumer Affairs.

Her legislative contributions were not symbolic, they were transformative. She introduced and guided the passage of the Domestic Violence Act of 1999, offering greater protection and recognition to victims at a time when these issues were still emerging in national discourse. She championed our cultural identity through the National Art Gallery and Museum Act, affirming her belief that heritage, history, and creative expression are essential to nation-building.

Hon Senators, as we reflect on her life, I recall an exceptional human being, whom I would describe as a gem and iconic in her own way. She was gentle in her approach, yet powerful. Full of integrity, decency, and dignity, all this wrapped in one package. Her dedication to service remains unquestioned, and Trinidad and Tobago is better because she lived, because she taught, because she served. It is fitting that within this Chamber, the place where her public service found its

highest expression, we honour her memory, her work, and her legacy. May her legacy remind us that we, too, are called in our own areas of responsibility to build communities of dignity, advancing justice, valuing culture, and protecting the vulnerable.

On behalf of my family, all Members of the Senate, and the Staff of the Office of the Parliament of Trinidad and Tobago. I wish to yet again extend sincerest wishes of strength to the family of the late Dr. Daphne Phillips-Gaskin during this difficult time. May her soul rest in peace. Hon. Senators, I now ask that we stand and observe a minute of silence as a mark of respect.

The Senate stood.

Mr. President: Thank you, and may her great soul rest in peace. Hon. Senators, the Clerk will convey to the family of Dr.Daphne Phillips-Gaskin the sentiments expressed today.

VISITORS

CPA Representatives

Mr. President: Before I take my seat, may I ask you to join with me in welcoming two representatives sitting on my right in the alcove. They are representatives of the CPA, and they are here to help in a programme called the Advanced Residency Programme, which takes place between December the 8th to the 12th. Could you warmly welcome them?

Hon. Senators: [*Desk thumping*]

HOME INVASION

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

[*Second Day*]

Order read for resuming adjourned debate on question [December 02, 2025]:

That the Bill be now read a second time. *Question again proposed*.

Mr. President: Hon. Members, on the last occasion there were some 18 speakers on this particular Bill. I do not want to go through the 18 names. The persons know themselves and would not attempt another opportunity to rise because I would not recognize them.

Hon. Senators: [*Laughter*]

Mr. President: So the debate continues. Who would like to speak? Yes, the honourable Sen. Larry Lalla.

Hon. Senators: [*Desk thumping*]

2.45 p.m.

Sen. Larry Lalla SC: Mr. President, I thank you for the opportunity to join this debate that continues on the Home Invasion (Self-Defence and Defence of Property) Bill, 2025. Allow me also, Mr. President, the opportunity to sincerely thank the hon. Pennelope Beckles-Robinson—

Hon. Senators: [*Desk thumping*]

Sen. L. Lalla SC:—Opposition Leader, for the opportunity to contribute to this Bill, to be here today to contribute, as well as Sen. Dr. Amery Browne—

Hon. Senators: [*Desk thumping*]

Sen. L. Lalla SC:—Leader of Opposition Business in the Senate.

I did not realize, Mr. President, that there were 18contributions on the Bill. I would say though, that when I was informed that I would be speaking today, or that I would have the opportunity to speak today, I went and I played back all the contributions. I did not realize that I had listened to so many.

Hon. Senators: [*Laughter*]

Sen. L. Lalla SC: And I want to say thank you, Mr. President, to the speakers on both, the Government, the Opposition side, as well as the Independent Senators

who spoke for their contributions, which I think were very helpful in my preparation for this afternoon. And I would try, Mr. President, not to repeat any area that has been traversed extensively in this debate so far.

I intend to cover six points, Mr. President, to deal firstly with the issue of victims of home invasion in our country and whether this Bill could be expected to assist them and to consider whether we should not be focusing instead on prioritizing enforcement of the laws we already have. Then I intend to go on to, what I see as the paradigm shift or fundamental change in the way life is conducted in Trinidad and Tobago if this Bill were to become law. I want to touch also briefly, Mr. President, on the issue of immunity provisions, which we have heard about, which are not in the Bill, and I want to touch as well on the issue of the three-fifths majority, which I see as a constitutional requirement for this Bill, and I will explain why. Lastly, I would, once permitted, touch on some of the contributions that were made by colleagues in this honourable Senate on Tuesday.

This Bill deals with, or it attempts to deal with the issue of home invasions and the protection that should be afforded to all of us, all the citizens and persons who live in this country, in our homes. During the course of my contribution, Mr. President, I intend to refer, from time to time, to the policy paper which was prepared by our Law Reform Commission on the direction or the request of the Attorney General. So, from time to time, I may refer to it loosely as the "law reform paper"—My—Mr. President. I almost said, "My Lord" out of habit.

Hon. Senators: [*Laughter*]

Sen. L. Lalla SC: So, when I say, "law reform paper", that is what I am speaking about, Mr. President.

As was pointed out in that paper at page 3 thereof, there are certain basic

fundamental rights, which we all enjoy, and victims, or persons who we see as victims of home invasion, we have to remember at all times that they enjoy fundamental rights under our Constitution. Under section 4 of the Constitution, those rights could be considered to be:

"the right…"—to—"…security of the person and enjoyment of property…" —enjoyment of their homes, their property.

"the right…"—to—"…protection of the law;

the right of the individual to respect for his private and family life;"

When you are in your home, the sanctity of your home with your family, no one should be the victim of a home invasion, to interfere with your enjoyment of your home with your family, and that is a constitutional right. And the act of home invasion—I agree with the Law Reform Commission, that the act of home invasion violates those fundamental human rights that are set out in section 4 of our Constitution. But the problem with home invasions, Mr. President, is that they occur when persons in their homes or around their homes are at their most vulnerable moments. When you are sleeping in your bed in the middle of the night; when you are attempting to leave your home and going out your gate; when you are unware and not paying attention to what is happening around you, that is the time when you are pounced upon.

A home invasion does not take place, or generally does not take place with persons surrounding your home and saying, "Geh ready, we coming in. I am allowing you an opportunity to arm yourself or put yourself in a position to protect your family." You will be lying in your bed and you are awaken to a gun in your face.

All of us know of examples of this. I heard colleagues in the Senate referred

to examples. I know of one example of a relative living in St. Helena, leaving his home at six o'clock in the morning to go to work. As he goes out his gate, he is accosted, taken back inside the home, beaten in the presence of his wife and his two young children who, as one would expect, would have been screaming down the place, not understanding the terror that they were experiencing.

I heard the Attorney General refer to one of our colleagues in the profession, and a video which was circulating when he was in his yard, and he was accosted, totally unware that this misfortune was about to spring upon him. And, of course, that situation being what it is, it is no surprise that in the last general election, this was a major issue, hot issue on the campaign trail, stand-your-ground legislation. It is not surprising.

But the question that we have to confront, Mr. President, is, how does this legislation, the nine clauses of this Bill, how do those nine clauses assist those persons in the positions that I have described? Since the 17th Century, we have heard on a number of occasions in this Senate that the castle doctrine has been around. Since the 17th Century, hundreds of years now, persons have had the right, according to law, to take steps to protect themselves in their home, in their castle, to protect their family. But that availability in law has not helped any of the victims. It has not served to help any of the persons who have been victims of home invasions in Trinidad and Tobago.

The average Trinbagonian, Mr. President, even without knowing the law, even having never heard anything before about the castle doctrine, would know that if someone comes into their home without permission and in a way that is threatening to their own safety and the safety of their family, they would know that they could defend themselves, and they have a right to defend themselves. We do

not need any new laws to tell them that. But the fact is, even with the right to defend themselves that has existed for hundreds of years, that still has not dealt with the problem in Trinidad and Tobago.

In the newspapers a couple of days ago, on Wednesday the 3rd of December in the Trinidad *Guardian*, headline:

"Woman finds her mother dying at home with throat slit"

—a girl had to go to her mother's home and find her mother there, just on Wednesday, with her throat slit, dying. Somebody went into their house, invaded the house, no doubt, slit the mother's throat and left her dying.

The thing is, Mr. President, that no provision, none in this Bill that we are debating, and have been debating, could have helped that mother, could have helped the man who was leaving his home in St. Helena and was accosted by persons outside his gate, could have helped our colleague who was accosted in his yard and beaten. No provision in the Bill that we are dealing with could have helped any of them. The problem, Mr. President, is that we are making all this effort to pass this law, to deal with something which is not a legal problem. It is not a legal problem. It is an operational and systemic problem in Trinidad and Tobago today.

Hon. Senators: [*Desk thumping*]

Sen. L. Lalla SC: And that is what has to be dealt with and that is what, respectfully, the Government should be focusing its time on, not standing up on a platform and talking about "stand your ground". That is not going to help anybody. No clause in the Bill—and I challenge anyone to point to a clause in the Bill that is going to stop the problem and help you to do something that you did not have a right to do before.

So we need to prioritize enforcement of the laws that we have already. We have laws, Mr. President, that deal with just about everything covered by the Bill. As I said, we have the castle doctrine. In that law reform paper at paragraph 2.3, Mr. President, if I might refer to it, paragraph 2.3 notes, and I quote:

> '"It should be noted that apart from the rights enshrined in the Constitution, Trinidad and Tobago has laws which allow for self-defence and provide for the crimes of manslaughter, trespass, robbery, burglary and housebreaking; these include:
>
> • The Offences Against the Person Act, Chap. 11:08 – section 7 provides for 'Excusable homicide' and states that 'No punishment shall be incurred by any person who kills another person by misfortune or in his own defence, or in any other manner without criminality'."'

That is one. Then there is:

> "• The Criminal Law Act, Chap. 10:04 – section 4(1) permits a person to use such force as is reasonable in the circumstances *inter alia* in the prevention of crime."

Then we have:

> "• The Trespass Act, Chap. 11:07 – prohibits the act of trespass as well as forcible entry…"

That is home invasion. Then we have:

> "• The Larceny Act, Chap. 11:12 – provides for the crimes of *inter alia*: larceny in dwelling…robbery; burglary; housebreaking and committing an arrestable offence…"—in a home.

So we have all of these laws, which have been on our books for a very, very long time. I agree with the statement that was made by Sen. Dr. Murray, the

average citizen does not want a licence to kill, Mr. President. The average person in this country does not want a licence to kill. Contrary to what the Government may think, they all do not want guns. What they want is a secure Trinidad and Tobago protected by the organs of the State.

Hon. Senators: [*Desk thumping*]

3.00 p.m.

What we need to do is to get the police, the Director of Public Prosecutions and our courts to function as they were intended, and they are not functioning the way they were intended. That is the essence of the problem. And this law, this Bill that we have spent so much time debating, this Bill will not get any of those functionaries and organs of the State, which deal with protection of the citizens, to function the way they were intended.

Just yesterday, or was it Wednesday, in the newspaper again, headline in the *Newsday* newspaper:

> "Six previously held under 2024 state of emergency, discharged on conspiracy to murder charge.
>
> SIX people, including two women, some of whom were previously held under ministerial preventative detention orders during the previous state of emergency, were discharged by the High Court after prosecutors failed to file an indictment..."

Mr. President,

> "The group had been charged with conspiring to murder a prison officer, but the court ruled that it could not proceed, because the State submitted no evidence.
>
> Master Delicia Bethelmy made the ruling after being told that the Office of

> the Director of Public Prosecutions, had received no police file and had not file an indictment required for the sufficiency hearing. Defence attorneys argued that the State also missed all disclosure deadlines set by a scheduling order issued April 14, which required an indictment, statements, and all intended evidence by all intend July31st."

So, that is a very recent example of the point that I am making. What is the point in passing all these new laws if what we have this not working? That is what efforts should be directed at. That matter involving those six persons, who are presumed innocent until proven guilty, should not have ended that way. If the police took their time to investigate the matter and laid charges, the system should have functioned to ensure that the evidence is filed on time and the indictment is filed on time. And we just cannot keep passing laws, passing laws, passing laws and not focusing on getting the system operating properly.

I commend what was done under the last Government, in the passage of AJIPA. Any lawyer that you speak to will tell you that there has been a vast improvement in the progress of matters through the Criminal Courts. Of course, it is not perfect, it is a working progress but that is what is needed. You have to focus on what could be done to have the system operate more efficiently—[*Interruption*]—I am getting some interference, Mr. President, a Venezuelan station, maybe—[*Laughter*].

The problem in Trinidad, Mr. President, the problem is and unless we confront this problem, we get nowhere. There are no consequences for unlawful conduct. People do not believe that there are consequences. They believe that if they act improperly, and I do not mean everyone, but those who are bent on breaking the law, believe that they could get away with what they do and that is

why they do it. And unless we focus on that, our problems will never be addressed. This little country that we have, and it is small. Sometimes it might feel big, but it is very small. Unless, we focus on ensuring that those engaged in unlawful conduct, face the consequences of their actions, we will get nowhere.

Hon. Senators: [*Desk thumping*]

Sen. L. Lalla SC: But the Government, the Government has shown that they have not crime plan, Mr. President.

Hon. Senator: Correct.

Sen. L. Lalla SC: As Sen. Dr. Attzs mentioned in her presentation, this Bill that we are debating, emerges in a troubling policy vacuum. She asked the question is, what is the national security policy? And she made the point, Mr. President, that after their very first budget, perhaps the most important budget that any Government coming into office could face, after that first budget, no one knew what was the crime plan of this Government because it was not set out in the budget. So, if you do not have a crime plan, if you do not explain to the population, where you are going, what you are hoping to achieve, how could you be passing law like this, which takes a very fundamental shift, in the way the business of the citizens and the rights of the citizens are dealt with in this country and I will come to that very shortly.

In speaking about this issue of the functioning of the system though, Mr. President, I should mention—I do not want to sound all negative or be all negative. We have a new Chief Justice, we have a fairly new Commissioner of Police. From the utterances of the Chief Justice, so far, it appears as though his mind is in the right place, his efforts will be directed in the right place to do what he could to improve the efficiency of the justice system and the judicial system and the same

thing with the new Commissioner of Police. So, there is some hope, Mr. President. But the Government needs to do what is necessary to ensure that they could get their job done more efficiently, that those who operate within their sphere and under them, could operate in an efficient manner. So, let me come to the paradigm shift that I was alluding to, that I have alluded to, which will take place if this Bill becomes law.

We all remember during the election campaign that talk about "Load up the matic. Empty the clip. Knock it on them". Exactly what "knock it on them" means, I do not know, but that was the term used several times during the campaign. And the Attorney General has mentioned, that after the passage of this Bill, should it become law, there is legislation to follow, to work in the tandem with this Bill.

Well, the law reform paper, Mr. President, makes the link between the stand-your-grown legislation—the Home Invasion Bill that we are dealing with and this issue of more guns. If I might refer to page four, paragraph 2.5, of that Law Reform Commission policy paper and if I might quote, Mr. President,

> "The Commission notes that some have linked two Government proposals, namely, enabling more eligible applicants to be granted Firearms User's Licenses…in accordance with the provisions of the Firearms Act, Chap. 16:01, and the introduction of SYG legislation. From these two proposals it can be deduced that an increased number of people will likely be applying for FULs in order to protect themselves, others and their property from home invaders. Although the grant of FULs and the use of firearms are not the focus of this Paper…"
>
> This is important,

"…the Commission acknowledges the connection between the two proposals."

Our Law Commission, is saying in this Paper, that they acknowledge the connection between stand-your-ground legislation and the increase in the award of FULs in this country and, Mr. President, that is a very serious issue.

3.10 p.m.

Because as the Attorney General pointed out in his presentation, the persons who really benefit are the persons who are alarmed, burglar-proofed and armed. With stand-your-ground legislation, for you to really benefit, you have to be alarmed, burglar-proofed and armed, so that when you are sleeping in your house in the middle of the night and somebody is attempting to get to you, you have an alarm that will trip off and a burglar-proof that they would have to get through. But by the time they do that, you are sitting, waiting on them with your firepower. That is how that legislation is going to work. It is not going to work any other way.

I heard Sen. The Hon. Allahar say that he would pick up his Gilpin and defend his family if he has to. Everyone would do that. No person would resist the opportunity to pick up a cutlass and let a home invader have some of it if he has the opportunity to do so. But that is the problem. That is the problem. As one Senator said, "You cannot take a knife to a gun fight." You will get killed and everybody around you will get killed. So, the only way that stand-your-ground legislation works is if we are able to arm the population. We have to ask the question: Is that government policy? Is that the Government's policy behind this Bill? And if that is the Government's policy, this House deserves the honour and the respect of knowing that.

Hon. Senators: [*Desk thumping*]

Sen. L. Lalla SC: Sen. Vieira in his contribution asked the question, "Is this Bill a prelude to a gun culture?" I understand from enquiries that I have made, Mr. President, that at present, there are about 20,000 FUL holders in the country. That could be maybe on the low side, maybe on the high side, but around there. The question that we have to ask is: Is government policy in this country now intent on increasing that to 40,000 to 100,000, to 200,000? Does the UNC Government intend to make this country a gun state? That question has to be answered. Because, if so, we, as a nation, all of us, will have to decide how many guns are enough. And we have to decide who will get it and what is the criteria that will be used.

Sen. Dr. Attzs in her contribution, Mr. President, concluded that this is not empowerment. What it is, is the outsourcing of the State's duty to thousands of untrained, frightened individuals, where some households will be more equal than others. Is the plan that, well, everybody west of the lighthouse has enough, so we are going to focus on the southern part of the country or the eastern part of the country? If that is the plan we need to understand. We just cannot take laws that have existed in developing countries like the United States and Canada and England and Ireland and impose them on our country. Trinidad is very different. We have different behavioural norms.

Hon. Senators: [*Desk thumping*]

Sen. L. Lalla SC: We are not as developed as those countries. We do not have systems that could support householders. In those developed countries, Mr. President, stand-your-ground law operates and supplements a very efficient police system. Stand-your-ground law is not and cannot be a substitute for an inefficient,

ineffective police system, which is what we are trying to do here. So, the point is, Mr. President, that we have to think long and hard and the Government needs to explain to this House, the real legislative context in which this Bill is going to come.

Because I am running out of time quickly, I am going to go to what I see as a very important point, Mr. President, that I cannot exclude from my contribution, and that is the issue of the constitutional majority. I agree with Sen. Dr. Murray and Sen. Al-Rawi that the three-fifths majority is required for the passage of this Bill, but for a slightly different reason that they have identified. We have to start off with the premise, Mr. President, that even a home invader prima facie has a right to life under section 4(a) of our Constitution. However, the point is that up to today, Mr. President, self-defence and the taking of life in self-defence in our law is based on this whole concept of proportionate force.

When we look at clause 9(1)(b) of the Bill, what we see is—if I might read 9(1)? Clause 9(1) says:

"Sections 6 and 7..."

—that is, the right to defend yourself in your home and defend your property—

"…do not apply where—

"(b) the degree of force used by an occupant, or a person assisting an occupant, is grossly disproportionate in the circumstances ..."

In other words, the defence does not apply where the force you are using is grossly disproportionate. But what the clause is saying, impliedly, is that it applies where the degree of force used is disproportionate. and that is the problem, Mr. President. For the first time in our country, in the history of our country, if this Bill becomes law, we are allowing persons to take the life of another in defence of themselves or

their property using disproportionate force. And for that reason, a constitutional majority is required. And I would refer, Mr. President, in support of that point, to section 6(1)(c) of the Constitution. Section 6(1)(c) says:

"Nothing in sections 4 and 5…"

—that is the human rights provisions—

"…shall invalidate…"

—and I go to (c):

"…an enactment that alters an existing law but does not derogate from any fundamental right guaranteed by this Chapter in a manner in which or to an extent to which the existing law did not previously derogate from that right."

We are seeking to pass a law that will derogate from the right to life in a manner in which our laws have not previously derogated, by allowing persons to take life in self-defence or defence of property with disproportionate force. For that reason, Mr. President, for that reason, respectfully—and I would ask the, Attorney General to consider what I am saying—the three-fifths majority is required if the Bill is to be constitutional.

Sen. L. Lalla SC: May I enquire, Mr. President, as to how much time is remaining?

Mr. President: You end at 3.24.

Sen. L. Lalla SC: Sorry?

Hon. Senator: 3.24. Six more minutes.

Sen. L. Lalla SC: Six more minutes. Excellent.

So, that time that I have is enough time to make a point, which I was not going to make because I thought time was running out, but I could make it now, and that is the absence of immunity provision. I would just want to mention for

Senators who will come after me, I would like them to take a look at that point that I am making in relation to the change that is taking place in our law, by allowing the use of force which is disproportionate. I would ask them to read the law reform paper, pages 15 to 18, and see the fundamental change that took place in England in their law in 2013, when they passed what is called the "householder defence". Right. So, those pages would show that prior to 2013, you could not act in self-defence using disproportionate force. In 2013, there was a fundamental shift in their law by passing the householder defence, their version of stand-your-ground, which allowed the use of disproportionate force. We are now seeking to make that change, should this Bill be passed, and therefore the constitutional majority is required because of section 6 of our Constitution.

In the law reform paper as well, you would see on pages 9 to 10 mention of the immunity provisions. The Law Reform Commission was very well aware that a very important part of stand-your-ground legislation, Mr. President, is the immunity provision, which is there in the paper. I would ask others to take a look at it.

So, I would end my contribution, Mr. President, by saying that the real issue confronting this House is not the right of citizens to defend themselves in their homes. They have always had that right. But the real issue confronting the House is citizens having to defend themselves in their homes in the first place because all of our systems—the systems that should protect them—are in need of attention. That is where the Government's focus should be.

Hon. Senators: [*Desk thumping*]

Sen. L. Lalla SC: No reasonable citizen wants a licence to kill. Their desire is for a safe Trinidad and Tobago, with an effective and efficient police service and

justice system. This Bill, with its apparent accompanying militarization of Trinidad, will probably take us, Mr. President, further away from that desire. I thank you very kindly for the opportunity, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Parliament Secretary in the Ministry of Sport and Youth Affairs.

Hon. Senators: [*Desk thumping*]

The Parliamentary Secretary in the Ministry of Sport and Youth Affairs (Sen. David Nakhid): In the name of God, most gracious, most merciful. Mr. President, if anyone in the UNC had any doubts, I think they can now breathe a sigh of relief.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: We had a contribution that was so duplicitous, so lacking in intellectual depth that I really could not understand where the gentleman was going. He made the statement that should go down in the annals of this Senate: What is the point of passing new laws if the laws that we have now are not working? Let that marinate a bit. What is the point of passing new laws if the ones that we have are not working?

3.25 p.m.

That is why we have new laws, because the ones we have are not working. If we take the example, Mr. President, of the standard of what we call "legislation", Lord Bingham, who spoke about the stricture of laws, how precise it should be, how narrow, how it should be unambiguous, how it should have an objective, a purpose, nobility; all of that Lord Bingham spoke about, that is why you codify law.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: That is why you take common law and you codify it, you bring it

down to the ground, that people understand where the parameters are. You do not just leave it up to ambiguity, to your interpretation of it. That is why we codify law. So to hear someone, SC—"PC, TC, KFC, I doh know"—come and say that, "You don't have new laws if the others are working." Well, I do not know, Mr. President, that has left me confused. Well, not so much considering who it came from.

The gentleman also talked about, this legislation—we had a budget presented—as far as I am concerned, probably the best budget read in the last—[*Inaudible*]—

Hon. Senator: In history.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid:—a budget that never dealt with a crime plan. Well, I do not know, I have a degree in economics, so does Dr. Attzs. I know a budget deals with revenue and expenditure, GDP, you know, projected income. You know, I never knew a budget came and dealt with a crime plan, but, then again, I think most of the UNC is now breathing a sigh of relief because that gentleman is not on this side.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: He also spoke, Mr. President, about a paradigm shift if this law was passed.

Hon. Senator: 28th April was the paradigm shift.

Sen. D. Nakhid: Correct, 28th April was the paradigm shift.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: The 28th of April gave the people a chance to breathe, a chance to see what they wanted, and he is quite right, it was seminal, if not extremely

significant to what was going on, because it showed how much our hon. Prime Minister connected with the concerns of the ground.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: This was clearly one of the concerns.

The gentleman continued to read out, along with some of those on that side, ad nauseam, how many people had been killed, how many lives have been destroyed by home invasions.

Hon. Senator: On their watch.

Sen. D. Nakhid: I heard so many heart-wrenching stories from our brother, Sen. Brian Baig, it makes me wonder, how can you then continue to even question the attempt to make it easier for victims, for people attacked in their homes, to defend themselves?

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: In the end, Mr. President, it comes down to the value of human life. That is what all of this is about, the value of human life. I have no problem with someone's life philosophy, and I want Dr. Murray to understand this, I want her to repeat, "the value of human life", because she says it so nicely—the value of human life.

I have no problem with your philosophy that the attacker has rights, or we have to consider whether we should use certain force. But I will tell you the truth, Dr. Murray, "doh matter how" you try to have—not you, but the Senators on that side—try to have a million permutations to dispute the legislation—"it was ah young girl scout who lose her way and find herself in your house; it was a lil black boy going up ah mango tree to geh ah mango; it was ah brown leprechaun with a Black Panther hat and a 'free Mandela' t-shirt"; all these permutations to go around

legislation to protect us, I am telling you what it is, if I find you in my house, brown leprechaun or not, on a pink unicorn, by any means necessary, "yuh gehin it".

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: By any means necessary to protect my wife and my children, "yuh getting it".

Hon. Senators: [*Crosstalk*]

Sen. D. Nakhid: I cannot believe sometimes what comes out of the mouths of people who have their security, their gated homes, their firearms, and coming to tell me about, I have to study disproportionate force. They do not understand when the Prime Minister is talking about—they are trying to ridicule her—what is it?—"load up de matic"—

Hon. Senator: And "knock it".

Sen. D. Nakhid:—"knock it back". All that means is, "by any means necessary".

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: That is all that means. I find you in my house, by any means necessary, those in that house are getting protected at the cost of my life, or definitely at the cost of yours, brown leprechaun or not.

So do not come with all the permutations, trying to get around legislation. This is legislation that reaches to the core of who we are as a people. What is our primal instinct? Self-preservation.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: You know how? You could be eating the grandest meal in the world, "somebody will kill yuh, yuh leaving dat food". You could be having the nicest time with your wife, "if somebody come to kill yuh, yuh leaving dat".

Why? Self-preservation. It is primal to us. You are coming here to tell me, in a time where I have to consider my wife or my children, I have to be weighing things about disproportionate or proportionate? That is the most hypocritical, the most out of touch, out of context, the most out of—

Hon. Senator: Specious.

Sen. D. Nakhid:—specious argument I have ever heard in my life.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: Our job is protect what we hold dear.

Point finale, our point, all of this, trying to connect it to FULs, all of that, they have legislation for that. This is specific, that is why I talk about the importance of language in law. Look at Lord Bingham. This legislation deals with home invasion, stand your ground, protect yourself; for everybody, not just a select few. This is not about FULs, they have legislation for that. This is not about, with the other root causes, they have laws for that. Do not try to mix up the two, and that was done quite a lot by both sides on that side.

Do not forget, this is not legislation that when it comes into effect, the other organs of the State automatically close down. So when I hear people with this specious argument about, "Well, it should have included FULs. It should have included—it did not address the root cause of crime," anybody addressed the root cause of crime on that side ever in their life; ever in their life? PNM for 10 years, crime murder rate went through the roof, up and down. Food insecurity in the communities out of—unbelievable. Job unemployment among the youth in all the so-called "hot spot" communities, Laventille, Tunapuna, Mount D'or under the PNM. They want to come here now, with their hypocritical selves, to talk about, "Well, yuh didn't address dis and didn't address dat." There is legislation for that

and there is legislation for this.

What is in front of us here now is stand your ground; what is important to us, protect your family. That is what it is about. All the other things relating to other organs of the State, we will deal with that as it comes, but it is not for that. As Lord Bingham states, in such legislation, so well brought by the Attorney General, that must be so unambiguous, you have a right to defend yourself. It codifies it. It brings it down. It removes you being subject, or you having a subjectification of the law. That is what it is about.

To bring in all the other exigent circumstances, to be honest, it is not only out of place, it is out of touch. This law, this legislation is what we are debating, and it is what comes down to, as my friend said, it is a paradigm shift. It really is, because when you bring all that so-called "common law" and you put it under one legislation that we can all relate to, then there is no doubt. I find you in my house at two'clock, whether you want to ridicule it or not, "somebody going dong". Hopefully it is not me, hopefully it is not my wife, hopefully it is not my children, and I think we all understand that, Dr. Murray. Correct? Right.

3.35 p.m.

I heard this talk about gun culture. "Yuh know, ah hadda laugh at dat. Hear why". I lived in a country for 28 years, Lebanon, everybody "have ah" gun. Everybody "have ah" gun, two, three, four. You know what the gun death rate per 100,000 people? Mr. President, 2.1; 2.1 per 100,000 people, and believe me, everybody "have ah" gun, FUL or not. Everybody "have ah" gun. Everybody "have ah" gun. I could even give you a story—maybe I should not.

Sen. Roberts: "Gih we de story".

Hon. Senator: "Tell we de story".

