

**SENATE**

Tuesday, January 27, 2026

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. Brian Baig and Sen. Vishnu Dhanpaul, both of whom are ill.

**SENATOR'S APPOINTMENT**

**Mr. President:** Hon. Senators, I have received the following correspondence from Her Excellency 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. DANIEL RASHEED

WHEREAS Sen. Brian Baig, is incapable of performing his duties as a Senator by reason of illness;

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do hereby appoint you, DANIEL RASHEED to be a member of the Senate temporarily, with effect from 27<sup>th</sup>

**UNREVISED**

January, 2026, and continuing during the absence of Senator Brian Baig 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 27<sup>th</sup> day of January, 2026.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/Christine Carla Kangaloo

President.

TO: MR. SANJIV BOODHU

WHEREAS Senator Vishnu Dhanpaul is incapable of performing his duties as a Senator by reason of illness;

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, SANJIV BOODHU, to be a member of the Senate temporarily, with effect from 27<sup>th</sup> January, 2026, and continuing during the absence of Senator Vishnu Dhanpaul by reason of illness.

Given under my Hand and the Seal of the President of the Republic of Trinidad and

**UNREVISED**

Tobago at the Office of the President, St. Ann's, this 27<sup>th</sup> day of January, 2026.”

### **OATH OF ALLEGIANCE**

*Senators Daniel Rasheed and Sanjiv Boodhu took and subscribed the Oath of Allegiance as required by law.*

### **PAPER LAID**

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

### **COPYRIGHT (AMDT.) BILL, 2026**

Bill to amend the Copyright Act, Chap. 82:80 to extend the duration of the term of protection for copyright and neighbouring rights for authors, performers and producers of sound recordings; to extend the duration of the term of protection for moral rights for authors and performers; and to provide for related matters. [*The Attorney General*]; read the first time.

### **CIVIL DIVISION BILL, 2026**

Bill to make jurisdiction for matters of a civil nature exercisable in a division of the Judiciary to be known as the “Civil Division” and to make jurisdiction for specified civil matters exercisable in a sub division of the Civil Division known as the “Civil Court”, to make jurisdiction for small-valued claims exercisable in a sub division of the “Civil Division” to be known as the “Small Claims Courts”, to make jurisdiction for estates administration business exercisable in a sub division of the Civil Division known as the “Estates Administration Office” and for related

matters. [*The Attorney General*]; read the first time.

### ARRANGEMENT OF BUSINESS

**Mr. President:** Leader of Government Business.

**Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar):**

Mr. President, in accordance with the Standing Order 31(5), I beg to move that the Senate agree to urgent Government business take precedence over Private Members' Day business scheduled for today and that the debate be resumed on the second reading of the Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Bill, 2026.

*Question put and agreed to.*

### LAW REFORM (ZONES OF SPECIAL OPERATIONS) (SPECIAL SECURITY AND COMMUNITY DEVELOPMENT MEASURES) BILL, 2026

[Fourth Day]

*Order read for resuming adjourned debate on question [January 20, 2026]*

*Question again proposed.*

**Mr. President:** Hon. Senators, let me advise because we are now entering into what is called a marathon. We have had thus far some 24 speakers, on this Bill over the last three days of debate held on January 20<sup>th</sup>, 21<sup>st</sup> and 23<sup>rd</sup>, 2026 respectively. The debate shall now be resumed. I recognize Sen. Sanjiv Boodhu.

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

**1.45 p.m.**

**Sen. Sanjiv Boodhu:** Thank you very much, Mr. President. I am indeed grateful for the recognition permitting me to joint this most important debate in our nation's history this afternoon. I express my gratitude as well to the hon. Penelope Beckles-Robinson the Opposition leader of this great Republic—

Law Reform (Zones of Special Operations)  
(Special Security and Community Development  
Measures) Bill, 2026  
Sen. Boodhu (cont'd)

2026.01.27

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

**Sen. S. Boodhu:**—and too, of course, the Leader of Opposition Business, Sen. Dr. Amery Browne for the opportunity to contribute.

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

**Sen. S. Boodhu:** I join the debate today, Mr. President, not in opposition to law enforcement, not in denial of the seriousness of crime in Trinidad and Tobago, and not in ignorance of the real fear that many citizens feel in this country in their homes, in their businesses and in our communities. I join the debate, Mr. President, today, because this Bill asks us to do something far more serious than confront crime.

This Bill asks us fundamentally to alter the relationship that exists between citizens and the State, between liberty and military power, between constitutional restraint and Executive discretion, Mr. President. The debate at its core is about constitutional discipline, and it is because crime is so serious in Trinidad and Tobago that constitutional discipline matters most today. Our Constitution was not written for moments of calm. It was written for moments of pressure, moments when fear tempts us to trade liberty for the promise of order, Mr. President. The framers of our Constitution understood something very clearly, and that understanding was that the greatest threat to freedom does not arise when government is weak, which it currently is. But when government is angry or forms a belief that ordinary law is no longer sufficient.

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

**Sen. S. Boodhu:** Clause 3 of this Bill, Mr. President, declares its inconsistency with sections 4 and 5 of our Constitution, and we must ask ourselves, what powers

are we normalizing and at what constitutional cost? Let us be clear and precise about what this Bill does. This Bill at clause 6 empowers the Prime Minister in her capacity as the Chairman of the National Security Council and by her Executive decision only, to declare any community within Trinidad and Tobago a Zone of Special Operations, Mr. President. Within such a zone, the Prime Minister then has the ability to deploy a joint command which comprises the police and the defence force into that designated community.

While there, this joint command can establish cordoned areas, curfews, conduct stop, search, seizure exercises without a warrant, make arrests and detention without a warrant, and detain persons without charge, and present them to court subsequently within a period of time unspecified by the legislation, then for the court to determine whether they should be continued on detention, again, without charge for a further period. That is at clause 18, subclause (2)(b) of the Bill, Mr. President. All of this occurs based on that sole discretion by our Prime Minister. Sole discretion.

Clause 6 of the Bill does not require the Prime Minister to consult with anyone, and/or to be advised by anyone. It is later on in a subsequent clause at 7 where we see the Prime Minister is required to consult with the Commissioner of Police and the Chief of Defence Staff which relates to an extension of the period of time for that Zone of Special Operations' existence, Mr. President.

Now, this discretion we are asked to give that discretion to the Prime Minister that is on record for supporting extrajudicial unlawful killings of persons who are accused of drug trafficking without any evidence being presented for public consideration, without due process of law, without any attempt to arrest, intercept

or detain, without confirmation of whether these persons were within or outside of the territorial waters of any sovereign state, and most alarmingly, Mr. President, in the face of information that our own citizens were victims of these extrajudicial killings.

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

**Sen. S. Boodhu:** These strikes, Mr. President, our own citizens, Mr. President, our people, members of our communities, our Prime Minister referred to our people when she is on record saying, “kill them violently”.

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

**Sen. S. Boodhu:** So it is same Prime Minister that will have this sole discretion to determine whether the military arm of the State should occupy our communities. The same Prime Minister who has no experience or training in policing, who has not practiced law for decades, the same Prime Minister whose government has imposed and continues a state of emergency—

**Sen. Allahar:** Mr. President, 46(4), offensive, insulting.

**Mr. President:** I would advise that you kind of address your matter without necessarily and so on, imputing or using language that could be interpreted as offensive. Continue.

**Sen. S. Boodhu:** Thank you for your guidance, Mr. President. I am always grateful for the guidance, your astute guidance, Mr. President. So it is the same Government that has imposed a continuing State of Emergency on the country since July 2025, and to date, that is 194 days and counting. It is the same Government under whose leadership approximately 134 persons are detained at the ECRC, the Eastern Correctional Rehabilitation Centre in Santa Rose. And so

many others like Ms. Olive Jack who remains detained without charge at the Women's prison, those who are detained at the Golden Grove and MSP and who knows where else. It really is impossible for us to separate this Bill from the SOE, because the narrative behind the introduction of this Bill, Mr. President, is that this Bill an attempt to secure "the gains" made, because the learned Attorney General is on *Hansard* saying:

"At the end of a state of emergency, it is important to have something in place to continue the gains made."

The hon. Attorney General also made reference to Mr. Wayne Hayde who warned that:

"...crime could surge if emergency powers are lifted without proper contingency planning."

So it is all well and good. Except, I ask the question, of the hundreds of persons detained under the SOE for close to 200 days by the 31<sup>st</sup> of January, 2026, how many have been charged since their detention? My information, Mr. President, always subject to correction is that, less than 10 per cent of the 134 men currently detained under the preventative detention orders pursuant to the State of Emergency Regulations 2025, less than 10 per cent of them have been charged since their detention, Mr. President, and less than 10 per cent of them have been interviewed by the police. Now, what is the significance of being interviewed by the police if you are in custody?

Well, for the benefit, Mr. President, of the viewing and listening public, the way that policing is supposed to work and works in Trinidad and Tobago and in any free and fair democratic society, is that the police would either receive

information or a report of a crime or they would gather intelligence by some intelligence-gathering exercise intentionally, and they would form a reasonable suspicion based on that information gathered and they would make enquiries of the suspect. Very often, Mr. President, the police may interview a suspect even before that person is arrested. In fact, where there is not even a direct report made by a victim, where the police are acting solely on information or intelligence, very often the police would solicit an interview with the suspect before determining whether to lay a charge or not, Mr. President, and there is a reason for this.

The reason for this is because a suspect under caution quite oftentimes says something to cause the police to charge him or her. It is very often the words of the suspect himself that causes him to be charged, and those words are then used against him in his own prosecution. That, Mr. President, is why we have caution, why we have fundamental rights to silence, a right to not incriminate oneself. The right to silence, Mr. President, is, I mean, it is unfettered, it is absolute. It is a right that you cannot take away from somebody, and it is because it is so important and therefore, if it is that we understand that in policing a suspect might aid the police in his own prosecution, would it not therefore make sense to have interviewed, at least, half of these 134 people that are sitting down in ECRC?

So, Mr. President, one must ask, what progress really and truly has been made under the SOE? Because it seems to us that notwithstanding each detention order setting out as required by the Regulations, the information possessed by the relevant Minister of National Security that causes him to detain the person in the first place, notwithstanding that, the police are not acting in the interest of securing a prosecution. So how is it that we have 134 men here in detention and we are

talking about gains after less than 10 per cent of them are being pursued for a prosecution, so what gains?

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

**Sen. S. Boodhu:** What gains are we talking about, when in the papers a couple of days ago we saw that the murder rate is higher in January 2026 to that date, than it was in January 2025.

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

**Sen. S. Boodhu:** How many detentions can we look forward to that will lead to successful prosecutions, Mr. President, or is that that the plan was simply to detain people for as long as possible? If so, then how can we as citizens believe that this is a real-crime fighting strategy. Mr. President, this type of behaviour is simply unsustainable, unjustifiable, ineffective. It is a danger to law-abiding citizens. I mean, if we are detained as law-abiding citizens, we have no—under this SOE, we have no real course to justice. We have lost the presumption of innocence. We have lost the right to be told the reason for our detention, other than what is on the face of the Detention Order. We have lost the right to defend ourselves and we have to wait until 31<sup>st</sup> January when the State of Emergency ends. So considering all of that, how are we to believe that this Bill is not going to be another arbitrary exercise of Executive power unleashed on the citizens of Trinidad and Tobago?

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

**Sen. S. Boodhu:** Sections 4 and 5 of the Constitution, Mr. President, this Constitution here, it does not include aspirational language. It does not include decorative language, Mr. President. It gives us justiciable guarantees as citizens of this country, Mr. President. Among those guarantees are a right to life, a right to

liberty, a right to security of the person, a right to enjoyment of property, the right to due process of law, the freedom from arbitrary arrest or detention, the right to a fair hearing, protection, Mr. President, against the abuse of state power. But this Bill, Mr. President, authorizes the Prime Minister to do exactly what sections 4 and 5 prohibit. It allows for the power of arbitrary detention, warrantless intrusion and Executive action without judicial supervision, Mr. President.

This Bill allows the Prime Minister alone, not a judge, not Members of Parliament who are elected by the citizens to represent them, not an independent security council, the Prime Minister alone to determine where a Zone of Special Operations should exist. This Senate, this honourable Senate as protectors of the citizens is asked to approve the Prime Minister's availability to militarize civilian space without civilian safeguards.

But, Mr. President, I will be the first to recognize the very hard-working and dedicated men and women of the Trinidad and Tobago Defence Force. These men and women have served their country honourably with dedication, with integrity. But, Mr. President, let us make no mistake here today. These men and women are soldiers. They are soldiers. They are not trained in civilian policing. They are not trained in civilian use-of-force policy. They are not trained in evidence collection and evidence preservation. They do not operate under the same accountability structures as the police. Mr. President, to top it all off, these people did not ask for that training. The men and women who work in the defence force in Trinidad and Tobago, they made a conscious decision to become soldiers. They did not ask to become police officers.

So the facts that I am talking about today, are not meant to be an indictment

on them. It is a statement of fact. By way of example, I decided to be a lawyer. This is the profession I have chosen, and it is unfair to deploy me to conduct some medical procedure, and then attempt to hold me accountable in law if something goes wrong. So that we must not pretend that this Bill does not place soldiers into civilian communities with expanded operational authority, while simultaneously removing civilian, legal safeguards that justify the force that is contemplated within the Bill.

Mr. President, the combination of these factors simply is dangerous. The combination increases the likelihood of lethal encounters. It increases the risk of unconstitutional and extrajudicial killings.

**2.00 p.m.**

It increases the probability of failed prosecutions and the failure to secure evidence. It increases the inevitability of constitutional litigation against the State. And these increased risks really cannot be labelled as any kind of conjecture, because there are historical facts, internationally, that support this.

Mr. President, moving away from that, context matters when it comes to legislating. The country currently is in a state of alarm and concern arising most recently from the very unfortunate killing of a young man, only 31 years old, and the shooting and consequential paralysis of a young woman, a mere few days ago via an interaction with the police. And I wish to pause, particularly on behalf of my colleagues, to extend condolences to the members of the Samaroo and the Sealy families. These young people, as far as the public is aware, were not criminals. They have no criminal history. There is no criminal record. And video footage shows that Mr. Samaroo surrendered with raised hands before being shot

multiple times, Mr. President. That is the context I am referring to, when I say context matters.

And what concerns me even more, and concerns the people of Trinidad and Tobago even more, is that the Commissioner of Police is quoted as saying on the 20<sup>th</sup> of January 2026, quote:

“The occupants, instead of choosing to surrender, instead choose to challenge my officers. And acting in accordance with the use of force policy, my officers responded likewise. After an exchange of gunfire, two individuals were found nursing gunshot injuries...”

That is what the Commissioner of Police is on record as saying, as reported in the daily newspapers. Notwithstanding a very clear pronouncement that came from the TTPS, from the Commissioner of Police, that the police came under fire and they had no choice but to respond with gunfire, the public was then made aware of the true events of the actual shooting, and that was made aware to the people of Trinidad and Tobago via civilian camera footage—not police camera footage, not body cam footage, civilian private property camera footage.

This entire incident is a real travesty for the people of Trinidad and Tobago, a travesty for those two families. Not only was a life lost, but a person is left paralyzed, and children are left without a parent, and the TTPS is now shrouded in mistrust from the public because of this incident. So there are no winners in this situation, Mr. President. That is the context to which I refer.

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

**Sen. S. Boodhu:** Yet, it is against that backdrop, we are told, give us more power, fewer safeguards, and less oversight. That, Mr. President, I respectfully submit, is

simply not how trust is built. On the contrary, history teaches us that this is a recipe for further disconnect between the citizens and the police, and this is something that this Senate must avoid at all costs. The citizens cannot mistrust the police if we are to make any real progress in crime fighting, Mr. President.

And so I ask the Government to refrain from setting up the TTPS to fail, refrain from setting up the police to fail by introducing this Bill. Withdraw this Bill, and let us come together to enhance the law without removing constitutional rights.

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

**Sen. S. Boodhu:** Let us recognize what we need is support for the TTPS to increase detection, to increase intelligence gathering, to increase prosecutorial strength and to treat chronic institutional inefficiencies, Mr. President. That is what we need.

I am sure the question will arise: Well, what has been done in the last 10 years in this regard? Well, the former administration, Mr. President, worked hard to support the criminal justice system by introducing the AJIPA legislation, which removed a decades-long backlog of preliminary enquiries.

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

**Sen. S. Boodhu:** And in the furtherance of that, the last administration introduced several masters to assist in moving criminal prosecutions through the system in a much shorter time, by providing a new court space at the International Waterfront Centre for the Criminal High Court, so that the Hall of Justice could accommodate more criminal assizes and more criminal judges, Mr. President.

The last administration introduced anti-gang legislation and amendments to

the Bail Act; introduced the Interception of Communications Act—and that is a very important piece of legislation because it specifically allows the police to go after the communications taking place between the prison and those on the outside of the prison, which we know facilitates the continuation of criminal activities even after persons are lawfully incarcerated.

And the former administration did all of this while dealing with the rise in crime, which came from the likes of LifeSport and similar programmes, which originated between 2010 and 2015—

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

**Sen. S. Boodhu:**—which facilitated crime and criminality of a magnitude never before seen in this country, Mr. President.

The former administration acted decisively to address the leadership of the TTPS, by appointing a substantive Commissioner of Police, Gary Griffith, and that was after some 10 years of not having a substantive Commissioner of Police before.

So, Mr. President, I submit that there are many ways that we, as legislators, can collaborate to address the scourge of crime, but to ask this Senate to give this Prime Minister the ability to unleash quasi-military occupation of certain communities is just unfair.

In determining whether this Bill is necessary and proportionate, Mr. President, we must remind ourselves that our Constitution was written for moments like this. When fear tempts us to abandon restraint, we must ask ourselves whether we govern by fear or by law, whether we protect people by defending their rights or by suspending their rights. This Bill asks us, as a country, to abandon our duty to

uphold our Constitution as a free and fair democratic society governed by law, due process, equality and inclusion, and we must recognize and see this Bill for what it is. It is an attempt to suppress certain sectors of our society, Mr. President, the same sectors of our society that have faced unemployment by the tens of thousands, the same sectors of society that have faced exorbitant taxes, putting them out of business.

This Government asks the Senate to authorize the Prime Minister to take away our rights, our voice, our activism, and that is the same Prime Minister who “bouf us and tell us behave, who say she is going to buss head, who say kill them violently, bouf for the Law Association, bouf for the energy chamber, bouf for local government workers, and bouf for the Independent Senators in this Senate.” That is governance by big stick, Mr. President. We on this side reject it.

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

**Sen. S. Boodhu:** We reject suppression of rights. We reject the suppression of state abuse hurled and thrust upon the people of this country. We reject hiding behind this naked attempt to suppress voices, reasonable democratic voices in this country, Mr. President.

Mr. President, I thank you very kindly.

**Mr. President:** Anybody else? The hon. Foster Cummings.

**Sen. Foster Cummings:** Mr. President, I thank you for the opportunity to contribute to the debate on the Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Bill, 2025. This Bill, Mr. President, attempts to fight crime by suspending fundamental rights and freedoms. It seeks safety by weakening those rights and freedoms. It substitutes normal

policing with exceptional force, and constitutional protections with executive discretion.

Mr. President, within the Zones of Special Operations, it permits extraordinary measures, including warrantless searches, restrictions on movement, curfews and enhanced security powers that would be unconstitutional in any other part of the country outside of the declared zones. History teaches us, Mr. President, that when states respond to crime by curtailing liberties, the long-term costs often outweigh the short-term gains.

And, Mr. President, crime, or at least the approach by this current Government to crime, emphasizes heavily on overstepping certain fundamental rights of our citizens. Now, I would be the first, having been exposed to a community that one might consider as a high-risk area, and serving that community for a number of years, I have a full appreciation of what are some of the problems we face in this society. But the question is: Is this the solution?

Mr. President, the most telling feature of this Bill is that it openly acknowledges its own constitutional infirmity. The Bill expressly states that it infringes sections 4 and 5 of the Constitution, the very provisions that protect personal liberty, freedom of movement, freedom from arbitrary search and the right to due process. As a result, it requires a special three-fifths majority for passage. That admission alone should cause this Senate to pause. Parliament does not lightly override fundamental rights, and when it does so, it must be satisfied that the infringement is strictly necessary, proportionate, time-limited and supported by overwhelming national consensus.

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

**Sen. F. Cummings:** And so, today, the Opposition questions whether that threshold has been met. The question we have to ask ourselves, all of us, as Members of the Senate, on behalf of the law-abiding citizens of this country is: Are we prepared to sacrifice those rights where we live? Are we satisfied that in order to treat with the obvious crime problem that we have in the country, that we are okay, where we live, that on our approach to our home, that community has been declared a zone of interest, special operation, and that there is a cordoned place that we are stopped, that we are traumatized, that our family in the motor vehicle with us have to undergo searches, that when we get home with our young daughter or young son, that the police has the authority to enter your home without warrant, search and traumatize your family? Are we satisfied that we here, as Senators, are prepared to make that sacrifice in order to treat with this problem?

Because you see, as long as it is in Laventille, or Morvant, or Maloney, or La Horquetta, or wherever we suspect that this special zone might be, we might be okay in voting for this legislation, because it does not touch us. But the authority that we give to the Government today, through this legislation, does not spell out for us today where these locations are. Tomorrow it could be right at your doorstep. And if you are prepared to say to your five-year-old child, or your wife, or your husband, or your grandchildren that you are giving, today, the Government, without the safeguards of a state of emergency, the power to declare any area, including around your home, as a Zone of Special Operation, and giving these forces the right to do what this Bill allows them to do, then you may feel comfortable placing that vote.

Granting the State power to suspend constitutional freedoms within designated

communities is one of the most serious acts this Parliament can undertake. It must never become routine.

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

**Sen. F. Cummings:** It must never become routine. It must never be driven by political expediency. We find this Bill dangerous in its breadth and constitutionally troubling in its design, Mr. President. It concentrates extraordinary power in the Executive, weakens judicial oversight and risks normalizing emergency measures as a permanent feature of governance.

Citizens observing the State of Emergency, the extension of the State of Emergency, were wondering whether this Government would be spending its five years in office having a state of emergency in place in Trinidad and Tobago. Well, the answer is here. In order not to have to do that, the Government has brought this legislation, not to utilize the same safeguards as a state of emergency, but to say that within the Executive, that the Prime Minister will have the authority to declare any community within Trinidad and Tobago as a Zone of Special Operation; not that the Parliament will have the opportunity to debate the matter if it has to be extended, but that that power to extend will also rest with the Prime Minister, and we will get the courtesy of a statement with regard to declaring a particular area a Zone of Special Operation.

Mr. President, once a law announces that it will operate, even though inconsistent with sections 4 and 5, the public must understand what is at stake. Those sections protect, among other things, personal liberty, security of the person, enjoyment of property, freedom of movement, privacy and the protection of the law. So when the Government says, in effect, that this Bill will operate even if

inconsistent with those rights, what it is really saying is that within a declared zone, the ordinary citizen will lawfully be subjected to measures that would be unconstitutional anywhere else.

Now, something as fundamental as this, I would think, should be told to citizens before, so that they understand what “yellow is the code” means. I would imagine that when you are campaigning to ask the citizens of Trinidad and Tobago for their support to enter the corridors of power and take control of the Executive, that you would say to them, coming very soon, in our attempt to treat with the crime problem, of which all of us are concerned, is a Bill that will allow us to declare certain areas a Zone of Special Operation, where you will no longer enjoy the rights that are enshrined in the Constitution to protect you as a citizen from abuse of power and otherwise. And this could be anywhere. This could be Cacandee in Felicity. This could be Siparia. This could be Point Fortin. This could be Glencoe. This could be Westmoorings. This could be Valsayn. It can be anywhere in Trinidad and Tobago, Charlotteville, L’Anse Fourmi, Speyside, Couva, Mason Hall, Diego Martin, Embacadere, Gulf View, Train Line, anywhere, nowhere. Anywhere in Trinidad and Tobago, Mr. President.

The Bill confirms, Mr. President, it empowers the joint command to establish cordons and pose curfews. We all have our history in this country about curfews, for those of us who experienced the 1990 experience, for those of us who were around during the pandemic experience, the situation of the inconvenience of curfews. It allows for extraordinary search and seizure powers, Mr. President. It provides for arrest and detention under a special regime. And we know that Sen. Boodhu gave us some facts about detentions right now, and those persons who are

currently held in detention.

Mr. President, take freedom of movement. The Bill contemplates curfews that confines residents and restricts movement within their own communities. This has a profound interference with ordinary life, with work, with school, with family obligations, with worship, with medical care, with attendance to parliamentary Sittings.

So it then falls to the police officer on duty for you to explain to them what your emergency is that requires you to move freely within this Zone of Special Operation. And if they do not agree, I do not know what recourse you have, but to possibly be detained or returned to your home. We would like to think that sometimes when particular powers are given, that all persons act with due care and attention. But we have seen, not too long ago, that immediately a particular policy position was taken. The emphasis shifted from crime solving of any other kind and it appeared, it may not be so, but it appeared to citizens that traffic violations became the number one priority.

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

**Sen. F. Cummings:** So that when the fines were doubled, when it moved from \$12,000 to \$24,000, and \$5,000 to \$10,000, and \$1,000 to \$2,000, when those things occurred, there was an excitement in the population, and persons responsible for upholding those matters took their job very seriously and took to the streets urgently to attend to citizens who were in violation of those particular areas I mentioned. It turns entire neighbourhoods into controlled spaces where the citizen's right to move freely becomes subject to executive design.