Sen. D. Nakhid: You know, everybody "does talk" about what happened to the victim and they are traumatized. Let me tell you something, when you deal with somebody with a gun, you "does be" traumatized too, eh. So I will give you an example. Coming down from my house in Beirut, I heard one big imbroglio, this and that and talk. So I heard a fella cursing in Arabic, so I looked—I was on my way to practice, my wife was now coming in; cursing, cursing, cursing. The PNM might like this because they like to talk about, "I went tuh jail and ting". I went to jail for people looking like them, "eh", but this is a nice one. I heard the big noise, I looked, what this fella cursing—who is he cursing at? When I looked, the man cursing at Mrs. Nakhid. Serious talk. Well, I went to ask him, well, why is he cursing at Mrs. Nakhid. So he started to curse me too. So, of course, fists ensued, as men do, and he turned around and dipped in his car. Was I to ask him what he dipped for? So, I pulled, and to be quite honest, I missed because I hit him in his backside. I missed. Because at that point in time, you disrespected my people, you disrespected me, "we fight and I see you turn around in yuh car". He would later say he turned around to pull out his ID, that he was in the defence force or the army. "I nuh studying dat". I felt my life was under danger. I went to jail—other than the five nights and six days they like to talk about, I went to jail for 15 minutes. When the police ask me what happened, I did not last 15 minutes in that station because they understand that when your life, and the life of your people are in danger, by any means necessary—

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid:—by any means necessary. So all this talk—I just gave you the numbers about gun culture. A gun culture comes about if you have a lawless society and possibly, if the PNM were in government, we could be worried about

that, but the UNC, where we actually give resources to the TTPS—we actually give resources, we did not fight down the DPP like they did. They spent years fighting down the DPP, not giving his office resources and now they want to come talk about what culture we will create? What culture did you all create? They did not give any resources to the TTPS, they did not give us any resources to stop praedial larceny. I remember when I was doing research in agriculture, we had one car for praedial larceny. So when they want to talk about—it is the culture they created and a culture that we are trying to fix, that they are coming here to talk about.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: I do not care whose sensibilities I offend. Once I perceive that the life of my family, the life of my children is under threat, what the Prime Minister said?

Hon. Senator: Knock it.

Sen. D. Nakhid: "Knock it back. Load up de matic." I do not care. The gentleman, Sen. Lalla, also said, Mr. President, he talked about legislation—oh yes, there are operational and systemic inefficiencies. It has nothing to do with legislation. Well, that shows the lack of proper thinking. It is legislation, and the proper legislation that enables the proper operations and systems to be in place. So you cannot come here in a vacuum and talk about, "Well, you know, we need to have systemic and operational efficiencies, and that is the problem." But how are you going to get those without the proper legislation in place? So just to come here and talk on a pedestal and find any reason, or to try and find any reason, as shallow as it might be, as superficial as it might be, with a lack of depth, you know, it highlights just how much they want to oppose for opposing sake.

This is legislation that is precise, it is on point, it is timely and it has a noble objective, despite your philosophy. And I respect Dr. Murray's philosophy about caring about life and all of that, but you also have to respect mine.

Hon. Senator: And care about your own life.

Sen. D. Nakhid: No, I am not saying you do not care. She cares, and she cares about life. I love that idealism.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: But I am a man, and a man based in reality who has seen things that I hope you all never see. So I can tell you, this is a law that is necessary today. It gives us clarity.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: It gives us accessibility, it makes it easier for the courts. It is not a law that comes in a silo by itself. There are all the organs of the State that support the law. It is still there. Do not let them give the impression that this law comes and other organs of the State, they are not in operation. They are there to support this law.

He talked about disproportionate force. A court determines that. That is what we have courts for. Judges are there to determine that.

Sen. Baig: It is in the Bill too.

Sen. D. Nakhid: Yes. It is not legislation that just comes and you get everything there, no. The courts there will determine exactly, was disproportionate force used, or not?

So, Mr. President, I do not like to say—because nobody knows, eh. Nobody knows in a specific situation how you would react. I do not care about all the training you had or have. I do not know why—I thank the Almighty God that all

the times I was in those situations, quite a few, I do not where—it did not come from me, but courage was there. Courage was there. I am not saying—and I agree with them, sometimes not everyone will react the same. Some people might freeze. I have seen people with all the training in the world, freeze, to be honest. I am not saying that we have to have a culture where everybody has that courage, and it should not be you might.

You might have people infirm, but we have to give them the opportunity, we have to give them the chance, we have to give them that equitable opportunity to be able to defend themselves in their homes. What else are you going to do? When they are so worried about guns, how can an 85 or 80-year-old man, or a 75-year-old man, or a 60-year-old man defend himself against four people breaking into their house? Four strapping fellas, or not, but it is four young men breaking in. How—what opportunity are you going to give him? Tell him about disproportionate and—you see why people end up not liking politicians? Because we just come and talk for talking sake without realizing what is the reality on the ground. "Take wa I tellin all yuh. Is de last black man in Trinidad and Tobago talking to all yuh". I always tell Sen. Mc Nish that, "because he hadda understand wa going on, on de ground". To relate to a Bill like this, "yuh hadda understand wa going on, on de ground. Yuh cyah stay and talk about all these idealistic things". This is life and death we are talking about. This life and death we are talking about.

Coming with this kind of talk about, "pass de lighthouse". People in the lighthouse feel the pain just as much as people in south and central. They have to understand that. South and central, they need to protect themselves too. It is not only Port of Spain or those—what?—north of the lighthouse that feel pain, that

bleed. Come on. We have to give everybody the chance.

So, Mr. President, I never intended—because of the many speakers that went ahead, I never really intended to speak this long, but I heard things here that I think the public watching, more than the people here, they are saying, "What is wrong with these Senators? What is wrong with these Senators?" Look at the people that they mentioned. What social and economic class they were in? All those people they mentioned who suffered home invasions, were they among the wealthiest in Trinidad and Tobago? Certainly not. Hard workers, middle class—a class that I came from, middle class, solid middle class, give them that opportunity. They do not have—I did not see burglar proof in my house, I think ever; ever. We do not believe in it. Although pipers abounded, we do not believe in it. But at the same time, I know with five Nakhid men in a house, "you hadda come good to come in da house—at any time in da house".

So, Mr. President, I was very happy with some of the contributions. Sen. Vieira SC, let me commend you, one, on that eulogy that you gave and also, on your contribution. I understood the sentimentalities of Dr. Murray, but as I admire your idealism, admire my practicality. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Lalite-Ettienne.

Hon. Senators: [*Desk thumping*]

Sen. Alicia Lalite-Ettienne: Mr. President, hon. Senators, viewing public and the media. Mr. President, could you give me a 10-minute check when my time is close?

Mr. President: Yes.

Sen. A. Lalite-Ettienne: All right. Thank you. The honourable Senate, today I

stand. I have heard a lot of the contributions and it is really great that—hats off to the Government, they are trying. Crime is out of control, we know that, that is a given, and they have promised on the campaign trail and they are trying to deliver, and everybody understands that. And I have some concerns, and some concerns which—also, I am representing members of the largest and most diverse minority group in the world, and they have concerns as well. They have concerns as well. And I have been hearing about the most vulnerable people within our society, which is really great, women, elderly, children, persons with disabilities, and hats off to the Government as well for acknowledging the most vulnerable people within our society.

We have to face reality. Our culture is not the culture of another country. We do not have the same culture as the United States. We do not have the same culture as other developing countries, or in the Middle East, or wherever. And one of my concerns is if our culture is ready, and our people and our society—yes, people are desperate, they want protection and yes, the Government is giving them where they can protect themselves, but are we all prepared? Many people have arms already and they are prepared. With this legislation, what is happening is that still a lot of people, it will not cover, because they will be not able to afford any set of security measures for themselves and that is one of my concerns whereby, are we ready for it? Are our security systems ready for it? Do we need to be sensitized?

I have been hearing from previous contributions this that has to be put in place and this security will be put in place, and the term is, "will be put place." It is not like "currently being put in place". You are putting a very important legislation to be the enacted, a very serious one, and this legislation is going to

change Trinidad, our culture. We have to face it, it is going to change our culture. So are we ready for it? I support that, yes, people want security, I want security as well. But you know, are the people of Trinidad and Tobago generally ready for it?

One, we know for sure that not everybody will be permitted to have arms. I heard from previously contributions that this legislation is not about arms. It has some sort of connection with arms and we have to face the reality of it. So we need to be prepared. We do not want it to be like the marijuana Bill, whereby right now it is out of control and we have face the reality of it. Marijuana is so easily accessible right now that our future generation, children, are engaging in smoking marijuana. And you know what? And it is very concerning for me and a lot of people, because what will be our future of Trinidad and Tobago when our young people are blowing their brains? And that is out of the control. So now we have to look in the future to amend that Cannabis Control Act to help curb what is happening.

So we do not want another Act of it again, whereby we look to put the cart in front of the horse, all right? And the reason why I am saying that as well is because this is giving way to people having a lot of arms. We have been having a serious surge of domestic violence in the homes. Just in January and February, I do not know if people remember Parbatee Thomas, who is no more with us, and that was just at the beginning of the year. Many people, even a lot of wives, even from people who have arms, have fallen victim because the people have arms and if you talk in your—especially women, which is one of our vulnerable groups, some women cannot even open their mouths in their house to give an opinion, much less if their better half has a gun and say, "Well, hey, I need to shut you up." So we have to take into consideration all of this. Yes, it is all good. Yes, we need

to protect, we need to protect, we all know this. But we do not want to repeat it again like with the Cannabis Control Bill and we need to have things put in—all right, you want the Bill, but it has to be where we are putting things in place right now. It cannot be for the future because we are dealing with putting a lot of guns—right now, there are a lot of guns on the streets and they are trying get it off the street. And the thing the about it loading the streets and our society with so many guns, because everybody wants to protect themselves, what is going to happen?

3.55 p.m.

You know what is the biggest problems that plague our society and cause this crime problem? It is backing off of the death penalty. People do not want to realize that, because right now people are they taking a life, they are "unaliving" people and they realize that even though they have to go into the prisons, they just have to adapt their lives. But they take somebody's life, and they could still live. They could still communicate with their loved ones.

The dear Sen. Baig over there, I felt his pain. Right? But the thing about it is, the death penalty. In other countries—because I could understand a lot of human rights and courts, and they say it was inhumane. But when you perform an action, you have a consequence. In this country, when you perform murder, you go and you sit in prison for five years on death row, and then after what it turns into? Life. And people would just—taxpayers' money will have to feed you and you are happy, whilst somebody lost their loved one. So one of the main contributing factors to the anarchy that is going on with crime in this country is that death penalty, because people are not having respect for life anymore. So that needs to be corrected. You cannot have people taking a life, taking action into their own hands and there is no death penalty. So that is one of my main concerns.

Then I am looking to make reflection on the preamble on the Convention on the Rights of Persons with Disabilities, where it says that, family is the natural fundamental group unit in the society and it is entitled to protection by the society and by the State. I understand that, right? Also, in Article 5 of the same said Convention is that, everybody has equal rights before the law and protection under the law.

I would like to turn your attention now to persons with disabilities. The disabled community is very, very saddened and very disappointed in the Government. It came back to me, and a lot of people want to know what is happening. They had consultations. They went out and participated in the consultations, and their voices were silenced, because the only thing in this Bill that we are debating, this legislation, for persons with disabilities is the $750,000 or 25 years. What happens to this is that this is after the fact. This is when somebody's life is already "unalived" or we have already been victims. Our Constitution states equal rights for all. So persons with disabilities, they are left behind again. We are one of the most vulnerable groups within in the society, and we cannot wait until we are "unalived" for our voices to be crying out from the grave.

So we left behind again and people want to know what is happening because this is after the fact. What people have to realize is that, I am not being ludicrous. You have different of degrees of disabilities, and not everybody is blind and cannot hold a gun. Not everybody may have severe disabilities. There are people with disabilities who are still able for protection. Persons with disabilities—right now, with this Bill that is being debated here—are not even qualified for a pepper spray. What about the death? What about someone who just cannot walk? Someone who

has vision—their arms are great. Their mind is thinking, everything is fine but they have lost the ability to walk. The thing about it is it came as, let us say, an accident or something like that, and they are in their home, no protection. They are not given any protection to protect themselves.

Mr. President, give me a way to give an example of a case in Florida. Jason Dames, who is blind in one eye, had an implant in his head at the age of eight, was accosted by someone and was actually, really having a good field day of him, all in his head, hitting him all in this head. He was dozing off, dazing off. He had to take out his gun and he shot in self-defence. He spent two years, second-degree murder, and it was acquitted because he acted in self-defence. He had a disability but thank God, he was able to protect himself. He was capable enough whereby he could have—bore a firearm and he was able to protect himself.

So not everybody under the class of disabilities—it is according to the degree of disabilities. I would kindly and please ask the Government if they could into look it because that is the issue—those are the voices I am hearing in the disabled community. I could understand we have severe—we have to be realistic, but we also have people who want to be able to protect themselves, and a lot of persons with disabilities are actually living on their own. They are not living in any gated community. They do not have any security officer. They do not have these things. We do not have the privilege to these things. I would kindly ask if the Government could take recommendation as well assisting persons with disabilities with security systems because they are underserved people. They are people who are underemployed and cannot afford it. So, you cannot just leave us out. So then we will become more vulnerable to these people who feel that they are operating above the law.

The dear Minister on Tuesday—the hon. Minister from the Ministry of Agriculture and Fisheries said that this Bill is balanced. I do not see it is balanced. The rest of the disabled community does not see it is balanced and other vulnerable groups. Also, the hon. Minister of Public Administration and Artificial Intelligence said about, walking in one's shoe. I would like people in here to walk in a disabled person's shoe and see how it feels. What about having one of your loved ones who has a disability and they are not properly protected and leave for work and when they come back home their loved one is "unalived" because they cannot afford the security measures, or the person, even though they have a disability, they could protect themselves because you have a lot of people who are deaf, families who are deaf and they are living on their own. The Minister of Public Administration and Artificial Intelligence talked about empathy. Empathy. You hear the voice in the consultation but you silenced the voice. What we have to look at—and that is what I have urging and urging with my Motion previously, you see how important legislation is? You cannot look to protect the rest of the society because disabilities is in a blink of an eye. You could walk out of here today and by tomorrow, you have either a temporal or a permanent disability. And what you have to do? You have to live with the facts. You have to live, you have to operate, you have to live in the society. You have to live with the changes in the society. You have to adapt to the situations within the society. What we—each group within the society looks upon the Government is for assistance to help us, to protect us as in the Preamble to Convention on the Rights of Persons with Disabilities.

So, I am just voicing the voice I have been hearing from since this Bill was passed in the House up until now, my phone, my emails of persons with disabilities

saying, "No, we are not being heard." Then what about us? You cannot wait until we are turned victims. Many times with that part with the $750,000, also with 25 years, you cannot wait until that comes to say, well, all right. Many times if the person comes with a mask or group of people come, sometimes these people are never caught. So our life is gone, sniffed out. We want to contribute to the economy.

I am happy to be able to stand up here and contribute today. It is better—instead of giving a man a fish every day, it is better to teach him to fish, and I am glad for the opportunity whereby I am fishing now. I, right now, am voicing for persons with disabilities that they—yes, we understand your effort, but we are totally left out. That part with the $750,000 and the 25 years, that is after the fact when we have already become victims. But for those that are capable of defending themselves—because you have people who are deaf and they are very healthily and they could defend themselves. So, we need your support. We need you to hear us, and we need you to acknowledge that, hey, let us see if we could add something, amend something, something with security, something that will be able to better protect persons with disabilities, because everybody's lives are touched with disability some way or the other. If you do not look at it now, in years to come, when it comes knocking your door, you did not get the opportunity now to add into this legislation, you may not be in a position to add into the legislation.

So, I am kindly asking the Government to hear our voice and to look at it. We have a lot of senior counsel members, the hon. Attorney General who is well-experienced, and I am kindly asking if you all could review and include us. We are part of this society of Trinidad and Tobago, and we want to be included and to be able to be protected as well under legislation. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Francis Lewis.

Sen. Francis Lewis: Mr. President, I understood it might be—

Hon. Senators: [*Crosstalk*]

Sen. F. Lewis: Thank you very much, Mr. President. I appreciate the opportunity to contribute. If you are strongly for or against this Bill, my contribution is probably not for you. My advice would be, have a cup of tea. Take a break. If you are like me and you have honest doubt, perhaps, it might be useful. In the last week I have gone back and forth and I am imbalanced, on the cusp. I will vote on this Bill, and that vote will not be an abstention. Whether it is for or against, it will be a hard decision. I feel I owe it to myself, I owe it to my colleagues and I certainly owe it to the larger public to explain at this point in time what is influencing my decision in this matter. I will share the pros and cons, as I understand them, but they are evolving. It is not fixed. I want to thank my colleagues. There have been a lot of persons speaking to this Bill. It has really helped me grapple with and more deeply understand the issues. This week has really helped, both earlier in the week and today.

4.10 p.m.

We are dealing with uncertainty, and throwing the dice is not, and hoping for the best is not, in my experience, the best way to proceed. I am not saying that is what the Bill is doing, but I worry that it is one piece of a mosaic that we are required to help make change happen. Something that occurred to me, perhaps it is obvious to some, is that, as a consequence of the decisions we make, somebody is going to die. Whatever happens, there will be some irrevocable changes. So, if I voice concern, it is not opposition; it is genuine doubt that I am struggling with.

The first thing I ask is: Do we need a new law? There is a national frustration with crime, especially violent crime. I do not think one has to be political to acknowledge that that is a reality. The fear and anxiety are real. What this Bill speaks to, beyond the law, is an emotional truth that also matters to people. There is a "fed-upness" in the land. Much has been promised, but not as much has been delivered, or perhaps expectations are out of sync with the realities of delivery.

The question that people ask me in discussing this is: Will this make a difference in a reasonable period of time? You see that "reasonable period of time"? That has been a recurring theme. There is, I think, a strong public sense and support for self-defence. But what is interesting is that when we start to talk about self-defence—and self-defence as a principle, it predates man-made law. We did not create that, and people understand that. I worry sometimes that righteousness, or the emotions that come with that, could blur the making of good law and good decisions. What this does, and this is positive, and it has been communicated very clearly across much of the population, is that it restores a sense of agency. So if there is doubt that can I, should I, that sense that you can, you have a responsibility to yourself, your family—the point has been made very strongly in a number of speakers. I think that is something it does positively.

The Bill is no surprise; it has long been signalled. I compliment the change of name from "stand-your-ground" to "Home Invasion (Self-Defence)". I think it is a more accurate reflection of what the Bill is trying to do. I think it does bring clarity and codification in the matter of self-defence. It appears to my unlettered, non-legal mind, to be firmly or well established in common tested principles and practices of the common law and a long history of interpretation. It offers a

potential degree of hope, and that is important too. Law must be more than just be functional. It offers not just a legal response, but it also offers, as been powerfully and thunderously acknowledged, a focus on the moral response as well. But I have some concerns.

One concern is—and here I will have to go with those who know more of this than myself—the concern for not having beyond a simple majority. When I read what the Law Association had to say, it spoke to me. And if we are dealing with human life in this way—and the life we are dealing with is not just the life of a potential home invader being taken. It is the life of the person who takes it. It needs, I think, the support of the three-fifths majority. Whether legally it requires it, I cannot—so the assertion of our AG that it does not infringe the Constitution does not, at this point, persuade me.

I worry that the Bill may promise more than it can deliver, and there is always the risk of over-promising and people's interpretation being greater than what was intended. I particularly worry—and this is going forward with other Bills—the lack of persuasive data and statistics. We are being asked to change something this fundamental to our country. Nobody could tell me how many home invasions. My colleague mentioned 500-plus. I saw the assertions about robbery and burglary, et cetera. It is an indicator. I do respect that some of the data may not be readily available because it is not tracked that way. But if you are bringing something as profound as this, I wonder whether putting some researchers and saying, "Go and give me a number that can be reasonably be defended," because without that, we are then forced to deal with the very real human story of what home invasions, and the violence that comes from it, causes. But this place has to be more than dealing with the emotions, as real and legitimate as they are. It needs

the data. And so, I would hope for future Bills that that could be provided, as difficult as my request probably is.

More concerning is: How is this Bill to be implemented? Passing it is easy; that is an activity. What we want is an outcome that is positive. My colleague expressed the concern about, it has to fit within a mosaic of law enforcement for change to happen. If that does not happen, this Bill, by itself standing alone, cannot help make the changes that we all desire to see in a larger society.

I worry that this Bill may cause—or people's interpretation of it that goes well beyond what the law says—confrontational behaviour. There is much that I admire about our large neighbour to the north. Their gun culture is not one of those things that I admire. We are not a *Dirty Harry* movie set. We are not *Make My Day*. I have heard it echoed, perhaps it is to make a point, but that worries me in a place such as this. That needs to be, I think, more profound.

So the earlier statements by the PM, which were on the election trail, which has its own context, I understand that, but it worries me when we talk about, "empty the clip, light dem up," et cetera. Because that echoes across and becomes a justification for violence. The signalling that I have heard about easier access to firearms users, the number of people who have approached me, or if I ask, "What do you think of it?" that have made the fundamental assumption that this Bill is about firearms, and we will get firearms as a consequence of it, that surprised me. That expectation is out there.

The Bill speaks nothing to that, and when I speak to members, I do not think that it is expectation, but the fear, the very real fear, is that, what is the point of having this if you do not free up firearms? I do accept that we may need to look at our firearms regulations to strengthen them, and that can be debated, what does

"strength" mean? But my concern is, is this the thin end of a wedge for liberalizing the issuance of firearms? To be very fair, on that matter, it is likely that I would be one of the strongest opponents to it. I do not think the country will be improved with more guns in people's hands

Hon. Senators: [*Desk thumping*]

Sen. F. Lewis: I face the very real issue of if those who wish to cause me harm have guns and I "cyah" get one, then what am I to do? I accept that. I struggle with it. But to be flooding firearms in the place is not, I think, a way that will improve my society. Research—and there is fairly strong research, but it does come from different cultures, and the underlying cultures are important that stand-your-ground laws have had a negative impact to marginalized people, particularly people who look differently, to domestic violence survivors, and, in some societies, there is sufficient research to talk about the increase in homicide rates.

Misinterpretation of this law can lead to reckless behaviour. Often we have talked about war and a war on crime, and that is used so loosely. If we are at war, who is the enemy? Maybe that enemy is us. If you start that kind of civil conflict, where do you go? Is this law a sufficient response to the very real domestic terror? I use that word very carefully, but the domestic terror that a lot of people feel.

So my concerns, my caution, my carefulness in considering and perhaps affirming this Bill is, how might this law speak to the ethos of being a Trinidadian and Tobagonian? Others have spoken eloquently, more so than I, about the culture of the country.

There is a story that I think is worth sharing, Mr. President. For many years, I have worked in export marketing and travelled across the Caribbean. A fond

topic usually after work on an evening is: How do you think Trinidadians are different from others? There is a very quick story that is worth telling. The context of the story is, imagine a rum shop and two fellas "head bad", and it leads to loud words and a potential brawl. This was described to me in more than one Caribbean country. In a certain Caribbean country, where self-assertion and the rights of somebody are very great, and that person has a partner with them, the body language and the behaviour if the partner is behind the person forming the altercation, or taking offence to the altercation, the language is something like, "Beat him, beat him, ah right behind yuh." So, I said, "Okay, I understand that. What is the difference with a Trinidadian?" The Trinidadian is standing behind their friend, lifting their friend's arms and saying, "Hold meh back, hold meh back." Trinidadians have a view of violence, not that we are immune to it, but how we think about it is fundamentally different.

So, in that context, if this becomes law, how will the legislation impact the nation's ethos and spirit, the soul of the country? How will it potentially shift the social emphasis from a duty to retreat, which has a context, to an assertion of a right of self-defence? Will this increase social friction, and will it empower those who feel more vulnerable to crime? Because that too is a balancing act. Are we empowering, or we are fostering a shoot-first-ask-questions-later mentality? Are we shifting to a more militarized identity? That has happened in our society over the last 30 years. Will it increase fear and distress? Could it increase tension and make people more distressed, more fearful? That is not the intention of the Bill, I accept that, and the Preamble of the Bill is very clear, but its interpretation is a different matter.

It will shift, or might it, or how might it shift the rule of law, where force

becomes acceptable, force that you have always had the right to use in self-defence. How does a legal doctrine that we assert—if we assert it—that states that the State, this Parliament, will prioritize immediate protection of home and property over the potential for conflict avoidance? It is a balance of which, I would be the first to admit, I do not have an immediate answer. But I do see how to maintain that balance. The law may not benefit all citizens equally, and a number of people have spoken to that.

My concern there is how it might deepen socio-economic divisions and racial divides, where it is not about a reality but it is about an interpretation of how "I living my life and how all ah dem—whoever de dem is—living their life". How will it be applied consistently? I am asking a question for which none of us would have an answer, because if we pass it, we have to see how that happens. But what is the education?—the public education that is needed within that?

Much has been said about this being a deterrent. I do not know that I buy that. I want to—our Defence Minister said bandits must know when they come into your house, there would be a real chance, a real chance that they might not be going out. Nice words, powerful words, very inspirational and motivational words, but can that lead, and how might that lead to misinterpretation of rights?

4.25 p.m.

And inside of all of this, what is the strain that it might put on top of an already burdened police and judicial system? Critics have argued—the Government views the Bill as a necessary step to addressing crime and restoring peace of mind. Those are legitimate objectives. Critics have argued that it risks altering, in some very fundamental ways, the fabric of the society and promoting a more individualistic, potentially more violent approach to security.

Earlier today, and not for the first time, the phrase, "by any means necessary", formally associated with Malcom X, has been used. On the positive side, sometimes that thinking, approach is needed to bring about real change, to push past traditional methods. A change does not come easily. And sometimes if the very society is a stymieing one and peaceful means have not worked, more drastic measures may be the only option left and I understand that again, contextual. The phrase has often emerged or been used in periods of deep injustice and inequality, and it is a rallying cry for those who feel, "I have tried everything and nothing eh working, leh we get it to work and by any means necessary."

The consequence of that phrase though is, "any means necessary" could lead to harm and chaos. There are consequences to action and we have to question if those consequences outweigh the potential benefit. Who defines what is necessary when we say, "by any means necessary"? Can it be used and we lose sight of the greater good? Is the end—and the fundamental issue, moral issue behind, "by any means necessary", is the end goal justifies the means.

I have lived long and seen enough to know that is a very slippery slope and a very dangerous place to be. And in violating potential ethical standards, can it really be called justice? Where do we draw the line between noble causes and dangerous extremism? Yes, it sounds empowering, but when people use extreme methods in our society, and history has shown, is that it creates a different problem that the society then has to grapple with. So what is the line between necessary and excessive? I struggle with that.

The Government, in bringing this Bill, is bringing a necessary important call to arms for radical change. It is saying that we have a dangerous situation to deal with and it calls for an approach that is different to, or different from how we have

been doing things in the past. Not only does your mandate as a government justify that, but I think the society is saying, "Yeah, we need a different approach." Whether this is the right approach, and if it is, because the language of the Bill is constrained. I accept that and I respect that and applaud that, but the interpretation is a whole different matter out there.

Mr. President, just before closing, a number of colleagues have spoken and there are a number of them that I want to, in this forum, just before I close, I want to thank. I want to particularly thank my colleague, Sen. Baig. We sometimes argue or present in the abstract, and making or giving a human face to this—and I very much respect what you have been through and what your family has been through, but bringing a human face to this and the courage to do that, I was moved and I thank you for that.

Hon. Senators: [*Desk thumping*]

Sen. F. Lewis: I want to tip my hat to my colleague, Sen. The Hon. Satyakama Maharaj for bringing a different view to this. Yes, we could argue the law and the minutiae, but guys, we have a bigger issue to fry, you know. We have investors that we need, we have to create jobs, and an area of uncertainty does not help us. And I thought it was a very good enthusiastic contribution and I liked it and applaud it.

Hon. Senators: [*Desk thumping*]

Sen. F. Lewis: I applaud the absolute superb contribution by my colleague, Dr. Marlene Attzs. It was stellar.

Sen. F. Lewis: It put this in a bigger context than the specifics of the law. And it caused me for the entirety of her contribution—I went back to listen to it, was, "Wow, yeah, boy," that is really thinking it through.

Hon. Senators: [*Desk thumping*]

Sen. F. Lewis: Now, I am not going and leave everybody, so my last person is our Minister of Labour, Small and Micro Enterprise Development, Sen. The Hon. Baptiste. There was an honesty in his contribution and, Sir, there are a couple of things that you said that I think are worthy of note. The law does not have to be perfect. Better or best must not become the enemy of good. This law will not fix the problems, but if it is a start in the right direction, then it is deserving of support. And the context of how—not just home invasions, but the violence behind it affects people; people in business, small business. There was an honesty and a grappling with it, to me, that I very much appreciate and I thank you for that.

Hon. Senators: [*Desk thumping*]

Sen. F. Lewis: So, in conclusion, Mr. President, will it act as a deterrent? Will criminals really think logically and singularly against home invasion? And let us assume that they do not. Maybe we need it, maybe we do not, I am still grappling with that. Has our society changed so fundamentally that this is the solution? And the last thing I want is a solution that becomes a problem in its own right. I struggle with that.

Ultimately, the Bill is going to depend on how it is implemented and how citizens and the institutions will support its passage. The point my colleague, Dr. Attzs, made about it, it needs a bigger context; it needs to be, what budget will go behind this; whether it is for public education; whether it is for the training of officers; whether it is—so that it becomes a pillar, but a pillar is not a house, and we want to live in a house with a secure roof.

Trinidad and Tobago is known for its vibrant culture; of celebration; of shared values; of a unity in diversity, and a celebration of diversity. It really does

make us quite different from other places that I have travelled to. A Bill such as this, and practically any law I use as a basic criteria is, how does it strengthen that spirit of togetherness that is our strength rather than divisiveness? And that is a danger. And in posing the question, I recognize that I am really trying to see over the horizon and I cannot do that, none of us can, but we have to make a judgment which is what we are required to do.