Take protection from arbitrary search and privacy. The Bill provides for

search and seizure powers exercised without the normal safeguards that citizens may rely on. In a zone, residents can expect heightened stops, searches and intrusions. Mr. President, the Government may argue that these are necessary tools for extraordinary times. I am not, for one minute, downplaying the importance of detection of crime, and for the police to be given the authority and all of the resources to do their job. But it does not stop there, Mr. President. You are simply putting a plaster on the wound, because after that period of 180 days, what happens next? How are you getting—somebody criticized a speaker for speaking about the root causes. How do you treat with these problems in these communities if the Government does not simultaneously say to this Parliament and to this country, we understand that there is a problem, we understand that young people are short of opportunities and therefore, we are going to take and place the investment to make sure that after you do this, if you want to call it a “clean up”, that there are opportunities available for the young people, instead of playing politics?

The last Government formed the Ministry of Youth Development and National Service. Mr. President, I had the privilege of serving as Minister in that Ministry. So that I can tell you first hand, that in addition to the work of the Ministry of National Security, at this particular Ministry, the Executive decided to pay particular attention to youth at risk, to the category of youth referred to as NEET, N-E-E-T, which suggests that they are not in any formal employment, they are not in any formal education programme, or they have not been exposed to any particular training, to equip them for the world of work or for small business. And it is no secret that throughout this country, we rolled out significant programmes to give young people that second chance.

Mr. President, I visited Basilon Street recently in east Port of Spain, where—it is a community that you may consider at risk—we refurbished a facility to allow the young men and women from that community who may have difficulties going out of the community for training because of the crime situation in their community, or because of economic circumstances where they cannot afford to move to another established training facility. And it pains my heart to see that facility locked up and no plans, and nothing in the budget for operationalizing a youth training facility at Basilon Street; nothing in the budget for authorization of a youth training facility in Laventille; nothing in the budget for operating the youth facility refurbished in Malick; nothing in the budget for the youth facility in Point Fortin; nothing in the budget for the youth facility in Palo Seco; nothing in the budget for the youth programmes in California; nothing in the budget to treat with youth development programmes and certification for young people, so that they can have another chance in life, so that they can prepare themselves for work, so that they can get involved in small business, so that they cannot be so accessible to the criminal element in some of these very communities that the Government would like to utilize this legislation for.

And for those young people interested in business, Mr. President, we went further. We established a small business grant of \$20,000, because we understood we were training and exposing them to certification in particular skilled areas, and then those who could not find employment, or those who had a direct interest in going in to business, through NEDCO, the Government allocated \$50 million through a loan. And that programme, operated by NEDCO, took these young persons into a short-term training programme, exposing them to small business operations, how

they can keep their books, how they can develop a business plan.

So, for instance, if you were exposed to a tailoring programme, at the end of that programme, you would need a serger, you would need a sewing machine, et cetera, to set up your small operation, your cottage industry. Since you cannot qualify for a loan, you may have never worked, instead of exposing them to a loan, a small business grant of up to \$20,000, that would put young people to work right away to earn a living. It has been scrapped. The money allocated to that programme has been moved back to the Ministry of Finance. All of the employees have been sent home, and we have heard nothing about support for the entrepreneurs who want to get in business at that level. I have not heard from the Ministry of Agriculture and Fisheries, however, that they have scrapped the grant of \$100,000 to farmers who can access similar grants. I have not heard that at all. No scrapping of the agriculture grant of \$100,000, but the small business grant of \$20,000 has been summarily dismissed and scrapped by the Government.

Mr. President, I like the idea that a part of the Bill speaks about setting up of this community development—what is it called? There is a committee that is supposed to treat with some of the points I am raising now. But for the committee to be more than a talk shop, the Bill needs to give a bit more teeth. It is called the social transformation committee. And while I am treating with that, Mr. President, I note that there are several Ministers allocated to serve on this committee. I am not seeing the Minister of Youth and Sport Affairs, and maybe that is an oversight on the part of the Government. Because young people are at the heart of the problem we are discussing and therefore, I would think that the Minister of Youth and Sport Affairs should be someone serving on this committee.

I see as well that at (g), it speaks of:

“a representative...”—from—“...the Ministry..”—with responsibility—  
“...for social security;”

And then—I do not know if this is a duplication—at (m), it speaks about:

“a representative...”—from—“...the Ministry...”—with responsibility—  
“...for social development;”

So I do not know if there is a difference, or if it is a duplication. I would ask the hon. Attorney General to take a look at it and see whether that is not something that requires some level of correction.

Mr. President, our Constitution already provides a mechanism for occasions of national crisis. Section 7 exists for a reason. It contemplates a formal declaration, a limited duration, parliamentary supervision. It requires transparency and accountability in the use of exceptional powers. This Bill sidesteps that framework. Instead of a constitutional emergency procedure with built-in checks, the Bill allows the Prime Minister, by Order, to declare a zone in two specified circumstances. It permits the Prime Minister to revoke a zone at any time. It allows zones to operate for months, with the possibility of an extension, and it does so without requiring immediate parliamentary approval of the initial declaration. Parliament is to be informed afterwards by a statement within 14 days. Mr. President, this should alarm every Senator, regardless of party affiliation.

The Bill does not have a sunset clause. And sometimes, while the Executive, some may delude themselves that they are going to be there all the time, when you make law, you make law for today and for tomorrow. And some previous speakers mentioned it, you never know who may sit in that office some

time to come, and this Bill has several areas where it can facilitate excesses by the Executive, Mr. President.

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

**Sen. F. Cummings:** Because once we normalize exceptional powers through ordinary executive orders, we create a permanent pathway around constitutional safeguards. We create a state of emergency in fragments, applied to selected communities, without the full constitutional discipline that emergencies demand.

That brings me to the question of proportionality and justification. This Bill invites the suspension of constitutional guarantees in a community for up to six months at a time, with extensions possible. This is, in fact, what one would consider an extreme measure. So I ask the Government plainly: Has the Government proven that our current circumstances warrant such an extreme remedy? Where is the case that existing law is so inadequate that we must override our supreme law? Mr. President, exceptional power should never become a substitute for sustained governance. There is a responsibility that a government has to offer good governance to the country. And every issue, no matter how serious it is, cannot be addressed or solved in this way.

Crime is not reduced overnight, and it is not reduced by declarations alone. It is reduced by slow, difficult work of strengthening institutions, building intelligence capability, maintaining community trust, supporting effective investigations and prosecutions, and ensuring that witnesses feel protected enough to come forward. It is also reduced by consistent social interventions, particularly for young people who are most vulnerable to being drawn into community activity.

Yet, this Government, in its last nine months—I am hopeful that it will be

addressed in its months to come, it is early days yet in the Government—appears to have withdrawn any effort towards serious youth development. Programmes such as the civilian conservation programme has just been scrapped. The youth in agriculture programmes, scrapped. The several youth facilities that are completed, unopened. The several training programmes through UTT, ECIAF for the agricultural programmes, the several skills training programmes that we were giving to young people from these very communities, free of charge and courtesy the Government, all of these programmes have been stopped. And what have we replaced it with? We replaced it with, today, asking the Parliament to approve, to give the Executive authority to suspend the rights of citizens to go into these communities, restrict movement, search without a warrant, arrest, detain, seize. And at the same time, we are not prepared to say what investments are we going to make in these communities to give opportunity and hope to the citizens residing—  
[Inaudible]

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

**Sen. F. Cummings:** Mr. President, the reality is that extraordinary powers may suppress symptoms of crime for a time, but they do not rebuild the foundations that make communities resilient. That is why this Parliament must be careful and must be cautious. We must ask whether we are responding to crime with the full range of tools available to the State, because the State does have, at its disposal, the ability to impact these communities positively, and whether we are placing disproportionate weight on coercive measures because they are the ones most visible. Is it that we want to make sure that we are saying we are doing something about crime?

It is like the stand-your-ground legislation, where there are still persons in this country that feel it is okay to draw their licensed firearm and shoot after the individual running out of their yard because of that legislation that was passed, and not understanding that they still would be subject to the law before the courts of Trinidad and Tobago. Security is not achieved by power alone. It is achieved by balance, by continuity, by discipline and by strengthening the systems that prevent crisis from becoming permanent.

Mr. President, the Bill also raises serious concerns about the implications for section 5 rights, particularly due process and liberty. The Bill creates a special detention structure in which ordinary liberty is constrained under extraordinary authority. It allows the State to place citizens under an intensified coercive environment that then relies on procedural steps to argue that the due process is preserved. The risk is that the exception becomes the norm in a declared zone. The practical reality may be prolonged disruption, repeated stops, repeated searches, fear of movement, fear of gathering and a sense that citizens' rights depend on where they live.

Mr. President, it is well known that there are many businesses that will be interrupted by such action. There are many workers whose ability to go to and from work will be interrupted. If a curfew is imposed in particular areas, there are certain businesses that will immediately be shut down because they operate after a particular hour. We must be honest about how power operates in real life. When communities are under occupation-style operations, the imbalance between citizens and the State grows. Even lawful safeguards can be difficult to exercise. Accessing counsel, seeking relief, making complaints, all become harder when

people are living under cordons and curfews and constant security presence. The Bill itself recognizes this reality by requiring complaints to be recorded in the station diary, but a recorded complaint is not the same as meaningful redress.

And that returns us to the most consequential constitutional issue of all, the deliberate use of section 13, the special majority override. By relying on that mechanism, the Government is asking Parliament to suspend citizens' normal protections on the promise that it will improve security. So, in other words, you know we have a crime problem. You know it might be rooted in particular communities. No matter the fact that you are a law-abiding citizen, that you operate within the law, you are now being asked to give up those rights in order for the State to be able to apprehend the so-called criminals within these communities. Is it that under our current laws that is still not possible?

One Member on the Government side spoke about how successful it was, some time in 2017 or '18, when a particular community, namely Enterprise—I do not think he called the name of the particular community, but Enterprise, where he referred to it and said certain type of operations, ZOSO operations, were successfully executed. Is it that the police, under the current circumstances, do not have the right, utilizing its intelligence, to seek warrants and enter the homes of those persons who might be involved in criminal activity and do the same thing that this Bill will allow them to do, except that this Bill will also place a significant burden on all of the citizens living within that zone? Because, Mr. President, every encroachment on fundamental rights, even in the name of public safety, sets a precedent. And then this becomes the tool that the police must use to solve crime, that without the ZOSO, they will not be empowered to do so. Tomorrow, it could

be any community deemed inconvenient.

Mr. President, we do not accept that the solution to crime is the suspension of constitutional rights.

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

**Sen. F. Cummings:** We do not accept that this is the solution. And even—you know, Mr. President, I come from a business family. Some people do not like that. But I come from a business family, proud too.

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

**Sen. F. Cummings:** I am as proud as anybody else who is proud of their ethnicity. I am proud to be coming from a business family. At one of these business places, it is the normal custom that if something happens in the community, that because CCTV footage is in place, the police will come and ask for access to the CCTV footage. And in the last 25 years, there has been no occasion on which the management has said no to the police, because we are all interested in assisting the police in doing their work.

But then the politics steps in. I was in this Parliament a couple of weeks ago when I looked at my phone and saw a message that the police, all 18 of them in a maxi-taxi, heavily armed, had moved into one of these business places. They had a warrant. What was the warrant for? To access CCTV footage; 18 policemen, heavily guarded. And at the same moment that I received that message from the management there, a Member of the Government on the other side was mouthing to me that there is police in your business place; at the same time. How could that be possible, Mr. President? And therefore, it causes us—we must consider, when you put this kind of authority in the hands of politicians—when you put that kind

of authority in the hands of politicians who are prepared to use it in this way, it has to be of concern to us.

I have a copy of the document, I will share it with the public at any point in time. But what was it intended to do? It was intended to create political drama. It was intended because they prevented customers from going in, asked the customers who were there to leave, and caused a political drama to have some shadow.

**2.45 p.m.**

That type of activity must cause us to pause. In this country, Mr. President, there are people in the Government actively urging people in the police to take action against Members of the Government on all sorts of frivolous issues.

**Hon. Senators:** Members of the Opposition.

**Sen. F. Cummings:** Members of the Opposition, sorry. And, therefore when we pass legislation like this, we must take concern. We must have concerns, Mr. President.

So, Mr. President, on behalf of all the right thinking citizens of this country, on behalf—the Senate is not here. The purpose, and the reason why we have this type of legislature is not to rubber stamp policy positions of the Executive. The Executive was elected, and quite properly must come to the Parliament with policy positions that is the job that the Executive was given by the citizens of this country.

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

**Sen. F. Cummings:** I have no criticism of the Government for coming with a policy, what I hold true to, is the fact that you have the Executive, you have separation of powers, and the Executive must come to the legislature to enact

legislation. Every Senator in this Parliament has a right to look at this legislation, and give just due to the oath that they swore, and conscientiously serve the citizens without fear or favour.

So today, Mr. President, while I know in winding up that we do have an issue with crime in this country, that we do need to have opportunities in place at the committee stage I intend to raise an amendment, that we do have urgent need for the Government, just as urgent as bringing this legislation, to invest or to indicate to this country what are the steps they are going put in place for youth development in Trinidad and Tobago, and stop hiding behind audit, and audit, and audit to shut everything down.

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

**Sen. F. Cummings:** If you find a problem, you are in Government, deal with the problem, but just as you have denied citizens, the young citizens, access to the lands in Chatham, you have not denied to former Caroni workers the lands in Couva. I rest, Mr. President.

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

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

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

**Minister in the Ministry of Housing (Sen. The Hon. Anil Roberts):** Thank you, Mr. President. To hear PNM talk about trust, and lecture us about trust. PNM, and trust is an oxymoron. The people do not trust the PNM, that is 20-13, April 28. The people do not trust the PNM, 15-0 in Tobago.

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

**Sen. The Hon. A. Roberts:** The people do not trust the PNM, half of full Queen's Hall for a 70<sup>th</sup> Anniversary. No shame to come here and talk about trust. The people have dealt with you all, because they do not trust you all.

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

**Sen. The Hon. A. Roberts:** That contribution by the hon. Senator from the PNM, and all the other contributions from the PNM are not oxymoronic, they are just simply moronic. I have never sat here and heard more nonsense. Imagine a Senator quoting from the Constitution Section 4, and all of a sudden he believes that he leaves out the most important—

**Sen. Dr. A. Browne:** Mr. President, Standing Order 46(4). The Member is using unparliamentary language to describe other Members of this Chamber.

**Mr. President:** Just guide me on the language when it was used.

**Sen. Dr. A. Browne:** He was describing the Member's contribution as moronic.

**Mr. President:** Is that—

**Sen. Dr. A. Browne:** Unparliamentary.

**Mr. President:**—moronic? I have not seen that anywhere. Overruled. Let us go on.

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

**Sen. The Hon. A. Roberts:** Mr. President, for my hon. colleague, I withdraw the word moronic. It is vacuous, asinine, and ridiculous. The hon. Senator Foster Cummings who talked about trust. I do not even trust that the hon. Senator wrote his own contribution, because he was reading there, and we know that he has a proclivity towards a plagiarism, because while he was reading that—

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

**Sen. The Hon. A. Roberts:**—he read the Constitution section 4, he quoted all the rights. This document it is not designed vacuously—

**Sen. Cummings:** Mr. President, I rise on Standing Order 46(4) and 46(6).

**Mr. President:** Okay. I think I want us to sustain that—so please if you want to raise the conduct or you want to raise anything on impute, let us do it properly. Cool.

**Sen. The Hon. A. Roberts:** This does happen at the UWI, but I will move on. That is en passant, but anyway the hon. Senator quoted from the Constitution Section 4, but just by mistake he left out the first right. He read and he told us about the rights to liberty, to security of the person, enjoyment of property, but he left out the first one, and those who have a copy take it out. The first right enshrined in this constitution is Section 4(a) “the right of the individual to life...”

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

**Sen. The Hon. A. Roberts:** But you leave out that, and read all sorts of things, because that is the dishonesty of the PNM the right to life. “You cah disturb me boy, \$500 million cannot make me hush”.

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

**Sen. The Hon. A. Roberts:** So now, we understand that the dishonesty of them, we are here to debate lives, we are here to stop the bloodshed, we are here because of the failure for 10 years of the PNM to institute anything, and any institution to keep our people safe.

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

**Sen. The Hon. A. Roberts:** He spoke about the ordinary life in communities that are at risk. What is that ordinary life? Because we live here. “I doh kno bout

them”, but I live on the ground, I could go anywhere, and sit down anywhere at any time whether is Mango Rose, up in Malabar, in Carapo, down in—anywhere down on the train line, and sit down and talk with the youths. That is what I do.

So, I do not know what they are talking about. The ordinary life of people in these communities that they are all of a sudden saying that “The police being present, will be such a dramatic manifestation of oppression in these communities”. They do not understand. People are under oppression right now. They are under siege. They cannot move.

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

**Sen. The Hon. A. Roberts:** They are afraid for their children, “they cannot play football in the street like we used to play and stump we toe”. They cannot play cricket, they cannot come outside, the gangs have overtaken these, and for anybody to come in the Senate, and bring this disingenuous argument that safety and security will stop ordinary life. Ordinary life in these communities is not life at all, it is closer to death.

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

**Sen. The Hon. A. Roberts:** And to hear people who live in gated communities behind armed barriers, with security in booths, with community comfort patrol paid for, with armed security driving around, with air horn, and CCTV cameras locked away, with police patrol. People who live in those communities are saying that, people in other communities would not want that. How come?

So if you want it, why they will not want it. Why the nurse would not want to walk out on the road, and see police officers, and see security when she is going to take a car to go for an early morning shift? Why would she not feel secure?

Why must she go out there and be afraid? You all come here, and you all talk like we inside some air conditioned building with nice suit, but you all do not live and talk reality. It was hard to sit down here for three days, and hear some of these arguments.

It is so ridiculous to hear the hon. Sen. Foster Cummings of the PNM talking about, “He was there, and he did so much. He gave the children an opportunity to get a \$20,000 loan to build a business”. Why did you not take the \$20,000, and give them the \$500 million?

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

**Sen. The Hon. A. Roberts:** He said people are running things that are vexatious, and frivolous. Yes, frivolous. Corruption, \$4.1 million, Venture Credit Union, no procurement, businesses of a man who says, he swore on the bible to take care of the country, and he took care of himself and his family, and he talking to us here about opportunities for the youth. “You know how much opportunities the youths could ah get with a half ah b-b-billion dollars”?

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

**Sen. Cummings:** Mr. President, I rise on Standing Order 46(4) and (6) the Senator is imputing improper motives.

**Mr. President:** Hon. Senators, I would say that if you want to raise matters concerning the conduct of any Member of this House let us do it properly. Okay. So just be guided.

**Sen. The Hon. A. Roberts:** Thank you. Mr. President. Thank you. Then we move to Senator 2.0. Sen. Boodoo come to say, and talk about the constitutional rights, and the freedoms, and the process. Well I want the 624 people who were

victims of murder to read your contribution later this evening. When they can do that then you could eliminate the number one right which is to life and stop the bloodshed.

There were 624 murders in 2024 that last full year of your Government, and you coming here to preach about what we should do, and how we should give the judiciary resources. You are a lawyer. I used to have such great respect for lawyers. I thought lawyers had to be brilliant, amazing, study hard, diligent, analytical, and then I listen to these PNM lawyers, and I know that any dum-dum could be a lawyer.

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

**Hon. Senator:** Except who on this side.

**Sen. The Hon. A. Roberts:** Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Bill, 2026 is not about games it is about keeping our people safe, keeping our children safe. I now get into some of contributions from before.

The hon. Senator, Candice Jones-Simmons, it is the first time in my life hon. Senator that someone has told me to my face what I am listening to, and what I am not hearing. I did not know that. But let me say that I listen to everything, every word, and every point, and it is a bit disingenuous for you to tell me what I am listen to, and I am not. You do not know. You cannot not know. So I assure you, that I listen to everybody's contribution.

I did not know, I did not want to say that part, you know, but I will say it, because I am in a good mood. Maybe the hon. Senator knows what I am listening to while I am sitting here quietly listening, because maybe she spent too much time

in Tobago in a red jersey. Maybe it is that, I do not know. Now 48 out of 64 years, the hon. Senator said that we should talk about—

**Sen. Dr. Browne:** Mr. President, Standing Order 46(6). That is a clear imputation of an improper motive.

**Mr. President:** No. Overruled. Continue please.

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

**Sen. The Hon. A. Roberts:** Exactly. Thank you Mr. President, they feel they could disturb me. You must know who debating. He could get up and down like jack-in-the-box whole day, do squats. Maybe he did not go in the gym, but he has a time to talk after. But I will also say to the hon. Senator, you talked about zones of opportunities, but you see life does not begin when a PNM President appoints an Independent Senator, and you come here, life begins when you take interest in what exists, because if you know about opportunities, you will know that that government, that PNM government between September 2015 and April 2025 “you doh want to know what opportunities they cut”? Let me help you.

The PNM cut sport funding from the NPI Vote from 140 million down to 10 million that is less opportunity. They cut football, Pro League, less opportunity, from \$18 million down to \$3 million annually. Less opportunity. National Super League, they cut all the funding for the youths and them to play their football. Less opportunity. They cut pan in schools, they cut Panorama stipend from 1,000 to 500 they cut prize money for pan. They took pan man land away from pan man. They rent PNM Minister building for \$50,000 more than what they were renting a next man building for. They cut sport camps for 20,000 young children. Every July/August holidays, they cut that for eight years that is a zone of no opportunity.

That is PNM.

So, you see when you come to debate you must know what existed what was there, what opportunities were taken away, and where we are going.

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

**3.00 p.m.**

**Sen. The Hon. A. Roberts:** They cut funding. “It eh stopping dey, inno.” They cut funding—and those sports camps included the differently-abled. If you talk to the differently-abled and the communities of Special Olympics, they will cry for those sports camps with great coaches. They cut the sport development officers at the Ministry of Sport, 75 of them used to go around the country teaching, identifying talent, injecting discipline, building self-esteem. They cut that. You are not aware.

They cut the sport caravans that were going around between 2010 and 2015 in rural communities, looking for talent, coaching, putting science in it. “Yuh didn’t know dat.” They cut school feeding from 76,000 breakfasts. “Dem like breakfastses.” But 76,000 breakfasts and 76,000 lunches under Tim Gopeesingh, they cut that down before COVID to 48,000. “Dem cut food in children belly.” And you are coming to tell us about opportunity. We are aware. We are involved, and we will fix it.

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

**Sen. The Hon. A. Roberts:** They cut funding to UTT. They cut out programmes in UTT. They cut and closed down five MIC centres, closed down six NESC centres. Were you aware of that? They cut baby milk grants to feed children, right? Baby milk, key generation, cognitive development, fats, lipids, and so on,

so they could be intelligent. “Dem cut dat from poor people. So doh come and preach to me about zones of opportunity.” The opportunity arrived on April 28<sup>th</sup>—

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

**Sen. The Hon. A. Roberts:**—because we got rid of the PNM. We want to diversify the economy. Did you know they closed down TTHTI? That is the hotel institute. “So dey want to bring Sandals, but dey have nobody to wuk in de Sandals. So is best we wear slippers.” They closed down the Nursing Academy in El Socorro that was built by Kamla Persad-Bissessar and transformed with the Ministry of Youth. The 3,200 nurses between 2011 and 2015. They closed that down. Lack of opportunity. They cut food cards, food for people, from 42,000 in September 2015, down to 18,000. You see, you did not know. I know you might be bored. It might hurt you. But when you come to debate and lecture, you have to research and have information, or else it becomes oppressive, and people have trouble listening. “But I listened good”, you see, I heard everything you said.

They shut down Petrotrin with all those jobs that went. You know that? So therefore, I would then move on to another point. And I thank my brother. I forget his name, but he is on a blog, Opinion Box. Because the next thing some of you all Senators said, “but is stigma”. These ZOSOs, if you put security in an area, it will stigmatize the community. Okay. Well, let me read from an article, Sean Douglas, Monday, 24 June, 2019. The headline is, Prime Minister—in 2019, who was that? Keith Christopher Rowley. He says the Coast Guard will run the Laventille pool. Let us hear what this honorable PNM Prime Minister said about the people of Laventille. Since this Government is trying to protect people, and all of a sudden now, we are going to create, manufacture, endorse, encourage a stigma. Let us

read. So the Prime Minister is sitting down there, the former former, and the former, next to each other, right?

“The Prime Minister said the new Laventille Community Swimming Facility will be run by the TT Defence Force, TT Coast Guard and TT Police Service, and so will be secure.

Rowley said Laventille had been so stigmatised by indiscipline and violence that the new pool ‘would within three months be taken over by frogs’ and be full of green water, if not properly run.”

That is a Prime Minister of the PNM talking down to his constituents and telling them that they are no good. They are not worthy to run a pool that is a little cheap 25-metre, six-lane, nonsensical pool. That they are not worthy to run it efficiently. Then, he ran it into the ground and frogs went in it because he did not give the resources. That is stigmatization.

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

**Sen. The Hon. A. Roberts:** That is when your leader tells you that you are no good. And what? Because he looked like them? That is the most disingenuous, ridiculous, uninspiring statement made, and that was the PNM. That is what they do. That is how they keep their communities. And now you are saying that me and this Government on this side would stigmatize people? We are here to uplift all people, provide opportunity and safety for all, not only some.

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

**Sen. The Hon. A. Roberts:** Rowley continued:

“It requires management and discipline and inputs from the...Defence Force, Coast Guard and Police Service, to ensure this is a safe

neighbourhood.

‘Avoid conflicts’—said Rowley—‘and fights so this will not be an unpleasant place for your children.’

Rowley promised to instruct Finance Minister Colm Imbert to allocate extra funds to the...Defence Force...”

Where are the funds? Zone of opportunity, zone of lies of the PNM.

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

**Sen. The Hon. A. Roberts:** They did not give any funds. The pool has been down for 18 months. Frogs in it. The children cannot swim. It was closed on Friday at 4.00 p.m. until Monday 8.00 a.m. anyway. So a nonsensical waste of money and games played by PNM with people’s lives. “We doh play games with people’s lives.” We come here to save people’s lives.