So as I look at it, it becomes how do we balance personal defence and individual rights against a very real need for social solidarity and cohesion? And I do not have good answers. But my colleagues, your contributions have helped me deepen my understanding and I am looking forward to both the second reading, go through clause by clause and to the final vote. Mr. President, thank you very much.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mustapha Abdul-Hamid.

Hon. Senators: [*Desk thumping*]

Sen. Mustapha Abdul-Hamid: Thank you very much, Mr. President, for this opportunity to be able to make a contribution on this Bill before us. Mr. President, I did not do as my colleague to my right, Sen. Lalla, and look at all 18contributions, but I was able to look at quite a few. Particularly, I paid attention to the hon. Attorney General and I was particularly impressed by Sen. Dr. Attzs contribution.

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid: I thought that her contribution was very insightful and comprehensive and I was very grateful, in that, it certainly provided guidance for me too.

However, Mr. President, having listened to Sen. Nakhid's contribution a few minutes ago, I can see in evidence some of the factors that went into the conceptualization of this Bill. Sen. Nakhid, unfortunately, sounded like someone who has been suffering from PTSD, some kind of post-traumatic stress disorder. And I say so because the emotions that went—that he personified, which appeared to me to be exactly the emotions that went into the conceptualization of this Bill, hotheadedness, impetuousness, I would say, erraticism, a kind of volatility, those are the qualities that we see in evidence, a kind of panicked response.

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid: And, Mr. President, I would like to attempt to be a little more sober-minded in my own contribution. I prefer to aspire to the standard set by Sen. Dr. Attzs.

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid: Mr. President, why do we even have a state? Sometimes we enjoy institutions and we do not often remember or recall the origins of these institutions. What were their purpose, their raison d'être, the purpose for the creation of some of these institutions? The nation state did not always exist. Before the nation state, some of the social contract theorists would describe ourselves having existed in society, having existed in a state of nature. All of the social scientists among us will be familiar with some of the theorists like: Thomas Hobbes, John Locke, Jean-Jacques Rousseau. These were the social contract theorists and they generally had their own description, they varied, they has some disagreement as to what the state of nature was. In particular, Thomas Hobbes was the most crude, I would say, in that, he described our state of nature as being short, nasty and brutish.

In other words, he is saying that the state of nature is untenable, because we are likely to slaughter each other. The John Locke and Jean-Jacques Rousseau were a little different, they had slightly different ideas. But essentially what they are saying, the state of nature is unacceptable. We cannot continue to exist in a state of nature, so we need to create something, and that something that we have created is a nation state. And that state is a contract between the people who are surrendering some of their natural rights to a state, a sovereign body, in exchange for something. And the something that we are expecting from that state are: Security, order and protection. The purpose—essential and primary purpose of the State is to provide security, protection and order. And we are surrendering our rights, some of our rights to do that protecting for ourselves, because as they have contemplated, if we try to do that for ourselves, we are going to end up in a slaughter situation. And that is what anarchy is.

Mr. President, I suspect though, that in those circumstances where—and they all agree, I must say, they all agree on one thing. They disagree on a few things, the purpose, the extent to which the State can exercise force, et cetera. But they all agree on one thing. And the one thing that they agree is that the State must have a monopoly on coercion. The State must be the only body, the sovereign authority must be the only body, the only entity that has the power to exercise coercion. That is not available to the general population. And that is what gives us the good order that we seek.

4.40 p.m.

What we are seeing here, what we are witnessing here, far from being a government—and this is one of the aspects in which this particular legislation is deceptive. It is deceptive in a number of ways, which I will get into as we proceed.

But the first way in which it is deceptive is that the Government has presented itself as taking firm, strong, progressive action, when, in fact, Mr. President, the Government is actually running away from its responsibilities.

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid: This legislation is the Government basically saying to citizens, "We are not able to provide you with the security that you need."

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid: We are not able to provide you with the order that you need.

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid: We are not able to provide you with the protection that you need, so you handle that yourself, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid: And that is a collapse of the State in itself. That is what we must recognize. It is that the Government is absolving itself from its responsibilities and pretending that it is acting in the interest of the population and labelling it as some kind of—to use Sen. Dr. Attzs' term, "label it empowerment". That is a sleight of hand. That is a deception.

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid: It is a cynical approach to government, and so early in the term. You would imagine that they would have tried what—I heard my colleague, Sen. Lalla—that they would have tried to straighten the institutions of the State that will allow them to provide, to fulfil their duty as the sovereign authority, to provide protection, order and security, that they would utilize the institutions of the State that they have in order to allow them to provide that service

to the citizenry. But so early what they are, in fact, saying, Mr. President, is we cannot do it. Not that they are not saying that we have failed, you know, but they are saying we are going to fail, so we are not even going to try. We are not even going to try. And they have come with this legislation—and I say that, largely because this particular Bill has come so early in their term. They have not made a single effort to strengthen any of the aspects of the State—

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid:—for which they have responsibility.

But, Mr. President, this legislation may not have been as offensive, if it had come as part of a package of legislation or a suite of legislation. But coming as it does on its own, it is stranded and it is related to other legislations that are yet to come, that we hear, that are spoken about, but it cannot survive on its own. It does not address some of the root causes of the crime.

Mr. Speaker, the hon. Attorney General, when he spoke—

Hon. Senator: Mr. President.

Sen. M. Abdul-Hamid:—Mr. President, my apologies, Sir. Mr. President, the hon. Attorney General, when he spoke, did make reference to the Bill as—and I will try to quote him:

> "…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, I want to suggest to you, as I have just suggested to them, this ought to have come as a part of a package of legislation. But the legislation and the liberalization of the firearms, if that is to come, it should have come first. It should have come before this particular piece of legislation—

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid:—or together. It is not reasonable to bring the Home Invasion Bill first. Because the liberalization of the Firearms Bill, as we expect it to come, based on the advice of the hon. Attorney General, will directly impact the way in which the Home Invasion Bill works and the way it will manifest itself in the society. As it stands now—and Parliament, Mr. President, Parliament needs to know the true landscape in which this legislation will be applied and will operate. And the liberalization, and by the very word—the use of the word "liberalization", notwithstanding it has been tempered by the clause in a reasonable way, but the strength of the word "liberalization", the word "liberalization" tells you what is coming. It tells you what is coming, in terms of the access to firearms. Because the words of the hon. Attorney General were:

> "…including the liberalization…"—of—"…access to firearms and other methods of defending oneself."

As it stands now, Mr. Speaker—Mr. President, pardon me, Sir. As it stands now, my argument is, that particular piece of legislation, when it does come, will dramatically change the environment, the circumstances in which this Bill will operate, and they cannot be separated. And my argument, my suggestion is, either they come together or the firearms liberalization Bill comes first.

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid: We need to know how deadly is deadly. What do you mean by "deadly"? Right now, deadly could be a cricket bat, it could be a pot, it could be—but if the environment changes and deadly becomes a serious firearm, then deadly means something different. And that, I think, Mr. President—and not only how deadly is deadly, you know. How widespread is deadly? Because

deadly can be deadly in terms of intensity, but deadly can also be deadly in terms of its breath, its coverage. Mr. President, bring them together or bring the firearms legislation first. But, Mr. Speaker—

Hon. Senator: Mr. President.

Sen. M. Abdul-Hamid: Sir, I too am surprised.

Hon. Senators: [*Laughter*]

Sen. M. Abdul-Hamid: I have not been here for such a long time, but it appears as though it is still embedded in my mind. Mr. President, I have to question the motivation for the legislation. That is an important factor. What is the motivation for the legislation? Because as I said at the beginning, it seems to be characterized by a kind of hot-headedness. But it is there, you know, because the hon. Attorney General said in his contribution that there has been:

"…a loss of trust in…the criminal justice system…"

And my hon. colleague, my beloved friend, described as that as in his presentation as being part of the justification for the legislation. But is there anything in this legislation that is likely to restore trust in the criminal justice system? Is there anything in this—my honourable friend, is there anything in this legislation that is likely to restore trust? What are the reasons for the lack of trust in the criminal justice system? It is a perception of bias, which, by the way, this legislation can actually make worst—and I will make a reference to that later in the contribution—unreasonable delays, cause a lack of trust, a backlog, lack of fairness, no confidence in the national authority. The legislation does not address any of these.

These are the recognized factors for a loss of confidence or a loss of trust in a criminal justice system. The legislation says nothing about these. It does not address—I do not mind that the Government comes and says, "Look, we feel to do

dis. We feel de people want it. We doing it." If you want, say that. But do not hide behind a sophisticated concept of the "loss of trust" in the criminal justice system. It has nothing to do with that; has nothing to do with that. It has to do with, you believe in the rectitude of your cause, as my old boss use to say. If you believe something, come and say it. Do not hide behind any concept.

4.50 p.m.

"Doh hide behind platitudes," I might say. And, in fact, this legislation can actually make it worse. It can create more delays by piling on—and this is an important point that we would have to address.

Now, the hon. Attorney General, recognize himself that the legislation—because he made reference to two pieces of legislation that must come. The other one was trials in a short space of time. Now, yes, bring that. That would help restore confidence in the justice system. Do not make reference to it, but bring it. Bring that first. If you say to me that we are improving the criminal justice system by bringing a piece of legislation, "trials in a short space of time", brilliant. That will contribute towards restoring confidence, not the Home Invasion Bill.

The other comment made by the hon. Attorney General was a loss of trust. Now, this is perhaps where we are getting closer to what the truth is; a loss of trust in those whom the public has elected to rule in the best interest of the citizens. Now, we are getting somewhere, in terms of trying to figure out exactly what might be responsible for this legislation being brought now and—"now yuh talking" as the—it may, in fact, be the real reason for the legislation. Because as was alluded to earlier, my contention—by a previous speaker—is that this legislation was born on a political platform. It was conceived, conceptualized on a political platform, and it was one of three policies that were declared on a political

platform. You may describe it as a trifecta from hell. It was "stand your ground, load up de matic and empty de clip". That is the suite of legislation that we are talking about.

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid: That is the rationale, the true rationale for the birth of this legislation and the presentation of this legislation as we now have it.

A small point which I would like to ask my hon. friend to clarify, some reference as well was made to it earlier, is this question of the alarming increase in violent crime and home invasions. I found it a little difficult to figure out—and I know there is some difficulty, generally, in trying to figure out where we got the statistics from with regard to home invasions. Because if it is not legally defined as a crime, then I do not know what hybrid, or concoction, or various crimes we have amalgamated to create the concept of a home invasion. Maybe we are adding up burglaries, break-ins and various other crimes in a kind of a hybrid format. But I do not know how the police can collect statistics on a crime that does not necessarily exist in law. So, maybe I can get some clarification on that.

But if we do rely on—if we accept, or assume, if not accept Sen. Dr. Attzs' reference to 500 home invasions, my question there would be whether we have done any thorough clinical and sober analysis of those statistics, because you may very well find that if you go deep and analyze the various metrics that the analysts use, that your solution may not be a home invasion. But we have no evidence that any such comprehensive analysis has been done. So, we cannot be confident that the solution that has been brought before us is, in fact, the best possible solution—

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid:—especially in light of the fact that we are now aware that it was in the fever—in a feverish election campaign, that these policies were born and this particular legislation was conceptualized.

Mr. President, this question of people and interpretation of law, the law impacts people and the general population understands language in a very different way from the way in which lawyers, parliamentarians, may understand language—in particular, lawyers, and the way in which different segments of the society may understand language.

When a lawyer says "reasonable", that is not the same reasonable—that is a technical term. It may mean something different to the general population. So there are three categories of people who interpret this legislation. You have the occupant of the—defined as an "occupant" in the legislation. That is members of the general public. You have the police. They have an interpreting role to perform as well and that is something that the population must be very, very—of which the population must be very, very mindful, because the police has a responsibility in this matter. And how the police interprets the law and assesses your actions can have grave consequences for you. And then the court has an interpretation that it has to apply. But your interpretation, and the police's interpretation or understanding, and the court's understanding may all be completely different. And in those circumstances you may find yourself—because this legislation is potentially criminal conduct, with potential to result in people being killed, exposing you to the possibility of a murder charge, exposing you to the possibility of finding yourself where you have no access to bail.

Mr. President, I want to warn the population to read this Bill in its entirety, very, very carefully. Because if you get it wrong, the consequences can be very,

very grave for you. Because what the occupant—what the average citizens may think the law says, what you may have been led to believe the law says, what you are likely to believe what the laws says and what is likely to guide your actions—all of that and what the law actually says might be completely different.

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid: Mr. President, we have to take this in context of some of the—and why I say that is because the language of the Government, in my view, is deceptively aiming to have the population believe that they have privileges, that they may not necessarily have. And I suggest that they may be doing that for political purposes. Let me tell you what I mean.

The language around clause 6(1), the language which supports that—these are the kinds of words that we are hearing from the Members of the Government. This is what the population hears. And remember this is a desperate population looking for a solution. "The right to defend; stand your ground; no duty to retreat; reasonable necessity; no precise calculation if the person is defending himself". You know what that means? You "doh have to think too, too much". Right? No precise calculation. "Nobody expect yuh to make too much assessment" because we are talking about your instinctive response. You are saying if you are guided by your instinctive response, no precise calculation, that is fine. That is what clause 6(1) says; clause 6(1) says, if you:

"…honestly believes—"

"that his life, or the life of another person…

was in immediate danger…"

"honestly…"

"…believes that his actions were necessary and reasonable…"

"…believes that the defensive force used was proportionate to the threat he honestly believed to exist…

So, clause 6(1)(c), there are two sets of believing going on in clause 6(1)(c). There is a lot of believing. And the average citizen is likely to interpret that as, "If I believe and instinctive response. And ah doh have to be precise."

But, Mr. President, clause 6(2) is what the reality is; clause 6(2) is where you get—but as said, that is what is deceptive. Because the population is being led to believe, "You go ahead. Load up yuh matic. Feel free. Stand your ground." But clause 6(2) says that:

"…the Court…"

Who?

"…the Court…"

Now remember, by the time the court gets involved, you have to go through the police. So, what happens between 6(1) and 6(2) that is not here? The police happens between 6(1) and 6(2). Right? And that police, based on the unnecessary lengthy delays—between 6(1) and 6(2) could be 10 years of you in jail.

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid: You could be locked up for 10 years between 6(1) and 6(2), between your belief that you did something right and before the court gets a chance to tell you, you were wrong or you were right. You in a 70 or 60-year lifespan could spend 10, 12, 15 years in a cell because you have believed. But 6(2) gives you a heavy dose of reality. A shocking dose of reality. That dose of reality is that the court now come to tell you—notwithstanding your belief, notwithstanding your instinctive actions, the court will tell you the nature of the force or threat. The court makes that assessment:

"...whether there were other means available to respond to the potential…."—

threat.

"…the occupant's role in the incident;

…the size, age and gender…"

Remember we have just heard that your instinctive response. Now I am hearing about the size—"ah have to check the size. Ah have to check the age. Ah have to check the gender"

Hon. Senators: [*Desk thumping*]

Sen. M. Abdul-Hamid:—"ah have to check the apparent physical capabilities of the parties to the incident". I have to check those things. But I was just told in 6(1), "if I honestly believed". The nature and duration and history of any relationship between the parties—so, if we had an argument three months ago—I "ent necessarily thinking about dat". But the court will bring that and think about that.

I was not thinking about that at the point in time. I honestly believed. This is—so the history of interaction and communication between the parties to the incident

Mr. President, this is actually a very practical one. So, if somebody and I had an argument two weeks ago—he was aggressive towards me. Just imagine, he came to my house and—I might have been aggressive towards him. Let us imagine I was aggressive towards him. He came to my house. I saw this person coming to my house and I do what this—"I stand meh ground". I used deadly force. The court is now coming to take that into account. I was acting instinctively, what I honestly believed. And the reason I am saying—it is the language of the Government regarding 6(1). Their intention is to give the population—that they

have a certain authority to proceed along certain lines, which 6(2) tells you, you do not have.

And the price you pay—the price you are going to pay is going to be very, very—it is going to be a very high that you are going to have to pay, whether there was a possibility that the occupant could have safely retreated, whether the occupant did what he honestly and instinctively thought was necessary for a legitimate purpose.

Mr. President, all I am saying here is that the language around 6(1) and the reality of 6(2), I want to recommend to every citizen—before you get carried away with 6(1), right, focus your attention on 6(2), because that is what the reality is. Mr. President, 6(1) is not reality, 6(2) is your reality.

Mr. President, as I said to you before, I suspect that this legislation is politically driven and I am just cautioning against the population getting carried away. Because you see that point there about—all of that interpretation that the court has to do, long before that, the police has to do that. And good luck—with all of those responsibilities, the police has to do a preliminary assessment on that.

5.05 p.m.

The night that this—or the day, or whenever this incident takes place, you are in a police station, subjected to the questioning and the interpretation of the police. If somebody has died in that process, you are literally facing years and years and years incarcerated before the system can figure out what your fate is to be.

Mr. President, there were some comments made earlier about the—I want to read from an article published by the University of Oxford related to the stand-your-ground laws, and some studies that were done. It was published on the

23rd of February, 2021. This study says:

> "Stand Your Ground laws, designed to protect individuals who actively defend themselves from crime, have not improved public safety across the United States, according to a new study published today in the American Journal of Public Health. In some States…such laws have led to increases in violent crime and homicides - and evidence suggests the application of legal protections under these laws may intensify racial inequities in criminal justice."

Mr. President, the Attorney General ridiculed statements that were made in the other place regarding racial bias as it applies to laws like these, but we have an Oxford study here saying exactly that.

When you have plural societies and you have stand-your-ground legislation, you run the risk of there, in fact, being racial bias, which is, in fact, the case as it exists in the United States. Studies also suggest—this is the paragraph:

> "…racial bias in the legal rulings on self-defence claims. Cases where white citizens were injured were less likely to be considered justifiable than cases where black or brown citizens were killed or injured. Cases involving white victims were even less likely to be ruled justifiable when defendants were from racial minorities. According to…researchers, this suggests…the legal protections of such laws depend on the race of victims and defendants."

In short, when you have a plural society, a multi-ethnic society—I am not saying that that will necessarily happen with us in Trinidad, but if you see it having a particular impact on other societies, you have to ask yourself whether those same input factors may have a similar impact on our society.

Just in case we are wondering if that can possibly happen in Trinidad, I

know there was a controversial case many, many years ago with a gentleman. I think his name was Jason Johnson, and Brad Boyce, and that case demonstrated, for a lot of people—let me put it this way, there was a very unsatisfactory outcome. So we are not immune from issues of race having an impact on—and class, not just race, class, having an impact on the judicial system or any system, any other aspect of the State.

So, Mr. President, the question of "disproportionate force" was raised. And so, my closing comment. I just want to go back to this last point about the question of—you see, while Sen. Lalla made reference to "disproportionate force" being allowed, but "grossly disproportionate force" not being allowed, my main point is, while they are trying to figure out the difference between "disproportionate force" and "grossly proportionate force", you may very well find yourself in a very difficult, impossible situation, fighting to save your life in an incarcerated circumstance. Mr. President, I thank you for the opportunity.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Senators, I think it is a good time for us to suspend for tea and we would like to resume at 6.00p.m. This Sitting is now suspended until 6.00 p.m.

5.10 p.m.: *Sitting suspended.*

6.00p.m.: *Sitting resumed.*

Mr. President: Sen. Sophia Chote, please.

Hon. Senators: [*Desk thumping*]

Sen. Sophia Chote SC: Mr. President, thank you for the opportunity to speak on this Bill. I will go straight to it and intersperse it perhaps with a few comments here and there, but I certainly will try to avoid tedious repetition, having regard to

the fact that we have already had so many speakers with so many different perspectives generously shared with us all.

When I look at clause 4 of the Bill, what it says is this:

> "…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."

I pause to say that this is an articulation of a principle in this legislation, which already exists. We can, before this law is enacted, and at any time before, could have done exactly this. So this particular clause, I do not see it as being controversial.

I think what may have caused some difficulty for some people is the inclusion of the words "stand your ground". I have to say, if any piece of proposed legislation has ever suffered from bad PR, miscommunication, and even, I respectfully say, within the environment of this honourable Chamber, a lack of explanation, I think it has been this. I pause to say this. From my perusal of this legislation, it appears to me that people are talking about what may have been the first incarnation of it, which had been put out for public comment. People may be conflating what was said on political platforms, pre-election and post-election, and even afterwards, after the talk about the Bill began to gain traction. And all of that now is consuming what appears to be the language and intent of this proposed legislation. This could have been corrected, and we could have come before this honourable Senate with far more clarity than, unfortunately, we had.

Stand-your-ground legislation—and I have to go into this because it has to

be cleared up. Stand-your-ground legislation did not start in Florida. It started in Utah in the United States of America, and then became enacted in certain states where racial bias became part of a legislative agenda. You had Jim Crow laws in the 1960s, and so on. Stand your ground started in Utah, and went to places like Mississippi, and so on, places not really known to be big on human rights, especially when you are talking about human rights for minorities.

So I totally understand why this dialogue became so confused and so confusing, because people were looking at these three words, "stand your ground". They were saying, "Oh my gosh, what on earth? Are we borrowing from the south of the USA? What kind of laws do they enact? Are they applicable to us? Are they relevant to our society?" Those were very legitimate concerns. This could have been cleared up before this debate. Regrettably, it was not. And then you had a whole lot of scholarship about what happened in these states, in Alabama and Mississippi and Florida and Georgia. What happened as a result of stand-your-ground laws? Innocent people were shot and killed.

My friend, Sen. Abdul-Hamid, whom I did not realize but I had known in a different incarnation when I was much younger, Sen. Abdul-Hamid referred to one of the same articles that I found when I was doing my research, and that is the article from the Oxford University Press where they did some research on what happened in the US with respect to these stand-your-ground laws. So, please, let us try to hive that off and let us see what this Bill actually says, and let us see whether it meets the standards that we require as legislators.

So, the first part of it. Clause 4 seems to be fine. Clause 5: Now, I think there is a clarification that needs to be made here. Something needs to be put in at the beginning of clause 5. Again, Sen. Abdul-Hamid hit the nail on the head

because what clause 5 is doing, or is contemplating, is how a legislative self-defence will be run in a courtroom, and that is clear when you look at the second part of it because it refers—sorry. I beg your pardon. I am taking about clause 6. So it talks about:

"…the Court shall take into account—"

So it contemplates that you are already before a court. So subclause (1) is talking about your state of mind, you are already before a court, what is your state of mind, and subclause (2) is talking about other things the court may take into account in determining whether self-defence allows you to be acquitted and not held criminally liable.

The problem is though, when somebody is held in circumstances like these, there is a part beforehand. You are held by the police. You may be interviewed. The process may take days, it may take weeks, it may take months. The police do not always decide to charge. I am afraid that if we continue to have this clause as it is worded, what we will be suggesting is now that the police have less of a role to play. The unfortunate outcome of that is the police may say, "Well, look"—I have to say, police officers tend to look at things very literally sometimes, especially at that level. They will say, "Look, 6(2) says, the Court shall take into account." So that means we have a duty to place you before a court.

So someone who may have acted in genuine self-defence and you know, ticked all the boxes in this clause may find himself placed before a court when that may not necessarily have been necessary. The police may have several options. The police may go to the DPP. The DPP may say, "Look, this is not a case where you want to lay a criminal charge for murder or anything else." The police—or they may decide that this is a more appropriate case to go before a coroner, but we

have no mention of that in this clause.

Instead, I think, unless we get clarity, the police might be misled into thinking that they no longer have a role in determining whether someone who has shot somebody, let us say, in their home, or use a cutlass to defend themselves, or an ice pick or a cricket bat, or whatever it is, whether that person should be charged at all. I think we need to put something in there because that is a right that we all have right now. We all can defend ourselves.

I know a lot of my male colleagues—and sometimes I feel the gender issue in this honourable Chamber very strongly, because it is a lot of men, with all due respect, "getting into their feels", as the young people say, and talking about what they feel they need to do as men.

Hon. Senators: [*Desk thumping*]

Sen. S. Chote SC: Well, we, women, also want to defend ourselves.

Hon. Senators: [*Desk thumping*]

Sen. S. Chote SC: We also do things that we are capable of defending ourselves and our families. So, please, as much as I know you want to protect us, do not underestimate what we can do.

Hon. Senators: [*Desk thumping*]

Sen. S. Chote SC: So that is one of the issues with clause 6.

Now let me jump back to clause 5. There is a bit of an odd inclusion in this clause, which worries me a little bit, and I will tell you how I started, or why I started to think about it in this way. November the 25th was the celebration of the International Day for the Elimination of Violence against Women. And, after that we have had 16 days of activism—we are in the middle of that right now—and I thought to myself, from a female perspective, "How is this clause, which

criminalizes the offence or creates an offence of home invasion, how is it going to specifically affect women?" That took me to a consideration of 5(1)(d), and in particular, read in conjunction with 5(1)(i) and (j).

So 5(1)(d) deals with the situation, the non-violent situation, where someone has gone to someone else's home and is asked to leave and does not leave. That is all that has to happen. That person:

"…without…intimidation, threats or violence…"

"steals any property…"

—or that person:

"…without…intimidation, threats or violence…"

"damages or destroys any property…"

Now, this is the only part of that clause which deals with a non-violent situation, and unfortunately, such a person faces the additional penalty. If they do what I referred to, in the presence of a child, they face an additional penalty, a fine of $750,000 and imprisonment for 25 years.

How does that affect women? I thought of the many occasions when I had to deal with situations where women in a family dynamic have had to ask husbands, partners, common law spouses for maintenance money; money to send their children to school, money to pay for transport, money to buy uniforms, and the number of times we have come across instances where the men failed to make their maintenance payments and they failed to maintain their children. It is not unusual or unreasonable to think that a woman in those circumstances may go to where the man lives, with or without the children in tow, and say to him, "Where is my money? You didn't pay the maintenance for this month. Could I have my money please?" All he has to do is to ask her to leave. If, as sometimes happens,

the woman says, "Look, hang on, you can't mind your children, then I am taking this gold chain that you have here, or this gold watch that I see here, or this $1,000 pair of sneakers lying on the mat, or this new wireless speaker that you put down on the cupboard, I am taking it and I am selling it to get the money for the children," such a woman intends to steal, and she does steal, and she does it without intimidation, threats or violence.

6.15 p.m.

She can now be criminalized. She can now be criminalized, treated as a criminal, put in the criminal justice system, because she may have done this in the presence of their children.

And I think that whenever we legislate, we need to put on, or use the gender lens and I think this is a kind of situation which we can see occurring. We can have people who are really not criminals being treated as criminals and victimized by the criminal justice system. I could not understand why this clause was included in the first place. Now, I could get the first part of it where it says, you are asked to leave and you do not leave, and so on. But what about the stealing of the property and the damaging or destroying of the property? If she slams the door and the door handle breaks, she is a criminal. She can be charged, she can be imprisoned and she can be fined.

Let us use another kind of example. Drug addict son, grandson, niece, daughter comes home to the grandparents' house or the parents' house, and asks for money. He or she might be told to leave, does not leave, steals the clock on the wall. Is that the kind of person we now want to make criminally liable for an offence as serious as the one which we are legislating?

Another example: You know how in this country we like to fight about land

and inheritance. The number of cases you have before the courts dealing with that issue and spin-off issues, I mean, it is just amazing. So you have one sibling going to the house to see the elderly parent, who is now ensconced in that house and not able to see the other children and so on, and the adult child who is in control of the parents and the parents' affairs says to his brother or sister, "I am asking you to leave," and the brother or sister can take up anything from that house in rage, or the brother or sister could slam the door as he is going out and the handle falls out and such a person is criminalized and placed in the criminal justice system. Now, this is something that could be corrected so easily with all due respect. I think that what we need to do is remove that part of this clause to make this clause workable, to make sure that we do not penalize people who really are not criminals, who are not acting with criminal intent and who do not belong within the ambit of this legislation at all.

Subclause 4: I think, unfortunately, that this might be a bit of an error because this already exists in the Criminal Law Act, 2A. What this does is, is this says that somebody who kills in the course of a home invasion may be liable for murder, okay, under the murder felony rule. But home invasion, from my understanding of this Bill, is an arrestable offence, it is an indictable offence so it falls squarely within the Criminal Law Act, which already creates the murder felony rule. So I think this might be a statutory duplication. I think the Criminal Law Act already allows for the offence of home invasion—if this legislation is passed, it already allows for these consequences to follow.

So to return to clause 6. As I say, I see the use in articulating a legislative position with respect to self-defence. Different kinds of defences have been the subject of legislation before. Provocation has been the subject of legislation.

Diminished responsibility has been the subject of legislation. So I see no reason why somehow we have to say that there is some sort of, I do not know, unique thing about self-defence which insulates it from legislative intervention. I cannot understand that. When I look at how the legislative explanation is articulated, it seems to me that it more or less is the same thing as the common law position.

Now, let me go back to Florida because there is so much misinformation about this whole thing that we need to really clear it up. The reason Florida had to legislate to say, "Stand your ground," is because they had had legislation saying that you could not rely on self-defence unless you showed you had retreated. So that was in their legislation and they had to correct that. That is not our common law position. Our common law position is that we are entitled not to retreat. We are entitled not to retreat. Even as I stand here today before the debate on the legislation is concluded, that is what we are entitled to. We do not have a duty to retreat at all. In fact, we can take pre-emptive strikes if we are under attack, or we perceive ourselves to be under attack.

The reason for the common law situation, I suppose, not really being activated in the way in which it might have been, I think it is perhaps because people were unclear about it, and if people are unclear about it and think that only police officers, lawyers or judges know about this kind of thing and they do not know how to regulate themselves, then, as Sen. de la Bastide had suggested when he made his contribution at the very beginning, perhaps it is good thing that we can articulate what the position is, so that citizens will know that if you want to rely on the issue of self-defence in circumstances such as these, this is what you need to take into account or this is how you must act, this is what the law says, the law is now open to everybody. Everybody can go on Parliament's website and read up

on it and ask questions about it. So there is a considerable benefit, I think, to legislating what self-defence means.

The other reason people have been fearful of, I suppose, of relying on self-defence is because they were not clear how law enforcement would react. Let us say an intruder comes into my house, and if I am an FUL holder and I shoot that person and that person is injured or even if that person dies, then I stand in trepidation because I am wondering, it really depends on how the police reacts to this; what the sergeant will say when the police come to my house. So there was a great deal of uncertainty as to what are the consequences for using or for retaliating or for taking steps to protect yourself and your family in these circumstances. So this is why, you know, I think we need to demystify the whole thing a little bit.

Let us look at it with some clarity. So if citizens have a better idea of what they can do lawfully, that is a good thing in my mind. It also lets them know what they cannot do. For example, a man comes to steal your mangoes on the tree, you cannot shoot him in his back. I would say that is one of the things you cannot do under this proposed legislation and anyone who suggests otherwise, of course, would be legally wrong.

I go back to 6(2)(g)(ii) and I am trying to be as specific as possible because we have already talked about so many things during the course of this debate. So, I get the impression that what is sought here, is to take the domestic violence situation into account. That is all well and good, but I think if we were to look at it a little more deeply, what you are basically saying here is that you would only take it into account if one of the parties had applied for or obtained an order against the other in accordance with the Domestic Violence Act. Unfortunately, many victims of domestic violence never even make a report or they may make multiple reports

or may have made multiple reports and may have suffered or been domestic violence victims for many, many years but never got a court order. I think they should also be considered. I do not think we should have this restriction here in (g)(ii), where you are basically saying that it can only be taken into account if there is a court order involving one of the parties. So, I do not know how that could be reworded but I certainly think it needs to be broadened.

Clause 6(3):

"…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, grievous sexual assault or rape to himself or another person."

We can now, as it stands, without any legislation, use deadly force to protect ourselves in the circumstances identified here. So it sounds horrible and frightening, but if you look at the definition of "defensive force" in the interpretation section, it includes "deadly force" but that is nothing new. Self-defence means that you are put in a situation where you really have no choice but to take these steps to defend yourself, your family, or your home and you may kill people. Colleagues, fellow Senators, people do kill and they are entitled in law to do so, and they have been entitled in law to do so for many, many, many years. So it sounds a bit frightening. I know when see, "oh, my gosh, deadly force," what are we talking about? Licence to kill. Again, we come back to the misinformation, poor communication of how this Bill has been discussed in the public forum and unfortunately, by some people who should have known better. So with all due respect, I do not necessarily see any difficulty with that subclause (3), but there is one fact situation which I think should be taken into consideration for inclusion.

6.30 p.m.

This is the kind of fact situation where you have someone who comes to the home to grab, to kidnap. So let us say you have a parent and a home invasion is taking place and it quickly becomes apparent that what is intended is that a child of the family or the wife or the husband, the father, somebody is going to be kidnapped from that home and held for ransom. Right? I think deadly force should be available to an occupant in these circumstances to prevent that from happening and to protect whoever is likely to be a victim of such activities. That is my respectful recommendation.

Now, I am not killer. I do not think that these are decisions that will be made easily. But at the end of the day, these are real-life situations that citizens face. I heard, I cannot remember which of my colleagues, but one of my colleagues was suggesting that we are a peaceful country. No, we are not. The aftermath of 1990 and the horrible assault of these hallowed halls have posed a challenge to every government which has held office since then. We have become increasingly violent and gun crimes have become increasingly more prevalent.

Let us remember that gun crimes are, more often than not, committed by persons who hold unlawful firearms. So let us not pretend that we live in a world where it does not exist. Working within the criminal justice system, I see it every day. I have been the victim of crime myself. I have been a witness to a murder, and I suspect many of my colleagues in this honourable Senate find or have found themselves in very similar situations. So crime hits all of us across the board.

Clause 7: I too could not understand the difference in language between 6 and 7, as Sen. de la Bastide had spoken about when he made his contribution. So, I too would like to see a little more parity. I also agree that defending yourself,

defending your life, the life of your spouse or a child should not be placed on the same level as defending your property. I know that in the past, the cases have said that you are entitled to defend our property, yes. But not to the same extent, quite frankly. And relying on that 17th Century case, which speaks about property in equal terms, is not helpful. Why is it not helpful? Because in those days in order to be judge, you had to be a property in person. Your wife was probably your property in those days. You probably owned the people in those days, other human beings. So the distinction between life and property was not something that was nuanced in those times. But now, I think, ethically, it is wrong to equate life with property. That is just my position. Moving on.

If I may go to clause 9 that says. This says:

"Sections 6 and 7 do not apply where—"

—And I am looking at 9(1)(c):

> "the occupant, or a person assisting an occupant, who uses or threatens to use force is engaged in criminal activity or is using the dwelling house to further criminal activity;

Now, why I find this problematic is because if we have a young person committing a fraud or using his home to commit a fraud, whether it is on the computer by hacking somebody else's data, whether it is by, you know, printing forged cheques or something like that, it means that you cannot defend yourself in law. It means that this right to self-defence is taken away from you. I think that what we are doing is we are creating a situation which will have a follow-on constitutional impact.

Mr. President: [*Inaudible*]

Sen. S. Chote SC: Sure. So what we are saying is, self-defence applies to

everybody.We are now legislating to say that you still have the right to self-defence. But you know what? Some people, you are not going to be able to defend yourself. That is what this subclause is saying. That is dangerous, especially where you have so many fact situations which can occur. I think if you are a criminal, you are entitled to defend yourself and your family.

Let us take the gang leader. The gang leader is home with his child. You are telling him that he cannot defend his child? He cannot rely on self-defence to defend his child? I am sorry, but that is what law is about. To the best of our ability, it must be for the protection of the innocent, and we as legislators cannot always determine where the innocence will be. So we should not anything in this legislation, with all due respect, which treats, or aims to treat, I should say, citizens unequally in circumstances where they had the ability in law equally.

So a gang leader even now cannot defend his child. If this law is passed, he cannot rely on self-defence, from my understanding of it. That has to be incorrect. As unhappy as an outcome it may be, why are we trying to create a piece of legislation which can cause so much potential harm to the innocent? I think this can be fixed. I think there are things in here which can be fixed easily, and I look forward to hearing what the hon. Attorney General has to say when he does his closing. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Vishnu Dhanpaul.

Hon. Senators: [*Desk thumping*]

Sen. Vishnu Dhanpaul: Thank you, Mr. President. Good to see you again. Mr. President, first I would like to express my sympathy to all my colleagues in here who have been impacted in one way or the other by any form of criminal activity,

especially my colleague, Sen. Baig.

Mr. President, let me make it clear, we in the Opposition are firmly on the side of the law-abiding citizens in Trinidad and Tobago. We are not fear-mongering. It is our duty to present the facts to the population—

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul:—while keeping the Government honest.

Mr. President, as was highlighted in the last budget debate—and I am trying to take—after 20-something speakers, Mr. President, it is a classic case of analysis paralysis, so I am trying to take a different slant on this. As was highlighted in the last budget debate, the Government allocated approximately $6.3 billion to national security. Mr. President, this country is only 1,980 square miles in size, 1.4 in population and we are allocating 10 per cent of our budget to national security. Any country in the world that you see has an allocation of 10 per cent to their budget to national security is effectively at war. But this $6.63 billion has been funded by taxpayers, and these same taxpayers are now being told by the Government that, "I will give you easy access to FULs, and go forth and defend yourself."

Mr. President, what this $6.3 billion going to be used for, if not to protect our citizens? It is the duty of the State to protect all its law-abiding citizens all of the time. The State must not be a part-time lover of its citizens.

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: The State must not encourage its citizens to put their lives on the line. Let me tell you, Mr. President, I decided to just check the website of the Ministry of Homeland Security, a new Ministry, to see well what is the vision of this Minister if not to protect the citizens. First page.

"OUR VISION

To be at the pinnacle of public safety and security delivery."

Correct.

"OUR MANDATE

- Maintenance of Law and Order, Public Safety and Defence against Aggression".

Correct again.

Then on Wednesday the 4th of December, the Commissioner of Police, another arm of the State, and DCP of operations met with the National Business Associations:

The—"…Commissioner of Police…together with the Deputy Commissioner of Police…convened a high-level strategic meeting with representatives of national business associations to discuss collaborative approaches to enhancing safety, security, and public confidence during the upcoming festive and peak commercial periods."

They are actually working with the model that I just discussed.

"The meeting, held at the Commissioner's Conference Room, on the 6th Floor…focused on strengthening operational coordination between and the…(TTPS) and the business community, with emphasis on crime prevention, intelligence sharing, and rapid-response support in commercial districts."

Exactly. That is what the State is supposed to do.

"Representatives attended several key organisations, including Confirmation of Regional Business Chambers…"—et cetera, et cetera—"…all signalling their commitment to continued partnership with the TTPS in ensuring a safer

national business environment."

It goes on:

"The Commissioner reaffirmed the TTPS's commitment to providing a secure environment that supports economic activity…protects citizens, business owners, staff, and customers."

So given the size of this country, Mr. President, why can this model not be used throughout the country? It is the perfect model of the State protecting its citizens.

Mr. President, several speakers before me spoke about 38 states of the United States having stand-your-ground legislation. So what? That does not make it good legislation. For the record and interestingly, the two States that are closest in size with Trinidad and Tobago, in terms of population and area, Delaware and Rhode Island, do not have stand-your-ground legislation; interestingly enough.

Mr. President, some people may say that the protective services cannot be everywhere at the same time. Rubbish. Nonsense. Yes, they can. And you know how they do it? Ask the Minister of Public Administration and AI. Simple. Good technology and appropriate AI could lock down this country in a matter of minutes. Ask him.

Hon. Senator: [*Inaudible*]

Sen. V. Dhanpaul: Could lock down the country in a matter of minutes. I have no problem with that. Just to show it—and the TTPS is starting to think along those lines. Let me quote the Minister of Homeland Security.

6.45 p.m.

"Speaking with the Guardian Media on Monday…"

—and I am quoting from the Trinidad *Guardian* 02/12/2025:

"Speaking with Guardian Media on Monday afternoon, Alexander referred

> to ongoing collaboration between the US military and the T&T Defence Force, including joint training exercises last month involving the 22nd Marine Expeditionary Unit (MEU).
>
> Alexander said the TTPS in the past has benefited from similar programmes with US-based agencies like…FBI…ATF…and the …DEA.
>
> Referring to training courses, where local police officers were sent abroad to learn from these agencies on the latest in investigative techniques and trends affecting the wider region."

And this is very critical of what Mr. Alexander said here, and this is the point I am trying to make with the technology and AI.

> '"A police officer should not be operating like he is operating in the 1960s; he must be a first-world police officer in his thinking and training."'

Exactly.

Do you know, Mr. President, a lot of my colleagues in here have lived in the United Kingdom at some point in their lives. Do you know that when there is a traffic violation in the United Kingdom, you get the ticket in your mailbox? Because they have literally militarized the country with technology, and you have seen it before. People commit crimes in the United Kingdom, and the suspect is literally shown on camera leaving his house, going on the train, going in the taxi, going in an Uber, until they finally capture him. That is the type of technology we have to look for. That is how the State protects its citizens.

Mr. President, in my world, if this was a financial prospectus, the regulator would dismiss it because of the amount of flaws it has in it. Mr. President, I followed the public consultation on the Bill posted by both the PNM and the UNC. What is clearly evident from the consultations is that there remains a significant

level of ambiguity among the population on how the Bill will impact their lives.

Let us face the facts. Some members of the public are of the view that this Bill is a license to kill. Obviously, the Government's arguments are not resonating with the general public. This Bill, when complemented with legislation to make access to legally-issued firearms easier, could create confusion among members of the public. Again, based on what I witnessed at the consultations, I am moving with facts. A law designed to protect the population must never put innocent citizens at greater risk. It must not override constitutional rights unnecessarily, as flagged by the Law Reform Commission and my colleague, Sen. Lalla, earlier today.

The population should be informed that, contrary to popular belief, if a homeowner kills an intruder in self-defence under the stand-your-ground law, the homeowner will be arrested and will spend some length of time in jail, whether it be 15 minutes, one day, two days or one week. They will spend some time in jail and, where possible, seek bail.

Mr. President, in the other place, the Minister of Defence said that the public should make themselves familiar—familiarize themselves with this Bill, and he stopped short of saying, "Keep ah copy in yuh pocket." Mr. President, I am going to now to help the Minister of Defence.

Mr. President, while I am quoting from the Bill, I want you to keep in the back of your mind, split-second decision. That is all I want you to do, and my colleagues; split-second decision.

"Subject to section 9…"

—and I am quoting from 6(1)

"an occupant…"

—by the way, I am trying to help the Minister of Defence.

> "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 where the occupant–
>
> (a) honestly believes…"

—and that should have been defined in Bill as a layperson. I am not a lawyer.

> "(i) that force was being used against him or another person or that a threat of force was being made against him or another person;"

Split-second decision-making. You are not thinking about this Bill.

> "(ii) that his life, or the life of another person, was in immediate danger or threat of danger;…"

Split-second.

> "(b) 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
>
> (c) believes that the defensive force used was proportionate to the threat he honestly believed to exist."

Put yourself in that situation—I do not mean to get you involved in the debate, but put yourself in that situation. Split-second thinking.

To help the Minister of Defence even more—and I think we need to put this on the record, because this is no licence to kill. In 6(2), there is no licence to kill. It is not a get-out-of-jail-free clause, and you are going to court. A lot of people do not seem to understand that. It is not a case where an invader comes in, you get in a confrontation with them, the CSI is coming after, and then you go back and

watch television. You are going to court. I am going to put this on record, Mr. President. Clause 6(2):

"When determining whether the defensive force used was reasonable in the circumstances, the Court shall take into account–

(a) the nature of the force or threat;

(b) the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force;"

Remember you are making this decision 6(1) in a split-second, eh.

"(c) the occupant's role in the incident;

(d) whether any party to the incident used or threatened to use a weapon, firearm, or an explosive device;

(e) the size, age, gender and apparent physical capabilities of the parties to the incident;

(f) whether any party to the incident is a person with a mental disorder within the meaning of the Mental Health Act;

g) the nature, duration and history of any relationship between the parties to the incident, including–

(i) any prior use or threat of force, and the nature of that force or threat; or

(ii) whether either party ever applied for or obtained, an Order against the other in accordance with the Domestic Violence Act;

(h) any history of interaction or communication between the parties to the incident;

(i) the nature and proportionality of the occupant's response to the use or threat of force;"

And I hope the national communities are listening.

"(j) whether the occupant acted under a mistaken belief of imminent threat or use of force and the mistake was a reasonable one to have made;

(k) whether there was a possibility that the occupant could have safely retreated;

(l) that, having regard to the circumstances, an occupant acting for a legitimate purpose may not be able to weigh, to a precise degree, the exact measure of any necessary action;

(m) whether the occupant did what he honestly and instinctively thought was necessary for a legitimate purpose; and"

Finally:

(n) any other compelling factors based on the circumstances of the case."

That has to be done in the record because as the Minister of Defence said, get yourself familiar.

Please allow me now to move to clause 8 of the Bill, which I heard being described during the consultation as the "hero clause". That is the person assisting the homeowner or occupant. Clause 8 allows any person, not just the occupant, to intervene during a home invasion and to use the same degree of force as the occupant, potentially including deadly force.

This can create a scenario in which private citizens are turned into armed enforcers, and private homes into zones of sanctioned violence. Clause 8

drastically increases the risk of wrongful killings and tragic mistakes. A wrong address, a panicked guest, mistaken identity could lead to death. An excellent example of this would be, you are in your house, a commotion is taking place at your neighbour's house, you rush across to your neighbour's to assist and then you realize that your neighbour had guests who you never met. All of a sudden, now you cannot tell—again, a split-second in timing— who is a guest and who is an invader, and all hell breaks loose.

Mr. President, they are two grey areas to me, in which I am seeking clarification from the hon. Attorney General in his winding up, if he is so inclined.

Sen. Jeremie SC: I am not.

Hon. Senators: [*Laughter*]

Sen. V. Dhanpaul: That is fine.

An "associated place": The Bill identifies what the law calls an "associated place", which includes shared areas in a gated community, for example, corridors, stairwells, car parks, internal roads, playgrounds and other communal spaces. How an associated place is handled in the Bill has created a potential flaw which could have deadly consequences.

As you know, Mr. President, there are several areas in Trinidad and Tobago, whether they be housing complexes or actually neighbourhoods, where people have decided that they are going to literally block off public roads and call it a gated community. Any kind of fatal misunderstanding in a case like this for associated buildings could take place when neighbours cross paths with contractors, workers, service providers, visitors and even each other.

Mr. President, the laws go far beyond self-defence in a home. It creates uncertainty—uncertain, risky and lethal situations in shared spaces. Another area

of clarification—if the Attorney General is so inclined—includes if during a home invasion, a homeowner, who is the owner of a FUL, gets shot and is incapacitated, his wife or his spouse, or one of his kids decides to take the gun and shoot the invader, what is the status of the spouse or the child at that point in time?

Finally, Mr. President, I would like to see—it would be very interesting to see this data on home invasions at this same time next year. Thank you very much.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Courtney Mc Nish

Hon. Senators: [*Desk thumping*]

Sen. Courtney Mc Nish: Thank you very much, Mr. President. You know, I had no intention of speaking on this Bill. I read this Bill three times.

Sen. Roberts: Only?

Sen. C. Mc Nish: Only three times, and I am satisfied that its intent is not controversial at all.

Hon. Senators: [*Desk thumping*]

Sen. C. Mc Nish: I therefore disagree completely with any notion that this is an attempt by the State to subcontract or outsource its responsibility—

Hon. Senators: [*Desk thumping*]

Sen. C. Mc Nish:—because the right already exists. You cannot subcontract out a right that already exists, that the person already has. How can they subcontract it? They have it.

Hon. Senators: [*Desk thumping*]

Sen. C. Mc Nish: Because this is simply of codification of the common law. A first-year LLB student doing criminal law knows of the castle doctrine. "Yeah, I doh know, and when, and when"—where is Mr. Sturge? He is not here?

When I was doing law, I knew of it. It says, a homeowner has the right to defend and protect himself against anyone who enters his home uninvited with malice intent to deprive him of his property or to attack his family or threaten him. He had a right to use deadly force.

7.00 p.m.

What does this Bill say? What is different in this Bill? I am trying to understand why the commotion. Maybe it is miscommunication. This does not create a wild west situation. The best way any citizen can protect themselves with a home invasion is with a firearm; we understand that. I mean, I remember as a young man, my neighbour was home invaded by two young men with a whole bunch of keys. They were going around breaking into people's homes with these keys. Nobody had guns in those days, eh. He trapped one of them and he "buss some serious chop". He got away. Did he intend to kill him? No. The fella eventually lost his arm. The police came, they took him—this is the homeowner—took him to the police station, seized the "poya"—sorry, the cutlass, and he was the owner of a grocery, and he was released. They found the bunch of keys that the invaders had in the yard, because as they were jumping the fence, the whole bunch of keys fell. We did not have this on the books then, so why was he released? He was defending himself and his property, and the common law gave him that right.

So, indeed, a homeowner now, without this, has the right to kill. He is licensed to kill. In the circumstances—listen, Sen. Nakhid told me something just now. He always tells me, "Sen. Mc Nish, I am the last black man standing". And I said to him, "I am the second last black man standing."

Hon. Senators: [*Laughter*]

Sen. C. Mc Nish: You grew up in Laventille. I grew up in Laventille. I grew up

in 33 Prescott Alley, East Dry River, Port of Spain. I grew up in an area where cars could not pass, the streets were so narrow and small. By the time I was 32, three-quarter of my friends were dead. The area was depressed. If you see it now, you could just burn it down. It is heart breaking. I have seen home invasions. I have not experienced it. I have seen home invasions, and I have seen what people have done to protect themselves, to protect their families and to protect their property.

So, to my friend Sen. Desirée Murray, I respect your view with a right to life. But my view is, you forfeit that right to live if you come into my house—

Hon. Senators: [*Desk thumping*]

Sen. C. Mc Nish:—uninvited to deprive me of my property or threaten my well-being and that of my family.

Hon. Senator: That is right.

Sen. C. Mc Nish: You have forfeited that right. I did not tell you come; you came. I always had that right; always. This is not, in my view, generating some gun culture. I have seen nothing coming before us to make acquiring FULs easier. I do not know whether the Government has plans for that. It took me four years for my application before I got my FUL. I do not think that process has eased up or changed. So, I do not see why there is a sense or a feeling that guns will now be—well, guns are everywhere; 90 per cent of them are illegal, but they are everywhere. Crimes are being committed, not necessarily by FUL holders but with unlawful firearms.

To Sen. Abdul-Hamid, who made an interesting observation about a study of stand-your-ground legislation in the United States, and how it disproportionately affects minorities, well, I think I am in the majority in this country. Everybody

here looks black to me. So, if it disproportionally affects the minority, then it is the white people and the Syrians it will affect. They do not do house—I do not know if they are engaging in house invasions. I really do not know. I think that study does not apply to us at all. It is completely irrelevant to our society. We are in the majority.

Hon. Senators: [*Desk thumping*]

Sen. C. Mc Nish: America does not have a concept of common law as we do. Hence, as Sen. Chote said, they had to pass a legislation to defeat an existing one. We always had the right of no retreat; always did. This law does not affect anything.

If I am the last speaker, I want, however—the Attorney General, I think he missed Sen. Chote's contribution. There were only two things in this Bill that tickled my brain. They are exactly what—two of which Sen. Chote spoke about. If you go straight to the court in 6(2), then you are telling the police, "Well, I have no choice I have to charge you because I cannot determine anything here, it is only the court." This is what you are saying. Only the court can make those determinations after it considers the nature of the force of threat, the extent of that—the police cannot control that. That is the court. To me, that means that "man firearm geh lock up" for three to four years, so he cannot defend himself anymore. He may spend a couple of nights, days in prison trying to get bail or whatever. It says to me that this law is saying, "Charge him. Let the court determine".

Clause 9(1)(c): So, I am running a marijuana business in my house. People coming and buying their five-piece, 10-piece and going. Some men decide to come to rob me with my marijuana business. It is illegal. So, because I am

running an illegal activity, you are telling me my common law right to defend myself in my house is forfeited? "You cyah do that". I think this was an oversight or an error. How you could tell me, "because I am selling meh weed, making my living, ah man come to rob me and my child here," I cannot rely on self-defence? Mr. AG I wish this particular 9(1)(c) be looked at seriously.

If we are going to committee stage, I really hope that, Mr. President, that we move along very quickly. It is Friday evening and I think we all wish to go home. I thank you.

Hon. Senators: [*Laughter and desk thumping*]

Mr. President: Sen. The Hon. Anil Roberts, Minister in the Ministry of Housing.

Hon. Senators: [*Desk thumping*]

Minister in the Ministry of Housing (Sen. The Hon. Anil Roberts): Mr. President, I feel I was on the football field and I get shake like two or three times already. But you see God is good, because as I stand here today, Mr. President, in a better mood, having been usurped by the hon. Sen. Courtney "Aaah-thur" Mc Nish.

Sen. Mc Nish: Arthur.

Sen. The Hon. A. Roberts: "Arrrr-thur". Arthur. Because if he did not stand up, I would have come at Sen. Dhanpaul very hard and very vex. But now I am in a good mood because some intelligence came, some understanding, some good points, so I am happy. But Sen. Dhanpaul let me deal with you anyway, eh.

Hon. Senators: [*Laughter*]

Sen. The Hon. A. Roberts: First of all, Sir, this Bill is not about guns, but it is setting and codifying what exists in common law, okay? But obviously, if you listen to the Attorney General and the hon. Prime Minister and the Government, we

want to keep our citizens safe because unfortunately, for 10 long years, when your government was in charge nothing functioned. You did not help the Judiciary. You did not help the DPP. The DPP had 37 per cent. "You did not buy car. People were under attack in their homes. They calling, nobody answering de phone. The police had no car to come. They come after the bandits are gone and people lying down dead already". So, we have to protect the citizens because one life lost, one home invasion—you are asking about, what is the number?—if it is 500, 520? If it is one, it is too many.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: We have to protect the people. I sit here and I hear some of the most ludicrous arguments. And then they talk about a gun. If guns are going to any FUL holder as Sen. Mc—

Hon. Senator: [*Inaudible*]

Sen. The Hon. A. Roberts: Thank you. "Meh" calm did not last long, but I am still good. There is a process. A gun is not something that you just hand out like dinner mints. There is training. There is practice. There is psychological testing. You do not get a gun and just say, "Well, what to do with this?" So, when you are in your house and bandits come in, you are well-trained.

Then there is the other thing that "de PNM coming up with", creating all sorts of cases every day. There is no panacea for anything. "De baddest solider in the world could die. Rambo get killed, because guns kill". There may be circumstances where you are caught and you have to understand and your training has to kick in. If you are sleeping in your bed—and they will teach you also when you are sleeping in your bed, your gun does be right there, you turn. So when you wake up and you "puh yuh hands so, it does hold it correct". They teach you all

sorts of things. But if you are caught and you are at a disadvantage, you have to know to go to plan B, which is deescalate, calm, "talk down de bandit"; try to save your family. It is not the wild, wild west. There will be training, as there has been since time immemorial. You cannot hand out a gun like wildness.

Furthermore, they keep saying about going—anyway, the Attorney General will deal with that, because Sen. Mc Nish—let me move on eh. You said the Government cannot be a part-time lover, Sen. Dhanpaul. "But you was ah part-time Minister of Finance, as you geh ah lil corbeaux sweat". But then you also said that in minutes, we could have locked down this country with technology and so on. But you had 30 days, how come you did not do it? It would only take minutes, but you did not do it.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: So then we have to ask the question: Since it was so easy and $500 "buh-buh billion" you spent in nine and a half years, how come the country is not locked down with AI and technology?

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: How come the country is not safe? How come the citizens are dying? So that means since it was so easy, Sen. Dhanpaul, then the mens rea is there to show that you all did not want to do it. And we have to ask the question, why?

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: And we have to ask the question, why the PNM did not do it?

Hon. Senators: [*Continuous desk thumping*]

Sen. The Hon. A. Roberts: "Why dey left the borders unchecked? Why dey let

all the boats sit down dey? Why dey did not get diesel? Why dey crashed de air guard? Why 23 pilots left? Why no helicopters? Why dey did not fix de radar? I have to ask you why now because dais your team ent? You see you should nah not jump een ah team da yuh doh know about". Because if it was so easy, then why are my citizens dying like that?

Hon. Senators: [*Desk thumping*]

Sen. Baig: People never matter. PNM

Sen. The Hon. A. Roberts: Sen. Abdul-Hamid, welcome back, boy. I forgive you for not being good today because "yuh rusty, yuh ain't come here for 15 years". Ken Julien and Patrick Manning "must be shame" at what you came here to debate today. You came to read from an Oxford University study about racial bias in Trinidad and Tobago. The last time I checked, as "de dougla here, all ah we black and brown".

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: But you all are taking a study that deals with Anglo-Saxon, white people oppressing black and brown people, and come to tell us that black and brown people are going to oppress who? Who is going to oppress who? The kind of nonsense I have to sit down in the Senate and listen to.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: "All yuh" just research and book—anything and read it out to say what?—"ah bright".

Hon. Senators: [*Crosstalk*]

Sen. The Hon. A. Roberts: They said the State has the responsibility, yes, to provide safety and security. But as I just said, for nine and a half years, there was no safety, no security. So what are we to do? So what the PNM is saying, we

must leave the citizens at the mercy of criminals that have illegal guns, running up in their house with AR, 9mm and so on, "doh do anything", while we fix the other things that they did not fix. No. We say citizens deserve the right to protect themselves.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: Whether the wife protects the husband, the husband protects the wife, and the children, they have the right so to do. But we will fix everything else also.

7.15 p.m.

They talk about, that this is empowerment. That we shirk our responsibility and give fake empowerment to citizens. Well, the PNM policy was, based on the former, former Prime Minister, "Who dead, dead". Well, we say, no. Nobody must "dead". Crime is down 46 per cent, you see us celebrating and drinking a White Oak and soda? No. It is going down but we are not happy. We have to get our place and our country—

Hon. Senator: [*Inaudible*]

Sen. The Hon. A. Roberts: "No, well, you doh drink, so, you does just contribute sober and talk nonsense. So, I doh know what to do with you".

Hon. Senators: [*Laughter and desk thumping*]

Sen. The Hon. A. Roberts: Sen. Abdul-Hamid said there is a desperate population. Now, he was in the wilderness because the former, former Prime Minister did not want him and did not have him around. So, he obviously did not have an impact. But the population is desperate because of the failure of the People's National Movement for nine and a half years to provide safety, security, resources to the agencies to protect us. So, do not come here and say, "Well, the

country just got desperate from April 29th." No, we will fix it because you all were incompetent and incapable so to do.

So, according to Sen. Abdul-Hamid, clauses 6(1) and 6(2), the police would not read the law, they would just reach on a scene and just charge. "As they reach, they charge yuh and yuh gone down". That is how it operates? So, the police "eh" have an ability to read the nine clauses of this Bill, understand, "A-a, look two gun and ah cutlass dey and three dead man. Oh, leh we charge him." That is not how it operates. We live in a real world.