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

**Sen. The Hon. A. Roberts:** “Thing not perfect but we not allowing people to die just like dat.”

“The PM reckoned he could count on everyone to make sure the water stays clean and the facility is open...”—[*Laughter*]

“I cyah even read dat.” I just laugh. And that was a PNM Prime Minister. They have no shame to come here and talk in this Senate.

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

**Sen. The Hon. A. Roberts:** But I could tell you, the United National Congress is powerful and I know that. I know not only from the victory in the election. I know it because every time I sit down here in the Senate, I see a UNC reject make it to the elite in the PNM, one time. “We pelt out, Lalalay, he is ah PNM Senator. We

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pelt out Obika, he is ah PNM Senator. Dem eh have nobody, so our rejects is dem best. That's why they on that side.”

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

**Sen. The Hon. A. Roberts:** Imagine I have to sit down and listen to the son of NJAC praise the PNM. The son of NJAC, Geddes Granger, Makandal Daaga, and all the brothers who were fighting for equality of black people. They were fighting against who?

**Sen. Nakhid:** PNM.

**Sen. The Hon. A. Roberts:** Who was the Government from 1956 to 1986 unfettered? Who was the 1970 Black Power Revolution? Who was that against?

**Sen. Nakhid:** PNM.

**Sen. The Hon. A. Roberts:** The PNM, and they come in here like they want to rewrite history.

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

**Sen. The Hon. A. Roberts:** I would not bother with him, but I really know why we rejected him. His contribution was quite pathetic. Sen. Mc Nish, I would tell you that I agree with you. The PNM is a zone of failure. Whether Anaconda, Baghdad, sleepy Hinds, whatever you want to call it. Total, complete failure because they are only about policies of superficiality. So we agree. So this is not the be all and end all. But as we said, this is a slew, a suite of legislation and practices and implementation that we will attack the most heinous criminals, the most heinous oppressive situation. So we agree with you.

But the COVID lockdown and so on—yes, that cut down the crime situation, but we do not expect that this will be forever. Because as we get involved, as we

realize that we have to rebuild the treasury that the PNM vacuumed out. They did not pay their bills and now they come here to say we are desperate to generate revenue. When all over every Ministry, you see a billion dollars was not paid here, \$450 million here, \$850 million. We will handle that, and simultaneously, we will recoup money to invest in young people and give them the opportunities that were taken away from them by the PNM.

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

**Sen. The Hon. A. Roberts:** Well, Sen. Dhanpaul, I know they have a virus going around, but the virus brought the PNM even lower down because they brought Sen. Boodhu to replace him. But Sen. Dhanpaul was a Permanent Secretary in the Ministry of Finance. And a Minister of Finance for a “corbeaux sweat” for one month. But yes, he came here and regaled us with a fantasy about “Dudas” and the IMF, and that this was somehow, some way, a methodology to bring in the IMF. “It is so nonsensical, so fantastical, he shoulda go MovieTowne and pay to watch Avatar, rather than to come here and talk dat kinda nonsense.” He talked about 2011 statistics, but we are in 2026. That is the PNM, they are back in time. “Dem still believe Dr. Williams alive.” He implied that a central hot spot, but it would not happen. Wherever the hot spot is, wherever it is needed, wherever citizens need safety and security, and they are crying out for it, they will get it because everybody deserves it.

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

**Sen. The Hon. A. Roberts:** Well, I love Carnival, I love mas, I love pan. “As ah Dougla, I doh have too much rhythm all de time, but that’s okay, because the African part does go to the base and the Indian part does go to the heights and

sometime you get confused, but dais okay. Carnival is about everybody.” But to hear Sen. Dhanpaul, “who I never see in no Carnival band no wey”, telling me that the all-inclusive experience led to people coming down the hills to rob people, is abject total fallacy, nonsense, and concoction.

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

**Sen. The Hon. A. Roberts:** He then told me about some rapper called “Furious Fire”. “I dunno where he came out from at that time.” Sen. Michael de la Bastide. Sir, I heard you, and you said you like debate. So, I too like debate. And you came out quite scathing. It looked like your feelings were hurt by the words of the hon. Prime Minister. And you took great offence and you came out to ridicule the hon. Prime Minister in your contribution, and laugh at some of the words she used. But let me assure you, first and foremost, Sir, that the hon. Prime Minister has a mandate from the people of Trinidad and Tobago—

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

**Sen. The Hon. A. Roberts:**—she received, in order to take care of this country and to promote her policy for safety, security, and economic diversification, 358,000 votes. With all due respect, Sir, you were selected by a PNM President, and you did not get any mandate. You were selected by one human being. You cannot believe for a moment that a Prime Minister who has the endorsement of 358,000—

**Sen. Dr. Browne:** Mr. President, Standing Order 46(8).

**Mr. President:** I do not think we should bring the President into our debate.

**Sen. The Hon. A. Roberts:** I agree, Sir, because the President will be ashamed that she is a PNM, so I agree with that. I withdraw. So, the problem is that we

must understand the assignment. Because the mere fact that a President-Senator selected would be so emotional, so hurt, because of some words from a Prime Minister who has a mandate, and whose job it is to ensure that she gets and fulfils her promises made to the people, it shows that somewhere, somewhere along the line, we have lost the script. We have lost the plot. Because if a Prime Minister brings legislation here on the backs of 358,000 votes, it is quite arrogant for one person, or nine people selected by one person, to believe that there is some sort of equity in a democracy.

And if you read the Constitution and every institution that we have, the preponderance of power and essence of legitimacy comes from the mandate of the people. The voice of the people is the voice of God—

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

**Sen. The Hon. A. Roberts:**—and the voice of the people says, we elect Kamla to keep us safe. We elect the Member for Siparia to keep us safe. So anyone who does not have the maturity to understand that, hear those words, listen to them, absorb them, and not get emotional. Then maybe you have taken a position that you are not suited for.

And just let us be clear, because there was a statement being made that the President's Senators are somehow independent. No, no, no, no, no. There are only two Presidents that were active politicians in our history where there was a vote, or it was a contest. That was ANR Robinson and the now President. This President was elected only by the votes of the PNM. All others, from Ellis Clarke, Noor Hassanali, George Maxwell Richards, Anthony Carmona, Paula-Mae Weekes, were unanimously selected by the Electoral College. And therefore, an impression

or a perception of impartiality was there, but that does not exist in this case. This case, it was a partisan vote. One side voted for the President, and one side voted for Israel Khan, who lost.

So to think that somehow the principles of apparent bias, conflict of interest, and so on fail to apply because you all determined that it does not, really does not sit well with me. The principles apply to any and everyone. And if you are selected by someone who has a proclivity, affiliation, or an intimacy with one side, it is reasonable to think that you too, may have that. You may not actually, but we are not talking about actual bias. We are talking about apparent. And then if we go further, we could even investigate actual. So if an hon. Prime Minister makes this point—

**3.15 p.m.**

**Sen. Chote:** Mr. President, for the first time, in the entire time that I have been in this Senate, I wish to take a point of order—in fact, several. Section 46(4), section, 46(6), and section 46(7). Not only, I think the most apposite one is 46(6).

“No Senator shall make an imputation of improper motives against any Member or an offensive reference to a Member’s private affairs...”

There is a clear imputation of an improper motive on the part of one of the Independent Senators on this Bench. And I think that is out of order, and I ask you hon. President, to direct the Member’s speaking accordingly.

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

**Mr. President:** Alright. I think I want to sustain those points, and I will ask my colleague to just come back in.

**Sen. The Hon. A. Roberts:** Thank you, Mr. President. I forgive the Member.

She was not here. I am just responding to a discussion and an argument proffered by the Independent Senator. I did not impute improper motives, so I am not understanding if my English is not clear. I am speaking about simple principles—

**Hon. Senator:** [*Inaudible*]

**Sen. The Hon. A. Roberts:** “Mr. Tight Pants, if yuh brain is not getting oxygen, yuh could sit there and be quiet”. So we continue.

**Mr. President:** Alright, please, please, please, please, please. Let us—

**Hon. Senators:** [*Crosstalk*]

**Mr. President:** Hello, I am on my legs. Please, please, silence. Let us not get into personal bantering, please. It does not help. Please continue.

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

**Sen. The Hon. A. Roberts:** Thank you, Mr. President. But the point that I am making is: The hon. Senator said, for example, that we did not consult, and he went to great pains to say that we were irresponsible, disrespectful, and that we did not come here to consult. But I put it to you hon. Senator that our entire job involves consultation.

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

**Sen. The Hon. A. Roberts:** You are selected. We walked this country for ten years. We walked the hotspot areas, and we talked to people in the thousands. We have consulted for ten years while the PNM ravaged the Treasury and decimated our country and our economy. We have consulted. We have asked the people for their mandate, and the policies of Kamla Persad-Bissessar are based on that.

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

**Sen. The Hon. A. Roberts:** We did not sit for someone to select us out of the

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Queen's Park Oval to come here to sit down to dictate to others who have walked the grounds and have gotten the votes of the people.

**Sen. de la Bastide SC:** Mr. President, I rise to raise section 42(9), or rule—Standing Order 42(9).

**Sen. The Hon. A. Roberts:** “Well, after yuh go clarify inno.” He will clarify after. No problem, Mr. President.

**Mr. President:** Just now.

**Hon. Senator:** [*Inaudible*]—two minutes to clarify.

**Sen. The Hon. A. Roberts:** “Aye tight pants ah say cool it boy”—[*Inaudible*].

**Mr. President:** Please, please. Stop. Stop please.

**Hon. Senators:** [*Crosstalk*]

**Mr. President:** Stop the crosstalk, please. Yeah, at the end of his statement.

**Hon. Senator:** [*Inaudible*]

**Mr. President:** At the end of his statement. Continue.

**Sen. The Hon. A. Roberts:** Thank you, Mr. President.

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

**Sen. The Hon. A. Roberts:** I am here—“some of them who were Attorney General doh even know de Standing Orders, that is why he brought so much poor legislation that get overturned in de courts every minute”.

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

**Sen. The Hon. A. Roberts:** Let me just say, Mr. President, for example, in the last ten years—and I am going to talk for myself—I walked once per week, three hours every Saturday. I would touch at least 120 to 150 citizens' hands, speak to them, and listen to them. By 52 weeks, that is 7,800 citizens. By ten years, that is

78,000 citizens, minus some if you repeat meeting somebody twice, and so on.

At spot meetings, and Monday night forums, as “de dougla, the UNC Senator, daily interactions by de doubles stand, in de grocery, and in de pharmacy”. This is at least 3,650 people per year. By ten years, that is another 36,500 people. Functions, fetes, and sporting events; one per month, 100 people per event, times 12. Twelve by 10 years is 12,000 more people. That is a grand total of 126,500 people consulted with, listening to, hearing, and then formulating policies. Press conferences, social media presence, doubles and coffee, and interviews add thousands of people.

So, for Senators who are selected and we never saw them before to come and attack the Government, and attack MPs, and attack Senators, and attack politicians, you do not understand our job. I prefer you to come and say, “How did you get here?” I am not sure how you got here, but I know how we got here. The people voted for us.

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

**Sen. The Hon. A. Roberts:** And those numbers were just for me, Mr. President. For the hon. Kamla Persad-Bissessar, the Prime Minister of Trinidad and Tobago, multiply that by 10. So she has consulted, she has the mandate, and she wants to keep her promise to the people.

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

**Sen. The Hon. A. Roberts:** And Sen. Lewis, I make that argument to let you know that it is too much power in the hands of the Prime Minister? The Prime Minister has asked and earned the right to listen and to impact the people’s lives. So for us to sit down and you always start all of your contributions by saying “I

haven't been here long. I have just arrived. I am just here." Kamla Persad-Bissessar has been there for 40 years—

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

**Sen. The Hon. A. Roberts:**—walking, talking, and working. So please give a little bit of respect. She did not reach there by magic, understand that. Because it is very difficult to sit down and listen when you have not walked in the shoes of those who stand here. We can debate, but even now, I can see that some of you all are getting touchy, “but when you all stand up and talk, I didn’ jump up on no Standing Orders because I come to debate. I eh fraid debate, and ah certainly eh fraid dem in de front dey. Da’is why—[*Inaudible*].”

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

**Sen. The Hon. A. Roberts:** The hon. Member with a good name, Sen. Melanie Roberts-Radgman said we criticized the PNM’s methodology in crime fighting. We did no such thing because the PNM had no methodology.

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

**Sen. The Hon. A. Roberts:** Sen. John-Bates said that we suspend rights in the name of safety and security. “Well, that one ah nearly fall off meh chair and ah was sitting down. Ah had to listen and read it over yuh kno, cuz ah thought ah took meh notes wrong.” We suspend rights in the name of safety and security. So, when else you should suspend rights? Life, life, you are alive. I am looking at you. You are sitting there listening. That is life. Without life, we cannot debate, we cannot live, and we cannot look at our children and be proud. This Bill here is to protect life.

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

**Sen. The Hon. A. Roberts:** That is all. “Doh go into any other ole talk because once yuh dead, yuh dead.” And it was not with your former Prime Minister who said, ‘who dead, dead? Well who dead, cyah debate’. As a father, I would suspend—because you brought up fatherhood and parents and I—youth—well, some of the Senators. As a father, I am telling you that I would suspend all the rights of my children to ensure their safety; all. If I want to ensure that my children are safe, “stay home, yuh eh going no way.” No fete, no shopping, even no sport, if it is a risk to your safety. I would do anything and everything to keep my children safe.

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

**Sen. The Hon. A. Roberts:** There would even be no school if my child were being bullied. I would not send my child to school.

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

**Sen. The Hon. A. Roberts:** “So I doh know what we debating here.” This is a Bill to keep people safe, to save lives, and to stop people from being bullied by criminal gangs that have taken over. “Yuh sit down, and we lime, and we go to cocktail party, but you do not walk de streets.” You do not understand that the people want this.

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

**Sen. The Hon. A. Roberts:** “De people want safety. De people want to live as if dey in Goodwood Park, as if dey in Newbury Hill, as if dey in Mary Avenue. They want ah security guard.” They want a community comfort patrol. When the police drive around, do you all not feel safe when you see a police car in your neighborhood? You may be outside watering the plants. Do you not feel safe?

**Mr. President:** You have four more minutes.

**Sen. The Hon. A. Roberts:** Already? Oh Lord. Abuse of power arguments were made, and yes, anywhere power is given, there is the risk of abuse. We saw a possible recent example of that, and we will await the investigation into that. But for the PNM to pretend like only they are upset if police abuse their power. That is ridiculous. Anybody who abuses their power has to be reined in and has to be monitored. That is a risk, and we must mitigate against it, but do not say that we must not keep people safe and keep them alive because there may be some bad police. Well, look in here. “Lewwe shut down de Senate because it have some bad Senators on the PNM there. So we should shut it down.”

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

**Sen. The Hon. A. Roberts:** They have a former PNM Minister who used his power and influence for his family to benefit from over \$500million in contracts. That is not an abuse of power? Wherever people get power—over history, there are abuses of power. Another former PNM Minister used his power to get a rental for his building without the correct approvals. That is not an abuse of power? Should we stop all rentals from everybody? Or should we just zone in on those who break the law? There is a teacher in 1969 who had power; power over the children, and used that power to impregnate a girl of school age.

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

**Sen. The Hon. A. Roberts:** What about that? Anywhere there are people who have power, we have to be vigilant. So yes, the police have been given power, but the police already have great power. In 2021, when we saw that video up in Laventille with the gold Tiida, there was no state of emergency. There were no

special powers, but the police appeared to do everything wrong, and they had to be dealt with.

I believe some were suspended and that case might still be investigation pending. But of course, any time to whom much is given, much is expected, so, yes, we will have to monitor the police. That is the job of the Commissioner of Police, the PCA, the Ministry of Defence, and so on. Of course, but you cannot say that all the police are bad because that is not true.

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

**Mr. President:** You have one more minute.

**Sen. The Hon. A. Roberts:** One minute? “Oh goood.” Well, they brought race into this thing. “Well yuh know de dougla doh mind talking race”, because I am a proud African from Tobago by my father, and a very proud East Indian from my saree-wearing mother.

When I used to go to stores—but I come from a different place, because I never understood anything about race, because my whole life was just everybody lived. And I used to go in stores, and all the clerks and the people helping would ask me, “Is that your mother? Because she had three boys with lil afros—I had hair and thing.”

And I never understood what they were talking about. But it is only when interacting with the PNM and their superficial race-baiting that I understand what the people were asking me. They could not believe—even though my face is exactly that of my mother’s, they could not believe by the texture of my hair, and the colour of my skin, that that was my mother in the saree. And we have to get away from that. We have to live like “dougla”. We have to live free of race.

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

**Sen. The Hon. A. Roberts:** This is not about race; this is about safety. This is about our children who are dying and stopping the bloodshed. So we ask for your support. We do not beg for it. We do not go to hug up for it, but we ask for it. [*Inaudible*]— thank you.

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

**Mr. President:** Sen. Michael de la Bastide SC.

**Sen. de la Bastide SC:** Thank you, Mr. President. Mr. President, the goodly Senator suggested that I, in my contribution, stated that the Government was disrespectful to us; the Independent Bench, and the Opposition Senators, in not consulting us before the Bill.

I certainly never said those words. I certainly never stated anything that would suggest that they were being disrespectful to us. What I suggested was that a better approach would be to consult with us before the Bill, and see whether we—in order to obtain our support, instead of throwing insults and that sort of thing. That is all.

**Mr. President:** Sen. Dr. Amery Browne.

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

**3.30 p.m.**

**Sen. Dr. Amery Browne:** Thank you very much, Mr. President. Mr. President, the context has been set. There have been many contributions in this debate, and I want to recognize from the onset of my contribution, that there is considerable national interest in this discourse taking place in the Parliament of Trinidad and Tobago. The attention of the public and those outside of the precincts of the

Parliament, I would believe, is quite rightfully focused on this debate, because the stakes are very high and in my humble opinion, certainly, since the beginning of this Session of Parliament, the stakes have never been higher.

The Government has come to us today and last week and before, in what is now an extended debate asking for something extraordinary, they have come with an extraordinary proposal. Mr. President, I have been around for a little while, and I have participated in a number of special majority debates. I have to confess to you my surprise at the tone, the nature, the content, the attitude and interface—

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

**Sen. Dr. A. Browne:**—coming from the Government Bench in this particular debate. The context and the backdrop set by none other than the Prime Minister, herself, I do not need to regale the Senate of the words of the Prime Minister, because they have been shared by some of those preceding me, but to see contributors on the Government Bench in the Senate, Senators, not just reinforcing but doubling down on that attitude, is stunning, Mr. President, when this Government is expecting the votes of Senators in a special majority vote.

Mr. President, I listened, painfully, to Sen. Roberts a short while ago, and it appeared just as before to be a case of selectees, attacking selectees because they are selected.

**Sen. Ratiram:** Mr. President.

**Mr. President:** Yes.

**Sen. Ratiram:** Mr. President, I rise on Standing Order 46(1), his contribution so far is totally irrelevant to what is before us.

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

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**Sen. Ratiram:** Totally irrelevant.

**Mr. President:** Yeah, I am giving him the opportunity and so on to develop his point. Continue please.

**Sen. Dr. A. Browne:** Thank you, Mr. President. My goodness, appears the Member was asleep during the preceding contribution.

**Mr. President:** No, no, no, no—[*Inaudible*]

**Sen. Dr. A. Browne:** Mr. President, I thank you for setting the environment for free speech in the Parliament. I will continue. Mr. President, so a selectee is standing up here shouting and berating other Senators simply on the basis that they are also selectees. Mr. President, that belies and betrays a fundamental misunderstanding on the part of Sen. Roberts and the Prime Minister of this country, a fundamental misunderstanding of the Constitution of the Republic of Trinidad and Tobago. If it is the expectation that Sen. Al-Rawi, Sen. Cummings, Sen. de la Bastide, Sen. Lewis, or any other Senator would just turn up here, to rubber stamp or automatically agree or endorse any measure brought by the Executive, tells me that this is a government completely out of control.

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

**Sen. Dr. A. Browne:** The very purpose of this Parliament is to provide oversight over the Executive, Mr. President.

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

**Sen. Dr. A. Browne:** What could be more fundamental than that? Then they accuse us of lecturing. I heard—I was a little flattered, an Independent Senator is now also being accused of lecturing. Apparently, that is the label ascribed to some

of—we are lecturing. Mr. President, if a contribution might be delivered in respectful and rational tones, and if the contents do not include—

**Sen. Allahar:** Mr. President 46(1), he is going on too long on that, let him get on with the debate.

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

**Hon. Senator:** Our President is on his feet.

**Mr. President:** Yeah, yeah, continue please.

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

**Sen. Dr. A. Browne:** Thank you, Mr. President. Mr. President, if a contribution is lacking in insults and invective and personal attack, if that is what levels an accusation of being a lecture, I am guilty as charged, because you will get none of that from the Bench of the People's National Movement, Mr. President.

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

**Sen. Dr. A. Browne:** None of it. Then the Senator who preceded me gave a long, meandering attack on the basis of corruption and on the basis of misuse of state resources. I sat here waiting patiently for some application of his 40 minutes to give this nation some insights into the architecture and the workings of the LifeSport programme—

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

**Sen. Dr. A. Browne:**—which fell under the Ministry of Sport in times past. We got not a single word or wink from him in that particular regard, Mr. President, and I thought that was worth noting in this particular debate. Mr. President, no matter how they twist it, they are asking us to replace a state of emergency, which is currently ongoing, which still exists in Trinidad and Tobago, to replace that which

they claim is not related to the crime situation, with their new formulation, which is a Zone of Special Operations, which curtails the constitutional rights of some citizens of Trinidad and Tobago based on geography. Citizens of their choosing, based on geography.

Mr. President, in my respectful view, this Bill collapses from the very first reference. Because I see some of my colleagues, maybe yielding to the temptation, and I want to say it very clearly, of saying, well, listen, there is a Bill before us, and let us work together to try to make it the best possible law. So let us amend, let us tweak, et cetera. But when, Mr. President, the first test before we even get there is: Has the Government made a cogent case for the need for these measures in the first place? That case has not been made. That is why they have been shouting and bullying and badgering and insulting and berating. They have failed to make that simple prima facie case. Mr. President, I want to start right at clause 6(1) in Part II—

**Sen. Ratiram:** Mr. President, I rise on Standing Order 46(6), imputing improper motive against any Member, offensive reference to Members. The Member there is speaking about the conduct of us on this side, about bullying and badgering when that is not something that we have been doing.

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

**Sen. Ratiram:** That is offensive.

**Mr. President:** I want to sustain that point of order. Please do not—

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

**Mr. President:**—no, no, no take your seat. I am sustaining that point of order, and I am asking you, do not go down that road. Continue please.

**Sen. Dr. A. Browne:** Thank you, Mr. President. Mr. President, I had already moved on to clause 6(1) of this Bill, “Part II, Zone of Special Operations”. The entire case of this Government, collapses right here:

“6(1) Where there are reasonable grounds to believe...”

Mr. President, that should be cause for pause for anyone in this country. Everything hinges around this phrasing. Everything else in the Bill flows from here:

“6(1) Where there are reasonable grounds to believe...”

And believe by who, the Prime Minister, the Prime Minister of Trinidad and Tobago.

This is the first time I have participated in a debate that even approaches the reality of giving the Prime Minister of this Republic such extraordinary powers indeed, Mr. President, this is the—

**Sen. Rasheed:** Mr. President, I rise on Standing Order 53(1)(b). This is tedious repetition, now. We have been going through this Prime Minister talk for the last—

**Hon. Senator:** [*Inaudible*]

**Mr. President:** Okay. I think this is the problem that we are now—we are entering into a phase of tedious repetition. Clause 6(1) has been repeatedly articulated and you are just repeating arguments that have already gone, and that is the problem when we come too late in this debate. So, I sustain the point made by the hon. Senator, and I ask you to move on from 6(1). We have heard 6(1) for the last three days. Right. Go on to some other point. I am warning people, whoever is speaking after, do not engage in tedious repetition. I will warn you once and I

will warn you twice, after that, you resume your seat. Okay? No tedious repetition. Continue, please.

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

**Sen. Dr. A. Browne:** Thank you, Mr. President. I use the phrase, and I know the Government is very uncomfortable. I use the phrase, “the case has collapsed” because this Government, has exerted considerable energy in trying to convince this population that crime is down in Trinidad and Tobago. Crime is down, murders are down in Trinidad and Tobago.

I saw an article dated December 16, 2025 in the Trinidad *Guardian* claiming that: “Homicides are down by 66 per cent in”—the urban—“PoS division”. That is the case this Government has been making consistently during the State of Emergency. But somehow, by magic, by osmosis, they expect this Senate to believe that there is some alarming, unusual emergency reality that would justify the granting of these emergency powers to the Prime Minister. Mr. President, the case has not been made. That is why I use the phrase, and I respectfully, to the Senator who intervened. It is not a repetition, I am giving my own perspective as a Senator on this particular debate, but I am guided.

Mr. President, no matter how they twist it, this Bill will affect a range of constitutional rights that all of our citizens are entitled to. The constitutional right to free movement, enjoyment of property, protection from arrest and arbitrary search and due process. The point is this, Mr. President, in a democracy, the presumption of your innocence should never, ever, depend on where you live. Let me repeat that, Mr. President. In a democracy, the presumption of your innocence and the protection of the Constitution—

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

**Sen. Dr. A. Browne:**—should never, ever depend on where you live.

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

**Sen. Dr. A. Browne:** So, this is a very right-wing and unusual approach. Mr. President, I want to tell you, and it has not been raised in this debate at all. I want to tell this Senate and those who are paying attention, that this is not the first time, this UNC has attempted this type of measure. Mr. President, I draw to your attention, the reality that took place in the year 2011 on—and I refer to a newspaper article the Trinidad *Guardian* by: Reshma Ragoonath, on the 21<sup>st</sup> of August, 2011. The headline is instructive:

“PM declares limited state of emergency”.