Hon. Senator: [*Inaudible*]

Sen. The Hon. A. Roberts: Senator, so you spoke already and you did not do very well. "Doh interrupt me because I does get worst when you give me crosstalk, right?"

Sen. Larry Lalla, the temporary PNM Senator, came in and said, "The police, the courts, the DPP, they need to function properly," but he just joined that team and said, "It is the best team, the red team." Two days before an election, he jumped across to lose and comes to tell us that the police need help, the Judiciary needs help, the DPP needs help, but tells us that the PNM is a good party. It is illogical. We are in this mess because there is a reason: Incompetence, lack of effort, lack of resources, lack of understanding. And you all come here now, when we have to fix the mess and making up all sorts of fancy stories like *Aesop's Fables*.

Well, thank God meritocracy is back because for nine and a half years, it did not matter how bright you were. It did not matter how much you study, how much O levels you get. "You coulda do no maths and become the Attorney General. You coulda take six subjects, fail five and become the Minister of National

Security." But on April 28th, meritocracy is back. People who are qualified will be in positions to do the job of the people. So, this right here now, it seems that SC, when I listened to the honourable temporary Sen. Larry Lalla, SC today stands for "Sanjiv clone", because he said he listened to 18—well, I—18 contributions at an average of 35 to 40 minutes. Wow, that was great research. To come here and talk all that nonsense after that research, it is best he had stayed in his bed and slept. Because all he did was regurgitate and repeat what former temporary Sen. Sanjiv Boodhu said on Tuesday. The exact same points. I just do not bother with the Standing Orders or I would have stood up on repetition, at least, seven times. So, when you see Sanjiv's clone talking, you know that the PNM is lost, out of the 10 PNM Senators here.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: They are talking about a gun state and a gun culture. If you all have been asleep at the wheel, Trinidad and Tobago is a gun state. There is a gun culture. The criminals have guns, all kinds of guns, with weapons and bullets and ammunition coming from the army, 25,000 rounds lost and disappeared under the PNM. So, what gun culture are you all talking about? You all are against law-abiding citizens, even though this is not a gun Bill but the Attorney General said and the Prime Minister said, "We want to give people a responsibility—attempt to protect themselves". "You want ah man running with ah AR-15, you going and run out with a poya?" That is not fair, that is not right and the principle must stand that, "This is my house"

The amount of excuses I hear, I hope plenty of you all who spoke are not parents, you know. Because if you are telling me, and your children are listening, that, "Oh, amm, yuh run inside Johnny house with ah gun and ah knife, they should

not shoot yuh," we have a parenting deficit and it starts with leadership. I heard PNM speakers on a platform saying to their own citizens and their own people in red jerseys, "It is all yuh children running up," and they did nothing about it. If you know that, why do you all not put in some parenting classes, some discipline, some karate and something, and teach the supporters. No, "yuh leave dem so" and come here to criticize this Government, when we have to try and fix the nonsense that you all have this country in.

Well, Sen. Lalla advising the UNC Government on what to do, it is like Cro Cro talking about racial harmony and unity.

Hon. Senators: [*Laughter and desk thumping*]

Sen. The Hon. A. Roberts: It is like Keith Rowley advising a political party on how to select a Prime Minister, democratically.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: It is like Sen. Al-Rawi advising on how to rent a building properly. That is what I heard here today.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: That is what I heard here today and I am trying not to laugh but that is the best the PNM has. Our rejects "all yuh" bring here to talk, to advise us, after you have failed the country? I mean, at some point, this thing has to get serious, this is not a joke here.

The USA has Lollapalooza, it is a music festival, you know, Lollapalooza. Well, today Trinidad and Tobago has "Lalla de loser". We have—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts:—the competition, they give up, the PNM give up, they capitulate, they surrender, when they chose temporary Sen. Larry Lalla, aka

Larry the loser. The man is losing everything, in politics, in court and today this debate, last on Tuesday, I thought—I like debate because debate is competition, and I want to go against the PNM, or they could bring 10 of them, whoever, and I like that competition. But from the time I see temporary Sen. Larry Lalla, I know "all yuh loss because he bound to loss".

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: Hon. Sen. Lewis, I am going to borrow your word, "mosaic" , you used it twice, it is beautiful, brilliant, timely. So, therefore, one piece of legislation does not a mosaic make. The hon. Attorney General went at great pains to say this is just one piece, one piece, one thing, to try and help. The mosaic is coming, it is building. So, one little piece, right?

Law enforcement—and I will have to talk to my Sen. Attzs also. It was beautiful, it was brilliant, amazing. Sen. Attzs, with all due respect, we are in the Red House, we are in the Senate, the Upper House; downstairs, the Lower House. This is the Executive arm. We are legislators, we have our function to do. We cannot impact the independent Judiciary. We are not there to fix that, that is the job of the Chief Justice. Now, we, Minister of Finance could go and give resources, which will happen because the Judiciary was starved for resources for nine and a half years, but the Government is not to come here with a plan to fix the Judiciary. That goes against the separation of powers—

Sen. Dr. Attzs: The mosaic.

Sen. The Hon. A. Roberts: Yes, but the mosaic, the mosaic, my lady, hon. Senator, the Chief Justice will have to create his part of that mosaic. The Executive cannot get in the Chief Justice's domain and the Commissioner of Police is in charge of those—independent—yes, and then all together, it will form a

tapestry.

Hon. Senator: [*Interruption*]

Sen. The Hon. A. Roberts: No, no, no, we do not use mosaic so—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: We got a tapestry. Yeah, yeah.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: On this side, we are kind of bright. We do not starve for words on this side, right. So, I just wanted you to know that. So, there is an overall plan—

Sen. Dr. Attzs: A tapestry?

Sen. The Hon. A. Roberts: Yes, and it is there and if you listen, you will hear it, you will feel it and you will see it. You will understand, first and foremost, there is a substantive Commissioner of Police and it is not one that has been hand-picked by a Prime Minister going to whisper in a President's ear to thwart a merit list and make the Police Service Commission—

Hon. Senators: [*Desk thumping*]

7.25 p.m.

Sen. The Hon. A. Roberts:—and everything collapsed, and then hand-select, and number 12 moved to number 1, and so on. That does not exist anymore. So, that is the first piece. Then the plans would be implemented.

The Minister of Finance would then get funding to the TTPS to create and increase their technology to lock down the country in minutes. As the Minister of Finance for a month knew but could not do it, we will do it and then we will also deal with the—the DPP will give his impact and what his requests are for his office. We cannot instruct him. We have to listen and try to get resources for his

office. The last report we saw, he was operating at 39 per cent of the attorneys necessary. So, he would have to get more money so he can hire more attorneys, more experts and get a better office. The PNM did not even put him in an office. They spent $55 million for an empty shell for mosquitoes to fly around for five years. That is what they did. Okay.

Hon. Senator: [*Inaudible*]—budget allocated $48 million to have the building—[*Inaudible*]

Sen. The Hon. A. Roberts: $48 million. You see my Minister is helping me.

So, you know, I listened to your contribution. But when you try to blame the Executive for things that we do not control, it is like if I were to stand up here and blame a new board member of a corporation who just took up a position in November. But under her corporation, under her board, there is a media house that is totally biased and spews PNM propaganda throughout through editorials and so on, for the last 13 years. It will not be right of me to blame that board member for the continuing malady and lack of journalistic integrity of that Guardian Media Limited—that you are now there. So, I would hope that you would understand that we must accept our responsibility and not blame people who do not control things. So, we are here. We have brought one piece of legislation, part and parcel of our job that we have to do to keep the people safe. All the other aspects will be seen about as much as we can do.

I think it was—oh, he is not here today—Sen. de la Bastide, same thing, same sort of theme. He said, what? "This piece of legislation, what is this? Just this? There is more. It needs more." "Well, yuh know, we are in the Christmas season and even though I am a dougla, meh good ex-wife is ah Portuguese and ah like garlic pork. So, when yuh going to make garlic pork, yuh have to buy the pork.

Meh ex-mother-in-law will do it. Yuh buy—she goes and buy de vinegar and de Portuguese thyme and whatever dey put with the garlic and ting, and then yuh put it altogether and yuh leave it to cousoumeh dey for about—fuh yeah—yuh leave it soaking for about 14 days, and then, bam, Christmas morning, garlic pork". So, you see, things take time. This is just one ingredient. "De garlic pork coming, so doh get excited."

Hon. Senators: [*Laughter and desk thumping*]

Sen. The Hon. A. Roberts: Then the most ridiculous thing that I have heard, PNM Members of Parliament talking about, what? Citizens getting guns and this will be a gun—a wild, wild west. And some of these very, PNM Ministers have five guns, you know. They have five guns. They had one that they said was automatic. They so did not need it, they gave it as a gift to the police. So, they kept the other four. And then they have these four guns and they also had Special Branch driving them around. Even though they were not the Minister of National Security, they were not the Attorney General, they were not the Prime Minister, they have Special Branch with them. They have the guns. They are living in a gated community with three securities by the gate. "Ah ting with arm to come up and then patrols. And also they children have Special Branch in Fatima College and they are not even the Attorney General, the Minister of National Security nor the Prime Minister. But dem telling citizens that dey cyah get ah gun home to keep dey children safe?" That is hypocrisy of the highest order.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: "Ah next PNM who rent out he own building without the approval so to do. He ha residential approval—rent for six years, going on nine years at commercial rates, he children shooting fancy gun and he boasts that if in

anything, any situation, his children are trained to hold that gun and shoot. So, wah bout we children?" That is the difference between the UNC and the PNM. The PNM wants all that is good and safe for themselves and leave everybody else to wean themselves off of everything else.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: It is hypocritical and it is sad and disrespectful. One thing, "all yuh might say Anil boi, you duz get vex. You duz get passionate. Because me eh in this thing fuh no game. And lemme meh tell yuh something, I knock on wood, nothing happens to my children or my family, but when it happens to somebody family, my mudda teach me to feel it like if is your child. Dais why I duz geh vex".

In 2007, "under dem PNM", kidnapping reared its ugly head and I was on radio with Dennis Hall, "Sprangalang", starting at 4.20, going to 7.00 pm. The news came in that two Knax boys had been kidnapped from somewhere in Grande or something, and it was about the 12th kidnapping within three months and so on. And I went on the radio vex. And then when we opened up the lines, a PNM caller called one time—ah Mr. Enterprise—and he said, "Anil, what happen to you? Why you so vex?" Ah said, "Sir, because kidnapping—is not only the children who got kidnapped, the mudda, the grandmother, the aunty, the nenen. Everybody nervous; the pain, the frustration, the anxiety." I said, "Dis is ah serious thing." He said, "Your children—anything happened to your children?" I said, "No, how yuh mean?" And "ah knock on wood. Ah knock on the table. Sprangalang, sitting dey with he hand on he belly so". I said, "How yuh mean?" He said, "Well, if nutten eh happen to your children, why yuh vex?" And you know what? I heard that attitude in this PNM Bench here today and that is what "ah cyah take because

dey have all de security. Dey have all de gated communities, their families safe and sound, and when we want to make everybody safe and sound, dey are coming here to obstruct and talk nonsense".

Now, I listened to about 25 speakers in this Senate, and I do not believe that that I am the one who is going to go back to basics because I might be the least religious or the least spiritual Senator here. But not one of the Senators went back to the real essence of what we are doing in here, you know. "So, lemme meh take yuh—lemme take yuh to the *Bible*". From the *Bible*—Exodus 22:2-3, the *Bible* recognizes a man's right to defend his home. When a thief breaks in at night, the homeowner may respond to protect his dwelling. Sources summarizing self-defence in scripture point to this as a foundation for defending oneself and one's home. Nehemiah—"imagine all yuh getting scripture from the dougla. This is ah first. In 4:14, during the rebuilding of Jerusalem's walls, the people stationed behind the wall at the exposed places with weapons in hand to defend their families and homes from attacks. This is what we are doing.

"Yuh feel ah just went Christian? Lemme go to the *Quran* then". *Quran*—Surah 2:190:

> "Fight in the way of Allah those who fight you, but do not transgress. Indeed, Allah does not like transgressors".

"Some of you all, some ah the PNM, come here to tell me that when ah man run into my house that I paying mortgage for at 9 per cent interest and I paying T&TEC bill and WASA bill and all ah that—when he run into my house to humbug me and he has ah gun, weapon, whatever and my child dey doing she homework, that y'all telling me that if I take him out or I shoot him, that I am as wrong as he is?"

Hon. Senator: Madness.

Sen. The Hon. A. Roberts: "Ah say, nah man".

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: The *Bible*, the *Quran*—"leh we continue." *Quran*, Surah 22:39:

> "Permission to fight has been granted to those against whom fighting has been launched because they have been wronged."

This has historically been taken to allow self-defence for individuals or communities under unjust attack, including defence of life, property and honour. Some of you all are saying, "Why are you all saying that yuh could defend yuh property?" "If yuh property in yuh house and yuh family and yuh daughter and yuh wife and yuh granny, how yuh going—what yuh going to do, stop and interrogate?" "Aye, bandit with the 9mm pointing in meh mouth. Ahh, wey yuh come for? The TV or yuh come to shoot meh?"

What madness. What is wrong? This Bill is real life. Is it perfect? No. We could adjust and we could amend. The Attorney General is brilliant. But the essence of it cannot be denied. We need to help the families, people, the citizens, protect themselves. We had a former Attorney General who could not even read the Bill. Who said that squatters somehow would not get. So, therefore, this is a racist, classist thing. The man needs to learn to read. He stayed in law school so long and still "cyah" read. And that is the PNM, Attorney General, former, who brought law after law here but cannot read simple English. Squatters have the same rights under this law. As the Attorney General said—and the definition at clause 3(1) will let you know that. "Ah not done dey".

Bhagavad Gita:

"…Protection of the good…"

—chapter 4:8

"…Protection of the good, for the destruction of the wicked, and for…"—upholding—"…Dharma, I manifest myself in every age."

This conveys that protecting the righteous, the good and the innocent and removing evil and wrongdoers is a divine principle. Imagine I have to be discussing and trying to argue with PNM, a divine principle. That shows the evil of this PNM. That is why you all were rejected on April 28th—

Hon. Senators: [*Desk thumping*]

Sen. The. Hon. A. Roberts:—and you all will be rejected again. A divine principle. It underlines the defence of the innocent and opposition to evil can be a righteous duty, morally illicit, even divinely sanctioned. Not finished there.

"Dharma protects those who protect it."

This suggests a reciprocal relationship. Those who uphold or defend righteousness—Dharma—are themselves protected. Interpreted in modern context, this can support the idea that defending one's home, family or community, i.e., standing up for what is right, is just and rightful.

Each and every citizen who believes in righteousness, who has moral fibre, intelligence, has to vote for this. This is not just a piece of paper. It is a divine right of every individual to protect themselves from evil in their home.

We spoke about manhood. "Ah doh want to talk too much bout man but I cyah give the female perspective no matter how bright I am".

Hon. Senator: [*Laughter*]

Sen. The Hon. A. Roberts: I am unable so to do. But I understand what Sen. Chote is saying. And some of the greatest defenders of families and children are

women who do things that they—when they are protecting their child, they do things that are above and beyond what is humanly possible. And this is the principle. So, if that instinct is in the mother, this legislation is just extending that mother's protective instinct to—give people the opportunity to protect themselves against evildoers. Will we fix the other things? We are already fixing the flow of drugs and guns and human trafficking by Kamla Persad-Bissessar—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts:—the Member for Siparia, supporting the US position against narco-terrorism, against drug runners. So, those of you who feel, "Oh gosh, it is too harsh," the blood has been flowing in our streets; 624 murders in 2024. You heard that figure? You know that figure, Sen. Dhanpaul? You saw that one? You did not see it? You did not feel it? What about the little girl, seven years old, when bandits came for her father and he tried to protect her and grabbed her and hugged her, a bullet went through him and killed her. That is not funny.

Hon. Senator: He did not stay long—[*Inaudible*]

Sen. The Hon. A. Roberts: We will fix that. The resources—our country is in a devastating mess because of the despicable evil of the PNM.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: We know that. So, this is just one element brought here by the Attorney General who is going to bring a suite of legislation. But legislation alone will not fix it. I agree—the tapestry—all of us need to be on board. All of us need to do the right thing. All of us need to understand that we must not be selfish and live in gated communities where our families are safe and sound.

"And yuh singing and yuh drinking poncha creama under your Christmas tree with three security guards and patrols—with five guns in yuh house. But other people outside dey at risk. And then yuh former, former Prime Minister, who probably talking same time now because ah election in Tobago, coming and another cut-tail coming, and he doh know dat when he talks, the cut-tail will be worse,

he is talking, but he said, 'Who dead, dead and who live, live', while he sat down with three Special Branch."

7.40 p.m.

PROCEDURAL MOTION

Mr. President: Leader of Government Business.

Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Thank you, Mr. President. 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.

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

Mr. President: Continue, hon. Minister.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: Thank you, Mr. President. Somebody said, "This may not be a deterrent," but let me tell you something, eh. Criminals are bullies, and you know what a bully cannot take? When someone stands in their face and fights back. Bullies take advantage. The PNM will not understand this because their last two leaders are bullies. One was a bully in St. Mary's College for five

years, until Imran Khan had to eventually go against his character and beat him and throw him in a dustbin, but that what happens to bullies when they are met by equal force and equal power. They are cowards in their heart and essence. So, will it be a deterrent? Of course, it will be, because bullies look for easy targets. They look for homes that are unprotected. They look for single mothers and children. They look for places that do not have, but when they know that every citizen who has—is of good character, has their right and the ability to defend themselves, they will get back to basics. The basic principle is, "Stay out meh house, is not your own."

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. Roberts: "What so hard to understand? "Stay out my house, is not your own." And these nonsensical anecdotes about, "If ah man climbing ah mango tree who go shoot him," what rubbish are we debating here? Who in their right mind, when somebody climbing a mango tree, with both of their hands up in the mango tree, will legitimately say, "I feel threatened," and shoot and kill. Well, he deserved to be charged if he is that stupid. Those things are not realistic. That is nonsensical.

Sen. Sanjiv Boodhu, the first one, not the one we have today, Sen. Lalla, who regurgitated everything, "when he start to talk, he talk like if everything was under control under the PNM". There was no crime problem. He said that things were smooth. "I doh know where he was living, under what rock he was". Let me just give him, July 19, 2022, El Socorro—and to those who say that having a weapon or having an ability to defend does not change—because the PNM was also throwing around downstairs and outside in the newspapers, "Stand your ground."

Even one Member, the Member for San Fernando East, talked on Facebook, and put on a Facebook post that, "This is racist because the stand-your-ground legislation with the Trayvon Martin case in Florida"—number one, that had nothing to do with a home invasion. That happened in the street, the public road in a gated community with a racist fella, and they were disputing facts about whether they fought, and they did not fight, and the man face was "buss up", and a shot went off. That is a totally different case than what we are talking, but they just want to bring race into it.

We in Trinidad and Tobago are one race. Trinidad and Tobago, all of us bleed the same. "We doh have any distinction. We doh have Jim Crow law. We did not go through no civil rights movement. We doh have states like Mississippi where a black or a brown man will go and they want to beat him just so, going in a 7-Eleven. That is a different culture. That is not our culture. Doh try to read studies from that and bring it here". But having an ability to utilize a weapon in a trained, disciplined fashion gives you an opportunity to survive.

July 19, 2022, at about 4.00 a.m., a businessman and his 88-year-old father was asleep in their home at the back of the family's dry goods business when they were awakened by a loud banging on the door. When the businessman checked, he saw six armed intruders attempting to break in. The homeowner—

Mr. President: You have four more minutes.

Sen. The Hon. A. Roberts: Four?

Mr. President: Four more minutes.

Sen. The Hon. A. Roberts: Oh, I did not see the time. I say, four—

Hon. Senator: "I thought was two".

Sen. The Hon. A. Roberts: "I thought is two". You know, because you did good

and I am happy, "doh get on meh wrong side, eh, Senator. Yuh going good". Thank you. The homeowner who possessed a licensed firearm fired at the intruders. Police later discovered that two intruders were dead and a third one wounded at hospital. The homeowner immediately called the police. He is alive; his granny, 88-year-old, alive; and children, alive.

January 2021, Freeport, the incident occurred at 12.55 a.m., when the homeowner heard noises of someone breaking into the house. He left his room and saw a masked intruder wearing dark clothing, face covered. According to his account, the intruder followed him, went back into the room, closed the door, but the intruder forced the door. The gun fell to the floor during the struggle. The homeowner picked it up and fired. The intruder collapsed from the shots. Now, this person was lucky, but his fight or flight, he decided to fight, which could end up with bad results or good results. There is no perfect system.

Anytime guns are involved, weapons are involved, bad things can happen, but to sit down here and nitpick and say, "Well, if yuh sleeping and ah man have ah gun?' Well, if ah man have ah gun in yuh head and yuh snoring and yuh dreaming, well then, hard luck, he ketch yuh. Yuh now have to try to come out of it alive by talking calmly". There is no fighting there. Some of the best trained people make mistakes.

Some of you all may not remember, but there was a video about two and a half, three years ago, a police officer, off duty, one of the best trained. When there is shooting competitions and so on, he is a marksman extraordinaire, active shooting, and so on, quick draw. He and his partner was sitting down and now he made a mistake, his back was to the door in the bar. His wife was to his left and two people forward. A one-armed man came in with a gun, had them covered

from a height.

His training would have told him, "Well, they have you covered, stay calm, try to de-escalate," but because of his expert training, his arrogance, he took the gun out and fired. He hit the bandit twice, but a bandit does not immediately die. So while he was falling, his finger squeezed the trigger. The police officer got hit one here and died. So there is no perfect discussion, there will always be pros and cons, but the overriding principle is that because of nine and a half years of neglect, the State apparatus cannot protect the people. The people now have to be given the opportunity to protect themselves and their families in their homes. It is divine, it is simple and we ask you to support it. God bless. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Yes, hon. Senator, please.

Sen. Janelle John-Bates: Mr. President, I thank you for the opportunity to join in this debate. Thank you for recognizing me. This debate speaks to one of the issues that is plaguing this country, the unrelenting wave of violent crime, and in particular, home invasion. Home invasion is one of the most frightening crimes facing citizens today. Citizens have been crying out for a solution to this issue. The Government has taken full advantage of the vulnerability of citizens and their need for protection, and has framed this debate in an emotional, sometimes hysterical and politically symbolic manner. They have given scant regard to the legal aspects of this Bill.

Now, the legal aspects of this Bill, thankfully, have been carefully addressed by various other speakers from the Opposition Bench and the Independent Bench. I would not spend too much time on that, but I do want to address some of the

issues raised by the Government Bench. The first thing I want to address is this idea of doing something versus doing something effective. Now, we have heard repeatedly from the Government Bench that by bringing this Bill, they are doing something. That was the crux actually of Sen. Baptiste's contribution in the Senate.

He would have said, "What is the alternative? To not do it?" Numerous, other Members from the Government Bench have said that they brought it because they listened to the cry of the people but, Mr. President, doing something merely to say you doing something for optics, that is not good governance. What we have actually witnessed throughout this debate by Government Members with this whole, "We are listening to the people and it is what the people want," is actually some sophistry. They have just been making these superficial arguments—

Hon. Senators: [*Desk thumping*]

Sen. J. John-Bates:—geared towards misleading the population and preying on their vulnerability at this time.

So the choice really is not between doing something and doing nothing. What we want—and the choice, the only choice is doing something effective.

Hon. Senators: [*Desk thumping*]

Sen. J. John-Bates: Then we come to the other type of argument, emotional argument that the Government sought to rely on, this idea of "hope", and that particularly emanated from Sen. Smith. That was the crux of his thesis, that the Bill provides hope. Sen. Lewis, I would say, unfortunately, supported it by saying that, "Yes, hope is important."

Now, I understand the sentiment, okay. I would agree that hope is a powerful thing. Hope has actually supported entire political campaigns. We can

look at President Obama, his whole campaign was on the idea of "hope", and because of it he became the first African American President in the country. So hope is a powerful thing, but hope, much like this Bill, does not address the real root cause of crime, nor does it provide any solutions.

Now, I would like to, at this point, just quickly, at this juncture, deal with Sen. Anil Roberts. It would not take long because in his usual brash way, he spent most of his contribution belittling other Senators, and I could understand that because he really did not have much to say. So in between speaking about other people's educations, and just many irrelevant pieces of information that he would throw in there, "pork" and "tapestry", the only good thing that he did was rely or read into the *Hansard* some scriptures. I would commend him to do that some more, to get heavily into the scriptures.

Hon. Senators: [*Desk thumping*]

Hon. Senator: "He need prayers".

Sen. J. John-Bates: "He need prayers". But one thing I found very interesting that he did do was call criminals and other people, bullies. That was interesting that he could see that somebody else is a bully, but I would just deal with one thing he said, the only thing that is worth addressing. He mentioned on occasion that, "This law is just one piece in a tapestry." He relied on the word "mosaic", and wanted to convince us that more is to come, but the point of the matter is this, you are putting the cart before the horse.

Hon. Senators: [*Desk thumping*]

Sen. J. John-Bates: As somebody else would have said, this Bill on its own right now would be ineffective because you have not done anything else to address the deficiencies in the system. Bringing the Bill will not change anything unless you

address our prosecutorial issues, our policing deficits.

Now, at this point, I want to get into something a little more personal. Many individuals in this Chamber would have been victims of home invasion or would have known someone who was a victim of home invasion, and unfortunately, I fall into that category because I know someone who was a victim of home invasion. I would, again, like many other individuals, want to the express my condolences to Sen. Baig, because when I heard about his aunt, it reminded me of a situation with my aunt this year.

Earlier this year, my aunt and my cousins were victims of home invasion, a home invasion that actually happened in broad daylight. My aunt, as she normally does, was at home watching cricket, fell asleep. The next minute she opened her eyes to see a man hovering over her with a gun. Apparently, he had climbed through the window because she fell asleep. He herded her outside and there was another one there with a gun, basically tying up her son-in-law and keeping her grandson—five-year-old grandson—guard, and then the one who was treating with her, went to open the door to let another in.

7.55 p.m.

Long story short, they took what few hundred dollars they had—because they are not wealthy people. They took their cell phones, and then they took my aunt's car. When my sister called me to give me that story, my heart skipped a beat, but I could do nothing but thank God that my other female cousins were not home and that they did not sexually assault my aunt or do anything worse.

So I did reflect on that situation when I was thinking about this Bill. But really and truly, when I had to face the truth of it, could this Bill have really prevented these violent criminals from coming into my aunt's house? Would this

Bill have stopped them from taking their few belongings? And the truth of the matter is, no, this Bill could not do that any more than any of the laws that exist now. Because the fact of the matter is, as we are standing now, my aunt already had the right to stand her ground if she had the strength or the appetite to face down some criminals like that. My cousin-in-law indicated to me that he actually burst the tie strap at one point—the first tie strap. But when he thought about it and he looked at his 70-something-year-old mother-in-law and his five-year-old son, he had to make the choice. He was not going and stand any ground. He would just cooperate because he did not want to escalate the situation further. So, really and truly, how realistic is this idea of standing your ground when the criminals come armed?

I think I want to stick a pin right there to address something that Sen. Mc Nish would have said. He kept asking, he does not know where the idea of getting ease of guns has come into play in this debate, because several persons would have expressed it in this debate, it makes no sense to tell people to stand your ground unless you are going to do as you would have said, make it easier for people to have FULs. Because when you are going and stand your ground with a—what was it?—a "poya", somebody said, it makes no sense.

So I actually want to refer Sen. Mc Nish to an article in the Trinidad *Express* dated 03 June, 2024, entitled, "Easier access to guns coming":

> "THE REOPENING of the former Petrotrin refinery, a removal of VAT on 7,000 items and easier access to guns for law-abiding citizens are some of the plans the United National Congress (UNC) has if it is returned to Government."

That is where the idea came from, Senator—he is not here. Well, it will be on the *Hansard*. Further to that, in the Law Reform Commission's paper, "Protection Against Home Invasion", Trinidad and Tobago, dated July 2025, paragraph 2.5:

> "The Commission notes that some have linked two Government proposals, namely, enabling more eligible applicants to be granted Firearms User's Licences ('FULs') in accordance with the provisions of the Firearms Act, Chap…and the introduction of SYG legislation."

It is written there. It is a government policy, easier access to guns for eligible applicants. So, Sen. Mc Nish, I would commend you to look at the Law Reform Commission.

My concern with this—although some would say that this Bill would only work if you indeed make it easier for citizens to access guns and all of that, and you are emboldening citizens to stand your ground. My concern with that whole rhetoric is that the criminals have also heard the Government's messaging. Whether a citizen has a gun or not, they will be expecting resistance now. They will be coming armed and more aggressively because of this idea that citizens now are going to stand their ground, they are going to have guns, they are going to have their "poya", they are going to have the cutlass. We have to be careful, the ideas that we are putting out there.

The other proposition that I have heard throughout this debate is that the penalties are so severe, they would act as deterrents. The Government has promoted this Bill as a major deterrent because of the penalties: 20 years and half a million dollars for home invasion itself; 25 years and $750,000 if the home invasion is committed by a gang member or in the presence of a vulnerable person; and the most extreme of it all, is liability to be convicted of murder if someone is

killed during the course of this home invasion. Again, I had to ask myself: Would these stiff penalties have deterred these hooligans, these criminals, from attacking or breaking into my aunt's home? And again, I would have to say, no, because, as the law stands today, without home invasion, we have many other laws in place with very stiff penalties that do not deter individuals from committing crime.

The penalty for stealing a car—they stole my aunt's car—is imprisonment for 15 years. The penalty for theft of money or valuables in a dwelling house, as they stole from my aunt, is 10 years. The penalty for burglary, which is breaking and entering a house, is 15 years. And the penalty for murder, as we stand today, is death by hanging. What is our crime rate? Has the idea of being hanged deterred anyone from committing murder, or any crime in this country? No, it has not. The idea of a penalty of 20 to 25 years, that it sounds so strong and the criminals would think twice, there is no empirical evidence within our Trinidadian context that these high penalties deter violent criminals.

There is no empirical evidence. The Government has not provided it and our lived experience does not show it. The fact of the matter is, if criminals, I guess if they thought some more, it is the likelihood of being caught that deters them, not the sentence. And in this country, the likelihood of being caught is low. I think somebody else already gave the figure of what our detection rate is in this country, far less for the prosecution rates or the people being convicted of a crime. You could read the papers every day before April and after April. You will be seeing article after article of individuals being set free, either at the sufficiency hearing stage or at a trial for various reasons.

So what the Government should be focusing on, if it just wants to do something, is improving the detection and prosecution rates. Criminals in this

country operate with near certainty that they will not be caught, and that is because police response times are low. As I said, detection rates are low. DNA, CCTV and forensic, case compilation is poor, and trials take a long time. Thankfully, with AJIPA, it should get shorter, there has been improvement. But historically, five/10, years before you even know your fate, guilty or not guilty, it is ludicrous. So respectfully, the severity of any offence is irrelevant. A new law will not magically create enforcement and prosecutorial capacity.

Now, I want to address the contribution of the Minister of Trade, Investment and Tourism, Sen. Maharaj. He would have lamented that despite his ability to mesmerize anyone with his language—let me use his words. Yes, "mesmerize anyone with his language," those were his words, he was unable to convince some senior executives of an airline and Nucor from investing in Trinidad. And, of course, he blamed the crime rate. Our crime rate is a contributor, I must admit. Then he lauded this Bill as somehow being something that would contribute or enable or assist with him in the future being able to use his language to, again, mesmerize individuals to come and invest here. He sought to make some sort of connection with or draw an analogy between the new severe penalties for illegal gambling and the new severe penalties in this Bill. I do not know how he could have drawn that analogy, since these new severe penalties only came into place in October, but yet he wanted us to believe that he went to these places where there were these illegal dens of gambling, and "Oh, my God, the machines were gone," and therefore, with these severe penalties, home invasion too would vanish, much like the illegal Play Whe machines. He said that this Bill, with these penalties, would show the local population and international investors in tourism that we are taking a hard line. With all due respect, Minister, seriously? Investors do not care

about the legislation "yuh" have. What they care about is your police capacity, your crime detection rates, your conviction rates, stability. They are not going to examine your Home Invasion Bill. What they are looking for is results; that is what they want.

I know that is a concept also that Sen. Nakhid would find hard to understand, because in his usual condescending manner, he dismissed Sen. Lalla's call for us to prioritize the enforcement of laws and strengthen the organs of the State. So since he would not take the word of Sen. Lalla, I would commend him to the words of Garvin Heerah, strategic security consultant, in an article in the *Guardian* entitled: "'Crime a disincentive for foreign investors'". So it is accepted that crime is a disincentive. An article dated the 3rd of October, 2024, Mr. Heerah identified four real requirements for investor confidence. He said, one, you need to strengthen your border controls. Two:

> "Crime prevention and law enforcement: Deploy more targeted and sophisticated policing efforts."

I think Sen. Dhanpaul was giving us an idea about what these sophisticated methods can include, AI. But again, the Government Bench chose to miss the point. You have to dismantle your gang networks. You have to restore law and order.

The third thing you have to do is you have:

> "To institute programs addressing the socio-economic drivers of crime, such as poverty, unemployment and inequality."

And the fourth thing you need to do, strengthen:

> "…international collaborations to share intelligence strategies and best practices in combating organized crime and terrorism."

One, two, three, four. Not one of them was a suggestion that we needed new criminal offences. Because the problem is not the criminal offences, the problem not the penalties we have currently. The problem, as identified here, is crime prevention and law enforcement weaknesses. That is the problem, the socio-economic drivers of crime; that is the problem. Mr. President, my entire life has been shaped by the law.

Mr. President: [I*naudible*]

Sen. J. John-Bates: Sorry? My entire life has been shaped by the law. I am glad you are listening so intuitively. Straight out of Form 6, studied law, came back home, fulfilled my scholarship obligations working with the State, and I remained with the State for years in various legal departments, because I care love this country. Mr. President, I know about things like "mens rea", "actus reus," "voir dire", no case submissions and evidential bills. That is what I know because, why I am a lawyer. What I am not is a police officer. I have no training, and I had to read what it is, because I have no training. I have no training in control and restraint techniques. "I cyah take down nobody. I cyah throw down nuttin". I have no training in weapon defence and retention. I have no training in tactical or firearm response. And, Mr. President, I submit to you, most citizens are like me, teachers, sanitation workers, Pennywise workers, Sacha Cosmetics workers, clerical workers, restaurant workers, ordinary citizens who have no training in combat. How will this Bill put us in a better place than we are today? How?

Sen. Smith declared that this Bill empower citizens, but empowerment without capability and knowledge is dangerous. Respectfully, I do not think most citizens ever want to be in a situation where they have to stand their ground. We do not want more laws telling us what we can do. Various people have said it.

Instinctively, you would defend yourself, but that is not what we want. What we want are more laws, policies and initiatives to prevent crime. We do not want to have to stand our ground. The fact of the matter is that if after seven months, citizens are being told to stand your ground, I submit that it is because the Government has lost their ground already in seven months.

Hon. Senators: [*Desk thumping*]

Sen. J. John-Bates: If citizens—and I think somebody else mentioned it, so I will mention it briefly. If citizens, without their knowledge, were to go recklessly and stand their ground, shoot somebody, harm somebody and the police find that what they did met the threshold that they have to appear before the court, I just want citizens listening to remember this law does not give you the right to just go start shooting people. You have to think about it. You have to think about what happens when the police arrest you.

8.10 p.m.

Sen. Ratiram: Mr. President, I rise on Standing Order 53(1)(b), persistent tedious repetition.

Hon. Senators: [*Desk thumping*]

Sen. Ratiram: What we are hearing from the hon. Senator are matters have that been repeated by several previous speakers, and if the Senator can add anything new to the contribution please.

Mr. President: All right. I would advise that—I will follow what you are saying. But I know that the tedious repetition is stepping in because of the length of time we have been here and the number of speakers and nine clauses. So continue and I will guide you.

Sen. J. John-Bates: Mr. President, I will not trouble my friend. I have but two

more minutes. I am at my conclusion, so he will not have to be troubled. So, I will just go to the conclusion. The conclusion really is this. We do not need more legislation to codify what is already in the law. We do not need more paper to tell what us what anybody will do if they are faced with a harrowing situation. We need rapid response units. We need proper patrol coverage. We need community policing. We need intelligent-led policing and a justice system that works. That is what we need, really, to address this whole aspect of home invasion. This Bill creates an offence, but it does not create safety. Until the Government strengthens detection, enforcement and prosecution, no new penalty, whether it is 25 years or whether it is a 100 years, will stop a single home invasion. With that, Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Foster Cummings.

Sen. Foster Cummings: Thank you, Mr. President, for the opportunity to contribute in this debate on the Home Invasion (Self-Defence and Defence of Property) Bill, 2025. This is the second day of the debate in the Senate and, of course, many speakers have gone before me.

Mr. President, the Government has sold this measure to the country and to citizens as a mechanism of empowerment to protect their person, their loved ones and their property. On the face of it, no one can have a quarrel with that. We are all, in large measure, law-abiding citizens, fathers, mothers, husbands, wives, and no one would like the idea of someone entering their property, one, without invitation, but more so to commit harm and injury to life, limb or property. I will be the first to, one, express concern for any such situation or any citizen who would have encountered such a situation.

In the course of the debate in the other place, I heard a Member referring to an article of an incident in the past where even our hon. Attorney General may have been the victim of such a situation. That is not something that we smile about or should make any fun or joke about.

Hon. Senators: [*Crosstalk*]

Sen. F. Cummings: I also heard that Sen. Baig and his family may have had a similar experience. It cannot please anyone to have to go through that type of experience. Mr. President, therefore, citizens would be very concerned about how these matters are addressed, what a government puts forward as law, as policy to help guard citizens against the threats from the criminal element. There are some people in this country who feel that they are above the law, who feel that they have a right to enter into people's homes, cause them terror, cause them harm, steal their property. And collectively, as a Parliament, we must say no to that type of behaviour in this country.

I think what causes some concern, and I am not sure how the policy evolved, but it appears that in marketing this policy to the population that some Members—and it was not all, certainly, but some Members of the Government probably did not read the policy, did not acquaint themselves, but may have gotten caught up in emotion during the consultation process and would have made certain statements that people are now tagging on to this legislation. Because on the face of it, the legislation does not say what some Members of the Government would have said during the consultations. When people listen to government spokespersons, when citizens want direction on policy, they take it from Members of the Government because it is the Executive that is charged with policymaking.

So when you have Ministers of Government making what can be perceived

as irresponsible statements, and it happened on more than one occasion in relation to this particular policy, it places in the minds of our citizens that they can shoot somebody in the back when they are running away from your home; that if somebody looking like a policeman and he "ain't" sure, it is better you shoot him first and ask questions after. Those are, by far, irresponsible statements and I do not think anybody can make any excuse about that.

Then coming on the heels of what has been happening internationally, when you call it "stand-your-ground legislation", and when you promise stand-your-ground legislation in a campaign, and you have a mantra of "promise made, promise delivered", and you want to deliver "stand your ground", then we have no choice but to look at what "stand your ground" is in the international reality. What is the international reality? The international reality is that stand-your-ground legislation, in particular States in the US, has not worked to deter criminals at all. As a matter of fact, it has had the effect—and I am sure other speakers would have quoted from several instances, so I am not going to detain us at this time. But it has had the effect—it is has had the opposite effect. As a matter of fact, in particular states, it has had the effect of giving persons, some of them who their belief system is one of hate for other races, would have been motivated by stand-your-ground legislation to commit acts of violence against persons that they do not like, and attempt to hide behind stand-your-ground legislation.

In Trinidad and Tobago, I do not think we have gone that far in terms of our race relations, but we are not perfect by any means, and we may have persons who like to mimic what happens in some developed countries. We cannot say—I did hear the hon. Attorney General say that Trinidad and Tobago is not Florida, and

that we are a different space. That might be so. But we know in this country that citizens pattern a lot of what they do from our friendly neighbour in the north.

We have Halloween celebrations here. I have oftentimes been invited to 4th of July celebrations. A lot of how we dress—we have Black Friday sales at several of our retail outlets here. So, I do not think that is absolutely true to say that we do not pattern our behaviour from our neighbour in the north. Halloween, 4th of July, Black Friday. Citizens leave here and in November, head across to North America to celebrate Thanksgiving. So that we adopt a lot of that type of behaviour.

So that citizens listening to "stand your ground", just the term, there are some who may feel that that gives them the right to take a gun if they have access to one, and if somebody walks onto their property, who they prefer not to be on their property, discharges that firearm and satisfies themselves that that person should not be on their property, it could be fatal. That has happened in the past in other parts of the world, and it can happen here if we do not properly educate our citizens. If we play on the emotions and say, "Well, we are giving you stand your ground, that will make you feel safer," then there are people maybe visiting from Glencoe and going into Beetham to visit a friend, may have concerns about the citizen from Glencoe who may go to visit a friend on the Beetham Estate and end up at a wrong address. And the licensed firearm user from the Beetham may take that firearm and discharge it and might cause the demise of the citizen from Glencoe.

Hon. Senator: Strictly on race?

Sen. F. Cummings: No, not strictly on race. On the basis that they do not recognize the person, the person is a stranger to the environment, and they feel threatened. Because what does the legislation actually say, Mr. President? If we go

to 6(1)(a), all it says—it starts off by saying:

"(a) honestly believes…"

All the person has to satisfy—the person must honestly believe that they are under some threat from the person who is on the property.

Another area of concern, Mr. President, is shared communities. When we are making law, we have to take into account that it is open to interpretation by those who have to enforce it, but also by those who use it as a guide for their behaviour. If in a particular communal environment there are certain spaces where, based on the law, a person feels that they feel threatened—so, for instance, let me draw an example. Let us say a maintenance worker comes onto a property like that, dressed in a particular way and that individual, a neighbour, feels threatened by the presence of that person, that person may feel, based on what is in this current legislation, that they can protect themselves from the person they do not recognize who might be dressed in a way that they feel threatened by, and therefore, we have to take those things into consideration.

So as much as we want to put protection in place for the homeowner who is threatened, we also have to put protection in place—we have to make sure that persons who are innocent do not fall victim to those persons who may feel that they have to protect themselves using this legislation. Many persons before me have said that the common law already provides remedies for persons who fall victim to home invasion, et cetera. Well, let me move on.

We are already in a scenario where we are strained by gun violence, gang activity and a poor detection, Mr. President. Therefore, when we say—the Attorney General and the Prime Minister have said that this is part of a suite of legislation. I think Sen. Anil Roberts, in his normal exuberant style, pointed out

that this is just part of a tapestry of legislation that is to come. It would be good for us if we had gotten some insight into what is the Government's policy in relation to the firearm expansion for persons who wish to get more firearms, if we get an idea of what that is to look like, because this is going to dovetail into this particular piece of legislation. Is it really a solution to provide more guns in a scenario where we already have significant gun violence? Because I can tell you that for the criminal mind, it is a motivation for them if they feel there is a firearm in that particular home, that the occupant of that home could be overpowered and that they can get their hands on another firearm to continue their criminal trade.

8.25 p.m.

So that I do not know that the firearm existing in the home is a deterrent at all for those persons who move—one Senator spoke about an experience of a relative, and from my counting, it appears it was two or three persons were part of that criminal act. Would one person in a home owning a pistol, and several persons coming in with probably automatic guns, and in that scenario, are you really in a better position to protect yourself and your family, or are you becoming a target just because people know that there is a gun residing in that house? I am not sure that it benefits anyone to advertise if you are the holder of a legal firearm, because there are people out there who may want to relieve you of that, unfortunately.

Then we had, Mr. President, what I consider an example of why we should pause and think twice about what are some of the things that can come out of this legislation. Because we had a Member of the Chamber saying to the world, the international community, that "I hit him, but I missed, because I hit him in the hip".

Sen. John-Bates: "In the butt."

Sen. F. Cummings: "In the butt." Because he was drawing for his ID card, "and I thought it was something else, so I felt afraid, and I hit him, I discharged, and hit him in the butt while he was drawing for his identification card".

Sen. John-Bates: Imagine that.

Sen. F. Cummings: Then, if that was not enough, went on to say, "by any means necessary, we must get them". Well, I feel it for the former soldier as described by the Member, who left with a bullet in his butt because someone felt afraid, had a firearm and discharged it in that manner, and will say to this country and those who hope somehow to be protected by this legislation, that the way to go is, as soon as you are afraid discharge, hit in the butt—and if you hit in the butt you really miss because your intension should have been to kill. I do not think that is what the hon. Attorney General intends with this legislation. I really do not think so.

Sen. Jeremie SC: Let me say what I have to say.

Sen. F. Cummings: I really do not think so. Mr. President, the Attorney General is the proposer of the legislation and I am saying that I do not think that is what he intends.

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings: When he has the opportunity to wind up, he will speak for himself and say whether, in fact, that is so or not. But, I do not think—

Sen. Jeremie SC: [*Inaudible*]

Sen. F. Cummings:—I do not think, I do not think, that that is the intention of the Attorney General.

Sen. Jeremie SC: [*Inaudible*]

Sen. F. Cummings: Mr. President, there is the RAND Gun Policy in America research review, published in July of 2024. The study spent some time reviewing stand-your-ground laws across various States in the US, and to look at what the effects or the results have been in the various States. I will just read a short part of it with your leave, Mr. President:

> "Self-defense has long been available as a criminal defense for fatal and nonfatal confrontations. Traditionally, this defense imposes a duty to retreat before using force if safe retreat is available. *Castle doctrine* removes the duty to retreat when a person is in their own home. *Stand-your-ground laws* remove the duty to retreat in some cases of self-defense outside the home."

But, Mr. President, what we pick up from this review of the stand-your-ground laws in several States is that in six of the studies it found that the law had no effect of reducing homicides. As a matter of fact, it increased incidence of homicide. Mr. President, it increased violent crimes, it increased homicides by firearms, and the list goes on and on, and the study could not produce any positive effect of the stand-your-ground legislation that has been used across these States. So it might be a good and a positive that the Government chose to change the name of this legislation to, in fact, refer to it as "Home Invasion Self-Defence" instead of "stand your ground".

We know that we have a problem with detection, we have several other pieces of legislation that already criminalize—many speakers spoke before about that, the housebreaking, the Larceny Act, all of these Acts already exist and provide these sorts of remedies. So I will skip past all of that so that my friend does not invoke the Standing Order.

The most alarming feature of this Bill, Mr. President, is not the creation of the offence of home invasion. It is the combination of clause 4, clause 6, and clause 7. Together, they reshape the law of self-defence and defence of property in ways that go far beyond what a responsible common law jurisdiction has ever accepted.

Firstly, as I mentioned earlier, the clause allows the use of lethal force based on the occupant's personal belief that it is necessary to protect himself or another person from death or very serious harm. That alone is a significant broadening of the current law because it greatly elevates the weight of the individual's subjective belief, even in situations where that belief may be mistaken or poorly formed. Mr. President, the difficulty with this approach is obvious. After a fatal incident, I honestly believe it becomes an almost automatic explanation, that is the explanation that the person involved in the situation is more than likely to give in such a scenario.

Mr. President, I do not intend to use all of the time allocated this evening because it is already late into the evening and many persons have spoken before me. But I wish to say that whilst I want to repeat the point, if I did not say it before. I want to make the point that, as much as the Government is anxious to fulfil its campaign promises. If we are serious about curbing crime in this country, it is not just about generation of laws. It is also about some of the decisions that the Government takes to place people on the breadline, because some of the very persons who have been robbed of an opportunity to earn an income by the very government policy, are some of the persons who will find themselves in the homes of persons trying to take things from them, that do not belong to them, because they feel they have no other opportunity.

So the Government cannot, on the one hand, say, "We want to protect you, and what you have in your home," but then dismiss 10,000 CEPEP workers. It just does not fit. What is this caring about? Where are you sending these people that you are placing on the breadline?

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings: It sounds good to say we give you stand-your-ground, so that you could protect your home. That sounds very nice. I am not sure, however, that the persons who will rely on this legislation will have the wherewithal to do so. We will wait on the other law that has been promised to us in relation to firearm users licences. But I caution, I caution that we are on a slippery slope if we sell this legislation as an answer to the criminal element entering people's homes, and we have copycats of behaviour outside of Trinidad and Tobago that none of us would be proud about. When we open that door, it is almost impossible to close it thereafter.

We we sit as a Parliament, we often say this side and that side, and now in this House we have three Benches, but when we leave these halls, and we exit into society, we are all just citizens of Trinidad and Tobago. Today we are in Parliament, and some of us, well, some of us are in government. We do not make laws only for when we feel we are in government because there is no security of tenure in that office. You may find that you are seven months into government, and you may feel that it is somehow a journey that is going to take years to be completed. You would be very, very surprised how quickly five years will come and go, and the citizens will judge you for the behaviour that you exhibit now.

We have a responsibility to give responsible government to this country, and part of that responsibility involves understanding the culture and behaviour of our

citizens. There are many persons who feel that if they get a gun in their hand and they have this law behind them as proposed by the Government and sold by some Government Ministers, that they will have a right to kill people in a way that we do not want to replicate in Trinidad and Tobago.

Mr. President, I hope that the Government will take pause and listen to good reason with regard to this legislation. I thank you.

Mr. President: Sen. Dr. Amery Browne.

Sen. Dr. Amery Browne: Thank you very much, Mr. President, it is almost nineo'clock. I want to thank you at the beginning for your management of this protracted debate.

Mr. President, it is common knowledge that this topic of so-called stand-your-ground legislation has captured the attention of the national community right across Trinidad and Tobago, and there is some attention even further afield than that. Members of our diaspora are certainly paying attention and looking on quite keenly to the proceedings that occurred in the lower House and the two-day debate thus far in the Senate of Trinidad and Tobago.

Mr. President, I also paid as close attention as I could to all colleagues who have contributed to this debate, and a lot of information has been presented already. It is a little bit of a challenge for me to identify as you know, Mr. President, aspects that may not have as yet arisen, but also it is an opportunity as a responsible Member of this Chamber to share a few of my perspectives and observations on this Bill and some of the broader social implications for my country, our country of Trinidad and Tobago.

8.40 p.m.

It is a little bit of a challenge for me to identify, as you know, Mr. President, aspects that may not have yet arisen, but it is also an opportunity as a responsible Member of this Chamber to share a few of my perspectives and observations on this Bill and some of the broader social implications for my country, our country of Trinidad and Tobago.

Mr. President, one of the common themes of every contribution thus far that I have noted, from the Independent Bench, from colleagues on the Bench of the People's National Movement, and even from Members of the Government who have spoken on this Bill, is to underscore a reality that citizens as of today, before any passage or proclamation of this Bill, already have the right to defend themselves, their homes, and their properties with deadly force, where necessary.

Mr. President, I heard the Government, some of their speakers trying to work their way around that reality to justify why we are here, why is this debate even necessary. And it appeared to me that there was a suggestion that just by nature of codifying what is already the law, the common law is the law of the land, by codifying it we somehow move the needle in a significant manner that would benefit a society besieged by crime, Mr. President. And I could not help get a strong sense that there is very little that this Bill gives our citizens that could not have been bestowed by a properly implemented public education campaign—

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne:—on the rights that they currently have. It appears that the Government feels—is looking at a serious crime situation and feels that somehow persons could be more courageous in exercising the right that they already have or they are not seized by that knowledge. I do not agree with that perception, but it appears that that is the perception of the Government. And just by virtue of

codifying and debating, somehow that will help us change the home invasion scenario, the larceny, the violent crime situation out there. And again, I strongly feel that a properly implemented public education campaign, know your rights, Mr. Homeowner, know your rights, Mr. Father, Ms. Mother—

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne:—Mr. Adult Child in the household could make a tremendous difference.

What worries me even more, Mr. President, is not withstanding all of the concerns expressed, not on that side, that is not their job, they are Members of the Government. All of the concerns expressed on this side, even by some Senators who appeared to be inclined to support the Bill, I did not hear the Government indicate that such a public education campaign would accompany the proclamation of this Bill. So what you have is citizens who will be—many of them persuaded by the narrative around the Bill, by the chatter around the Bill, by some of the misinformation around the Bill, who are now further unleashed with this—just general sense that they can do more now. Those who already have firearms, those who will get firearms in the future, are they sufficiently informed to make the right decisions when such a scenario is unfolding, Mr. President? I am not sure that is the case at all.

I want to pay a little bit of attention, unfortunately, to some of the submissions of Sen. Roberts, because I think a few of them—the first point I want to make and I have made it before with Sen. Roberts, and that is—he is not here unfortunately. Mr. President, the quality of a contribution is not related or proportionate to the decibel level of the presenter.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: I mean, I am not hearing-impaired, I do not think many Senators are, but I would be very concerned for any Senator who is sensitive because it was a very, very loud decibel and I did not get too much content.

I must, Mr. President, stand in defence of Sen. Lalla and Sen. Mustapha Abdul-Hamid—

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne:—who seemed to bear the brunt of some of the, can I use the word "insults"? The sharp insults thrown across the aisle by Sen. Roberts. I do not know why that would have been necessary in the context of a debate like this, particularly when many Senators have expressed concerns about the level of hostility in the society. But Sen. Roberts seemed to have felt that necessary. And I heard phrases like, "Lalla the loser". Was it "Lalla the loser" or "Larry the loser," and so on. I just want to condemn that kind of language or reference to any Senator in this Chamber, Mr. President. So I want to stand in defence of my colleagues.

With respect to Sen. Lalla, Mr. President, what I can say about him, I have never heard him accused of putting money in the hands of gangsters or criminals or murderers in Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: I have never heard such an accusation leveled against him.

Sen. Roberts went on to say loudly and repeatedly, "this is not going to be the Wild, Wild West," as if that was an assurance that we can take to the bank. This is not going to be because I say so. "This is not going to be the Wild Wild West. There will be training, there will be training, there will be training." And I waited to hear some details about this training that there will be. Mr. President,

Sen. Roberts never gave us any such detail. He said who will do this training, who will be the beneficiaries of the training, he never indicated the duration of this training programme, he never indicated who will pay for it. But that was thrown into this debate as a placebo, a plaster on a sore to try to assuage a broad swathe of concerns expressed that the population is not ready for the heightened potential that could be unleashed by persons being told, well we have a new Bill now that empowers you to stand your ground.

Mr. President, the fact of the matter is many of those listening are not even clear that this legislation refers specifically to your property. They are those who are hearing "stand your ground". Stand your ground is soon to be the law, who would apply that to many scenarios, to car theft—

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne:—to walking in the street, to being in a party, if they have the means to defend themselves some of the narrative around this Bill can lead them in a very, very dangerous direction. And I underscore my strong recommendation. Notwithstanding the water that is already under the bridge, but this Government needs to take strong measures to properly educate the population. Otherwise, yes, we will have a further elaboration of the "Wild Wild West" in Trinidad and Tobago. That a prediction, it is not a prediction I am happy to make, but it is a prediction that I would want to posit onto the *Hansard* record at this time.

Mr. President, the fact is we have a serious crime situation in Trinidad and Tobago, and we have something else, a serious perception of crime situation. This is not the first Government that would be confronted with a responsibility to treat with that. I was part of an administration before within a country besieged by crime and there were administrations before that. This is not a new challenge, but

it is a very serious challenge. And I empathize with the Attorney General, because, yes, citizens have been crying out for answers, for responses, for reaction from the Executive.

In past iterations we have had cameras, the sense that if we put lots of cameras in the country that will help us, Mr. President. And there were some challenges around the implementation and still are. There was the blimp, what was colloquially known as "The Blimp". The Attorney General would be very familiar with that, Mr. President. That was another reaction in response to concerns by citizens. There were the OPVs. The Attorney General would also be very familiar with that and where that went and why it went away. I heard Sen. Roberts mentioning the regional narcotics situation. There were the OPVs and other strategies deployed to as responses. So, the Government come with this one, with a premise that this is going to help us make a difference.

Mr. President, I was part of several consultations around this legislation. The People's National Movement took it upon itself to arrange a series of consultations not with a political backdrop the way the UNC went about their so-called national consultations, but I would say it added to the exposure of the population to discussions in preparation for this debate. And one of the things that struck me in those consultations, and in listening to the UNC's consultations, is that there is a general sense I would say among the population that with this Bill you will be able, if a criminal comes into your property, you will be able to discharge your firearm or use a weapon, you may disable them or kill them and the next day you move on with your life, exempt from any consequence because this law would have been in place. Mr. President, I regret to say that that is not the truth at all.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: And giving people that false expectation or false sense of security without proper clarification, and I do not think the Government did a sufficient job in fulfilling their responsibility in that regard. Because the reality even now, Mr. President, which will not change is if you, I, or anyone as a homeowner would discharge your firearm tonight at a home invader or whenever the proclamation occurs, let us say, on January 16th at a home invader, you strike that individual or you kill that individual, you will have to engage in a process which includes, Mr. President, the surrendering that you would have used to defend your family. If I am presenting misinformation, of course, the Attorney General will correct me.

So even with this legislation in place, even with the proclamation of this highly, keenly anticipated legislation, you will have to surrender your firearm which will then undergo a process of, what is it Mr. Attorney General? IBIS, Integrated Ballistics Identification, at the Forensic Science Centre, there is processing that will occur. And guess what happens, Mr. President? After that violent incident you and your family are traumatized—I join with the condolences and commiseration and sincere empathy for all Members, including Senators who would have shared very personal experiences, you are then left with, one, some degree of publicity around the violent incident that occurred; two, you are now without the weapon that you would have utilized; and three, given our very hostile social environment you are now at risk of retaliation or a further perpetuation of violence from the family members, the gang affiliates, or other individuals associated with the person that you have killed.

The reason I am saying this and putting this on the record, Mr. President, is not to make a bad situation worse, but I think we have a responsibility to let the public know what is in store. It is not just a case of killing someone and you move on as normal because this Bill has been proclaimed. So, I really, really want that to be crystal clear at this stage, Mr. President.

I join with Sen. John-Bates in—I do not want to say congratulating, but giving recognition to the fact that Sen. Roberts quoted from a range of religious texts here today. He seemed to have surprised himself and all in so doing. But again, all of that time was based on really a false premise, which is, that there is a right to defend yourself given by these books that we do not currently have, and this law is going to bestow on us. So none of that was relevant to the advancement of the Government's case, Mr. President, none of it.

Mr. President, I just want to indicate what I see as a few fallacies that require clarification at this stage. One of them, dwelt on by several Government Senators, is the fallacy that this Bill gives certainty and clarity to the situation of home invasion, right to defence of your property in Trinidad and Tobago. This Bill gives certainty and clarity and I want to point to a number of aspects in which there is still a lack of certainty and clarity, and in fact to some regard this Bill now introduces new level of uncertainty.

8.55 p.m.