What was that about? There was a lot of attention around that phrase, “limited state of emergency”. This is the content of the article, Mr. President:

“Last night, Persad-Bissessar,”—referring to the hon. Prime Minister at the time—“after an emergency meeting with members of the National Security...and her Cabinet at her private Phillipine, San Fernando, residence,”—interesting location for the meeting—“said: “The limited state of emergency will take...”—place—“from midnight tonight...”—that night—“A tough-talking Persad-Bissessar, backed by...”—the—“Chief of Defence Staff...”—et cetera, et cetera—said: ““This is not an easy decision to make. It is not a light thing to trigger Section 8:1 of our Constitution, but when...the circumstances call for it...I...believe...”—it is the right thing to do.

**3.45 p.m.**

The article went on—I would not read the entire thing, Mr. President. And I am not quoting:

“While she shied away from revealing the areas identified as hot spots, the...”—Trinidad—“...Guardian understands that 11 communities have been named in the limited state of emergency.”

And then the article outlines what the President himself signed at the time. What did she then do, Mr. President? There was the arrest of over 8,000 individuals.

**Sen. Ratiram:** Mr. President, I rise on Standing Order—

**Sen. Dr. A. Browne:** Mr. President, I [*Inaudible*] from the Law Association—

**Sen. Ratiram:** Mr. President.

**Sen. Alexander:** [*Desk thumping*] Sit down.

**Mr. President:** Listen, I notice a tendency developing. When a Member rises, on a point of order, the Member who is speaking immediately takes his seat. You cannot have the Member who is speaking, standing and the Member who is raising the point of order, standing. That is going to create disorder in the Chamber. So, may I kindly advise that when a Member rises, on a point of order, the Member who is speaking, resume your seat, and let the Member proceed with his point of order. Senator, I recognize you.

**Sen. Ratiram:** Thank you most kindly, Mr. President. Mr. President, I rise on Standing Order 46(5). The hon. Member, while reading the article continued to refer to the hon. Prime Minister by her name and by referring to her as she. I would the hon. Member, when he is delivering, that he takes ownership of the article and he addresses the hon. Prime Minister by the right title that is to be used

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in the debate. Thank you.

**Mr. President:** I am sure you are going to be guided by that. So, just refer to the Prime Minister by her proper title.

**Sen. Dr. A. Browne:** Thank you. Mr. President—

**Sen. Allahar:** Mr. President, I also rise on 46(4) and/or 46(6). I do not know if the Member was quoting, or what he was quoting from, if it is the *Guardian* it does not make a difference, but he said something about the Prime Minister arresting somebody. The Prime Minister does not arrest people.

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

**Mr. President:** You want to clarify that point?

**Sen. Dr. A. Browne:** Thank you, Mr. President. I never said the—what Prime Minister has a power of arrest? Mr. President, I am going to move on because I know what they are about, completely, in this matter, Mr. President.

Mr. President, two days later the Law Association had cause to intervene in this matter.

**Hon. Senator:** “Yuh ah fool”.

**Sen. Dr. A. Browne:** The Law Association—and you see, the attacks continue. It is very unpersuasive. The *Trinidad Express* on August 23<sup>rd</sup>—this was August 21<sup>st</sup>. Now in August 23<sup>rd</sup>, 2011, the title of this article, the caption is:

“Law Association:...”—there is—“...No such thing as ‘limited’ State of Emergency”

And to summarize, I will quote:

“The Council of the Law Association says it expects...”—the—  
“...Government will apprise citizens of this country, before the State of

Emergency expires...of the impact of the measures...”

**Sen. Alexander:** [*Interruption*]

**Sen. Dr. A. Browne:** And this is the—Mr. President, if Sen.—what is his name—Phillip Alexander—Mr. President, this Senator, if I could respond to his contribution, stood here and gave us an attempt to sanctify his résumé. He is an activist. He is an activist. He is an activist. Now he is coming here to disturb me—

**Sen. Allahar:** Mr. President, 46(4)—

**Sen. Dr. A. Browne:**—while I am giving my contribution in this Senate.

**Sen. Allahar:**—insulting, offensive.

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

**Mr. President:** May I appeal, because, you know, I have the power, which I do not use. I pride myself as being a democrat. So, I ask Members, let us reduce the crosstalk. A Member is speaking, allow him to speak. If there is a point of order; you rise, I will recognize and rule. But we cannot have this excessive, continuous cross talking. It disturbs the proceedings, and it shows disrespect to this Chamber. So, I am appealing to Members to allow the Member to speak, and if you have any problems, rise on a point of order. Continue, please.

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

**Sen. Dr. A. Browne:** Thank you very much, Mr. President. Mr. President the—

**Sen. Alexander:** I rise on 46(4). I am targeted by both of them. And while you were speaking, Sen. Al-Rawi was saying the most disgusting things about me.

**Hon. Senator:** Mr. President—

**Sen. Alexander:** And that is the first time they have done it; both of them. I was

not given the opportunity that I gave Sen. Boodhu—

**Mr. President:** Okay.

**Sen. Alexander:** My—

**Mr. President:** Okay. Just have your seat. I did not hear. I must admit to you, Sen. Alexander, I did not hear any remarks being made by Sen. Al-Rawi towards you. If you wish, you can put it in writing, and we will do an audio check to see if it confirms what you have said. But I did not hear, and I do not want anyone to repeat what he would have said, but I did not hear. So, at this time, continue, please.

**Sen. Dr. A. Browne:** Thank you very much, Mr. President. Mr. President, if I could be allowed to complete my point, in respect of my freedom of speech in this Senate, it is this:

“The Council, in a statement yesterday signed by its president, Senior Counsel Dana Seetahal, is also calling on the Government to state what is its intention regarding any extension of the State of Emergency...”

Ms. Seetahal said:

“...the entire country of Trinidad and Tobago is under a State of Emergency,...There is no ‘limited’ State of Emergency.”

There is no limited state of emergency.

“The Council wishes that it be noted that this State of Emergency is not in the least limited, in fact or in impact.”

Why am I saying this, Mr. President? This is not the first time. No matter what new, novel or unusual circumstances the Government is attempting to paint in this country, in the year 2026, this is not the first time they have attempted to

discriminate and impose state of emergency conditions—

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

**Sen. Dr. A. Browne:**—outside of the constitutional arrangements for same, and to impose them based on geographic determinations.

**Sen. Allahar:** Remember when they locked up the Speaker?

**Sen. Dr. A. Browne:** Determined by—exactly, Mr. President. He is taking me where I want to go. So, whether we are talking this administration, the next administration, a former administration, that power [*gesticulates toward Senator*] the Leader of Government Business shouted out: Remember when they put an SOE for the Speaker—

**Sen. Allahar:** Mr. President, he is pointing at me. That is very rude.

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

**Mr. President:** Do not point. He does not want you to point.

**Sen. Dr. A. Browne:** I would not point at you, Sir.

**Mr. President:** Continue. Continue.

**Sen. Dr. A. Browne:** I would not point at him. But I may gesture in making my point to the Government Bench.

**Hon. Senator:** No.

**Sen. Dr. A. Browne:** Thank you very much. Mr. President, this is not the first time they have attempted this, and the power that they are seeking the weak case that they have been made, does not justify this Government, the next government or any government being granted these unusual powers.

So, I have been prevented from going into clause 6, so I will not belabour that point. Mr. President, I have some considerations that I would like to share at

this stage of the debate to basically tie the Opposition's case and concerns together. And I will pose them in the way of questions to the Government of Trinidad and Tobago and questions to all Senators who would be considering the matter at hand.

First of all, has the Government's case been based on evidence? Has data been presented, Mr. Attorney General, through you, Mr. President, in this debate to support the measures being advanced by this Government at this time? I would say, not, Mr. President. What I did hear is considerable fear-based contributions. I heard the young Senator, who speaks very well, Sen. Daniel Rasheed, make an entire contribution on two alleged cases, Maria and—what was the—a John, was it?

**Sen. Al-Rawi SC:** Jack and Maria.

**Sen. Dr. A. Browne:**—Jack and Maria. An entire 40 minutes all hinged around one word, “fear”. But, Mr. President, fear is no substitute for evidence, data and persuasion.

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

**Sen. Dr. A. Browne:** So, we have to make our decisions based on evidence. So, I would have wanted the Government to respect this debate sufficiently to present a better case than that.

**Sen. Dr. Chaitan-Maharaj:** Mr. President, I stand on 53(1)(b).

**Sen. Dr. A. Browne:** Mr. President, point number two [*Inaudible*]—

**Sen. Dr. Chaitan-Maharaj:** This point has been raised. The ask for evidence has been made by Sen. Attzs and was answered.

**Sen. Dr. A. Browne:** [*Inaudible*]

**Sen. Alexander:** She said the Standing Order. Where were you listening?

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**Mr. President:** What is the Standing Order?

**Hon. Senators:** [*Crosstalk*]

**Sen. Dr. Chaitan-Maharaj:** 53(1)(b), this is a request not a point.

**Mr. President:** Can we—just have a seat.

**Hon. Senators:** [*Continuous crosstalk*]

**Mr. President:** Members, I am on my legs. Can I have silence? Could you quote the Standing Order that you were referring to?

**Sen. Dr. Chaitan-Maharaj:** I stood on 53(1)(b). His ask is for data to be presented. This ask has already been made by Sen. Attzs and answered.

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

**Mr. President:** I think Sen. Browne does not have much more time at his disposal. I will allow him to continue.

**Sen. Dr. A. Browne:** What time, Mr. President?

**Mr. President:** You finish at just after 3.

**Sen. Dr. A. Browne:** Just after 4. Thank you, Mr. President.

**Mr. President:** At 4.09.

**Sen. Dr. A. Browne:** Thank you Mr. President. I appreciate it.

Mr. President, secondly, given the nature of the request of us as Senators, can this Government be trusted? Have they demonstrated sufficient transparency to justify the granting of these extraordinary powers? I dare say, Mr. President, they have not. Even in the nature of these exchanges, there is a demonstration of unwillingness to be examined, unwillingness to even receive or respond to questions, and under those circumstances, how can we entrust them in these circumstances? Mr. President, it is—

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

**Sen. Dr. A. Browne:** —I started by saying this is a very bizarre debate; very, very bizarre. And then you had the Minister of Defence talking about it is a good start if somebody's pants is hanging down, maybe they have a gun. It does not for trust make, Mr. President.

Mr. President, I also want to indicate that it is expected of all governments of Trinidad and Tobago that they demonstrate adherence, not just to domestic law, but international law as well.

Mr. President, I have a question, should the circumstances around the implementation of this Bill not go as the population would wish or as the Government would wish, should we end up in a militarized condition similar—we are all familiar with what is happening in the United States of America, it is relevant to our Circumstance, has the potential when less than well-trained individuals—

**Sen. Smith:** Mr. President, 46(1)—

**Sen. Nakhid:** Have a seat.

**Sen. Dr. A. Browne:** Mr. President—[*Inaudible*]

**Sen. Nakhid:** Have a seat.

**Sen. Smith:** Mr. President, 46(1). How is that remotely relevant, Mr. President, to the Bill?

**Sen. Nakhid:** Talking about the United States.

**Sen. Smith:** Talking about the US and foreign affairs—46(1), Mr. President.

**Mr. President:** Okay.

**Sen. Smith:** Relevance.

**Mr. President:** Yeah. Just connect your point so at least, you know, the relevance could be shown, please.

**Sen. Dr. A. Browne:** Mr. President, what we are contemplating here is to send in police and the defence force by geographic determination—

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

**Sen. Dr. A. Browne:**—into communities. What could be more relevant than that? It is happening every day on our headlines, Mr. President, and we have to bare these matters—

**Sen. Alexander:** Mr. President 53(1)(b).

**Sen. Dr. A. Browne:**—in an international context. [*Inaudible*]

**Sen. Alexander:** That is persistent, tedious and repetitious.

**Sen. Dr. A. Browne:** This is the first time this point is being raised. What is going on?

**Sen. Nakhid:** Sit down.

**Mr. President:** I will determine tedious repetition. Continue.

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

**Sen. Dr. A. Browne:** Thank you very much, Mr. President. They are afraid of the truth!

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

**Sen. Dr. A. Browne:** They cannot handle the truth!

**Sen. Rasheed:** Mr. President, why is he shouting?

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

**Sen. Dr. A. Browne:** So, Mr. President, the lecture will resume.

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

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**Sen. Dr. A. Browne:** The lecture will resume. So, Mr. President, we have to—

**Sen. Ratiram:** Mr. President, Standing Order—

**Hon. Senators:** [*Crosstalk*]

**Sen. Alexander:** Sit down. Sit down. Sit down.

**Sen. Dr. A. Browne:**—take the national circumstances into consideration.

**Hon. Senators:** [*Crosstalk*]

**Sen. Alexander:** Sit down. Sit down.

**Sen. Dr. A. Browne:** Mr. President, they did not say a point of order.

**Sen. Alexander:** Sit down.

**Sen. Dr. A. Browne:** They have not said—

**Sen. Alexander:** Sit down.

**Sen. Ratiram:**—Standing Order—on a point of order, Mr. President—

**Hon. Senators:** [*Continuous crosstalk*]

**Mr. President:** No. No. No. Take your seat.

**Hon. Senator:** He said the point of order.

**Mr. President:** Take your seat. Now, listen, we cannot continue to defy rules in this House. This is a rules-based order. You are rising on a point of order. Could you identify the point of order, please?

**Sen. Ratiram:** Mr. President, I stood on Standing Order 46(4) and 46(6). The last outburst by the Member that was speaking.

**4.00 p.m.**

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

**Mr. President:** Okay. Members, I know the temperature is rising, although we are coming to the end of your contribution, the temperature is rising. Let us

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conduct ourselves in a dignified and civilized manner and not engage in any kind of responses that could warrant continuous intervention, re the Standing Orders. Continue, please.

**Sen. Dr. A. Browne:** Mr. President, I say it again, this Government cannot handle the truth and they cannot stand scrutiny.

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

**Sen. Dr. A. Browne:** They do not receive questions, they do not respond to questions and therefore their case has collapsed.

**Sen. Rasheed:** Mr. President, I stand on 46(1).

**Hon. Senator:** Sit down.

**Sen. Rasheed:** Mr. President, I stand on 46(1). This has no relevance to the debate that we are doing right now.

**Hon. Senator:** Sit down.

**Sen. Dr. A. Browne:** Mr. President, I move on—I stand for this harassment and for injury time.

**Mr. President:** Well, you have no injury time to get.

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

**Mr. President:** Like the first, I am going to allow you to continue, Sen. Dr. Browne, but please connect your points to some aspect of the legislation as far as is practically possible, please. Continue.

**Sen. Dr. A. Browne:** Thank you, Mr. President. Mr. President, okay, let us go on to question number three, is there a limit to the number or range of these zones? What prevents this Government or any government from declaring a special zone across all of Trinidad and Tobago, with the exception one village or one island, let

us say, Tobago, or any other location and that completely circumvents the intention to avoid a declaration of a state of emergency. In other words, are we giving the Government a tool of convenience which allows them to circumvent the Constitution as it exists, but to achieve the same purpose of a state of emergency?

Mr. President, that is a—

**Sen. Dr. Chaitan-Maharaj:** Mr. President, I stand on 53(1)(b).

**Hon. Senators:** Sit down. Sit down.

**Sen. Dr. Chaitan-Maharaj:** Where mention was already made by that Bench of a mini SOE and addressed.

**Mr. President:** Both of you all cannot stand at the same time.

**Hon. Senator:** He has no respect.

**Mr. President:** I think he is moving on. Continue.

**Sen. Dr. A. Browne:** Thank you, Mr. President. Mr. President, on the issue of funding. We got a lot of verbiage of social programmes, in fact, the Member who just tried to intervene gave some verbiage on social programmes. But, Mr. President, what happens to these individuals in those communities declared as a special zone? Mr. President, the Government—

**Sen. Allahar:** Mr. President, I just came back in, tedious repetition, tedious repetition.

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

**Mr. President:** Yeah. I think that point has been made, Sen. Dr. Browne, as you know. So if you could move on to some other point, or if you are developing a new

point under the “Social Transformation Committee”, I think it will be acceptable.

**Sen. Dr. A. Browne:** Thank you, Mr. President. Mr. President, the Government has said that they respect democracy. I heard contributions by the democratically elected representatives of the people of urban areas in Trinidad and Tobago in this Parliament indicate that the people that they represent do not want the imposition of these special zones. I heard that with my own two ears. And then you have unelected by their own admission, Senators standing up to say, they know what the people want. If we respect democracy, why are we subjugating the voices of the duly elected people of these constituencies, Mr. President?

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

**Sen. Dr. A. Browne:** Why is that so? Why is that so, and then they want to pin them in at the end of a committee when it is already *fait accompli*. Mr. President, the Government has to respond to these considerations. They spoke in the Lower House of debate and the Government has not presented any support for this claim that the people of Sea Lots, the people of Beetham, the people of Covigne and Factory Road want the imposition of these special zones. The least they could have done was engage in some formal mechanism of consultation, there was enough time. Maybe not in a—

**Sen. Rasheed:** Mr. President, I stand on Standing Order (53)—

**Sen. Dr. A. Browne:** [*Inaudible*]

**Sen. Rasheed:** Sit down. Sit down!

**Mr. President:** Sen. Rasheed, could you apologise?

**Sen. Rasheed:** I apologise.

**Mr. President:** Listen, only one person in this House can order somebody to take their seat, nobody else. That is disrespectful, it will not be tolerated in this House,

okay? There is only one Presiding Officer in this House. So, I do not want anyone to take it upon themselves to tell any Member of this Senate, whether it is Government, Independent or Opposition, "sit down". That is totally out of line, it will not be tolerated in this House. I make myself clear. You have a point of order? Raise your point of order.

**Sen. Rasheed:** Mr. President, I stand on Standing Order 53(1)(b). The consultation thing has been spoken about by every PNM Member.

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

**Mr. President:** Yes, Sen. Dr. Browne, you have three more minutes and so on, use it properly.

**Sen. Dr. A. Browne:** Thank you, Mr. President. Mr. President, and again, I think there is a misunderstanding, just throwing a phrase does not mean there is repetition. I am giving my own personal perspective as a Senator on the issue and what I am saying is that the duly elected representatives of these persons have said, the people do not want this imposition, Mr. President. Mr. President, I will move on.

**Sen. Ratiram:** Mr. President, I rise on Standing Order 53(1)(b). He is now repeating even himself. He is repeating what he himself has said.

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

**Sen. Ratiram:** And he continues to repeat.

**Mr. President:** Yeah. Sen. Dr. Browne, unless you have something new that you would like to put on the table, I think you just have two more minutes. I ask that you use those two minutes productively, please.

**Sen. Dr. A. Browne:** Thank you, Mr. President. Mr. President, I once served as

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Minister of Foreign and CARICOM Affairs of this country.

**Hon. Senators:** “Oh gosh.”

**Mr. President:** Please allow the Member to speak.

**Sen. Dr. A. Browne:** And I have done an examination of other societies in which some citizens depending on geography, have different rights than other citizens and some of the examples I was able to find include the land of Gaza where some citizens have more rights than others, depending on geography, I was able to find—

**Sen. Alexander:** Mr. President, 46—

**Sen. Dr. A. Browne:** No, Mr. President.

**Sen. Alexander:** You should nip this before it goes down that road.

**Sen. Dr. A. Browne:** I did not hear a point of order.

**Mr. President:** Alright, listen. What is your point of order, Senator?

**Sen. Alexander:** Mr. President, 46(4) this road—

**Mr. President:** No, no, what is the—

**Sen. Alexander:** 46(4)

**Mr. President:** What is the imputation?

**Sen. Alexander:** Mr. President, he is about to compare Trinidad and Tobago to war-torn regions and—

**Mr. President:** Okay, no, no, no, no. Alright, okay. No, no, no. If he is going there, and it is egregious, I will intervene. Continue.

**Sen. Dr. A. Browne:** Mr. President, I see what they are about, and they will not succeed in this House.

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

**Sen. Dr. A. Browne:** Mr. President, I want to close by quoting the words of the Prime Minister of Canada, the Hon. Mark Carney, who gave a historic speech this week in Switzerland and he said this:

“The power of the powerless begins with honesty.

The power of the powerless begins with honesty.”

If we cannot have a rational debate on an issue of this magnitude, unprecedented in parliamentary history—

**Mr. President:** Member.

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

**Mr. President:** Yeah, yeah, yeah. It is 4.09 p.m., you have to take your seat. Take your seat.

**Sen. Dr. A. Browne:** [*Inaudible*]

**Mr. President:** Thank you very much. Thank you very much. Shouting does not mean that it will happen. So you have to sit down, okay? Okay. I now call on the hon. Attorney General.

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

**The Attorney General (Sen. The Hon. John Jeremie SC):** Mr. President, it has been a long debate lasting four days so far and tempers have become understandably frayed at this time. I should just like to begin by—I have not been here as well, Mr. President, so that I was able to follow some of the debate from a distance. Now, as I understand it and I have to ask the forgiveness of the Senate for disregarding in large part the contributions of Sen. Boodhu, Sen. John-Bates, Sen. Cummings, Sen. Roberts-Radgman, and my good friend, Sen. Dr. Browne, who I do not mean to insult, but I do not think that they added much to the

substance of the debate.

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

**Sen. The Hon. J. Jeremie SC:** Now, I left Sen. Al-Rawi SC, of course, for last because I will begin with him, but before I get there I just want to sketch the issues which reared their heads over the past four days. There was some discussion about a sunset clause, there was some discussion about clarifying and limiting the Prime Minister's powers, there was some discussion about possibly shorter time frames for zones, also extraordinary powers were said to be justifiable only by clear, transparent criteria and defensible criteria exercised with strong safeguards, oversight and accountability in a way that avoids stigmatizing entire communities.

There was as well, some commentary on the declaration of a zone, what is meant by threats to the rule of law, rampant criminality, et cetera. There were some suggestions with respect to enhanced reporting, strengthening parliamentary oversight, body-worn cameras and the "Social Transformation Committee".

Now, I will return to all of them in the course of what I propose to say shortly. If I could just, by way of introduction as well, say that in the course of the past four days, we have had a Bill with 28 clauses, a Bill that was drafted by my friends opposite, modelled on the Jamaican zones legislation in 2017, authored by Sen. Al-Rawi. Still visible on the website of the Trinidad and Tobago Law Association, all of the correspondence. The correspondence from the Prime Minister to the Law Association, from the Prime Minister to this one and so on and so forth. The impression that has been created is that, one, the hon. Prime Minister is a dictator, that this legislation is new in some way, that—and I have to say this before anyone jumps up on a point of order, this has to be the height of dishonesty.

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

**Sen. The Hon. J. Jeremie SC:** For you to draft a Bill, for you to claim the Bill, for you to sell the Bill and then for you to come to this House and pretend that you know nothing of the legislation, the legislation is legislation of the big, bad UNC and the big, bad hon. Prime Minister, that is the height of dishonesty.

**4.15 p.m.**

Now, in those 28 clauses, I have counted close to 50—it may be 48—close to 50 proposed amendments, and I propose to outline the Government's position on this matter at the end of my winding up. Those 50 came by way of 22 separate proposals. Some amendments then amended themselves. It is mind-boggling. In the Office of the Attorney General, we have staff who have been in place for quite some time. So the author of the legislation, in 2017, happens to be the author of the legislation today, and he is not too far away in Cabildo house, looking at the proceedings and is in a state of bewilderment as to what is going on. Nevertheless, Mr. President, I will attempt to do the best that I can by him, by the public servants who have worked on this measure, and the people of the Republic of Trinidad and Tobago.

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

**Sen. The Hon. J. Jeremie SC:** Now, I believe it was Sen. Mc Nish who noted that no other strategy has yielded significant nor comparable results in suppressing gang-related homicide and serious crime rates as the State of Emergency. He went on to say, however, that continuous states of emergency over an indefinite period of time, while they may effectively suppress crime, cannot be a tenable solution. We on this side are fully cognizant of that—

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

**Sen. The Hon. J. Jeremie SC:**—as my colleagues on the other side, when they wore different hats, were.

Now, the fact is that this State of Emergency, which ends in four days' time, was not called, was not declared to deal with gang activity, and that is different from what my friends on the other side did in December. They like to speak on what happened on Christmas Eve and who is the Grinch of Christmas, and so on, and so forth. On December 30, 2024, the nation awoke to the declaration of a state of emergency, not by the Prime Minister, who was sipping a glass—there is a camera everywhere now. He was sipping a glass in Tobago. That is fact. Not by him. I do not know what was in the glass.

**Sen. Roberts:** Mauby.

**Sen. The Hon. J. Jeremie SC:** I would not get to that. He was partying in Tobago. The State of Emergency was declared by the younger one. That is all I will say. It was declared for the expressed purpose of dealing with what? Gang-related reprisal crime. That it is. Gang-related reprisal crime. That went on until a week or two before the general election, believe it or not, that State of Emergency. It was renewed 14 days after. It went on until two weeks or so before a general election. An act of greater suicide I do not know. They went into a general election in a state of emergency and have the temerity to come this afternoon to tell us about what is democratic and what is not democratic.

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

**Sen. The Hon. J. Jeremie SC:** Mr. President, gang-related homicide is a serious thing in this country. As a matter of fact, the former leader of my colleagues

declared it a national health emergency.

**Hon. Senators:** Public health.

**Sen. The Hon. J. Jeremie SC:** Public health. I stand corrected. Now, in July of 2025, heads of government—and my friend, Sen. Browne, would know of this—were sufficiently alarmed at this, to say that, and I quote:

“...the surge of gun crime and violence across the Caribbean Region, driven of proliferation of illegal firearms and the activities of”—what?—“gangs and...”—other—“...organised criminal groups...continue to pose a serious threat to the Region...”

Now, the heads are talking there primarily about three countries: Haiti, in which the gangs have overwhelmed the Government; Jamaica, in which our colleagues have taken appropriate steps to prevent exactly that; and Trinidad and Tobago. They went on, they said:

Gang-related crime—“...continue to pose a serious threat to the Region, its institutions of governance...”

That is not my words.

“...its institutions of governance, and the very fabric of our societies,”

Now, that was in July of 2025, in Montego Bay.

Now, I want us to pause for a second because what heads were saying was that they were aware of the developments in Haiti, aware of the developments in Jamaica, aware of the developments in Trinidad and Tobago, and that they viewed those developments as existential threats to governance, gangs ruling society. Jamaica and Trinidad and Tobago permitted themselves to express deep concern. That is in the wording of the communiqué . Mr. President, you have been around

long enough to know that that is diplomatic speak for panic.

In my piloting of the Bill, I read from a report from the Trinidad and Tobago Police Service, and I heard my friend Sen. Browne saying that, “Well, there is no data.” I read from reports of the TTPS, and those reports clearly identified that:

Serious gang-related crime, murders in particular, demonstrate—I do not know how more data-driven you could get than this—historical, geographic concentrations in Trinidad and Tobago.

They went on to say—this is the TTPS, not the PNM party group, not the UNC, the TTPS. They said:

National statistics are heavily skewed by criminal activity in these areas.

They went on to say that:

Nationwide interventions, like the State of Emergency, do not often take that fact into account.

But, Mr. President, I want to tell you something this afternoon. We are here to treat with a specific problem, one that was recognized by them, one that is recognized by the heads of government in the region, one that is recognized by us.

**Sen. Al-Rawi SC:** Attorney General.

**Sen. The Hon. J. Jeremie SC:** No, I am not giving way unless you have a point of order.

**Sen. Al-Rawi SC:** No, I do not.

**Sen. The Hon. J. Jeremie SC:** All right.

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

**Sen. The Hon. J. Jeremie SC:** So, Mr. President, this is a serious problem. The problem has been outlined to us at the national level by our police service, by our

intelligence agencies, by heads of government, who have at their disposal in CARICOM IMPACS, a regional intelligence body.

Now, we say on this side, that efforts and resources must be proportionately allocated to the areas in which there is literal warfare being waged by rival gangs. I spoke of situations where you have a half of a street belonging to one gang, in my piloting of the Bill, another half belonging to someone else. And if you are unfortunate enough to stray across to one side of the street, that is it for you.

Now, gang-related crime has affected law-abiding citizens in the communities that my friends speak of. I know because I was born in Belleau Road, which is supposed to be the headquarters of “Sixx”. Okay? I was born in Belleau Road. I grew up in Belleau Road in Belmont. Now, there have been—and when I said I grew up in Belleau Road in Belmont, I had—I mean, without going into details and this is not—as a man, I do not wish to speak about this. As a child, I had someone who would help me, a babysitter, and that woman found herself in my office, as Attorney General, to ask me if I could do something—I could not—about sending the army into her area, where she lives in Belmont, because she says that she cannot sleep at night. This is a woman who took care of me as a child. She is an elderly person. There are good and decent persons in these communities who live under panic every night.

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

**Sen. The Hon. J. Jeremie SC:** What we propose in this Bill is an approach that stamps out the gangs institutionally, eliminates the socio-economic dysfunction that has enabled their existence. The measures are outlined in the Bill. I have outlined them in piloting the Bill. They have been spoken to, at length, over the

past four days.

While I was in Barbados, as I went to the Attorneys General Roundtable—and we spoke on crime and also, on gang-related crime. I interfaced with my colleagues from Jamaica up to this morning and they said that the impact of this legislation, the ZOSOs, has been significant. They said so. But they also said that it has to be carefully calibrated, well thought out, meticulously deployed, finely balanced and well resourced, because that community engagement bit of it has to be well resourced.

**4.30 p.m.**

You are talking about once you establish a police—and I heard my friends talking about the army and the army being trained to fight wars. There have been no wars in Trinidad ever.

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

**Sen. The Hon. J. Jeremie SC:** In 1970 and 1990, the army was called upon to put down an insurrection. So what that means is that, taking 1990—for 35 years, the army has functioned as a constabulary force. All that they do is to support the Trinidad and Tobago Police Service.

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

**Sen. The Hon. J. Jeremie SC:** And it is not nonsense, it is arrant nonsense—

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

**Sen. The Hon. J. Jeremie SC:** —to say all of a sudden, these persons who are trained to do what armies are trained to do, but who have been for generations. So you have people who have joined the army, who left the army, their kids have come in, left the army, who have only had experience with the army as a

constabulary force. This is an acronym for it, JAPPs, Joint Army/Police Patrols, that is it. But my friends opposite are hell-bent on opposing for the sake of opposition, the idea that the army should help the police. Well, it is a force multiplier, and they are needed to assist the police. This is not a new problem. We have had JAPPs, Joint Army/Police Patrols, for decades, as I have said.

Now, if I could just go back and this is because of the criticism that I did not speak to statistical data. I do not like to quote that gentleman who—I mean, if somebody, let me take myself out of it. I do not like to quote a particular Prime Minister. I do not think he is deserving or worthy of being quoted in this House. I made this expectation just this time. He said of this law, the draft law has the potential, these are his words, eh. Now, he speaks out of—so he will say “you are a dog today.” I received that, I wear it as a badge around me, it did not matter to me. Then, some other time, he will say something else when it suits him. He said these words, the draft law has the potential to deepen and to sustain on the ground anti-crime activities of the protective services in areas of high criminality. Now, that is the same Bill basically that we are dealing with today. But he lacked the courage, as he always does.

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

**Sen. The Hon. J. Jeremie SC:** He failed to follow through on it, and if he did not lack the courage, he lacked the incentive, because he liked to play golf. He used to be found on the 9<sup>th</sup> hole of wherever in Tobago.

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

**Sen. The Hon. J. Jeremie SC:** In a report by the TTPS, Trinidad and Tobago gang review 2016/2017. The Criminal Gang and Intelligence Unit of the TTPS,

which he referred to, has said these words. During the period 1<sup>st</sup> January, 2016 to June 2017, the number of gangs and its member existed in Trinidad and Tobago has grown exponentially. He said that, almost 10-years ago. What did he do? Nothing.

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

**Sen. The Hon. J. Jeremie SC:** Now he had the data. He had the law. He had the resources. He was in power, and one place that he was not, he may have been elsewhere, as I said, the 9<sup>th</sup> hole. He was not here, and he was not piloting this Bill. That is what he was not doing. Mr. President, I said last week that this Government would never allow the country to slide back into the state—

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

**Sen. The Hon. J. Jeremie SC:** —of anarchy in which we found it nine-months ago. We will not, as I said, allow the hypocrisy of those on the other side to distract us. Now, if I could just move quickly to speak to the contributions of the Senators.

Sen. Al-Rawi, well, Sen. Al-Rawi was an Attorney General. I have looked at the legislation that he had before him, consulted the technocrat who is here, who drafted the Bill, and I cannot for the life of me understand why—Sen. Al-Rawi, I take it that you learned something in your constitutional law classes, and if you did, you would know that there is a difference between a constitutional amendment, which is governed by section 54 of the Constitution, and a Bill that is one that does not amend the Constitution but might conflict with the entrenched rights. One would usually have a two-thirds majority, the other would normally have a three-fifths majority. The Constitution tells you which is what.

The constitutional clause for drafting what I would call section 54 Bill, a constitutional amendment, would read something like this.

This Act shall be read as altering the Constitution.

Why? Because it is an Act that alters/amends the Constitution. But the constitutional clause for a section 13 Bill, one that does not amend the Constitution but might conflict with a protected right, would read something like this.

This Act shall have effect even though inconsistent with 4 and 5.

—that is, the entrenched rights of the Constitution.

Now, if you look at the Bill before us, the Preamble:

“...section 13...may expressly declare...shall have effect even though...”— so and so—“...whereas it is expedient...”— to do so and so—  
 “...this Act shall have effect even though inconsistent with sections 4 and 5...”—

It is not an amendment to the Constitution.

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

**Sen. The Hon. J. Jeremie SC:** I would be happy to have a refresher course for Sen. Al-Rawi—

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

**Sen. The Hon. J. Jeremie SC:**—at the University of the West Indies on this at any time.

So, what I have to say on that, Sen. Al-Rawi, is that we on this side will not follow you down the rabbit hole that you have burrowed, squirreled yourself away in. Section 13, Preamble, and constitutional clause are properly before us and properly in the Bill. I reject it. There would be no amendment.

Law Reform (Zones of Special Operations)  
(Special Security and Community Development  
Measures) Bill, 2026  
Sen. The Hon. J. Jeremie SC (cont'd)

2026.01.27

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

**Sen. The Hon. J. Jeremie SC:** Now, on the other questions, now that we have dealt with the easy bit first, there was some discussion about a bare majority and—

**Mr. President:** You end at 4.54.

**Sen. The Hon. J. Jeremie SC:** Say again?

**Mr. President:** You end at 4.54.

**Sen. The Hon. J. Jeremie SC:** I think that should be enough. I hope I am not—good, that is the spirit.

So there was some discussion about a bare majority. I just want us to go back to the Jamaican Bill, which they unabashedly said, “we copy it.” That is what they said. We copied it. Well, you know what? The Jamaican Bill, a sealed copy, which was provided to me by my technocrat, shows that there was no constitutional Preamble, nor parliamentary certificate. What does that indicate? The Bill was passed with no special majority. No special majority was thought to be required. Now, having said all of that, I hasten to add that their constitutional provisions are slightly different from ours. They have a referendum, and so on and so forth. But the point is that it is a simple majority Bill, especially since Suratt and Suraj.

Mr. President, if this Government were anything but a decent Government, and bearing in mind all that has happened here today, and the fact that Constitution majority is by no means assured. Do you know what could be done and has been done in the past, by some of my friends on the other side? I can amend this Bill right now, take out the constitutional clause, and pass this Bill with a simple majority.

Law Reform (Zones of Special Operations)  
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**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. J. Jeremie SC:** I will not do that.

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

**Sen. The Hon. J. Jeremie SC:** That is not how we do business on this side.

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

**Sen. The Hon. J. Jeremie SC:** Now, I just want to deal with Suratt and Suraj and the points that make the legislative safeguards in the Bill proportionate.

One, there is a limitation on the duration with respect to which you can label a place as a zone. Two, there is parliamentary oversight for an extension of a zone. Three, there is judicial oversight. You grab someone, it is not like a state of emergency where the writ of habeas corpus does not run in a state of emergency. You get someone in a state of emergency, what do you do? The Minister of Homeland Security writes on a piece of paper, “You are detained.” That is a PDO, that is what it is called. And you know what? That person is detained, and his recourse is a tribunal established by the Chief Justice.

This Bill provides for judicial oversight. You have a magistrate, you have a judge. Then there is a time period on the duration for which you can hold someone in custody. The rights of prisoners are respected, rights to Council, family visit, I am told, although I have not seen this myself, that you have a right to a person of your faith. The grounds of arrest must be in accordance with the prevailing law. The Joint Command provision, which requires that:

“...the Joint Command...”—shall—“...submit a written report to the...”—NSC—“...every thirty days...”

Parliamentary approval, parliamentary accountability, parliamentary review

every three-years. None of these is available in a state of emergency. All of these are indicators of the fact that the Bill is proportional and that it meets the very real crisis outlined by heads of government, by the former Prime Minister, by the former Attorney General, and by us on this side.

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

**4.45 p.m.**

**Sen. The Hon. J. Jeremie SC:** Now, the question is, what happens after an arrest in a zone? Well, the Bill does not seek to deprive a suspect of his rights, as I have said. He is entitled to the normal rights that persons have under the Constitution, statute and the common law and the writ of habeas corpus obviously runs. I am not going to speak to Sen. Drayton's comments, although they were supportive in the main, of the legislation.

Now, I turn to the questions that I highlighted at the beginning when I said that these are the matters that I will try to focus on. Why no sunset clause? We say the Bill does not require a sunset clause because clause 28 already provides for a review by way of a parliamentary committee.

Further, the Bill is not a short-term measure to address criminality and escalating levels of violence in the society. There is a lot of confusion that this is a Bill that is—as my friends have done a remarkable job of selling to the people of Trinidad and Tobago that this legislation will put an end to life as we know it. When we know they quoted from a statement made by the hon. Prime Minister in 2011, where she, the hon. Prime Minister saw the need to have special measures for special areas. In 2017 it was their Prime Minister, now it is us. This is something that is required and we have the courage to bring it today

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

**Sen. The Hon. J. Jeremie SC:** Now, there is another reason why there is no sunset clause on it and this has to do with the soft part of the legislation, the social transformation committee. Once that starts, I am told by my colleagues in Jamaica that that is actually a very powerful tool in terms of getting the communities to buy-in to the fact that life can be better without the gangs. They are able to access services, they are able to come out of their houses, they are able to do things that they would not normally do when crossing the street is hazardous to their health and possibly the end of—might mean the end of their life. If you give people in these communities job opportunities, if their problems are related to land tenure, their problems sometimes are related to health and so on, you want to have institutions which are inside of these communities which live. So this is really, as the long title to the Bill suggests, something that is designed to lift, to deal with the gang issue at its roots.

Now, I am going to ignore Sen. Obika, Sen. John-Bates and so on. There are some suggestions by—Sen. de la Bastide was concerned on consultation before the Bill becomes law. Unfortunately we cannot give the nature of the threat that we now face, treat with any—it would be akin with respect to us looking on while Rome is burning. We know that this legislation works, we have the example of our partners as they did. What we can do and what I can commit to doing is to engage in a process afterwards to look at how—as we did with AJIPA, this is not something that is new. When you pass legislation like that, urgent legislation, you look to see, okay, is it working here, are there deficiencies here? How can we fix this? How can we improve this? But we cannot at this time delay this because we

are committed to treating with the gang problem, which this has—we are now seeing huge benefits from the State of Emergency with respect to gangs. We are taking the opportunity now to press home that advantage.

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

**Sen. The Hon. J. Jeremie SC:** And, Mr. President, I want to tell everyone in this Senate this afternoon, we are not going back.

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

**Sen. The Hon. J. Jeremie SC:** And I just want to use three more words, “no matter what”.

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

**Sen. The Hon. J. Jeremie SC:** Now, Sen Vieira, I trust that you would allow me to move on over your contribution which I thought was interesting and progressive on the use of the military. I think I have dealt with that. Sen. Mc Nish, Sen. Dr. Attz, well, the training of security forces deployed in the zone, that is something which we also consider to be a long term measure, and Sen. Lewis the issue of executive overreach we do not agree on that point. It is, as I say, it seems to us and perhaps, I am not sure if I am being overly defensive, but this is the legislation which was passed in Jamaica which our friends mooted. We do not see that there is a difficulty with having the Prime Minister in council, which is actually, the way a state of emergency is declared, my friend would know, the National Security Council is the one that does the deed. The President simply signs on the dotted line.

Now, I am going to ignore—

**Sen. Roberts:** Please.

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**Sen. The Hon. J. Jeremie SC:**—ignore completely—

**Sen. Roberts:** Yes, please.

**Sen. The Hon. J. Jeremie SC:**—this gentleman, Sen. Obika.

**Sen. Roberts:** Please, ignore him.

**Sen. The Hon. J. Jeremie SC:** And I am not going to just deal with one point made by Sen. Jones-Simmons on rampant crime. I think that—I accept that is not something that you see in legislation every day, but it is an English word, it has an English meaning and we think that it is appropriate and not ambiguous.

Mr. President, with those words I beg to move. I have to say, though, that we have carefully considered the proposals made by the Independent Bench. Many of them are deserving, careful and thoughtful and should be weighed against the urgency of the moment. But this is no ordinary piece of legislation. We need to get this on the books right away. The Government is unable to accept amendments to the legislation this afternoon. We do, however, commit to continuous process of engagement with the Independents, in particular, and we would like to discuss with them a structure in which that could take place. 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.*

**Mr. President:** Hon. Senators, I would like to propose that before we get into the committee of the whole Senate, that we take our tea break at this time, so when we return we shall proceed uninterruptedly. So at this time this sitting is suspended until 6.00 p.m.

**4.57 p.m.:** *Sitting suspended.*

**6.00 p.m.**

**6.00 p.m.:** *Sitting resumed.*

*Bill committed to a committee of the whole Senate.*

*Senate in committee.*

**Mr. Chairman:** Hon. Senators, we have—the Bill that is before us has 28 clauses, one Schedule and a Preamble. Now, we have before us some seven sets of amendments by seven Senators. So, we would like to ensure that the Senators in question would be seized of those amendments that are before us, that everyone would be conscious and aware of those amendments.

We have Sen. Dr. Desirée Murray, she has some amendments before us. We also have Sen. Michael de la Bastide. We also have Sen. Marlene Attzs. That is three. We have Sen. Anthony Vieira, four. We have Sen. Lalite-Etienne, number five. We have Sen. Foster Cummings, number six. And then we have Sen. Faris Al-Rawi, number 7. I just want to make sure all Senators would have, in their possession, these seven sets of amendments.

Now, we are going to proceed with these clauses—with the Bill, I should say, clause by clause, and when we reach the particular clause where there are amendments from either one or two Senators, we shall pause, take the amendments, allow them to articulate those amendments and we will put it to the Floor thereafter.

**Sen. Al-Rawi SC:** Mr. Chairman?

**Mr. Chairman:** Yes?

**Sen. Al-Rawi SC:** May I—for your guidance and in perhaps an effort to make this

easier. If I may enquire, I heard the hon. Attorney General in his proceedings, in his wind-up, indicate that he is probably in the position of not taking any amendments. If so, and appreciative of that position, I would propose, for example, in my own amendments, merely to state them for the record, not by way of any debate or other position, but it will help us to understand whether there is room to push or not. So, I was just hoping for your guidance, through you, Mr. Chairman, so that we can perhaps, at least, have the record perfected, as opposed to any argument on it.

**Mr. Chairman:** Yeah. Well, I am happy that you raised that point, because having regard to what the Attorney General indicated in his closing remarks, I would have liked to get from our Senators, whether they would like to pursue their amendments or whether they will like to withdraw their amendments, in light of the fact that the Attorney General has indicated that the Government appears not to be—I would not say interested, but they would not be acceding to any amendments during this period. Am I correct, Attorney General?

**Sen. Jeremie SC:** Chair, I hate to correct you on that, but I do not think that I used that language. What I said was that there were a number of factors—

**Mr. Chairman:** Yes.

**Sen. Jeremie SC:**—I would try to impart this: One, the fact that we are maybe 72 hours away from the end of the State of Emergency and we wish to have something in place by then. Two, the fact that there are a number of, what appear to be, very substantial—and these are not amendments that one can dismiss. There are amendments—substantive amendments, which require some careful thought, that the legislation is really, what we would describe to be model law, that even the—what might appear to be the most straightforward amendments.

We wish to have technocrats, and by technocrats, I would tell you what I mean. The police who got a raw deal here today, in my view, the Chief of Defence Staff, the intelligence agencies, all of them have helped, all of them are stakeholders in this—of course, the Law Reform Commission. And the 50 amendments by—the Bill has generated a great deal of interest, so that you have a number of Senators making a number of suggestions. As I say, some of them seem to be, to me, very attractive, but you have an interplay between the amendments which those Senators have made and other Senators have made. It is difficult for us, and we have taken the policy decision that the Bill will—there are a couple options open to us, and insofar as this piece of legislation is concerned, we would like to pass it as is. We do not go back to the House of Representatives until Friday. We would like to pass it as is. Look at, perhaps, a way to engage with Senators.

I heard a suggestion from Sen. de la Bastide, I am not sure how—I have been in the Senate for a while, I am not sure how that works. I had an excellent working relationship with Dana Seetahal, but that was because we were friends. I am not sure how it works, in terms of liaising with the Independent Bench, but we would like to develop some sort of mechanism—yesterday, in joint select committee, I had a really good exchange with Sen. Vieira—some mechanism in which we could exchange views and decide, “Well, okay, this is a red line for us.” This is not—this is something that we could be flexible on.

So, we are nowhere close to that this afternoon. We will not be close to that before the 31<sup>st</sup>, and something will have to be put in place on the 31<sup>st</sup>. That is what our intelligence agencies tell us. So, Sen. Al-Rawi is correct, in that, we are not able to take amendments this evening. And I apologize for that, because that is not

the way we normally do business. But then this debate has gone on for a considerable period of time. Part of it—I do not want to take ownership, but I have not been here for some of that time.

**Mr. Chairman:** Okay. Thank you.

**Sen. Vieira SC:** Chair?

**Mr. Chairman:** Sen. Vieira.

**Sen. Vieira SC:** Thank you. Thank you, AG, for making that clear. Just for the record, two things. I, personally, am disappointed. When I listened to you and Minister Sturge initially, I was under the impression that Government might have been open to taking amendments. And I know all of us worked very hard in trying to put forward the best amendments we could in good faith. Secondly, we do recognize that there is a lot of repetition. So, we have tried amongst ourselves to see if we could cull amendments that were overlapping with each other, so that things would move along briskly and avoid tedious repetition. And last but not least, I do not think we would be engaging in much debate. I think, like Sen. Al-Rawi, we will simply put our recommended amendment on the record and move on from there.

**Mr. Chairman:** Ok. All right. Let us—we have 28, as I said, clauses, one Schedule and a Preamble—

**Sen. Al-Rawi SC:** One more question for guidance, please, Mr. Chairman.

**Mr. Chairman:** Yes.

**Sen. Al-Rawi SC:** I—in drafting my own amendments, I have gone in sequential order, beginning with the Preamble, which is the last in the normal course of things and I have suggested insertion of several new clauses. Would you, in tabling these matters, guide me on when it will be appropriate to table what is new, versus what

is to come at the end? So, for instance, you may begin with clause 1, I may have a new clause 2 but you may take those clauses towards the end. So, if I may, for the record, rely on your guidance as to when I can put those submissions on the record. Thank you.

**Mr. Chairman:** Yeah. I think what you have said is quite correct and I think we should proceed along those lines. So, as I said earlier—and we can probably commence—we have 28 clauses in the Bill, one Schedule and a Preamble. And we can all agree that the first two clauses before us seem to be a bit harmless. There are no amendments, that is, to those two clauses. Am I right?

**6.15 p.m.**

**Mr. Chairman:** Am I right, 1 and 2? Okay, so Sen Al-Rawi, I see you have an amendment to clause 2.

**Sen. Al Rawi SC:** I will be withdrawing that one.

**Mr. Chairman:** So, before we go to clause 2, clause 1, alright?

*Clause 1 ordered to stand part of the Bill.*

*Clause 2.*

*Question proposed:* That clause 2 stand part of the Bill.

**Sen. Al Rawi SC:** Mr. President, I withdraw my proposed amendment to clause 2.

*Amendment withdrawn.*

*Question put and agreed to.*

*Clause 2 ordered to stand part of the Bill.*

*Clause 3.*

*Question proposed:* That clause 3 stand part of the Bill.

**Mr. Chairman:** I think there is an amendment to clause 3 by Sen. Anthony Vieira SC.

**Sen. Vieira SC:** Thank you, Chair. Very briefly, clause 3 provides a blanket constitutional override of sections 4 and 5 of the Constitution. While section 13 permits this, a blanket override raises concerns about proportionality, necessity and long-term precedents. I felt the derogation should be specific, not general. Parliament should be clear about what rights are limited and why, and limits should be no broader than strictly necessary. The proposed amendment seeks to narrow and articulate the override accordingly, thank you.

**Mr. Chairman:** Attorney General, would you like to respond to clause 3, the amendment?

**Sen. Jeremie SC:** We will note it.

*Question put and negatived.*

**Mr. Chairman:** Clause 3 will not be amended as circulated by Sen. Anthony Vieira SC. Clause 3, now stands part of the Bill.

**Sen. Jeremie SC:** When I said that I will note it, I did mean that I will note it. I meant that I would consider it. So, I know that for the purposes of the Bill and the exercises that we are engaged in that we have to do our business, but we have flagged it. The technocrats have flagged it and I will consider it going forward. I am not sure what the mechanism would be. I just want to say that.

**Mr. Chairman:** Okay, so AG, when you said you will take note of it, you will come and maybe, subsequently, give it a, maybe as amended later on in the future?

**Sen. Jeremie SC:** Yeah, we will look at it. We will consider it.

*Clause 3 ordered to stand part of the Bill.*

*Clause 4.*

*Question proposed:* That clause 4 stand part of the Bill.

**Mr. Chairman:** Sen. Al-Rawi.

**Sen. Al-Rawi:** Thank you, Mr. President. Clause 4, I thought it would make neater sense to just simply define Minister in the interpretation clause because it is just repeated throughout as the Minister with responsibility for national security, so it is usual to put that definition in the clause, thank you.

**Mr. Chairman:** Attorney General, would you like to respond?

**Sen. Jeremie SC:** That I do not agree with, Chair. Regrettably, we do not think that it is required.

*Question 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. Al-Rawi.

**Sen. Al Rawi SC:** Thank you, Mr. Chairman. The rationale behind the amendments that have been proposed for clause 5 oscillates around the fact that emergency power of this type are usually in our Constitution solely vested—are, sorry, in our Constitution solely vested in the President. In 2017, when the Law Reform had drafted the Bill, taking its first pass at it, we had included that it would be the President who would be the originator of these types of powers. For these reasons, in clause 5, I propose four respective amendments which treat with that principle where we propose that it is the President, on the written request with reasons of the Prime Minister in counsel, to declare an area a zone. The reason why we are requesting the written reasons of the Prime Minister is to shore up the proportionality that can happen with due process, particularly with judicial review so that reasons can be discoverable. It would give to us the marrow akin to the emergency powers where a statement of Her Excellency the President is debated.