Mr. President, I just want to indicate, what I see are a few fallacies that require clarification at this stage. One of them was dwelt on by several Government Senators, that is, the fallacy that this Bill gives certainty and clarity to the situation of home invasion, and the right of defence of your property in Trinidad and Tobago. This Bill gives certainty and clarity. I want to point to a

number of aspects in which there is still a lack of certainty and clarity. And in fact, to some regard, this Bill now introduces a new level of uncertainty.

For example, clause 3 gives reference to what is a dwelling house, Mr. President. A dwelling house includes the "curtilage" of the dwelling house. I would not read out the definition, because it should be familiar to all Senators at this stage. But, Mr. President, it is worth examining exactly what this curtilage is, and you would ask how is this relevant to my point.

Clause 3(1) describes a curtilage as:

"…an area immediately surrounding or adjacent to the dwelling house…"

—to your home. The area immediately surrounding it:

"…connected to human habitation."

But, this Bill also clarifies in plain English that that area does not have to be enclosed, nor does it have to be fenced or have any boundary whatsoever.

Mr. President, that might have one interpretation in Florida or Utah or somewhere like that, but in this Trinidad and Tobago, it is a potential recipe for chaos and confusion. Because, if you think about where the ordinary citizens of Trinidad and Tobago live, many of them live in shared compounds, many of them, I could think of—

Sen. Ratiram: Mr. Speaker—

Sen. Dr. A. Browne: Oasis Greens.

Sen. Ratiram:—I rise on Standing Order 53(1b) persistent, tedious reputation. That matter has been raised by several previous speakers.

Hon. Senators: [*Crosstalk*]

Mr. President: Yes, yes. I want to guide the hon. Senator, and I want to agree with the Standing Order quoted. That issue has been raised by several Senators.

So, I would say that if you want to summarize it you can, but I would advise you not to go into detail because it has been explored and examined, okay.

Sen. Dr. A. Browne: Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: Mr. President, I want to thank this Senator, because he is taking me right to where I want to be which, is an example of the danger in this particular clause. Mr. President, I am going to quote from a newspaper—

Hon. Senator: [*Interruption*]

Sen. Dr. A. Browne: Mr. President, there is a little bit of a drone starting.

Hon. Senators: [*Crosstalk*]

Mr. President: Let us conduct ourselves. It is a little bit late. Members can we—I know it is a bit late and we have been here for a few hours thus far. Let us just conduct ourselves. I think Sen. Browne is the last speaker on the Opposition bench and I think there are no further Independent Senators, unless I am wrong on that, so the AG will speaker after. So, let us give the hon. Senator the time and the space and the attention. Continue hon. Senator.

Sen. Dr. A. Browne: Thank you very much, Mr. President, very kind of you. So, I was going to an example of the type of challenge this clause can introduce to Trinidad and Tobago. This explanation is drawn from a newspaper article, published on 20th May, 2025 by the KPH newspaper in Gilbert Arizona, the State Arizona. The title of the article:

> "Renter accused of killing landscaper sent by landlord to trim trees in front yard."

Mr. President this article outlines a very tragic scenario, where an Arizona man was accused of shooting a landscaper, someone who came to take care of the

greenery. The police reported that:

> "Mr. Wyatt Ford, 28 years old was arrested, following the shooting death of a 51 year old immigrant, by the name of Manuel Vega Lopez…"

I suspect there may have been a language barrier as well in this scenario, also relevant potentially to the Trinidad and Tobago of today. I would not dwell on that aspect. But basically, what transpired here, Mr. President, is that a landscaper came on to this property to trim the trees and the tenant drew his firearm and shot the individual.

Now, this is a single compound but if you extrapolate this to the common scenario in Trinidad and Tobago, I would not give you the examples around the country of these settings, where it is not clear where one yard begins, where one curtilage begins, where one curtilage ends. A strange individual is seen, such as, Mr. Manuel Vega Lopez, whether or not he can speak English or Spanish and it is very easy, especially with the-hype and the narrative around this legislation for a tragedy to occur. So, I do not want us to make light of these scenarios, because it is very likely, unless the Government takes further action, that we might see some of those scenarios unfolding.

I also want to respond to one of the points made by the Attorney General. So he started the debate, Mr. President, of course, in piloting, but he saw it wise to give reference to some of the transmissions in the Lower House and the Attorney General seemed very concerned to inoculate this debate against a narrative about ethnicity, socioeconomic status. So, right in the piloting, the Attorney General put some language on the *Hansard*. He made a vigorous point that the Bill does not—and the Government's bringing of the Bill is not intended to discriminate based on race, ethnicity and socioeconomic status. And so I listened to that point very

carefully, but I do not think that it was backed up sufficiently by the Attorney General or any other of the speakers. Because the fact is, in the Trinidad and Tobago of today, the possession of a firearm makes a big difference as to how this legislation protects you or does not protect you. It makes a big difference. You cannot compare a gun to a penknife or a three-line or something else.

Mr. President, so how is that related to socioeconomic status? It should be obvious, but apparently it was not obvious to the Government. I just want to put a few facts on the record that have not yet been established. Mr. President, the cost of a firearm, a legal firearm, in Trinidad and Tobago today is in the range TT $7,000 to $10,000.

Hon. Senators: Correct

Sen. Dr. A. Browne: In that range. I am sure some Members who are smiling probably have a higher level but that is the basic range. Mr. President, a proficiency course to qualify for a Firearm User's License, the cost varies, but I would say they average in the range of about, $7,000 to $8,000 for a full suite of training. So, you are talking about $7,000 to $10,000 to purchase a firearm, you are talking about $7,000 to $8,000 for the training course and then, Mr. President, you are also required to have a safe to place the gun in, of course, if you have children that is an even sharper concern. Do you know the cost of a safe, Mr. President? It is in the range of $5,000.

9.05 p.m.

Now, the Government is shrugging their shoulders and trying to make light of it. But this really belies this fantasy world where we are all on the same playing field, there is an even playing field with respect to socioeconomic status, et cetera, and this law is passed, and everyone is going to be safe. It is not going to work

like that. I have not heard any initiative to change the costs of this. Sen. Roberts talked about training. I do not think he was making the case that this basic proficiency training is now going to be free, because even if it is free, somebody has to pay for it. I do not think the Government can afford to do that. So, you are talking about for any householder, anywhere in Trinidad and Tobago, any part of the country, a minimum of $20,000.

So, there are a lot of people out there, and in this sense, the Government may have achieved some of the objectives. I realize some people feel a bit pumped up and emboldened by the prospect of this legislation, but the truth is, this makes no difference to their reality whatsoever. Unless, as has been said before, it is connected to some change in their accessibility to these weapons, but no one has spoken about the economic barrier. That is real, and I do not think the Government is capable of doing anything to change that particular reality.

So, Mr. Attorney General, I beg to disagree, Mr. President, through you, that there is a level playing field when this Bill is implemented. There will be the haves, there will be the have-nots. There will be the cans, and there will be the basically, practically, can-nots, Mr. President. That is the reality. I am not going to get into the public debate that is already underway, between the Government and the Commissioner of Police, with respect to who gets to approve users licences and so on. That will be the subject of further considerations. But I have certainly been paying attention to it, Mr. President.

And then, a few more points, I listened to all Senators but Sen. Murray, give quite an exposition which included a bit of Latin, Mr. President. I have not heard so much Latin in quite a few years, but she referenced mental health and post-traumatic stress disorder. And, Mr. President, that got me to thinking about what

happens to an individual after they have killed someone. What happens to an individual after they kill someone?

You listen to Sen. Nakhid and others with a sense of bravado, you know, it is, "I have defended my family, it is a success, the person is dead". But, Mr. President, in a society like Trinidad and Tobago, you can anticipate a strong mental and emotional reaction to having taken a life. Is the Government and the society prepared to treat with those consequences? Are counselling services available? Will they be available to citizens emboldened and empowered by this narrative around this Bill, who will find themselves taking a life in the future? What is in store for them? Even our police officers, every single one of them, who in the course of the—these are the most trained in the entire society, Mr. President, to treat with firearms, their discharge and the consequences of that discharge. After they fire their gun, they wound someone, or they kill someone, they receive mandatory counselling and support. I have heard nothing from the Government to indicate that they have contemplated this aspect of the implementation of such legislation, or they are putting anything in place to treat with those realities.

Sen. Jeremie: [*Inaudible*]

Sen. Dr. A. Browne: Mr. President, I am not going to be distracted by my friend the Attorney General. Mr. President, the truth is—

Sen. Jeremie SC: [*Laughter*]

Sen. Dr. A. Browne:—within this Chamber, there is a wall with all the Laws of Trinidad and Tobago.

Mr. President: Colleagues, I know some of us are getting a bit restless, but I urge you. I am getting this distraction, disturbance, and I am not able to hear properly, so I ask colleagues to be silent while another Member is speaking. Continue,

please.

Sen. Dr. A. Browne: Thank you kindly, Mr. President. The point I am making is that there are very few citizens whose home libraries or living rooms would have the details of the laws of this country. And this Bill, when it becomes an Act, without some programme of enlightenment and awareness for the population, will remain something on the parliamentary channel. All they will retain is the reality that I can now stand my ground. And when you hear that door open, or that window smashed, they are left, as was said earlier, with, "What is my instinct in this situation"? "What is my instinct in this situation?"

Mr. President, there is a grave danger in underestimating the degree of "smart-man-ship" and "con-man-ship" in the society of Trinidad and Tobago. And in a scenario in which dead men tell no tales, I am very concerned about the prospect of staging of crime scenes and staging of home invasions after someone has been killed. Whether it is a case of domestic violence, whether it is a case of a dispute among family members, whether it is a case of mistaken identity, whether it is a case of someone with a disability. Mr. President, there are adults, young adults, teenagers and children with autism and other neurodivergent conditions in this country.

Sometimes you would see in the newspaper, "Child found, young man found at the police station in Arouca", and with a photo, "Can you identify?" You know why that is so, Mr. President? Very often these individuals will wander, whether in the day or in the night. And very frequently enter the wrong premises. If you have a population misled by some of the narratives, charged up by some of the other factors that have been mentioned, are these individuals who are classified as differently-abled, Sen. Alicia, who are classified as differently-abled, are they not

more vulnerable now, after implementation than before, Mr. President?

The danger of staging of crime scenes. The danger of someone, an elderly individual who may have Alzheimer's, who may forget their address. It happens. It happens in our families. Are they more at risk now, and has the Government even contemplated in this wild, wild west scenario, their own safety as well, Mr. President?

Sen. Ratiram: Tedious repetition.

Sen. Dr. A. Browne: No, that is not tedious repetition. I have heard no such reference, Mr. President. Can I make my contribution?

Mr. President: Please, please, please. Listen, I think Sen. Ravi Ratiram, you made your Standing Order, I have ruled. This crosstalk will not be permitted. Senator, you have four more minutes to wrap up. Continue, please.

Sen. Dr. A. Browne: Thank you, Mr. President. So, I am concerned about the implications for road rage, I am concerned about the implications for intimate partner violence, I am concerned about the implications for settlements of disputes. We have become a very querulous society, Mr. President. And very often, already, disputes are resulting not in mediation or dialogue, but in hostility and violence. The narrative around this Bill, the hype around this Bill, I am afraid, takes us very much in the wrong direction altogether. It takes us in the wrong direction.

So, Mr. President, what about Jehovah Witnesses or other individuals who are in the routine of visiting premises going up and knocking on a door, sometimes entering if it is an open curtilage, there is no gate, there is no fence, there is no yard, per se, that is identifiable to the public, are they now in greater danger than before? We have to think about all of these aspects of society. I want to talk a little bit about election time. I remember seeing a closed-circuit feed during—it

actually was an internal election, someone—a candidate—was in Toco. And so you are seeing the feed from the house, and so the car pulls us at the end of a footpath leading to the front door, and you are seeing the individual, the candidate, get out of his car, and he is looking and he is calling, and he is not sure whether anyone is home, and eventually you see him walking down the path towards the door and then he knocks and calls. It turns out no one was home at the time.

Even at election time, when persons are doing canvassing, et cetera, are we now without further public preparation and education, putting all of these persons at potentially increased danger? These are some of the things I really worry about, Mr. President. Not to mention the risk to our children, whether playing sports, a ball enters a yard, or other things. Someone being hasty, someone recognizing someone may be dressed in a different way, may be looking different to them, might be hasty and put innocent lives at risk.

So, Mr. President, I understand where the Government is coming from in trying to offer a solution. I do not think they have moved the bar at all in the right direction. They have introduced a significant degree of uncertainty within the population, which can have dangerous consequences for our future. The answer cannot be a more militarized society, Mr. President. The answer has to include addressing the root causes and working together to reduce hostility, not increase it, especially in an era of domestic violence, substance abuse, alcohol abuse, and rising mental illness. The Government has to consider very carefully the consequences of the actions they introduce to this society, which we love. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: The hon. Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General (Sen. The Hon. John Jeremie SC): Mr. President, I thank you, I thank all Senators for what has been a lively and very long debate. I think I tried to work out exactly how long we have been at this. My math says 30 hours. I might be wrong. Math was never my strong point. But if you look at it, Mr. President, the Bill before us, I think we all agreed, including Members immediately opposite, that the Bill has 11 clauses. As Sen. Chote said—and I missed much of her contribution because I had to be in the other place where we were doing the Finance Bill, but I did get some notes. The building blocks of this legislation are not controversial. That is a point that was made by Sen. Chote, it was a point which was echoed by Sen. Vieira and Sen. Mc Nish. Now, in my opening, I thought that I had canvassed the main points in the legislation.

9.20 p.m.

And in the main, I think—this is one debate in which I felt that the Opposition had a particular view. They stuck to that view throughout, and that view was defined by the inertia, the lack of action that they have engaged in for the past 10 years.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: So they would have us do nothing. There are various arguments that buttress that. They would have us do nothing because they say, well, the Bill adds nothing to the law. Well, the Bill adds uncertainty to the law. I am not sure how the two are the same, but it adds nothing. It adds uncertainty. And then I think I heard them say that it might even be dangerous.

Now, how all of that could be accomplished by a codification law, which the Independent Bench correctly states, is built on constructs which are known to the

common law, sometimes for as long as 400 years. I fail to understand. Now, I do not wish to ascribe motive to them. I simply say that their attitude and their positions, which have been articulated over the last two days, have been, for me, puzzling.

Now, if I could just thank, in particular, Senators Vieira, de la Bastide, Chote, and Attzs. Sen. Abdul-Hamid, of course, is my friend, and I would always thank him. But today I have to criticize some of what he said. Now, I will begin with him. He is the only one that I am going to take on the Independent Benches. I am going to ignore Sen. Browne. I am going to ignore, for different reasons, Sen. Cummings. Sen. Dhanpaul; I am not sure what you said, Sen. Lalla.

Hon. Senator: Nothing much.

Sen. The Hon. J. Jeremie SC: The same. But Sen. Abdul-Hamid said, well, a couple of things. One, that he felt that we had got taken up with electioneering, and that this was too much about elections. Well, I have something to tell him, and that is this. We are here because of an election.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: And in that sense, the rhetoric, as he put it disparagingly, the rhetoric, I prefer to say the statements and promises made on the election campaign, are the reason that we are here.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Now, what the Prime Minister now captured in the election campaign was that people were sick and fed up of doing nothing about it.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: And they were sick and fed up, however you define it, of being in their homes and disrespected, killed, robbed, raped, however

you describe it. Home invasion was known to the people of Trinidad and Tobago. They decided that in April of 2025.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: And they made a decision in April of 2025 to bring this Government into being with a mandate to do something about serious crime and home invasion in particular.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Now you ask, well, why home invasion and why not firearms? Firearms should have come first, home invasion could have come afterwards and so on. Well, that is different from what some of the Independent Benches said, in the sense that there was the comment that we are privatizing security. That is not the case. The fear of crime is real and has gripped all of us and all of our constituents.

Now, if passing a law which only codifies home invasion and that is not what this is, but if that is all that we had done, that would be something for those who have elected us.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Now, the law does more than simply codify home invasion. It makes home invasion an offence. And that is a starting point. And it is an important starting point. Because before that, you have larceny, which is not home invasion. You have burglary, which is not home invasion. You have a number of other things, trespass and so on. I said all of them in my opening. Home invasion is new.

Sen. Dr. Swaratsingh: "Stick break in dey ears."

Sen. The Hon. J. Jeremie SC: I think, yes, "stick break in dey ears." That is

exactly what it is. So, you begin by describing and I am saying home invasion is something that is serious. We define it as a social problem. Identifying it as a social problem means that we are going to put resources to fix it. We are going to ask the police to treat with it. And we are going to establish a framework to deal with it. What is wrong with that?

So we begin by doing that. And then we go on to say, listen, in respect of the home, the occupant, there are these defences. Yes, these defences are largely known to the common law, so that the defences are self-defence, defence of property, both largely known to the common law. And we give aggravating circumstances. We elaborate on the defences. We do as much as the British have done in their Criminal Justice and Immigration Act of 2008. I mean, why is it wrong for us to pay attention to something that others have recognized to be a serious problem and they have legislated to treat with it?

Now, it is completely separate and apart from firearms. We said, or I said in this place, I also said in the other place, that we are going to do something about liberalizing the distribution of firearms. But at the same time, we said that this is not the Wild Wild West, and we are going to act responsibly.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: And you know what? It is our job to act responsibly, and you have failed to do so. That is why you are there and we are here.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: One point which was made by a number of Independent Senators, and it is something that I think I need to spend some time on. Now, one of the Opposition Senators raised it and said it was not an issue, but

he disappeared. Did you all realize that? He disappeared overnight. He appeared, he said the Bill was constitutional, and then, as if it was magic, he disappeared.

Sen. Dr. Swaratsingh: And they bring a next SC.

Sen. The Hon. J. Jeremie SC: I am not sure who came in his place, but somebody came in his place. As I say, I was not here throughout, but I would not be surprised if that person raised a constitutional point about the Bill.

So, let me just deal with that point because I noticed that a couple of the Independents raised it, and I think I should spend some time on it. I know that it is late.

Hon. Senator: Nah, you take yuh time.

Sen. The Hon. J. Jeremie SC: So that the point there is this, and I want to start with Sen. Al-Rawi, who is absent today.

Hon. Senator: Collecting rent.

Sen. The Hon. J. Jeremie SC: Now, in a Bill that—in a piece of legislation that we dealt with in this place, the TTRA. Do you all remember that? Okay. So, Sen. Al-Rawi stuck a certificate, we call it a constitutional certificate, on that piece of legislation. It lapsed. I do not think he felt he had the legs to pass it. Well, time passed. He stuck the certificate on again. The Bill lapsed again. And, you know what? It happened a third time. It lapsed a third time. So what did he do? He took the certificate off. And, he passed the Bill, without a constitutional certificate. Now, I am not saying, those are the facts. I am not saying technically, that he was wrong to take the certificate off. I am just giving you the facts. He stuck the certificate on three times, and then he took it off.

Now, the Bill was challenged eventually. It went right up to the Privy Council. And, you know what the Privy Council said? It did not require a special

certificate. So, I start with that, and then I want to come to this. My, not my, the State's Law Reform Commission stuck a certificate on. I looked at it. Before it came here, I said they were wrong. But, I am fallible. I am not the Pope. I sought independent advice. And that advice, Mr. President, was to the effect that the Bill did not require a special majority. That it could be passed with an ordinary majority. And I will tell you why. You see, there are a couple cases Suraj and Suratt, which my friend, Sen. Al-Rawi, is fond of referring to. In those cases, there were Bills which dealt with the, well, it sought to balance the rights of the—I am being, because of the lateness of the hour, I do not wish to go into the details of the case. One dealt with the COVID regulations, and the, of course, those regulations imposed serious controls on what people could do. Where they could go, who they could be with, and so on and so forth. Passed without a certificate.

It goes up to the Privy Council. It is challenged by someone who is known to us. I think it was Mr. Ramlogan. He lost. Because the Privy Council took the sensible view that, listen, not all rights, even fundamental rights, are immutable and absolute. They are subject to give and take. Almost every law, almost every law that you pass, takes away rights, gives rights, and so on and so forth.

So you have this doctrine developing, quite separate and apart from the certificate doctrine, which says you have to test law on the basis of, well, is it reasonably justifiable in a society that has a good, a decent respect for the rule of law and democracy and so on. So you have a separate doctrine developing, in which the courts are saying, well, we are not going to be second-guessing you at every stage. So Sen. Al-Rawi was right to take off the certificate. And you know what? I know that we are right to take the certificate off here.

Now, there are three possible challenges. There is one with respect to the—

well, that is murder. And to put not too fine a point on it, it deals with something that Sen. Chote would understand, something called the felony murder rule. If you kill someone, if you go somewhere to injure somebody, you go with a couple of fellas and somebody dies, well, that is murder. Now, there are a couple other issues that the Law Association flagged dealing with, the main one, self-defence and defence of property. The point is that in the Criminal Justice and Immigration Act in England, the English Parliament recognizes that you can use self-defence as a defence of property. And you can use force, which you think is necessary to defend your property. That is what we do in this legislation. If this ends up in the Privy Council, I suspect that they will understand that this does not require a special majority. And that is, in a nutshell, the reason why we, and that is our outside counsel and why I thought that this could do without a certificate.

I felt that if I put a certificate on, the only people who would vote against it would be those six fellas in front there, and not even those six. I think five of them would vote against it. But the young man who was here yesterday and said he has a background in constitutional law. I think—

Sen. Dr. Swaratsingh: "Dey move he fast."

Sen. The Hon. J. Jeremie SC: He disappeared, as I say. He appeared and then disappeared. But he was with the programme. He said—

Hon. Senator: "Dey moved him faster than yuh could say Masaisai."

Sen. The Hon. J. Jeremie SC: We might not see him again in these paths.

Hon. Senator: "Del tell him b-bye-bye."

Sen. The Hon. J. Jeremie SC: The point is that, Mr. President, I know the hour is late. The issues have been traversed. I accept one point made by my colleague, Senator Browne, who I respect a great deal. I noticed that Sen. Cummings has

disappeared. I say nothing about that. But Sen. Browne, who I respect a great deal, has said that some public education is required. And I agree that public education is required. It often is in respect of serious legislation and legislation that we think is really intended to bring about, well, not only legislative focus, but executive focus on an offence that is terrorizing the lives of many of our citizens. Public education is required. I have no problem with that. And I have no problem in terms of committing the Government to something like that.

As a matter of fact, we have already begun to talk about it. And the fact that the Law Reform Commission, which is a body separate and apart, established by statute, is going out as engaged in public consultation, quite separate and apart from that which my friend Sen. Browne has engaged in. Although this was a criticism of the way we conducted our—I am not criticizing him for how he conducts his public education or consultation. I do not think he should criticize us for that. I participated in one. I went to a constituency and I spoke and I was well-received. All questions are intelligent questions. I got questions and I tried to explain as best as I could what the Bill as it then was, is intended to do.

Mr. President, I said a lot of this is repetition. I do not know if it is tedious repetition or not. I am not going to engage in any of the banter that my friends opposite engaged in. But I did say that there were other measures that the Government is looking at with respect to crime.

9.45 p.m.

It is not—as I said in the other place, it is not the State of Emergency, which incidentally has been in place at the same time that our homicide figures have dropped by 40 per cent.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: It is not a crime fighting measure, we had an existential threat to this State, we dealt with it. Without any apologies, we dealt with it. Now, there are other things that we are doing. Well, there are amendments to the AJIPA, which are designed to—well as colleagues who have been in this place for some time would have known, designed to encourage the prosecution of crime in a more efficient manner. There are amendments to the Firearms Act. Several amendments, not only those which would result in liberalizing how firearms are approved, but there are also going to be controlled. We are not crazy people, we are responsible. It is not the Wild, Wild West. I said that in the other place, and I repeat it here.

On the other hand, we have—and Sen. Dr. Browne asked about it, I think I said it here, if not in the another place. We have in contemplation legislation to deal with victims' rights.

Sen. Roberts: "Hmm." You said it already. In your opening.

Sen. The Hon. J. Jeremie SC: I think I would have said that before, it too is a promise which was made on the political hustings, whether you describe that as rhetoric—if you want to describe it as rhetoric, that is your problem. It is a promise made by the political leader, and it is one that we will keep. There are other rights, there are other measures, constitutional rights to speedy trial and so on, and so forth.

Now, those are just pieces of legislation, we are doing things with respect to the justice system, the creation of special courts, we are doing things with respect to enhancing the capabilities of the protective services and the intelligence services. I am not going to talk here about cameras, and how many cameras you put up, because none of them work.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: But while we are at it, I mean, I am trying to restrain myself, because it is quarter to 10.

Sen. Roberts: "Doh hold back. Doh hold back."

Sen. The Hon. J. Jeremie SC: But those boats that you left us—

Sen. Roberts: Oh Lord! "Hmm."

Sen. The Hon. J. Jeremie SC:—none of them work either. Right.

Sen. Roberts: [*Inaudible*]

Sen. The Hon. J. Jeremie SC: So, if we had a problem today, I do not know.

Sen. Roberts: Old battery buying.

Sen. The Hon. J. Jeremie SC: We will have to jump on my friend Dr. Browne's back or Mr. Cummings' wealthy back, and go out in the ocean. Perhaps he will buy a boat for us with the money he has—

Sen. Roberts: Cash money. Cash, cash.

Sen. The Hon. J. Jeremie SC:—earned over the last 10-years or so. I say no more on that for the time being. I imagine, we will be hearing some more about that in the not too distant future.

Sen. Roberts: The country will say.

Sen. The Hon. J. Jeremie SC: Mr. President, with those few words, I beg to move.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in Committee.

9.50 p.m.

Mr. Chairman: Colleagues, I would like to suggest that we pause for a cause and we take just 10 minutes to stretch our legs, and we come back exactly at 10.00 p.m., where we will go through the Bill as we said, clause by clause. So let us just suspend the committee stage of this process for 10 minutes. So, this Committee is suspended for 10 minutes.

9.51 p.m.: *Committed suspended.*

10.00 p.m.: *Committed resumed.*

Mr. Chairman: I would like to call this meeting to order. I would like to ask colleagues—You should either have it on electronic devices, copies of amendments or access it from the *Rotunda*, copies of amendments coming from Sen. Dr. Desirée Murray and also Sen. Candice Jones-Simmons. Members, you are supposed to have these amendments. As I said, you can access these amendments electronically via the *Rotunda*.

Now, there are nine clauses in the Bill before us and I just want to indicate that while I am prepared to allow some degree of interventions from those who have not circulated any amendments, I want you to be advised that you will have to be very brief, and we would not want any prolonged interventions because we are not restarting a debate at the committee stage, especially where we do not have any written submission for amendments. So I would like Members to be guided accordingly.

Now, I think the first amendment we have—[*Chairman confers with Clerk*]—alright. So the first amendment that we have is to clause 3 of the Bill.

Sen. Vieira SC: The Preamble.

Mr. Chairman: No, the Preamble will come after that is the last thing we deal with and new clauses come last, last. Okay? So we will deal with the first two

clauses of the Bill. There are no amendments to those clauses, so we will go directly to those two clauses.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed: That clause 3 stand part of the Bill.

Mr. Chairman: Dr. Murray, I think you have an amendment to clause 3. The Floor is yours.

Sen. Dr. Murray: Thank you, Mr. Chairman. My proposed amendment is to delete part (e) in the definition of "occupant", which states that:

> "a person who, at the material time, is visiting a dwelling house as an invited guest;"

Now, we have heard in the debate a lot of possible scenarios where an invited guest may be simultaneously or in close succession be an occupant and a home invader. So, I think that this subclause brings a lot of ambiguity to the law and is best deleted for greater clarity.

Mr. Chairman: Attorney General?

Sen. Jeremie SC: We are unable to—well, thank you for the suggestion. The expression "occupant" is defined in the common law, in particular the civil law of tort, and this is synonymous with that definition, consistent with the policy of the Bill as well. So, we are unable to accede to it.

Mr. Chairman: The hon. Attorney General is saying, Sen. Dr. Murray, that we would not be able to accept your amendment. Would you like me to put your question?

Sen. Dr. Murray: Yes, please. So the reason being that it is not consistent with the common law, is that correct? Because there are many things in the Bill that are not consistent with the common law. So I do not understand that as a reason for—

Sen. Jeremie SC: I mean, it is often used in the law to distinguish occupiers' liabilities, used to distinguish trespassers. So it is a term of art which we, the draftsmen, are familiar with. It is in sync with the policy of the Act, and we do not wish to change it.

Sen. Dr. Murray: I understand that, but it has implications for what comes next when the invitation is withdrawn. So this is why I am bringing it up, because if somebody is asked to leave, I mean, that is another clause, so I do not know if it can be considered jointly, but it has implications for another clause in the Bill. Okay.

Mr. Chairman: It goes separately. Would you like me to put your question, Ma'am? Or would you like to withdraw?

Sen. Dr. Murray: No, I would like to put the question, please.

Question, on amendment, put and negatived.

Clause 3 ordered to stand part of the Bill.

Clause 4.

Question proposed: That Clause 4 stand part of the Bill.

Mr. Chairman: Dr. Murray, you have an amendment?

Sen. Dr. Murray: Yes, I do, Mr. Chairman.

Mr. Chairman: Yes, you can. The Floor is yours.

Sen. Dr. Murray: Yes, thank you. This amendment has to do with withdrawing the words "to stand his ground and". The reason being that we have heard a lot during the debate about the possible misinterpretation by the public of what stand your ground actually means, because "stand your ground" is a legal term in the Florida context, and the hon. Attorney General did disassociate himself with the terminology of "stand your ground" in the Florida context. And I think that the words "stand your ground" in the context of this Bill does nothing to add to the

objectives of the Bill, and has the potential to encourage people to not retreat even though it may be safe to do so.