Particularly in the second amendment proposed, we specifically propose that police powers are left to the police. And in II, in deleting paragraph 2 and proposing a new paragraph C, we are proposing that the objects of the Bill are to allow the police to conduct law enforcement and exercises in zones and that they may do so with the aid and support of members of the defence force who themselves shall not exercise police powers. And that is taken from the root of the Police Service Act, Chap. 15:01, Section 43, which allows the police to call in-aid assistance, and also under common law and the *comitas* principles that exist there.

The next amendment, similarly, is to allow police to search a person or vehicle without a warrant, again with the aid of the defence force. The further amendment in IV is to allow the police to arrest or detain without a warrant, again with the aid and support of the defence force. The reason that we propose that we cleave the defence force out of exercising police powers is because we hold the view that the defence force answers to the Minister of National Security and the Defence Council which is chaired by the Minister.

There is, therefore, in the sense of the Hinds case principle and the principle of Lord Diplock, no service commission of the type to protect against the use of an army for the personal or use of a political purpose. I do not mean that against this Government per se, I am using from the dicta of Lord Diplock. It is for those reasons that we propose, therefore, that it would be by far a more legitimate aim and rational proportionality, connected with our constitutional exceptions, that we give police, police powers and move away from the defence.

We agree that the defence force may be used in aid of police support, as they have been used for years in joint commands, in joint actions, but in those circumstances, the police alone exercise powers. The last thing that I would say

here is that the Constitution is constructed, in our respectful submission, such as to allow the President and only the President to be the Commander-in-Chief of the Armed Forces. It is constitutionally, therefore, an aberration to insert the Prime Minister, whether in Council or not, as the Commander-in-Chief of the Executive Forces, therefore, raising serious issues with the constitutionality.

I have accepted that the hon. Attorney-General has already answered some of my submissions in a very brief form in his winding up. I do not propose to enlarge the debate. I make these comments for the purposes of the record, in the event that it needs to be used in aid of other proceedings. Thank you very much, Mr. Chairman.

**Sen. Jeremie SC:** I have spoken to this before. The power of the President is largely ceremonial, including her power as Commander-in-Chief. This is not a state of emergency, of course, in respect of which she does not act alone. The need for speed and the need to have an effective law, legislation—this is not a state of emergency in place—requires, in our view, that the Prime Minister in Council, which I am happy that Sen. Al-Rawi was forthright enough to say. It may have been in his earlier draft, his later draft has the Prime Minister, not the President and we prefer to stick with that. So I have already expanded on it.

**Mr. Chairman:** Okay, alright.

*Question put and negatived.*

*Clause 5 ordered to stand part of the Bill*

*Clause 6*

*Question proposed:* That clause 6 stand part of the Bill.

**Mr. Chairman:** I see we have amendments from Sen. Vieira SC, Sen. Michael de la Bastide SC, and we also have Sen. Al-Rawi. In that order, Senator Vieira.

**Sen. Vieira SC:** Sen. Attzs, too, Chair. I think she goes before us.

**Mr. Chairman:** That is clause 6.

**Sen. Dr. Attzs:** Yes, Chair.

**Mr. Chairman:** That is a new clause. That will come later.

**Sen. Dr. Attzs:** It will come later, okay.

**Mr. Chairman:** Yeah, a new clause. Okay.

**Sen. Vieira SC:** Thank you, Chair. The terms “rampant criminality” and “threat to the rule of law and public order” are undefined. I accept that flexibility is necessary, but undefined discretion invites allegations of arbitrariness. It can fuel claims of political or racial targeting, and it weakens judicial deference, if challenged. My proposed amendment seeks to define these terms by reference to objective indicators such as crime, data, firearm prevalence, organized criminal activity, enforcement, failure. It seeks to preserve Executive discretion while structuring it, and it aligns with administrative law principles of reasonableness and relevance. I do believe objective criteria protect the executive as much as they protect citizens. They make decisions defensible, not weaker. Thank you.

**6.30 p.m.**

**Mr. Chairman:** Sen. Michael de la Bastide.

**Sen. de la Bastide SC:** Thank you, Chair. I just take this opportunity to say that based on the other proposed amendments, and based on the comments and statements by the hon. Attorney General, with respect to amendments, I would be withdrawing all of my proposed amendments, except for when we come to clause 22. So, I am sure everybody will be happy about that.

*Amendments withdrawn.*

**Mr. Chairman:** Thank you very much, Sen. de la Bastide. Sen. Vieira SC.

**Sen. Vieira SC:** Thank you. As we were looking at 6, I had two amendments, one was for 6(1)(a) and then 6(3). So, I do not know if anybody else wants to speak to 6(1)(a), I can wait, but I just have 6(3) also to speak to.

**Mr. Chairman:** Yes, you can speak.

**Sen. Vieira SC:** Thank you. Clause 6(3) goes to clarifying the criteria for zone selection. The Bill does not currently require decision makers to consider whether less intrusive measures are available, proportionality to the threat, or the impact on law-abiding residents. So the rationale for the amendment is by requiring the Prime Minister in Council to have regard to necessity, proportionality, alternatives, and community impact. The amendment would embed constitutional culture into decision-making, counter claims of arbitrariness, and hopefully, strengthen the Bill against judicial review.

**Mr. Chairman:** Okay. Sen. Al-Rawi, you have an amendment?

**Sen. Al-Rawi SC:** Yes, thank you, Mr. Chairman. I have proposed six amendments

to clause 6 as originally numbered, and if I could go through them in series and succinctly. The first thing is that, I, in agreement with submissions for other reasons, but other Senators have raised the issue of the vague aspects of interpreting “rampant criminality” and “threat to rule of law”, so, I have sought to join them to say in 6(1):

Where there are reasonable grounds to believe that there is rampant criminality, gang warfare, escalating violence and murder so as to be a threat to the rule of law and public order—

I have taken that approach, borrowing the language of the Emergency Powers run up to the wicket in the Constitution, which sets out—we consider that the simple

split of the threat to the rule of law and public order is, by itself, simply too vague and can lead to potential abuse. Again, speaking in the abstract and not pointing a finger at anyone.

The second thing is that borrowing from the 2017 draft of the law and borrowing from the Jamaican Act, we have proposed that we insert that there is the written agreement and advice of the Commissioner of Police and Chief of the Defence Staff. This would be so that you would insulate a Prime Minister from an allegation of political activity as opposed to law enforcement activity. Again, because in our humble submission, it is not the role and function of a Prime Minister to be a person who triggers powers such as this. It is not found in our law, is our submission. The Constitution provides that the President is much more than ceremonial. In our respective view, the President, when acting in the Constitution, whether under section 80 of the Constitution or otherwise, may do so in his own discretion.

Again, we say that:

The President may, after due consideration on the written advice and reasons of the Prime Minister in Council, declare any geographically designed area... Borrowing from our 2017 draft and from the Jamaican law, we consider 180 days to be too long a period, and we have proposed 60 days because this is an entire period during which there are emergency-type powers and privileges given to the defence force to act, where they do not have powers and privileges of the police in law.

In the third amendment that we propose, we propose that one ought not to be in the position of declaring the whole of the island of Tobago, or the whole of the island of Trinidad, as zones by themselves, but that one may have parts of both

islands declared. This is to give rationality to the precedent that we have in the Disasters Measures legislation, and therefore, to make sure that we were not really using a backdoor substitute for constitutional states of emergency. One ought not to have the whole of the island of Trinidad or the whole of the island of Tobago.

We have also proposed, in keeping with our submission, that the President is the one who makes the order:

That within three days of making the order, the President shall deliver to the Speaker for presentation to the House a statement setting out the specific grounds on which the decision to declare a zones was based, and shall fix a debate for that statement and for the affirmative resolution of the House.

We do that, Mr. Chairman, borrowing from the precedent that we have in sections of the Emergency Powers in the Constitution, and again, keeping the exercise of executive power, in our view, pursuant to section 74 of the Constitution in the hands of the President of the Republic.

The second-to-last thing that we do is to say that unless the order is previously revoked, it shall last for 15 days, so it gives regularity. In proposing this course, and in having the statements of reasons and the affirmative resolution, it would remove, in our view, all doubt of constitutionality, and it would ensure against judicial review going in the wrong direction for a government that wanted to uphold a Special Zone of Operation.

The last position was a backup plan for discussion that, if one wanted to avoid an affirmative resolution route as proposed in (IV) of these amendments, that the Attorney General could have considered instead a negative resolution by the Parliament, which is in keeping with another aspect of the Bill. These are my submissions as to the amendments to clause 6, again, driven to sure-up the

constitutionality, allow police to exercise police powers, allow the President to insulate the Government from any allegation of political potential abuse, and to shorten the time frames and regularities of the period. Thank you, Mr. Chairman.

**Mr. Chairman:** Thank you very much. Attorney General, would you like to respond?

**Sen. Jeremie SC:** Chair, I would like to consider, again, Sen. Vieira's points. I disagree that the—and I am repeating myself—that the President is anything but ceremonial insofar as her powers as Commander in-Chief of the defence forces are concerned. If one draws reference to the United Kingdom, it would be a constitutional heresy for there to be an issue of any type, a national security issue, in which the King, or the Queen, as the case may be, decides that she is sending the SSA, or whatever you call it—the SAS, to go raid somewhere. It is just not done. So, I do not want to use, you know, stronger language to make the point that even in respect of a state of emergency—I know it, because I have done it before, the Senator knows it, the President acts on the advice of the Cabinet, and is very careful to ensure that her actions align with the reasons given by the Cabinet for the declaration of the State of Emergency. So, I disagree with that. So that is it.

**Sen. Chote SC:** Mr. Chair.

**Mr. Chairman:** Yes—[*Inaudible*].

**Sen. Chote SC:** Is there a possibility that you would allow me to ask a question, and it is directed to the hon. Attorney General. In the light of what would have been Sen. Vieira's proposed amendments, my question is, how is it in the drafting of this clause 6 where the power is specifically being given to the Prime Minister in Council, how come in this clause there is no protection as it were for the Prime Minister or insulation for the Prime Minister or the person making that kind order

by building-in these conditions, or conditions similar to these? How come that is not here?

**Sen. Jeremie SC:** In these conditions, what—

**Sen. Chote SC:** So, essentially, when you want to show that you are acting proportionally or you are acting reasonably in all of these circumstances, you show that you are ticking the right boxes.

**Sen. Jeremie SC:** Correct.

**Sen. Chote SC:** But there is a sort of a very broad—the language of this clause is very, very broad and makes it easily challengeable for that very reason.

**Sen. Jeremie SC:** I disagree with—not I disagree—Sen. Al-Rawi is wrong when he says that there are written reasons in Jamaica. The Act, in this respect, is a mirror of the Jamaican statute. Now, one can say that there ought to be criteria, but those criteria are not set out in the Jamaican statute. The Jamaica statute is what is repeated here, and what Sen. Al-Rawi had produced. So—

**Sen. Chote SC:** Sorry to interrupt, AG. Through you, Chair, I was not concerned with what Sen. Al-Rawi had said at all. I know that you are saying that this is the case in Jamaica, but I was thinking, well, if we are legislating, should we not be producing the best legislation, then? And, certainly, I found myself having a lot of sympathy with what Sen. Vieira had proposed. It seemed to be a rational approach to it.

**Sen. Jeremie SC:** So did I, and that is why I made the point that that is something that I would consider.

**Sen. Chote SC:** Thank you.

**Sen. Jeremie SC:** So, I would have to circle through my stakeholders, but my point was with respect to—

**Sen. Al-Rawi SC:** Mr. Chairman, in a very succinct position as it is my proposal that we are considering, and it would be usual for me to make the statement at this point. Just for the record, section 4(6) of the Jamaica legislation specifically says: have agreed “in writing” that the area should be so declared on the part of the Commissioner of Police and the Chief of Defence Staff. It does provide for reasons, which I have included in this draft, but for the record, I have suggested reasons for the insulation of the Prime Minister against judicial review.

I just want to make it clear that I am deliberately attempting not to use any caustic language so that I can keep the points as succinctly as I can for the benefit of the record. But, for the record, I would like you to note the constraint that I am putting here. So I have been faithful to what I said the Jamaican law has, I can produce it for you. It is in writing. So, just to put it on that point by way of the final submission.

*Question, on amendment, [Sen. A. Vieira SC] put and negatived.*

*Question, on amendment, [Sen. F. Al-Rawi SC] put and negatived.*

*Clause 6 ordered to stand part of the Bill.*

*Clause 7*

*Question proposed:* That clause 7 stand part of the Bill.

**Mr. Chairman:** We have two amendments according to what we have before me: Sen. Dr. Attzs and then Sen. Al-Rawi. In that order, Sen. Dr. Attzs.

**Sen. Dr. Attzs:** Thank you, Chair. At this time, I wish to withdraw my proposed amendment under clause 7.

*Amendment withdrawn.*

**Mr. Chairman:** Thank you very much, Sen. Dr. Attzs. Sen. Al-Rawi, please.

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. In clause 7, I propose four

amendments as set out. The first amendment is to seat the Prime Minister in Council, making a declaration for a variation of a zone, whether in time, geography or otherwise, after consultation with joint command, and where the Commissioner of Police and Chief of Defence Staff agree in writing with reasons. The “in writing” is borrowed from the 2017 draft and the Jamaican legislation. The reasons are new. That is intended to provide a shore-up of protection for the Prime Minister to protect us in judicial review proceedings, and otherwise. It, again, locates the authority to the President, who may, after due consideration, subject to the law, extend as has been suggested.

**6.45 p.m.**

We propose in the second amendment to clause 7 that within three days a statement is made. That statement gives the reasons, and it is presented to the House for debate for affirmative resolution. It is in keeping with the Bill, as it is tabled in clause 7, where an extension is done by affirmative resolution. In the circumstances, we have sort to marry the provisions, borrowing from the approach that is used in the Constitution.

We propose, in keeping with our 2017 draft, as well as the Jamaican law, that the time frame be reduced from 180 days, and kept at 60 days and no longer. And then we propose that we delete clause 7(3) as originally numbered, and that is specifically, Mr. President, so that we can marry the amendment taking care of in the first position. We have done that in keeping with the submissions that we have offered in relation to clause 6, which I will not, in the interest of time, repeat, but which I rely upon. Thank you.

*Question, on amendment, put and negatived.*

*Question put and agreed to.*

*Clause 7 ordered to stand part of the Bill.*

*Clause 8.*

*Question proposed:* That clause 8 stand part of the Bill.

**Mr. Chairman:** Sen. Dr. Attzs, you have an amendment here?

**Sen. Dr. Attzs:** Thank you, Chairman. I wish to withdraw my proposed amendment to clause 8.

*Amendment withdrawn.*

**Mr. Chairman:** The question is that clause 8 stand part of the Bill. Those in favour say, aye. Those against say, no—

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

**Mr. Chairman:** Oh, you wanted to say something?

**Sen. Al-Rawi SC:** Yes, Sir. I have an amendment to clause 8.

**Mr. Chairman:** Yeah.

**Sen. Al-Rawi SC:** Yeah?

**Mr. Chairman:** Yeah.

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. For the record, I had proposed, in keeping with my amendments above, that clause 8 be deleted because we had proposed that the affirmative resolution be part of clause 7 as amended. Thank you, Mr. Chairman.

**Mr. Chairman:** The question is that clause 8 be amended as circulated by Sen. Al-Rawi SC.

*Question, on amendment, put and negatived.*

*Question put and agreed to.*

*Clause 8 ordered to stand part of the Bill.*

*Clause 9.*

*Question proposed:* That clause 9 stand part of the Bill.

**Mr. Chairman:** Sen. Al-Rawi SC.

**Sen. Al-Rawi SC:** Thank you, Mr. President. Mr. President, clause 9 of the Bill, we propose, be amended as circulated. In clause 9, as it is originally put, it is that: “...the Prime Minister in Council”—may—“on his own Motion or on the recommendation of the Commissioner of Police and Chief of Defence Staff...”—revoke an order with the declaration of a zone.

We propose instead:

The Order declaring a Zone may be revoked by the President—again, in keeping with the centrality of command and the Constitution with respect to the defence force—after due consideration, acting on the written advice of the Prime Minister who, in turn, must receive the written recommendation of the Commissioner of Police and Chief of Defence Staff.

To put the Prime Minister on his own motion is to suggest the Prime Minister has the authority to deal with criminality, which our Constitution does not permit. The police can deal with criminality, the President may declare a state of emergency, but in no circumstances can a Prime Minister evoke those powers, in our respectful submissions.

For those purposes, we have sought to bring it back to the President. And borrowing from the Jamaican precedent, we have directed ourselves to the written recommendations of the Commissioner of Police and the Chief of Defence Staff, protecting the Prime Minister from any claim of improper conduct, particularly on judicial review, because a Prime Minister will be able to rely on those reasons. Thank you, Mr. Chairman.

**Sen. Jeremie SC:** I do not want this to be a back and forth between Sen. Al-Rawi

and I, and I do not wish to read the Jamaican section. Suffice it to say, that it does say:

“The Order declaring a Zone may be revoked at any time by the Prime Minister in Council...”

We prefer to keep it as it is.

**Mr. Chairman:** The question is that clause 9 be amended as circulated by Sen. Al-Rawi SC. *Question, on amendment, put and negatived.*

*Question put and agreed to.*

*Clause 9 ordered to stand part of the Bill.*

*Clause 10.*

*Question proposed:* That clause 10 stand part of the Bill.

**Mr. Chairman:** Sen Dr. Attzs and Sen. Al-Rawi, in that order.

**Sen. Dr. Attzs:** Thank you, Chair. I wish to withdraw my proposed amendment to clause 10.

*Amendment withdrawn.*

**Mr. Chairman:** Sen. Al-Rawi, the Floor is yours.

**Sen. Al-Rawi SC:** Thank you so much, Mr. Chairman. Mr. Chairman, clause 10 of the Bill, we propose, be amended in three respects. Clause 10 of the Bill, in our respectful submission, is a critical point that deals with the discipline of the rank and file of the Joint Force. We propose, firstly, that clause 10(3), which says that:

“Every Zone shall have a written accountability and reporting system as specified by the National Security Council.”

—we go to particulars there. Borrowing upon the jurisprudence coming out of the COVID, and the Ministry of Health challenges, where our courts held that there must be publication of rules, regulations and directions, and Standing Orders in the

COVID manner—this is the funeral pyre cases, just to remind you, Mr. Chairman. We have borrowed from that learning where the courts says that there ought to be publication of these, to say that:

Every Zone shall have standing orders to establish a written code of conduct to govern any member of the Joint Command and Joint Force which includes an accountability and reporting system as shall be made by the Minister—meaning the Minister with the responsibility for national security—upon the advice of the National Security Council after consultation with the Commissioner of Police and the Chief of Defence Staff.

We do that because we are dealing with two separate pots of authority, the Trinidad and Tobago Police Service and the Trinidad and Tobago Defence Force.

And then we say, critically, that it must:

be published in the *Gazette* and twice in two daily newspapers in wide circulation and also we have added the web pages of the Trinidad and Tobago Police Service.

This is to give notice to the world, apart from legal notice in the *Gazette*, and therefore, it would allow for accountability of persons who go afoul of the law. Because it is later in this clause—so it is later in the Bill that you see—sorry, it is here in subclause (5), in clause 10, you see:

“A person who fails to comply with subsection (4) is liable to disciplinary action.”

In our view, you cannot be liable to something you do not have notice for, and that the world does not know it ought to bring you up on disciplinary charges, because they never seen it gazetted, it can be changed and there is debate. So we think that

the absolute axiom of publication and gazetting is required.

We then propose that in addition, following up on that in clause 10(4), that it be substituted by:

In addition to such other compliance required of police members and member of the Defence Force under any other written law.

In preparing this, I went to the Police Service Act and the Police Service Regulations, and their Standing Orders, and I also went to the Defence Act, and to the Defence Force Regulations, and I can say that in my experience, and sitting on the Defence Council for 10 years, I felt that it was important to include that you could be subject to breaches of the law, apart from disciplinary action alone. So we have preserved the fact that it may be that you are required to be in compliance with other laws.

If you looked to the last amendment, it follows from what I just said:

Notwithstanding that he may be charged with an offence under any other written law, any person who contravene subsection (4) commits a disciplinary offence.

It therefore avoids any risk of implied repeal or immunity of being offered and a reduction of offences being there. It is to avoid the argument. I borrowed specifically from the Miscellaneous Provisions (Defence and Police Complaints) Bill of 2013, which the UNC brought to Parliament many years ago, which did not pass, but which had similar wording to this.

So, in summary, Mr. Chairman, this is intended to have the publication of regulations, standing orders, guiding principles. It is to allow the population to have notice of it, both legal and actual. It is to allow for the bifurcation and maintenance of both disciplinary and criminal charges, and it is to be cleaved

between the TTPS and the Trinidad and the Tobago Defence Force. Thank you, Mr. Chairman.

**Mr. Chairman:** Yes, Sen. Vieira.

**Sen. Vieira SC:** While we are still on clause 10, I just wanted to flag what I see as the constitutional weak point. The National Security Council is not a creature of statute. It is an executive committee of the Cabinet. Unlike the Defence Council, it has no legislative framework, no defined powers and no statutory limits. Now this matters, because the Bill repeatedly vests authority in the Prime Minister in Council and the National Security Council, including declaring zones, designating Joint Command, suspending operations, receiving operational reports, and this creates, in effect, a parallel command and control structure not expressly contemplated under either the Constitution or the Defence Act.

So I see this as a structural constitutional problem. Reporting under the Bill is an executive body, chaired by the Prime Minister, the same body that declares a special zone, that you are going to receive the operational reports and you are creating a closed executive loop. Unlike Jamaica, we do not have a National Security Advisor, we do not have a robust National Security Council secretariat, and this weakens external security. Thank you.

**Mr. Chairman:** Hon. Attorney General.

**Sen. Jeremie SC:** I do think that we have a robust National Security Council. I take the point that it does not have a personality per say, but it is a subcommittee of the Cabinet, and the Cabinet has, obviously, oversight for decisions of the NSC. It has pending autonomy, vast autonomy on its own, without reference to the Cabinet.

Now, there is a case, the GCHQ case, which says that, generally speaking,

decisions of national security are not reviewable, or reviewable—the courts give a large marginal appreciation, with respect to matters of national security. But I take the point, it is an interesting point, I will pay attention to it.

**Sen. Al-Rawi SC:** Mr. Chairman, just to wrap up—in the closing of the submission, if there is no others, as it is my amendment, I am not sure if anybody else wishes to contribute.

**Mr. Chairman:** [*Inaudible*]

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. Mr. Chairman, I was saving it for reply, but it is the reason I had inserted the word “Minister”. Because I accept what the Attorney General is saying as to Cabinet’s general authority, but I would remind that it is usual to have a Minister make certain rules and regulations, et cetera, hence the Minister of national security.

I am cautious as well that the Freedom of Information Act can be applied, such that you can disallow disclosures of the National Security Council if it comes from the TTDF, and you can seal reports, and they will be rendered without discovery. It is for those reasons, again, that in the close loop, if I borrow Sen. Vieira’s submission of executive authority, that we did not believe that it is in the best interest of the constitutionality of the law to have the control of police powers vested in a Cabinet, particularly in a subcommittee. I have heard the hon. Attorney General, and I do not propose to be in a debate, but those are the submissions.

**7.00 p.m.**

**Mr. Chairman:** Sen. Chote.

**Ms. Chote SC:** I am sorry, Mr. Chair—

**Mr. Chairman:** Yes.

**Sen. Chote SC:** One, if you would permit me, one small question to the hon.

Attorney General. The GCHQ case to which you refer is that not the case that has to deal with the interpretation of the English Official Secrets Act? Is it the same GCHQ case we are talking about? And that legislation said that it was not reviewable, and in any event, that was in the 1980s.

**Sen. Jeremie SC:** [*Inaudible*]*—*national security and it says that, in respect of national security, the Executive ought to take a hands-off approach. But it is the case.

**Sen. Chote SC:** Yes, agreed. Thank you.

*Question put and negatived.*

*Clause 10 ordered to stand part of the Bill.*

*Clause 11.*

*Question proposed:* That clause 11 stand part of the Bill.

**Mr. Chairman:** Sen. Al-Rawi.

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. Mr. Chairman, we propose that clause 11 be amended in two aspects of the law. First of all, we propose that whereas clause 11 proposes that the:

“Joint Command”—should—“...submit a written report to the National Security Council...”*—*only, I will add that—“...every thirty days.”

We propose that the report be submitted to the Council, the Commissioner of Police, and the Chief of Defence Staff. This is specifically intended to shore up the constitutionality. Why? Under Sections 122, 123, 123A of the Constitution, the Commissioner of Police is bound to report to the Police Service Commission every six months and otherwise, or on matters that they may seek to discipline a Commissioner of Police or a Deputy Commissioner of Police in respect of first division matters.

Secondly, the Commissioner of Police would have the ability to discipline pursuant to Section 123 of the Constitution, orders and officers in rank below him having management and discipline that way. This would conform with the regulations.

If these reports, for instance, from the defence force went only to the National Security Council or the Commissioner of Police went only to the National Security Council and there was not reciprocity, particularly where the Bill proposes that the defence force exercise police powers, then the left hand may very well not know what the right hand is doing. And more than that, because the National Security Council has no legal status, I should say, statutory status or constitutional status other than by way of being a subcommittee of the Cabinet and not all National Security Notes, Council Notes go to the Cabinet, we are going to possibly have a vacuum of information and therefore a vacuum of discipline, responsibility or otherwise.

We also propose that, insofar as we had made the amendment that we moved down from 180 days, we had made a concomitant position of a review and submission of reports every 10 days, keeping with other legislation that we have borrowed that expression from.

So this was intended to shore up the constitutionality. Particularly later on, you will see, Mr. Chairman, we have suggested that the Trinidad and Tobago defence force where it is engaged in a joint command that it is not subject to the Defence Council or the Minister's supervision because the Defence Act allows, well, says in section 5 of the Defence Act that the defence force is subject to the specific or other or general directions of the Minister. So we had delinked that to say that the TTDF would be insulated and stand apart from the Minister's general

or specific control. So all of this is done with a view to ensuring accountability and constitutionality.

The second amendment is again to take into account the fact that it ought not to be that if you breach these positions, you are just liable to disciplinary action. We have sought to include the language which says:

“Notwithstanding that he may be charged with an offence under any other written law,”

And by that, of course, I am referring to the suite of laws that govern police, because I would remind that police include TTPS, Supplemental Police, Special Reserve Police, and Municipal Police.

So in those circumstances, we wanted to make sure that all the regulatory laws and offences applied as well as those that prevail in relation to the Defence Council and the common law. Thank you, Mr. Chairman.

**Mr. Chairman:** Alright, let me put the question.

*Question put and negatived.*

*Clause 11 ordered to stand apart of the Bill.*

*Clause 12.*

*Question proposed:* That clause 12 stand part of the Bill.

**Mr. Chairman:** Sen. Al-Rawi.

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. Mr. Chairman, we propose that Clause 12 be amended such that:

“The Prime Minister in Council shall on the written recommendation of the Commissioner of Police and the Chief of Defence Staff...”—have the power to—“...suspend operations...”—of—“the Joint Command...”

This is specifically to insulate the Prime Minister from any allegations of improper

conduct, to be acting upon the advice and authority, which would allow for judicial review or other circumstances so that we could defend against any activity that could be deemed to be other than democratic or otherwise. And I rely upon the reasons given earlier in respect of a similar amendment.

**Mr. Chairman:** Attorney General, any comments?

**Sen. Jeremie SC:** I know it is late in the day, but is that not what the section says already? The Prime Minister may suspend on the written recommendation of the CoP and the CDS?

**Sen. Al-Rawi SC:** AG, you are correct. But it removes the sole discretion where the Prime Minister in Council or where the Prime Minister in Council considers it necessary to do so. So, we kept with part A. We deleted part B, because part B would leave the Prime Minister in Council on his own and therefore without the benefit. It would lead one into the allegation, which could be fed, that a Prime Minister was somehow managing law and law enforcement.

**Sen. Jeremie SC:** But this is the opposite of imposing a zone. This is lifting the zone. So, I mean, I do not see how—

**Sen. Al-Rawi SC:** I have an answer, but I will not give it so that we stay to the brevity of the engagement.

**Sen. Jeremie SC:** It is the opposite of a right.

**Sen. Al-Rawi SC:** I could have said the same thing in respect of other things, but I have kept quiet on the undertaking that we keep it brief.

*Question put and negatived.*

*Clause 12 ordered to stand part of the Bill.*

*Clause 13.*

*Question proposed:* That clause 13 stand part of the Bill.

**Mr. Chairman:** Sen. Al-Rawi SC.

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. Mr. Chairman, we propose that the Minister, and not the National Security Council, why the Minister is given responsibility pursuant to Section 79 of the Constitution, and therefore we have gone to fix the entity that is known in law. We have not taken the proposal of the National Security Council for the same reasons offered earlier about it being a subcommittee of Cabinet and without constitutional or statutory provision, accepting what the Attorney General has said as to a general Cabinet, well-known authority and responsibility. We have said that:

“The Minister shall, on the written advice of the Commissioner of Police and the Chief of Defence Staff...make a written code...”

And as opposed to just saying that the code must be in existence, which is what the Bill says, we have demanded that the code be published and gazetted specifically so that A, it has legal authority by way of notice, B, that it is brought to the attention of persons who may wish to activate their rights, and C, so that there is some regularity in the purpose, particularly when it comes to judicial interpretation. And one is asking the question, “well, which is the right thing?” Version one, two, three, or the one that cannot be found? So for those reasons, Mr. Chairman, we propose that clause 13 be amended as circulated.

**Sen. Jeremie SC:** I think this is the clause that I would have a serious problem with. You are asking us to publish the names of the officers involved in gang interdiction, gang activity, and to put them in a *Gazette*? I, I mean, I do not see the sense in it. And, I mean, I am sorry if I used intemperate words there, but that is something that I would have a great difficulty supporting.

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. Just in closing, Mr. Chairman, that

is not what I have suggested at all.

“The Minister shall, upon the written advice of the Commissioner of Police and...Defence Staff establish and make a written code to determine the method by which the identity”

A method may have an anonymous approach, a method may have badge numbers as opposed to other positions, but to hear that the risk of the personalities is in the equation is to raise the severity of our concern, because the Trinidad and Tobago Police Standing Orders and the law allow persons to be with the benefit of the identity of the persons carrying out law enforcement. Badge number, name, usually where warrants are done, the warrant is shown. In fact, you can pull out your phone and record the entire incident.

Now, I have the apparition of masks and doors being broken down, which cause me great concern, but that is not what I am suggesting at all. This is the method by which, and so that there is transparency in law enforcement, Mr. Chairman. So just to draw the distinction between what the hon. Attorney General perhaps understood a version of what I said to be, I am clarifying that that is not it, but his input has caused me even greater concern as to the identity being capable of being found. The last thing that we would want is hooded people exercising the powers of the police where they do not even have it.

**Mr. Chairman:** Yeah.

*Question put and negatived.*

*Clause 13 ordered to stand part of the Bill.*

*Clause 14.*

*Question proposed:* That clause 14 stand part of the Bill.

**Mr. Chairman:** Sen. Vieira SC.

**Sen. Vieira SC:** Thank you, Chair. Before I go to my proposed amendment, with your leave, may I share some good news to lighten the moment? I have been informed that Trinidad and Tobago just became the 19<sup>th</sup> state party to the Escazú Agreement. We have just deposited our Instrument of Accession at the United Nations. So heartiest congratulations. Well done, Government.

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

**Sen. Vieira SC:** Now, my amendment seeks to clarify the supporting role of the defence force. The Bill permits defence force personnel to exercise the powers of a constable in zones, but it does not require police equivalent training, does not require certification, does not expressly preserve the supporting role of the military. And I believe this creates serious risks. Abuse of powers through unfamiliarity with policing standards, evidential failures in court, civil liability, and unhealthy long-term militarization of public order, which I spoke about in the debate.

My amendment seeks to require the defence force personnel to receive approved law enforcement training, require written certification by the Commissioner of Police, limit certification to the duration of zone operations, and clarifies that military involvement is supportive, not substitutive. If we give soldiers police powers, we must also give them police training. Anything less is unfair to them and is dangerous to the public. Thank you.

**7.30 p.m.**

**Mr. Chairman:** Can I ask Sen. Al-Rawi if he has any comments to make on clause 14?

**Sen. Al-Rawi SC:** Yes, Mr. Chairman, I have a number of amendments I have proposed. So, Mr. President, we propose five amendments to clause 14. Clause 14

is for me, the nuts and bolts of where the mischief in this law lies in its most apparent way. It, of course, exists in other places.

Clause 14, as it is currently set out, is that:

“(a) the Joint Command may establish a cordon...”

—and in the second aspect to that:

“(b) the Commissioner of Police and the Chief of Defence Staff-

(i) may impose a curfew.

It then goes on to say that notices shall be produced in certain aspects. The second aspect of clause 14 is that it says:

“For the avoidance of doubt, whenever a cordon is established, or a curfew is imposed...any member of the Joint Force may for the purpose of enforcing such cordon or curfew, exercise such powers as are vested in a constable.”

With respect to the amendments circulated, we propose (a) with respect to the cordon:

That a cordon may, in fact, be established by the permission of the Commissioner of Police.

So we suggest that:

The joint command may, in writing, request the permission of the Commissioner of Police to establish a cordon and shall as soon as practicable after the permission may be granted that a notice is set out.

It must be published in the *Gazette*.

It must be published in two daily newspapers in wide circulation and it must be on the webpages of the TTPS and the Ministry of National Security.

We also say that you may publish in “any means” possible. We borrowed

this language from the manner in which SOEs and curfews are done under state of emergency regulations, which can be done under the Commissioner of Police's hand. Under a state of emergency, the normal state of emergency curfew aspect, even though I am speaking about cordon, is delegated to the Commissioner of Police in states of emergency.

We think that publication is critical, again, to have certainty for the enforcement of law in the reciprocal arrangements of rights. Those who are enforcing the law and those who may complain about the enforcement of the law. Similarly, in respect of a curfew, we say that:

The joint command may in writing, again request the permission of the Commissioner of Police to impose a curfew and the Commissioner of police may agree to that again, with publication for legal certainty for the reciprocal enforcement of rights.

Critically important, our second amendment says:

For the avoidance of doubt whenever a cordon is established or a curfew is imposed under subsection (1), members of the Defence Force who are members of the Joint Force—that is so you have certainty of characteristic—may, if called upon to assist any member of the Police Service in the maintenance of law and order and whilst such member of the Defence Force is engaged in so doing, shall be under the command and control of the Chief of Defence Staff and in these circumstances the Chief of Defence Staff shall not be subject to the general or special directions of the Minister, notwithstanding any written law to the contrary.

This is a constitutional safeguard which we have developed to insulate the Minister of National Security away from what the Defence Act has placed him in. The

Defence Act in sections 5, 6, and 7 says that the defence force is subject to these specific and general controls of the Minister and, of course, treats with how the Defence Council operates.

This gives the political insulation away from the odium expressed by Lord Diplock in the Hinds case. This is to preserve also, the existing law. Section 43 of the Police Service Act, allows for the aid to enforcement by any person, for an officer who calls for his assistance. And therefore, we were keeping this within Chapter 15:01 of the Laws of Trinidad and Tobago.

Similarly, in our third amendment, instead of using, in clause 14(3)(c), where it is an officer, we are making sure that it is a police officer who exercises police powers. We have accepted that there may be a need for the Commissioner of Police to have delegated responsibility, but we felt that an Assistant Commissioner of Police ought to be replaced with a Deputy Commissioner of Police. Why? Because the Deputy Commissioner of Police is subject to the jurisdiction of the Police Service Commission under the Constitution.

We propose that 14(5)(b) be amended, and that says that action may be taken by any member of the Trinidad and Tobago Defence Force—because of the constitutional risk within the laws cautioned as to same, we believe that the defence force ought to be taken out of that entirely. Those are our submissions on clause 14, Mr. Chairman.

**Sen. Jeremie SC:** Chair, on this, I agree to consider the comments made by Sen. Al-Rawi, and definitely, the “training” comments made by Sen. Vieira. I think that they have serious merit.

*Question on amendment, [Sen. A. Vieira SC] put and negatived.*

*Question on amendment, [Sen. F. Al-Rawi SC] put and negatived.*

*Clauses 14 and 15 ordered to stand part of the Bill.*

*Clause 16*

*Question proposed:* That Clause 16 stand part of the Bill.

**Mr. Chairman:** Sen. Al-Rawi SC.

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. Mr. Chairman, clause 16 commendably ensures that “seizure”, i.e. police powers, is only done by police officers, so I was appreciative of that fact. The amendments that we propose, which are six in number, are to make sure that the powers are specified; any police powers are, in fact, carried out only by the police. So, for instance, where you see the word “Joint Force”, we make sure that it is a member of the Joint Force who is a police officer that may take police power action, having already preserved the right to call for assistance from the TTDF.

Similarly, if we look at 16(5)—and this is by way of narrowing down the risk for any mischief. If we look at 16(5)—forgive me. Just let me get to the page:

“The police officer shall take such steps as are necessary to ensure that -”  
We have asked that it be tightened up. We take away the words “take such steps as are necessary to ensure”. Simply, put the square obligation to “make a list” and “ensure that a receipt” is done. To do that, Mr. Chairman, I have reflected upon the Administration of Justice (Indictable Proceedings) Act, where search and seizure provisions are put into effect into law, and in those circumstances, they simply provide for a list and for receipt.

But very importantly, instead of only confining it to “vehicle, article or document”, we have said “items” because it may be something more than those specific categories of things. If we went to AJIPA, you would see the word “items” is used to capture the class of things which may be seized. So those are

the positions for removing those three words, “vehicle, article or document”, instead, “items”.

We have asked for the inclusion of safeguards which exist in AJIPA as well. So where you have seen something, lodge a copy of the list and receipt prepared with the joint command and with the nearest police station to or two, in the zone, and make an entry in the station diary. In AJIPA, when you have a seizure under a warrant, it is lodged with the Registrar of the Supreme Court. So here, we will at least have the certainty of knowing what was taken within a structure that is supervised and insulated in the TTPS.

We have also suggested that we need to be clear on the powers here of the aid to enforcement, and therefore, we repeat that police powers essentially in a new 16(2), are to be exercised by the police, but that the defence force may be called upon to assist the members in the manner that we set out there:

Under the command of the Chief of Defence Staff who shall not be subject to the general or specific directions of the Minister of National Security in the Defence Act.

Those are our submissions. They are intended to improve the constitutionality and to take away the risk of the defence force exercise of police powers without the privileges and immunities in the Police Service Act. Thank you, Mr. Chairman.

**Mr. Chairman:** AG. Let me put the question.

*Question on amendment, [Sen. F. Al-Rawi SC] put and negatived.*

*Clause 16 ordered to stand part of the Bill.*

*Clause 17.*

*Question proposed:* That clause 17 stand part of the Bill.

**Mr. Chairman:** Sen. Al-Rawi.

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. Mr. Chairman, we propose that clause 17 be tightened up. This is meant to be a law which would allow for law enforcement, and therefore, we believe that anything seized should be for the purposes of evidence in criminal proceedings and simply that. Because after all, we are exercising police powers in seizure of matters and therefore, it should be in keeping with evidence.

Specifically, in drafting this amendment, I went to the AJIPA, Administration of Justice (Indictable Proceedings) Act, and I looked at safeguards set out in AJIPA with respect to how things seized are managed albeit in those circumstances under a warrant. Mr. Chairman, in looking at that, we have said that again, in clause 17(1), as we proposed, it is now set out that the—we have taken into account of the fact that there may be some items that cannot be in the custody of the police alone, so we have included a person authorized by him to receive it.

That is an amendment we made in AJIPA, for instance, in IT technology, you can seize it where it is and have it kept in the custody of IT personnel, for instance, at a telecommunications authority or other method. In the new 17(2) that we put out, again, we have sought to limit it for the purposes of evidence in criminal proceedings, and that is to keep the things in safe custody.

In 17(3), we have taken into account the nearly seven years of amendments that we have had on our books, and that is where in AJIPA, we specifically provided for the use of photographs to secure evidence as opposed to holding on to the thing, it becoming a wasted asset and therefore, having liability for compensation on return.

So 17(3) is taken from the Administration of Justice (Indictable Proceedings) Act. Section 17(4) sets out:

Where photographs, digital recordings, or other images are taken—and how the returns will be done.

I did not annex to my amendments proposals for the Form 2 and Form 3 in what should be a Schedule 2, not Schedule 1, but I am suggesting to the drafters that that can be taken from the Administration of Justice (Indictable Proceedings) Act.

In 17(3), we are seeking again, to clarify that it must be a police officer and again, removing the limitation of “vehicle, article, or document”, and instead using “anything seized”. We also proposed similar tidying up in 17(4) and 17(5). And we are in the provisions of the last one. We are proposing that you delete “no reasonable grounds” referred to subclause (3) and insert “reasonable grounds to do so”. So let us look at subclause (3) for a moment.

**7.30 p.m.**

If you look at:

“(5) A Magistrate to whom an application is made under subsection (4) shall order the return of the vehicle, article or document (as the case may be) to the applicant, or to such other person whom the Magistrate is satisfied is entitled to its return, if the Magistrate is satisfied that there are no reasonable grounds as referred to in subsection (3).”

Subsection (3) is where you have “reasonable grounds”, you may do certain things. This just did not read right. So I think that there is a language inaccuracy here. I read it two to three times to try and make sense of the end of the sentence, provided that:

“...the Magistrate is satisfied that there are no reasonable grounds...referred to in subsection (3).”

It will be much simpler if the magistrate said, “I am giving it back to you because I believe I have reasonable grounds to do so simply.” So, I could not follow the claw back to subsection (3). Those are our submissions, Mr. Chairman.

*Question, on amendment, put and negatived.*

*Question put and agreed to.*

*Clause 17 ordered to stand part of the Bill.*

*Clause 18.*

*Question proposed:* That clause 18 stand part of the Bill.

**Mr. Chairman:** Sen. Dr. Murray and also, Sen. Al-Rawi SC. Dr. Murray.

**Sen. Dr. Murray:** Thank you, Mr. Chairman. My amendment is quite simple. The clause says that:

“(a) at the time of his arrest...”—the person should be—“...as soon as...reasonably practical be told...the reason for his arrest or detention...”

I would like to delete, “unless the circumstances are such that the person should know”. It is my view that everyone should be informed of the reasons for the arrest or detention, whether or not they know the reason. It is quite simple. Thank you.

**Mr. Chairman:** Sen. Faris Al-Rawi SC.

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. Mr. Chairman, we propose two amendments to clause 18. The first one, in keeping with the philosophy of our amendments, is that where we are dealing with a Joint Force carrying out an operation in a zone, the arrest should only be by a police officer. It should not be left to the question mark as to whom the officer is, because this does not say

whether the officer is a police officer or a member of the defence force. That is to take care of the concerns in clause 18(1).

In clause 18(2), we have proposed that instead of simply saying “prison or a police station”, that we insert the words—effectively, we are keeping with:

prison, a Child Rehabilitation Center, a police station or such other place as the magistrate may order.

This is because we have since passed the children’s package, the Children Court. This law does not contemplate with all of the amendments we made in relation to those laws that came after 2017, where the original draft of this Bill came from. Therefore, it would be unconstitutional to place a child in a prison. You have to have the constitutionality of the child going to a child rehabilitation centre.

In certain instances as well, you may wish to put somebody in St. Ann’s, or in a medical ward or in a hospital. So it would be unconstitutional to put that person in a prison or in a police station, in a lock up. So clause 18 needs to have the return to the law, as it is developed in relation to children and other places, child rehabilitation homes, et cetera.

In the child rehabilitation rules that we passed, we allowed for alternative accommodation outside of children’s prison, if I may call it that as well. So that is the rationale for going into a place that may be other than a prison, or a child rehabilitation centre, or a police station. Those are our submissions, Mr. Chairman.

**Mr. Chairman:** Hon. AG, any comments?

**Sen. Jeremie SC:** [*Inaudible*]

**Mr. Chairman:** Okay.

*Question, on amendment, [Sen. Dr. D. Murray] put and negatived.*

*Question, on amendment, [Sen. F. Al-Rawi SC] put and negatived.*

*Question put and agreed to.*

*Clause 18 ordered to stand part of the Bill.*

**Mr. Chairman:** We have no amendments in clauses 19 to 21. I am taking all 3 clauses.

*Clauses 19 to 21 ordered to stand part of the Bill.*

*Clause 22. Question proposed: That clause 22 stand part of the Bill.*

**Mr. Chairman:** We have amendments from Dr. Murray, Sen. de la Bastide, Sen. Al-Rawi, in that order. Sen. Murray, the floor is yours.

**Sen. Dr. Murray:** Thank you, Mr. Chairman. Clause 22(1) refers to the wearing of body cameras:

“...as far as is possible having regard to available resources...”

So I think given the powers that the Joint Force will have, it should be mandatory that they wear their body cameras during the entire patrol, from station and back to the station. So I think all resources should be provided for them to have the body cameras and that is why I would like to delete “as far as is possible having regard to available resources”.

**Mr. Chairman:** Thank you very much. Sen. Michael de la Bastide.

**Sen. de la Bastide SC:** Thank you, Chair. Chair, I had not noticed Sen. Murray’s proposed amendment and Sen. Al-Rawi’s at the time I said to you, I will be proceeding with my amendment to clause 22. But there is basically overlap there, so I am just going to withdraw my proposed amendment.

*Amendment withdrawn.*

**Mr. Chairman:** Sen. Al-Rawi, the floor is yours.

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. Clause 22 is the clause that treats with the use of body cameras. The first thing that we wish to purge is the exception provided by the words that say:

“...as far as is possible having regard to available resources...”

There are 2,000 body cameras in the possession of the TTPS and we believe that any zone that has operations, there must be a mandatory use of police cameras.

Similarly, in clause 22(2), by having mandatory use, we think it necessary that:

The Minister—again, not the National Security Council.

The Minister upon the advice of the NSC after consultation with the Commissioner of Police and the Chief of Defence Staff shall make standing orders for the mandatory use of body-worn cameras in Zones which shall be published in the *Gazette* and twice in two daily newspapers in wide circulation and on the websites of the TTPS and the Ministry with responsibility for national security.

We do that to make sure that there is certainty of the law, both for those who are actively using the body cameras and for those who wish to access it, as persons who allege that they are victims of certain circumstances in zones.

We also propose that we insert a new clause 22(3), that:

In addition to such other compliance required of police officers and members of the Defence Force—that captures the language for Police Service Regulations, Police Standing Orders—that the Joint Command and every member of the Joint Force shall comply with the standing orders.

Therefore, the tail-end of that is to now say that:

Notwithstanding that they may be charged with an offence under any other written law, that a person who commits a breach of subsection (1) commits a disciplinary offence.

So we think it the “must have situation” for any Zone of Special Operation, there must be a mandatory use of body cameras, and that there must be a mandatory code of conduct and standing orders, which is published, and that there be offences kept and preserved for breach of these laws, including disciplinary action. Those are our submissions on clause 22. Thank you, Mr. Chairman.

**Mr. Chairman:** Attorney General.

**Sen. Jeremie SC:** Chair, there is already, as I understand it, a mandatory Standing Order on the use of body cameras. The difficulty is that I am not as sanguine as my friend that there are 2,000 working body cameras, but I agree, wholeheartedly and unreservedly, that body cameras should be worn and that we should take steps to ensure that they are worn by persons within the group. So on this, I will wholeheartedly consider this matter.

**Mr. Chairman:** Okay.

**Sen. Dr. Murray:** Mr. Chairman—

**Sen. Dr. Browne:** A question.

**Mr. Chairman:** Before Dr. Murray—*[Inaudible]*

**Sen. Dr. Browne:** Mr. Chairman, I listened closely to the Attorney General’s response. Is the Attorney General willing to give an undertaking to this committee that he will delay implementation, at least until such verification can be achieved that they are sufficient body cameras for all officers concerned?

**Sen. Jeremie SC:** I am loathed to give an undertaking. I have stated my position. As you know, if I give an undertaking, that is something that brings certain

consequences into play. I do not now know what is the state of the police service and their body cameras. I do know, from where I sit, that there was a dispute, contractual dispute, with respect to this issue. I am not sure if—this is a small country, and I am sure that Members on your side might know more about this than I do, but certainly, body camera should be worn by police officers. I cannot give an undertaking on it.

**Mr. Chairman:** Sen. Dr. Murray.

**Sen. Dr. Murray:** Mr. Chairman, I beg your indulgence, sorry, I neglected to complete my amendments. There was also an amendment to clause 22(2)(b) and 22(2)(d). In clause 22(2), it states that:

“The Chief of Defence Staff and the Commissioner of Police shall establish...the protocols and procedures for the use of body...cameras...”

And clause 22(2)(b) states that they can decide:

“the categories of persons who may access the data collected and in what circumstances;”

So I am proposing an amendment that these categories of persons must include the Police Complaints Authority; the Police Service Commission; branches within the Trinidad and Tobago Police Service that investigate police officers, such as the Police Complaints Division and the Professional Standards Bureau. Also, restricted access to the Ombudsman and the Director of Public Prosecutions. So, I just wanted those to be explicit in the law and not implied, so that these authorities could not be denied access to the data.

As far as clause 22(2)(d) goes, I believe the Attorney General alluded to the fact that there are departmental orders already in place for the use of body cameras. So I just wanted 22(2)(d) to state that the body cameras must be used in accordance

with those departmental orders. I think there is a departmental order 167 that refers to the use of body cameras. Thank you.

**7.45 p.m.**

**Mr. Jeremie SC:** There are Standing Orders. They have been enforced, since—I am told—August of 2017.

**Sen. Dr. Murray:** Yes. That is correct.

**Mr. Jeremie SC:** Yeah. And with respect to the Director of Public Prosecutions and the Police Complaints Authority, I think that they would already have—certainly the Professional Standards Bureau—access to everything that the police have. And there would be procedures for the Police Complaints Authority to get a hold of it. I am not sure that legislation is required for that, but again, we are *ad idem* on it. I do not think that you need to legislate for that.

**Sen. Dr. Murray:** So, it is implied in the law that they will have access. So they cannot not be denied access to the data. Because it says here that:

“The Chief of Defence Staff and...Commissioner of Police shall establish...the protocols and...”—the—“...procedures...”—to—“provide for...”—the categories of persons that may access.

So, as long as this does not prohibit access, then it is fine.

**Mr. Jeremie SC:** Yeah. I do not think that the protocols that may be established can override the existing law.

**Sen. Dr. Murray:** Okay. Thank you.

*Question, on amendment, [Sen. Dr. D. Murray] put and negatived.*

*Clause 22 ordered to stand part of the Bill.*

*Clause 23.*

*Question proposed:* That clause 23 stand part of the Bill.

**Mr. Chairman:** Sen. Al-Rawi SC.

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. Mr. Chairman, clause 23 is the requirement for ballistic signatures for ammunition by the TTPS and the Chief of Defence personnel:

“...unless the Chief of Defence Staff or the Commissioner of Police determine otherwise.”