10.10 p.m.

So, because we should legislate for people of different temperament, I think that removing the word "stand your ground" where it appears in the legislation, is likely to make this Bill less likely to result in confrontation and damage or loss of life unnecessarily. So, I do not think the words add anything to the Bill, and I do not believe that removing them will detract anything from the Bill, so that is why I am asking for it to be removed.

Mr. Chairman: Thank you. Attorney General.

Sen. Jeremie SC: Chairman, we agree that the expression has a particular connotation in Florida, but they are English words and they have an ordinary English meaning, which is consistent with the policy of the Government. So we cannot see ourselves acceding to this requirement.

Mr. Chairman: Dr. Murray, would you like to put it?

Sen. Dr. Murray: No, I would just like to have a follow up.

Mr. Chairman: Yes.

Sen. Dr. Murray: Could the hon. Attorney General please explain to me how the words "no duty to retreat" and "stand your ground" differ and why it is that both terminologies are included in the same subclause, when, in my mind, they mean the same thing, unless maybe the hon. Attorney General could explain the difference?

Sen. Jeremie SC: The words are used interchangeably.

Sen. Dr. Murray: They are used interchangeably, but they appear in separate subclauses.

Sen. Jeremie SC: Correct.

Mr. Chairman: Sen. Vieira.

Sen. Vieira SC: If I can help. I think, in Palmer the Privy Council spoke about the possibility of retreat, and it said that, you know, it is not required as a matter of law, but what this Act is doing is it is clarifying and codifying the law. So on the one hand, it says, okay, look, there is no duty to retreat. But (b) goes even further. It says you have a—"…right to stand…"—your—"ground…"

So one is the possibility of a retreat. Now we will be talking about the right to stand your ground. So, I think that that—they are interchangeable, but I think it is very clear that you—it takes away the whole Palmer concerns off the table.

Mr. Chairman: Sen. Desirée.

Sen. Dr. Murray: Yes, Mr. Chairman, but hon. Attorney General, you were saying that this Bill, is codifying the English common law, and "stand your ground". Does not appear anywhere in the English common law.

Sen. Jeremie SC: I said it codifies but it carries the law further. So it codifies in many respects, but it does also enlarge the common law. I think that is exactly what I did say.

Mr. Chairman: Any further interventions, Sen. Desirée?

Sen. Dr. Murray: No, no, Mr. Chairman.

Question, on amendment, [*Sen. Dr. D. Murray*] *put and negatived*.

Clause 4 ordered to stand part of the Bill.

Clause 5.

Question proposed: That clause 5 stand part of the Bill.

Mr. Chairman: Sen. Dr. Desirée Murray.

Sen. Dr. Murray: Thank you, Mr. Chairman. Well, this deals with the invited guest clause that came before. So, if someone—the amendment proposes to delete clause 5 (1)(d) which is when an invited guest fails to leave immediately on being

asked by an occupant to do so. So, this puts persons at risk of committing the offence of home invasion, having been invited by an occupant into the dwelling house, and exposes many potential friends, partners, parents of, well, a long list of people to the offence of home invasion with the quite significant penalties associated with it. So, I am uncomfortable with that clause being included.

Mr. Chairman: Attorney General.

Sen. Jeremie SC: I am not sure that I understood. Could you repeat, please? You want me to delete the entire clause?

Sen. Dr. Murray: Correct. Well, the entire sub, subclause 5(1)(d).

Sen. Jeremie SC: So, that is inconsistent with policy of the Bill. So, the policy is that if you come in as an occupant and you cease to be welcome, then so be it.

Mr. Chairman: Yes, Sen. Vieira.

Sen. Vieira SC: I think it is also important to read the word "and" because it is not taken in isolation.

Mr. Chairman: Sen. Dr. Desirée Murray.

Sen. Dr. Murray: Yes, I agree with that. But if we can then take it, because if we go down to sub subclauses (j) and (k)—if someone is asked to leave and refuses to do so immediately and—

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

—then they have committed the act of home invasion. So, somebody can be an invited guest one minute and commit the offence of home invasion literally the next minute. So that, to me, seems disproportionate.

Mr. Chairman: Any further clarification, hon. Attorney General?

Sen. Jeremie SC: Sen. Chote.

Mr. Chairman: Sen. Chote.

Sen. Chote SC: Thank you, Mr. Chair. I have a question because I had concerns with respect to subclauses (i) and (j) in particular, being read in conjunction with subclause (d), but I did not know procedurally whether I was allowed to speak on those two sub sections during the course of the discussion of Sen. Murray's proposed amendment. Am I?

Mr. Chairman: Anyone could speak, but I am just saying that we want to keep it tight.

Sen. Chote SC: Yes, understood. Through you, Mr. Chair, hon. Attorney General, these two subclauses taken in conjunction with (d), basically criminalize persons who may be doing nothing which is unlawful, and they may be acting without violence. I gave some examples of the mother going to ask for maintenance, mother of the drug addict, young man who steals a clock off the wall, family members in land disputes. I was saying that when (d) is taken in conjunction with (i) and (j), it appears as though this narrative does not fit in with the rest of the section which purports to criminalize essentially somebody who comes into a place and is acting with violence or in a threatening manner. So, I just had a concern about that.

Mr. Chairman: Attorney General.

Sen. Jeremie SC: So, the policy of the Bill is also to criminalize, and that is why (d) is, well, not qualified, but there is the conjunction—

"and—"

"(f) while armed with a weapon…"

We could understand that.

"(g) while armed with a firearm…"

We could understand that.

"(h) intentionally causes any injury…"

But then we go further to say:

"(i) steals any property, with or without the use of intimidation, threats or violence;"

"(j) damages or destroys…"

We wanted the policy to be broad enough to capture those as well.

Mr. Chairman: Sen. Chote.

Sen. Chote SC: No, I think the hon. Attorney General has made it quite clear that there is no room to move, so to speak. Thank you, Mr. Chair.

Mr. Chairman: Sen. Vieira.

Sen. Vieira SC: Again, I think we need to understand that there are a number of elements that must take place. There is a sequence. So you are first, you are a guest. Then you have been asked to leave. Then you have failed to do so. Up to now, no offence has been committed. All these elements have to line up, and then you have either intimidated because you have an armed weapon, you use force, or you intentionally cause injury, or you steal or you damage. At that stage, the offence of home invasion is triggered. I do not really see a difficulty with it. It is not as though the offence has been committed because you were a guest or you were asked to leave and you failed to do so. It is all of these other things that add up that create the offence.

Mr. Chairman: Sen. Murray.

Sen. Dr. Murray: Through you, Mr. Chair, yes, Sen. Vieira, I do understand that. But for example, if you were to "bounce" a gate at the curtilage on your way out or something, there are scenarios where they could line up and something that is really not criminal—there is no criminal intent, you can end up being charged with the offence of home invasion without the use of threats, violence or intimidation, which, to me, is not the spirit of this Bill. I do not think this Bill is intended to

criminalize domestic disputes or disputes among friends, and I think that this Bill has the potential to do that, the way it is worded, and removing that sub subclause would avoid those scenarios.

Sen. Jeremie SC: Chair.

Mr. Chairman: I think Sen. Lewis wants to speak.

Sen. Jeremie SC: So, I mean, in (i) and (j) if that is what we are still talking about, I do not think friends steal property and I do not think they damage or destroy property. So, you know, it is the policy of the Bill, and I mean, I do not see that this applies to friends.

10.25 p.m.

Mr. Chairman: Sen. Lewis.

Sen. Lewis: Just a point of clarification through you, to the AG. The occupant is clear to me, being a person in lawful possession, and somebody is invited in and they are asked to leave and they fail to leave immediately. But what if a property, AG, is jointly owned—husband and wife? Something happens and one person says "Get out ah meh house" and the other person says "No, no, no, is okay". To me there is a con; "an occupant" suggests a singular relationship. If you have two persons or you have—yeah, two or more persons owning the property and one of those persons says, "Leave", then this suggests that the person who is invited in as a guest is suddenly in breach. That—maybe I am reading it wrong, AG, but it just—it confuses me.

Hon. Senator: But you could [*Inaudible*]

Sen. Jeremie SC: Well—I mean—I think the short question is that if you own property, you cannot steal and you cannot damage it.

Sen. Lewis: No, I do not mean that, AG. It is—if you have two people who jointly own a property—

Sen. Dr. Murray: One invited but the other one asked the person to leave.

Sen. Lewis: And the guest was invited—

Sen. Dr. Murray: By one.

Sen. Lewis:—by one—

Hon. Senator:—and asked to leave by the other.

Sen. Lewis:—and asked to leave by the other. Suddenly, the guest is in conflict—or potentially in conflict with the law because this, the way it is worded— I am sorry, I am not against the wording. The way it is worded suggests a singular relationship, a single person owning. What happens if you have more than one owner?—as can very frequently happen with a home.

Sen. Jeremic SC: Okay. So, again, I want to challenge the premise that if you jointly own property, you cannot invade it.

Hon. Senators: [*Crosstalk*]

Sen. Vieira SC: If I can help. What, Sen. Lewis, is saying, two people jointly own the property, one has invited this "home invader" in, but the other one says "No, I want you out." So, one, you are getting mixed signals. One is saying "Leave", the other one had given you permission. But I would simply say that once you are co-owners, each of you can independently say, "Look, I do not want you here" and you must leave. The point here is that we could get into all kinds of minuté—and situations that may be extreme.

First of all, I think it has to be sufficiently serious with the police to feel—look, you know what, we are going to charge this person with home invasion. And then assuming that the person has been charged. That is why you have courts to figure it out. You will always have messy situations. But the legislation has to factor for all of these different parameters in my view.

Mr. Chairman: AG, do you have anything—

Sen. Jeremic SC: I mean—I find myself in agreement with—

Sen. Chote SC: Sorry.

Sen. Jeremie SC:—Sen. Vieira, again.

Sen. Chote SC: Chair—

Sen. Jeremie SC: The legislation cannot conceivably deal with every single situation that might conceivably arise.

Mr. Chairman: Okay. Sen. Chote.

Sen. Chote SC: Yes. Chair, the classic example of this—I am keeping it short. Two parents, adult child; father says, "Get out", mother says, "Stay". Are we going as legislators to rely on the good sense of the police constable's call to the home to determine whether that person is a home invader? Do we not have a responsibility as legislators to address it now? With all due respect.

Mr. Chairman: Attorney General.

Sen. Vieira SC: Again, I come back to the "and" you know, because in the situation you are describing, you have two parents. The child may be a drug addict. The child may be a danger and it only kicks in when you are armed with a weapon. You intimidate, you do some injury, you damage or you destroy property.

Sen. Dr. Murray: Or—sorry. If I may—or steal. One might say, "They have stolen" and the other one may say "No, I gave it to them."

Hon. Senator: What do you have?

Hon. Senators: [*Crosstalk*]

Sen. Jeremie SC: So, we think that the word "and" is sufficient here and that the courts will figure this out. I do not think it is for us to—

Mr. Chairman: Okay. I think that we have ventilated this matter sufficiently. Sen. Desirée Murray, you would like me to put your question?

Sen. Dr. Murray: Yes please, put the question. Thank you, Mr. Chairman.

Mr. Chairman: Okay.

Question, on amendment, put and negatived.

Sen. Dr. Murray: Division

The Committee divided: Noes 20 Ayes 9

NOES

Allahar, D.

Jeremie SC, J.

Roberts, A.

Swaratsingh, Dr. K.

Maharaj, S.

Baptiste, L.

Alexander, R

Ratiram, R.

Persad, Prof. P.

Chaitan-Maharaj, Dr. N.

Baig, B.

Charles, Ms. K.

Zakour, E.

Smith, D.

Nakhid, D.

Vieira SC, A.

Attzs, Dr. M.

Lewis, F.

Lalite-Ettienne, Mrs. A.

Mc Nish, C.

AYES

Browne, Dr. A.

Dhanpaul, V.

Cummings, F.

John-Bates, Mrs. J.

Lalla SC, L.

Abdul-Hamid, M.

Jones-Simmons, Mrs. C.

Murray, Dr. D.

Phillips, Ms. Z.

Ms. Chote SC abstained.

Mr. President: Hon. Senators, as a result of the division, nine Members voted for, 20 Members voted against and there was one abstention. Clause 5, as amended—as proposed rather by, Sen. Dr. Desiree Murray, has not been accepted. Okay.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clause 6

Question proposed: That clause 6 stand part of the Bill

Mr. Chairman: Sen. Dr. Desirée Murray, you have amendment?

Sen. Dr. Murray: Yes. Thank you, Mr. Chairman. The proposed amendment is that the words "and has the right to stand his ground" be deleted from this subclause. The hon. Attorney General made it clear previously that the words "no duty to retreat and the right to stand and stand your ground" are being used interchangeably.

So, if that is the case throughout this Bill, then essentially this subclause would be saying "no duty to retreat and no duty to retreat or has the right to stand his ground and has the right to stand his ground". So, that is why I am asking that the words

"has the right to stand his ground" be deleted from this subclause. Thank you.

Mr. Chairman: Yes, but seeing that, that was put before and it did not carry, you want to put it again or do you want to withdraw?

Sen. Dr. Murray: I do because it is a different—it is the same subclause whereas previously it was two different subclauses.

Mr. Chairman: Attorney General, would you like to comment?

Sen. Jeremie SC: Chair, with respect my answer is the same as it was before. The argument is the same and the Government is not able to change it.

Mr. Chairman: Alright. Well let me put the question please.

Question, on amendment, put and negatived

Clause 7

Question proposed: That clause 7 stand part of the Bill.

Mr. Chairman: And we have amendments from Dr. Murray and Mrs. Candace Jones-Simmons. Dr. Murray, would you like to go with yours?

Sen. Dr. Murray: Thank you, Mr. Chair. Based on the previous discussion on my earlier amendments I would like to withdraw the first amendment about deleting the words "and has the right to stand your ground".

Mr. Chairman: Yes.

Sen. Dr. Murray: However, I just want to expand on the other two amendments to delete the words in clause 7(a)(2); delete the words "or do anything else that he honestly believes to be necessary". Mr. Chairman, I find the words "do anything else" quite expansive and—

Hon. Senator: 7(1)?

Sen. Dr. Murray: 7(1)(a) and 7—let me get this right.

Hon. Senator: 7(1).

Sen. Dr. Murray: 7—sorry, 7—my error, I am so sorry. Clause 7(1) part (2) or—

Hon. Senator: No, no.

Sen. Dr. Murray: No, no—

Sen. Lewis: Look right here.

Sen. Dr. Murray:—7(1)

Hon. Senator: Just 7(1).

Sen. Dr. Murray:—Okay, sorry, just 7(1).

Sen. Lewis: Here.

Sen. Dr. Murray: Oh yes, so my apologies. Just 7(1)—"or do anything else that he honestly believes to be necessary." I am asking that those words be deleted because that is quite expansive, "or do anything else that he honestly believes to be necessary."

Mr. Chairman: Do you want to deal with the rest?

Sen. Dr. Murray: And the other part says, after the words "home invader" and insert the word "may".

Mr. Chairman: Okay. And then there is (b). You would like to elaborate, Sen. Desirée Murray?

Sen. Dr. Murray: Sorry I am getting lost because I do not have a—

Mr. Chairman: You have—

Sen. Dr. Murray:—because I do not have a paper version, I am just using—

Mr. Chairman: Oh, you do not have the paper—alright you have 7—you have clause 7 and you (b) delete subclause 3(a). That is the other amendment that you are proposing.

Sen. Dr. Murray: In subclause (1)—

Mr. Chairman: Attorney General, any comments on this particular clause?

10.40 p.m.

Mr. Chairman: Attorney General, do you have any comments on this particular

clause, clause 7?

Sen. Jeremie SC: So, Chair, the version I had was on 7(i):

"and has the right to stand his ground"

I saw a revision—

Mr. Chairman: Yeah, that has been withdraw.

Sen. Jeremie SC:

"or do anything else that he honestly believes to be necessary"

We do not agree with that, because it actually qualifies. It is:

"…defensive force against the home invader…"

—and there are a number of other things that may be done which are not—well, "defensive force". I mean, in my note to the legislation from the Law Reform Commission, I have:

> …against or do anything else, examples, press an air horn, activate a car alarm, scream for help, run to another room in the house, call the police in response to the home invader—

and the comment from the Law Reform Commission is that:

> Legislation should not be overly prescriptive.

So, I would leave those words.

Mr. Chairman: Okay. Yes, Sen. Vieira.

Sen. Vieira SC: Thank you, Chair. Again, when I look at 7—and I think it is important to put these things on the record because the courts do look at what we discuss. We are not rubberstamping what has just been brought here, but when I look at 7, it is a number of elements coming together. You do not have to retreat. You have a right to "stand your ground", and you are at liberty to take such action as you honestly believe necessary to do certain things.

Now, it is not up in the air, you know. It is not carte blanche.

"…do anything else that he honestly believes to be necessary -

(a) to prevent…"—entry

"(b) to cause…"—you—"…to leave…

(c) to protect…"—your—"…property or the property of another person…; or

(d) to prevent a home invader from committing…"

So it is not wild, it is contextual.

Mr. Chairman: Sen. Lewis.

Sen. Lewis: I understand Sen. Murray's concern, but I would recommend, AG, leaving this as it stands. There is a difference between the first part that says:

"…use, defensive force against the home invader…".

That is taking an action. The, "anything else", is qualified, but if someone chose to scream for help, that is not using defensive force, but it is a different action that is legitimate.

Now, I am supposing, and there are many suppositions one could make, but I think there is a flexibility that this affords and, in that way, I would agree with my colleague, Sen. Vieira.

Mr. Chairman: Attorney General.

Sen. Jeremie SC: I have nothing further to add.

Mr. Chairman: Okay. Sen. Murray, do you want to withdraw or you want the question put.

Sen. Dr. Murray: Thank you, Mr. Chairman. I think I would like to put the question because, to me, "defensive force" is defined in the interpretation section and it is used in this subsection, so I do not see the need to add anything to "defensive force" when it is already defined in the Bill. So, I would like to put the question. Thanks.

Question, on amendment, [*Sen. Dr. D. Murray*] *put and negatived*.

Mr. Chairman: Sorry. Sen. Candice Jones-Simmons.

Sen. Jones-Simmons: Thank you, Mr. Chairman. Mr. Chairman, it is my recommendation that we delete subclause (4), because it permits the use of "deadly force" that may be disproportionate in circumstances where someone has acted to protect their property in the absence of any imminent threat to life or limb. The rest of the Bill preserves a person's right to stand their ground and to act when "reasonably necessary to prevent imminent death". So I believe that this section is disproportionate and its removal does not offend the objective of the Act.

Mr. Chairman: Attorney General.

Sen. Jeremie SC: So, Mr. Chairman, we believe that clause 7(4) adds nothing to the common law. It is not disproportionate. The section 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…"—and is qualified—"… reasonably necessary to prevent or remove a home invader from his dwelling…or to protect his property or that of another person."

So, the difference here is that we are looking at "property", which has always been protected from the 16th Century in Semayne's case, and which is protected in the English Act at section 76. You know, if a man comes to your house at three o'clock in the morning and says, "Hand me x or y or z", and you retaliate—of course, your actions have to be based on an honest belief and that force is necessary, we think that that is appropriate.

Mr. Chairman: Yes, Sen. Vieira.

Sen. Vieira SC: So, in a home invasion, threats often escalate rapidly, and the courts recognize that a homeowner may reasonably believe that serious violence or

lethal force is imminent, so the appropriate question then becomes, "Was the occupier's belief of imminent harm honestly help? Was the force used reasonably and proportionate to the perceived threat?" If the intruders' conduct suggest intent to inflict rape, grievous bodily harm or murder, a pre-empted defensive strike, including lethal force, could be justified under already established principles of Palmer and Beckford. So we are not changing anything here. The law already recognizes for the use of lethal force in such a situation.

Sen. Jones-Simmons: Accept, Mr. Chairman, this section makes no reference to "imminent threat".

Mr. Chairman: Attorney General.

Sen. Jeremie SC: Mr. Chair, I have nothing to add.

Mr. Chairman: Sen. Jones-Simmons, do you want to propose—you want us to pursue or you want to withdraw?

Sen. Jones-Simmons: I do not wish to withdraw; you can put the question for the vote. Thank you, Mr. Chairman.

Mr. Chairman: Alright.

Question, on amendment, [*Sen. C. Jones-Simmons*] *put and negatived.*

Mr. Chairman: Somebody wants a division?

Hon. Senators: No.

Mr. Chairman: Alright. No.

Question put and agreed to.

Clause 7 ordered to stand part of the Bill

Clause 8 ordered to stand part of the Bill.

Clause 9.

Question proposed: That Clause 9 stand part of the Bill.

Mr. Chairman: Sen. Dr. Murray.

Sen. Dr. Murray: Thank you, Mr. Chairman.

Mr. Chairman: You have something here.

Sen. Dr. Murray: Yes, I do. Through you, Mr. Chairman, my proposal is to delete (f), 9(1)(f), which states that:

> "the mental faculties of an occupant, or a person assisting an occupant, who uses force were, at the time of the alleged offence, substantially affected by the voluntary consumption of a drug which is not therapeutic."

The reason for my proposed amendment is that this implies that if the occupant's mental faculties are affected by a drug that is therapeutic, that they would be protected under this law, under the claim of "self-defence". But if they were to have their mental faculties impaired by alcohol or marijuana, which are both legal drugs in certain contexts, then they would not be protected.

So if somebody is on morphine or Valium, they would be protected even though their mental faculties may be more impaired than somebody who has consumed alcohol. So, I cannot rationalize why "therapeutic drugs" are included but "non-therapeutic drugs" are excluded. So, for that reason, I would like to delete the subsection of this clause.

Mr. Chairman: Okay. Attorney General.

Sen. Jeremie SC: Okay. So, the section is targeted at drug use which is not therapeutic, and we think that that is in keeping with the policy of the Act. If you use a drug for a non-therapeutic purpose and you behave badly, then you stand the consequences of the law. That is it.

Sen. Vieira SC: Chair—

Sen. Jeremie SC: That is our policy.

Mr. Chairman: Sen. Vieira.

Sen. Vieira SC: I take Sen. Murray's point about the inconsistency between

consumption of a drug which is not therapeutic, and you are still impaired for another reason, but, to my mind, what that section is really saying is that, where the mental facilities of the occupant, or the person helping the occupant, is mentally impaired, then that does not qualify. So I am wondering whether if we were to delete the bit about, "substantially affected by the voluntary consumption of a drug which is not therapeutic", Sen. Murray, whether that would satisfy, because then you would still have the primary part about the mental faculties being impaired. So I would just replace it with, "were impaired".

Sen. Lewis: May I be permitted to just piggyback on the question?

Mr. Chairman: Yes, Sen. Lewis.

Sen. Lewis: Thank you, Chair. I wonder—and I do not have a—I am just piggybacking. The clause says:

"…substantially affected by the voluntary consumption of a drug…"

I am familiar with someone who is doing social work and, occasionally, they deal with people who did not take their meds, so it is not that the person took a medication and is affected, it is they are schizophrenic. There is medication that helps them, but, for whatever reason, they were off their meds, but it does not change the fact that their mental faculties at the time are substantially affected.

I just wonder, AG, how, in that situation where it is not the commission of taking a prescribed drug, but it is the opposite. Maybe in error they failed to take it, but then their mental faculty is affected, how would that play out in a situation such as this?—because it speaks to the impaired mental faculties but not the consumption of; it is the non-consumption of. I hope my question is clear, and it really is for clarification.

10.55 p.m.

Mr. Chairman: Attorney General.

Sen. Jeremie SC: So we are not willing to shift on the voluntary consumption of a drug which is not therapeutic. I am trying to get my head around the non-taking of a prescription drug, which I mean, to me remembering my old criminal law, if diabetics do not take their medication and they do things—it is a challenging question. Sen. Chote, can you help?

Hon. Senators: [*Laughter*]

Sen. Chote SC: Regrettably, I too, cannot wrap my head around it.

Sen. Jeremie SC: It is a matter for prosecutorial discretion.

Mr. Chairman: Dr. Desirée Murray, you would like to? Dr. Chaitan-Maharaj, the Floor is yours

Sen. Dr. Chaitan-Maharaj: If I can take a crack at clearing it up from a medical point of view, to understand AG's wording—correct me if I am wrong—he seems to be veering towards a person would not be covered if they make the voluntary, conscious decision to take a non-therapeutic drug that will impair them. That is different from someone who becomes impaired because they have a medical condition that is not managed, or if they have a medical condition whose management that they need impairs them. Say it again?

Hon. Senators: [*Laughter*]

Sen. Dr. Chaitan-Maharaj: I think what AG is gearing for is that a person will not be covered only in the instance where they make the conscious decision to take a non-therapeutic drug that impairs them. That is the condition where they will not be covered. They will be covered if they have to take a medication for the medical condition that impairs them, like the morphine. They will be covered if they do not take medication that they need and then become impaired because of their underlying medical condition.

Sen. Dr. Murray: If I may?

Sen. Dr. Chaitan-Maharaj: [*Inaudible*]

Sen. Dr. Murray: Because (2)(a) says. Sorry.

Mr. Chairman: Dr. Murray.

Sen. Dr. Murray: Sorry:

That the drug has to be consumed in accordance with the:

"…directions of, a medical practitioner..."

So if the drug is prescribed, but the patient is not taking it as prescribed, then they are not covered.

Sen. Dr. Chaitan-Maharaj: I was addressing the issue of the non-therapeutic drugs.

Sen. Lewis: So it does not take care of my question, because I am familiar with at least one case. A person suffering from schizophrenia did not take the medication because he could not afford it, or the family could not afford it. The condition deteriorated to the point where, in an appeal for help, the drug was administered and recovery started. But, but it is not a case of the person consciously saying, "I am not taking the drug". They were in a condition that can happen to anybody, where I could not afford it, and they said well, "It eh go matter" but over time, it deteriorated, and in a situation such as this, and I know AG you "cyah" write for every single last instance.

Sen. Jeremie SC: So I think the general law might provide some assistance. If you could say that it is a matter for prosecutorial discretion and that one of the factors that a prosecutor should take into account is whether the person was reckless, and the state of mind of the individual. So I would leave it as it is.

Mr. Chairman: Can I put the question?

Sen. Dr. Murray: No, sorry, Mr. Chairman. I still am not clear on my original amendment, because the point is that somebody's mental faculties can be

substantially impaired by a therapeutic drug, and they could claim self-defence. Yes,

according to this. However, if somebody's mental faculties are substantially impaired by alcohol, which is a legal drug, but it is not therapeutic, and they are not covered, they cannot claim self-defence. This is quite common: Carnival, Christmas, birthdays, anniversaries. You are in your home, you have an event, you consume alcohol, and then your home is invaded, but you are not covered. You would not be covered by this law because your mental faculties would have been substantially affected by alcohol, which you are perfectly entitled to consume in your own home. So this cannot be a fair application of the legislation. Thank you.

Mr. Chairman: Attorney General.

Sen. Jeremie SC: So, I think the general principle in criminal law is that the use of alcohol combined with the commission of an offence is not a defence. I think that is the general proposition. I mean, subject to some refinement, and I would like to keep it. I think the policy of the legislation is in sync with that. There are some interesting questions that arise, but prosecutorial discretion, that is what I would suggest. So I would like to leave this clause as it is.

Mr. Chairman: Okay. Sen. Dr. Desirée Murray, it does not appear that the AG would—

Sen. Dr. Murray: Thank you, Mr. Chairman. Would prosecutorial discretion also apply to the term "substantially affected"?—because that is a very vague term. So how does one define "substantially affected" in law?

Sen. Jeremie SC: Again, it has to be after–the-fact assessment, an after-the-fact assessment by the prosecutor in the court assisting with medical evidence. I am not saying that the medics do not have a role.

Mr. Chairman: Okay. Alright. I would like to put the question at this time. I think that we have exhausted this particular. *Question put.*

Sen. Dr. Murray: Division.

The committee divided: Noes 15 Ayes 8

NOES

Allahar, D.

Jeremie SC, J.

Roberts, A.

Swaratsingh, Dr. K.

Maharaj, S.

Baptiste, L.

Alexander, P.

Ratiram, R.

Persad, Prof. P.

Chaitan-Maharaj, Dr. N.

Baig, B.

Charles, Ms. K.

Zakour, E.

Smith, D.

Nakhid, D.

AYES

Browne, Dr. A.

Dhanpaul, V.

Cummings, F.

John-Bates, Mrs. J.

Lalla, SC, L.

Abdul-Hamid, M.

Murray, Dr. D.

Mc Nish, C.

The following Senators abstained: Mr. A. Vieira SC, Ms. S. Chote SC, Dr. M. Attzs, Mrs. C. Jones-Simmons, Mr. F. Lewis, Mrs. A. Lalite-Ettienne and Ms. Z. Phillips.

Amendment negatived.

11.10 p.m.

Question put and agreed to: That the Bill be reported to the Senate.

Senate resumed.

Bill reported, without amendment, read the third time and passed.

ADJOURNMENT

Mr. President: Leader of the House.

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, I beg to move that this Senate do now adjourn to Tuesday December 9, 2025 at 1.30 p.m. Before you put the question, Mr. President, out of courtesy to Senators, I wish to announce that on Tuesday we intend to take the Finance Bill through all its stages. I understand that there were some amendments in the other place and those amendments and the Bill shall be circulated to all Senators as soon as they are received from the House.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 11.14 p.m.