**Mr. Jeremie SC:** Can I just say it is “ballistic signature and ammunition”?

**Sen. Al-Rawi SC:** Thank you. I accept the hon. Attorney General’s guidance. Forgive me, I am focusing on the mischief in my mind, which is the ballistic signature. In looking at that, the caveat that applies to the requirement that:

“...the ballistic signature and ammunition assigned...shall be registered with the...Forensic Science Center prior to...conduct...”—is that the CDS or the CoP may say no.

We propose that that wording be deleted, and that it is mandatory that ballistic signature and ammunition must be registered with the forensics centre. We believe that that is to provide for the balance and concern as to tracing, particularly, in killings that may be not accounted for, and we are quite aware that the population is concerned about these issues. So, those are our submissions, Mr. Chairman.

**Mr. Chairman:** Okay. AG, you want to—

**Mr. Jeremie SC:** No. Just that I would consider that.

**Mr. Chairman:** Oh, you will consider it.

**Mr. Jeremie SC:** A useful point.

*Question put and negatived.*

*Clause 23 ordered to stand part of the Bill.*

**Mr. Chairman:** Okay. Hon. Senators, there is a procedural Motion that we have

to proceed with. We shall now resume to accommodate that procedural Motion.

*Committee suspended.*

*House resumed.*

### **PROCEDURAL MOTION**

**Mr. President:** The hon. 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.*

### **LAW REFORM (ZONES OF SPECIAL OPERATIONS) (SPECIAL SECURITY AND COMMUNITY DEVELOPMENT MEASURES) BILL, 2026**

*Committee resumed.*

*Clause 24.*

*Question proposed:* That clause 24 stand part of the Bill.

**Mr. Chairman:** Sen. Al-Rawi SC.

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. In keeping with our philosophy behind amendments, that members of the Joint Force who exercise these powers ought to be members of the police force, we propose three amendments to clause 24, so that we are specifically ensuring that it is a police officer who is a member of the Joint Force who may do the respective things that are required. The rationale has been set out in the previous submissions that we have made, and we rely upon those. Thank you, Mr. Chairman.

**Mr. Chairman:** Attorney General, you have any—okay.

*Question put and negatived.*

*Clause 24 ordered to stand part of the Bill.*

*Clause 25.*

*Question proposed:* That clause 25 stands part of the Bill.

**Mr. Chairman:** Sen. Al-Rawi SC.

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. Mr. Chairman, in seeking to provide constitutional support for this Bill, we specifically looked at the Independent Commission of Investigations Act 2010, Act No. 12 of 2010 of Jamaica, otherwise known as INDECOM.

INDECOM is essentially the Jamaican equivalent of the Police Complaints Authority. It is, by its structure, a commission of Parliament known as an independent commission. And it proposes that a commission is to be appointed by the Governor-General after consultation with the Prime Minister and Leader of the Opposition, ie similar to our section 80 of the Constitution, where the President, substituting the Governor-General, can act in his or her own discretion. That is the first point.

We propose that as opposed to the Bill's suggestion that the Prime Minister in council appoint a committee called the Social Transformation Committee, that it should, in fact, be the President acting under section 80 of our Constitution in his own discretion, in this case, her own discretion.

The second aspect that we go to in borrowing from the INDECOM legislation in Jamaica is that the persons that populate this independent commission in Jamaica, as appointed by the Governor-General in Jamaica, actually come from both sides of the House.

In Jamaica, you will see that the Leader of Government Business in the

Senate, the Leader of Opposition Business in the Senate, the Leader of Government Business in the House, the Leader of Opposition Business in the House, et cetera, are members of the committee, who ultimately then choose who the independent commissioners are.

We propose these amendments to provide the footing that the council that is to be prepared under section 25 of this Bill, is not viewed to be merely an extension of the Executive arm of the Government. Instead, it provides the opportunity to have a degree of independence in the population of an independent committee. And it is for those reasons that we propose the amendments to clause 25, borrowing from the precedent that I have referred you to, Mr. Chairman. Thank you.

**Mr. Chairman:** Attorney General.

**Mr. Jeremie SC:** Chairman, our constitutional structure, I mean, this is a question that we have been going around, and around this evening. The powers of the President, as set out in section 80 of the Constitution, 80(1), (2) and (3). In particular, 80(1), that sets out the cases in which, under the Constitution, the President is required to act in his own discretion after consultation or in accordance with the advice. It is only in 80(3) that you get a delineation of three circumstances in which the President can act by himself, that is, the power to appoint the Prime Minister, powers under section 78, and in the exercise of the power to appoint the Leader of the Opposition. Now, it is true that there may be provision made in other law. We don't think that that is necessary here. And again, we—so, in other words, we do not agree.

*Question on, amendment, put and negatived.*

*Clause 25 ordered to stand part of the Bill.*

*Clause 26.*

*Question proposed:* That clause 26 stand part of the Bill.

**Mr. Chairman:** We have Sen. Dr. Attzs and Sen. Dr. Desirée Murray. Those are the two in clause 26. Dr. Attzs.

**Sen. Dr. Attzs:** Thank you, Chair. At this time I wish to withdraw my proposed amendments to clause 26.

*Amendment withdrawn.*

**Mr. Chairman:** Dr. Murray, the Floor is yours.

**Sen. Dr. Murray:** Thank you, Mr. Chairman. My amendment is simply to propose a new subparagraph to 26(1), which outlines the functions of the committee, and that is to include that the committee should hold its first meeting within one month of being constituted, so that there is a timeline within which the committee must meet. Thank you.

**Mr. Chairman:** Attorney General, you have any intervention?

**Mr. Jeremie SC:** I am sorry, within—?

**Sen. Dr. Murray:** Within one month of being constituted. And they need to be constituted within five days—

**Mr. Jeremie SC:** Okay.

**Sen. Dr. Murray:**—of a zone being declared. Yes.

**Mr. Jeremie SC:** That is an interesting point. I will consider that as well, Chair.

**Mr. Chairman:** Okay. Alright.

*Question on, amendment, [Sen. Dr. Murray] put and negatived.*

*Clause 26 ordered to stand part of the Bill.*

*Clause 27*

*Question proposed:* That clause 27 stand part of the Bill.

**Mr. Chairman:** Sen. Al-Rawi.

**Sen. Al-Rawi SC:** Mr. Chairman, my proposed amendment here was in keeping with the amendment that “Minister” be defined. Just to remove these words. And we have already ruled on that. So, the rationale is really so that we could tidy up the Bill’s language.

*Question put and negatived.*

*Clause 27 ordered to stand part of the Bill.*

**8.00 p.m.**

*Clause 28*

*Question proposed:* That Clause 28 stand part of the Bill.

**Mr. Chairman:** Sen. Vieira SC.

**Sen. Vieira SC:** Thank you, Chair. My amendments were looking at the question of parliamentary review. It seemed to me that the initial implementation phase carries the greatest risk of abuse, misunderstanding or unintended consequences. I believe more frequent early reviews and quarterly reporting would allow rapid correction of unintended consequences, will build public trust and confidence during the initial implementation, and transparency will protect both civilians and law enforcement officers. If these powers are truly necessary, Parliament should be willing to renew them, and if not, they should expire.

**Mr. Chairman:** Sen. Michael de la Bastide.

**Sen. de la Bastide SC:** Chair, I withdraw my proposed amendment. Thank you.

*Amendment withdrawn*

**Sen. Al-Rawi SC:** Mr. Chairman, I was thinking pretty much along the same lines as Sen. Vieira, but I had put it quite simply that we start reviewing the Act within six months, because by then we would have obviously realised that we are in conflict with the children’s law package, we are in conflict with the AJIPA, we are

in conflict with search warrants, a number of things. So the sooner we started tidying up the law, the better. So my proposal was for six months.

**Mr. Chairman:** Attorney General.

**Sen. Jeremie SC:** I would seriously consider Sen. Vieira's suggestions. I think that Sen. Al-Rawi is pretending not to know that AJIPA is dealing with administration of justice, and while the concepts in some regard are useful, it really has very little to do with what is in fact a law enforcement and social transformation exercise.

**Sen. Al-Rawi SC:** Thank you, Mr. Chairman. Just to conclude my positions.

**Sen. Jeremie SC:** Yes.

**Sen. Al-Rawi SC:** Thank you hon. Attorney General. Of course, I was speaking about the fact that you may be charged for an indictable offence and therefore it is very relevant, just like the Summary Courts Act. So, I thank you for the opportunity to clarify that.

*Question on amendment, [Sen. A. Vieira SC] put and negatived.*

*Question on amendment, [Sen. F. Al-Rawi SC] put and negatived.*

*Clause 28 ordered to stand part of the Bill.*

*New clause 4.*

*New clause 4 read the first time.*

*Question proposed:* That the new clause 4 be read a second time.

*Question put and negatived.*

*New clause 6A.*

*New clause 6A read the first time.*

*Question proposed:* That the new clause 6 be read a second time.

*Question put and negatived.*

*New clause 10A.*

*New clause 10A read the first time.*

*Question proposed:* That the new clause 10A be read a second time.

*Question put and negatived.*

*New clause 11A.*

*New clause 11A read the first time.*

*Question proposed:* That the new clause 11A be read a second time.

*Question put and negatived.*

*New clause 26A.*

*New clause 26A read the first time.*

*Question proposed:* That the new clause 26A be read a second time.

*Question put and negatived.*

*New clause 28A*

*New clause 28A read the first time.*

*Question proposed:* That the new clause 28A be read a second time.

*Question, on amendment, [Sen. Vieira SC] put and negatived.*

*New clause 28A*

*New clause 28A read the first time.*

*Question proposed:* That the new clause 28A be read a second time.

*Question, on amendment, [Sen. Al-Rawi SC] put and negatived.*

*New clause 28B.*

*New clause 28B read the first time.*

*Question proposed:* That the new clause 28B be read a second time.

*Question put and negatived.*

*New clause 29.*

*New clause 29 read the first time.*

*Question proposed:* That the new clause 29 be read a second time.

*Question put and negatived.*

*Schedule*

*Question proposed:* That the Schedule stand part of Bill.

**Mr. Chairman:** We have amendments from the following Senators, Sen. Dr. Marlene Attzs, Sen. Anthony Vieira SC, Sen. Lalite-Etienne, and Sen. Dr. Murray along with Sen. Al-Rawi in that order. Sen. Dr. Marlene Attzs.

**Sen. Dr. Attzs:** Thank you, Chair. In looking at the Schedule, for the Social, Transformation Committee, at item 1(g), it was listed:

“a representative...responsible for social security;”

—and I wondered if that should be a representative of the Ministry of the People, Social Development and Family Services. At 1(h) it reads:

“a representative of the Ministry responsible for national security;”

And I wish to suggest that that be replaced by a representative of the Ministry of Homeland Security. At 1(j) on the Schedule, it is presented:

“a representative of the Ministry responsible for economic growth;”

I wish to suggest that that be replaced by a representative of the Ministry of Planning, Economic Affairs and Development. I wish to, with respect to 1(r) which reads:

“a person who the Minister is satisfied is a representative of a bona fide community group active in the Zone;”

I wish to suggest that that be replaced by a representative of a bona fide community-based organization operating within the zone for a minimum of three years and who is nominated through a transparent and documented process and

approved by the committee.

**Mr. Chairman:** Sen. Anthony Vieira SC.

**Sen. Vieira SC:** Thank you, Chair. My amendment was aimed toward amending the “Social Transformation Committee” to strengthen civilian oversight. And basically, I was piggybacking on the recommendation that had been made by the Law Association. While the committee includes community representation, it does not formally embed parliamentary oversight at the local level. So by making the constituency MP an ex officio member, you are strengthening civilian oversight, you are improving community trust, we are ensuring that Parliament remains connected to lived impacts. It does not interfere with operations and the perception of military or executive overreach will be mitigated. Thank you.

**Mr. Chairman:** Sen. Lalite-Etienne

**Sen. Lalite- Etienne:** Thank you, Chairman. Referring to the persons that would be on the “Social Transformation Committee”, my proposed amendment was that it would be someone that the Minister would choose that would have a disability and from in item (x) from a bona fide NGO. The reason for this is because many times you have people that work alongside persons with disabilities, and they are qualified as well, however, they are not the person that is living with the disability, and even though they may give recommendations, sometimes the recommendations would not be accurate.

Also, people tend to choose someone without a disability that works alongside the person with the disability. So to strengthen it and to cover persons with disabilities, my recommendation is that the Minister will choose someone that has a disability from an NGO, a bona fide NGO. And the reason why I asked to expand it from National Centre for Persons with Disabilities is because you may

have three or four zones. And how could that one NGO cover persons that are qualified to be on the committee? So my opinion is that you expand it out to other capable and qualified NGOs so that they could also have someone that will be chosen from their organization to serve on the committee that has a disability.

**Mr. Chairman:** Okay, thank you. I recognize Sen. Dr. Desirée Murray.

**Sen. Dr. Murray:** Thank you, Mr. Chairman. My recommendation comes out of the recommendations following the review committee in Jamaica, after the three years of the Zones of Special Operations in that country, and they recommended that if a committee member was absent for three consecutive meetings, that they should be replaced by another person. We heard during the debate that many committees are constituted and persons do not attend regularly.

**8.15 p.m.**

So if the Social Transformation Committee is to be effective, then there should be regular attendance by the members constituting the committee, and I therefore recommend that if a member is absence for three consecutive meetings, that they be replaced. Thank you.

**Mr. Chairman:** Sen. Al-Rawi SC.

**Sen. Al-Rawi SC:** Thank you so much, Mr. Chairman. Mr. Chairman, borrowing from the INDECOM structure, that is the Independent Commission of Investigations Act, 2010 of Jamaica, I have proposed that in keeping with the amendments that I offered in respect of clause 25, which we have dealt with already for harmony, that it is: “the President after consultation with the Prime Minister and the Leader of the Opposition may in his own discretion” do these things, that is, to take avail of the opportunity that the President has in section 80(3) of our Constitution.

I also proposed, similar to the Jamaican inclusion, that representatives of the Leader of the Opposition be included there. I note in some of the language of the Bill, for instance, in Schedule 1(r) and (s), that we refer to someone who is:

“(r) a person who the Minister is satisfied is a representative...”

(s) a person who the Minister is satisfied lives...”

So, I do not know who that Minister is, because the amendment that I proposed that the Minister be included the definition section has been rejected, so you would need some clarity as to who that Minister is. So those are our submissions and it is to improve the constitutionality and balance of the legislation, in keeping with precedent and the Constitution. With respect to the Schedule 1(r) and (s), there certainly is need as to who this Minister is because there is no definition of “Minister”.

**Mr. Chairman:** Sen. Amery Browne.

**Sen. Dr. Browne:** Thank you, Mr. Chairman. I do not know if the Attorney General is ready to proceed but—

**Mr. Chairman:** Go ahead, Sen. Browne.

**Sen. Dr. Browne:** He has asked for a moment, Mr. Chairman. Chairman, thank you for the forbearance. This is not by way of scripted amendment, but requesting clarification from the Attorney General on the record. With respect to Schedule 1(b) and (c): Schedule 1(b) contemplates a zone that may straddle multiple constituencies and it is scripted accordingly. Schedule 1(c) does not contemplate zones that straddle more than one regional corporation. Is this a matter that the Government has considered, and if so, why have they not imported the language from the second portion of Schedule 1(b) into Schedule 1(c), that is:

“(b)...if the Zone is located in two or more...”—regional corporations.

“(c) the Mayor or...”—their—“...nominee of the Borough or Chairman or their nominee...”

—will be included in the committee. So it is just for clarification on the record, if this is something that the Government has contemplated.

**Mr. Chairman:** Yes, AG, could you respond to those people—all those Senators?

**Sen. Jeremie SC:** Okay. So the points made by Sen. Vieira, Sen. Attzs and Sen. Lalite-Etienne, those are matters that we would give serious consideration to. I am not sure that I understood the acronym, National Centre for Persons with Disabilities, and the distinction between—the mischief there, why persons nominated by that entity could not represent persons with disabilities. But in principle, we would give serious consideration to that subject, to me having some sort of clarification on what exactly is meant by that.

Sen. Murray’s point on the giving up of a seat, a place, if you missed—I mean, that is standard, proper corporative governance now, that if you do not attend a certain number of meetings, you are not interested and that a replacement for you should be found. I do not see a problem with that, so that too I can agree within principle.

Sen. Al-Rawi’s point on the President and the Prime Minister, I think we have spent a lot of time discussing that back and forth. So regrettably, again, I must disagree with you on that. Yes.

There is one other—[AG confers with technocrat]—the names of the Ministries. Those are things that change from time and time, so whereas I can see—and this perhaps a good example of why we will need to revisit this. There is now no Ministry of national security. There is a Ministry of Homeland Security. We do not know what the position will be in a year’s time, in six months’ time, and

some of the other Ministries that you referred to as well. I am not about the Ministry of social security—if we have ever had a Ministry of social security. But if we can find—so I agree with the point in principle. If we can find a generic expression to cover—

**Sen. Dr. Attzs:** Perhaps it is, through the Chairman—

**Sen. Jeremie SC:** A portfolio.

**Sen. Dr. Attzs:** Yes, a descriptor, as opposed to a specific of name—

**Sen. Jeremie SC:** Correct.

**Sen. Dr. Attzs:**—because, consistent with your point, Attorney General, at Schedule 1(m)—

**Sen. Jeremie SC:** [*Inaudible*]

**Sen. Dr. Attzs:**—does specify a representative of the Ministry. So perhaps descriptor, as opposed to specifying—

**Sen. Jeremie SC:** We may run into problems, as it is now, with labels in different pieces of legislation. I have portfolio responsibility for something, which is described to me, the responsibility at the Ministry of national security.

**Hon. Senator:** [*Inaudible*]

**Sen. Jeremie SC:** Say again?

**Hon. Senator:** [*Inaudible*]

**Sen. Jeremie SC:** I do not have sole responsibility for it, but I do have some responsibility for it. I am sure you sleep comfortably at night knowing that.

**Sen. Al-Rawi SC:** I actually do.

**Sen. Jeremie SC:** Exactly. So, Chair—

**Mr. Chairman:** So, Sen. Browne had asked a question.

**Sen. Jeremie SC:** Sen. Browne's question—Sen. Browne, I am sorry. Your

question was lost.

**Sen. Dr. Browne:** I would like the rationale for not contemplating in Schedule 1(c) that a zone can also cross multiple regional corporations. In Schedule 1(b), the Government has contemplated zones crossing multiple constituencies.

**Sen. Jeremie SC:** Well, I mean, in principle, I would think that a zone would be determined by a scripted criterion. So if you have to use the language of the Act “rampant criminality”, the gang-related criminality, then that would be—whether it crosses a line, or a street, or something of the sort. So, I am not sure that I am answering—I see you—okay.

**Sen. Dr. Browne:** Not wishing to delay the Attorney General, Mr. Chairman, but if I could point you to—

**Sen. Jeremie SC:** Sure.

**Sen. Dr. Browne:**—Schedule 1(b) in the Schedule.

“Where the Member of Parliament of the constituency within which the Zone is, or if the Zone is located in two or more constituencies,”—plural—  
“the Members of Parliament...”

And then I take you to:

“(c) the Mayor...”

So these are the members of the committee:

“(c) The Major or his nominee of the Borough or Chairman...”—

**Sen. Jeremie SC:** So, I would seriously—because I see what you are saying. I will take a look at it seriously.

**Mr. Chairman:** Hon. Senators, I will now have to put the question on each.

*Question, on amendment, [Sen. Dr. M. Attzs] put and negatived.*

*Question, on amendment, [Sen. A. Vieira SC] put and negatived.*

*Question, on amendment, [Sen. A. Lalite-Etienne] put and negatived.*

*Question, on amendment, [Sen. Dr. D. Murray] put and negatived.*

*Question, on amendment, [Sen. F. Al-Rawi SC] put and negatived.*

*Schedule ordered to stand part of the Bill.*

*Preamble.*

*Question proposed:* That the Preamble be approved.

**Mr. Chairman:** Sen. Al-Rawi, you have an amendment. Yes.

**Sen. Al-Rawi SC:** Yes. Mr. Chairman, for the record, I propose that the Preamble be amended to include the fact that the Bill, in our respectful view, requires a two-thirds majority and a three-fifths majority. The three-fifths majority is already included in the Bill. So a collection of voices will require us, today, to go for three-fifths support.

In our respectful view, section 54 of the Constitution is, in fact, requiring a two-thirds majority and we ought to be saying that this Act shall be construed as altering the Constitution, which is the language one normally uses. The rationale for this is, specifically and succinctly, that this Bill, in clause 14, proposes to give police powers specifically to members of the defence force. The giving of police powers to members of the defence force means that the members of the defence force are going to be subject to the general and specific directions of the Minister, and also the defence council, again, chaired by the Minister.

When we look to section 54(4) of the Constitution and we see that section 54 calls for a special majority of two-thirds because of a number of circumstances, the language which I wish to put on the record at clause 54 is as follows. Section 54 of the Constitution, the marginal note is “Alteration of this Constitution”—54(6), forgive me, says:

“In this section reference is to the alteration of any of the provisions of the Constitution or the Trinidad and Tobago Independence Act, 1962 include references to repealing it, with or without re-enactment thereof or the making of different provisions in place thereof or the making of provision for any particular case or class of case inconsistent therewith, to modifying it and to suspending its operation for any period.”

The intrusion into the Constitution that I am specifically referring to occurs under the rubric of the provisions of Chap. 9 of the Constitution, specifically the Service Commissions, and the fact that Police Service Commission, in section 122 of the Constitution, is established. And that the Police Service Commission, in section 123, deals with the powers that they have, in particular to discipline the police, and the Commissioner of Police, and the Deputy Commissioner of Police.

**8.30 p.m.**

And section 123 of the commission gives the Commissioner of Police power to manage the police service. So the Commissioner of Police manages lower ranks, the Police Service Commission manages the Commissioner of Police and the Deputy Commissioner of Police. The Service Commission is an independent body which keeps the separation of powers position alive for us. Therefore, in seeking to have the Trinidad and Tobago Defence Force, have by express mentioned in section 14 of this law—

**Dr. Swaratsingh:** [*Inaudible*]

**Sen. Al-Rawi SC:** I do not know if Sen. Swaratsingh has something to say.

**Dr. Swaratsingh:** [*Inaudible*].

**Hon. Senators:** [*Laughter*]

**Sen. Al-Rawi SC:** Go and take a break. We will be alright. So, Mr. Chairman, in

dealing with a serious of the Constitution, because we are not tired to deal with the constitutional rights of citizens.

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

**Sen. Al-Rawi SC:** In seeking to have police powers expressly given to members of the Defence Force. It is for us clear that there is a modification of section 9 of the Constitution and that a two-thirds majority is required by section 54(6) of the Constitution, as I have read it out.

Mr. Chairman, it is for this reason that the 2017 Bill, which came under my tenure as the Attorney General, had clause 4 of that Bill saying that this “Act alters the Constitution.” For the benefit of the record, I am putting these positions on record in aid of the rule of *Pepper v Hart* for interpretation and for constitutional challenge. Perhaps, Sen. Swaratsingh, would be satisfied to know that there is a reason that this is being put on the record. So, Mr. Chairman, these are the submissions as to why this Bill requires not only a three-fifths majority, but a two-thirds majority, and why the law should state that in the Preamble and in a new clause 4.

For the last point now, the position in Jamaica in their Constitution in section 13, both in the *chapeau* and the *chassure* of section 13, there is a material difference in their constitutional arrangements. So the Jamaican laws never have the constitutional prescriptions that we do because they have expectations for public interest expressly stated in section 13 of their Constitution, which we do not have.

Those are our submissions for the record, Mr. Chairman. I accept the hon. Attorney General has already addressed that he does not agree with our submissions, but I have made them for the benefit of the record. Thank you.

**Sen. Roberts:** No.

**Hon. Senators:** No.

**Mr. Chairman:** Attorney General, do you have any comments?

**Sen. Al-Rawi SC:** That is what other people should be saying, boy.

**Sen. Jeremie SC:** Mr. Chairman, not only do I not agree, I think the Privy Council has ruled on this, definitively on it, and I disagree. The Privy Council disagrees as well.

*Question put and negatived.*

*Preamble approved.*

*Question put and agreed to.* That the Bill be reported to the Senate.

*Senate resumed.*

**Mr. President:** The hon. Attorney General.

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

**Sen. Jeremie SC:** Mr. President, I wish to report that the Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Bill, 2026, was considered in the committee of the whole and approved without amendment. I now beg to move that the Senate agree with the committee's report.

*Bill reported, without amendment.*

*Question put:* That the Bill be now read a third time.

**Mr. President:** May I remind colleagues before we go to that part this Bill requires a three-fifths special majority vote. The Clerk will now conduct a division.

*The Senate voted:* Ayes 15 Noes 14

AYES

Allahar, Hon. D.

Jeremie SC, Hon. J.

Roberts, Hon. A.

Swaratsingh, Hon. Dr. K.

Maharaj, Hon. S.

Baptiste, Hon. L.

Alexander, Hon. P.

Ratiram, Hon. R.

Persad, Hon. Prof. P.

Chaitan-Maharaj, Dr. N.

Charles, K.

Zakour, Hon. E.

Smith, Hon. D.

Nakhid, D.

Rasheed, D.

NOES

Browne, Dr. A.

Al-Rawi SC, F.

Roberts-Radgman, Mrs. M.

Cummings, F.

John-Bates, Mrs. J.

Boodhu, S.

Vieira SC, A.

Chote SC, Ms. S.

Attzs, Dr. M.

de la Bastide SC, M.

Adjournment (cont'd)

2026.01.27

Jones-Simmons, Ms. C.

Lewis, F.

Murray, Dr. D.

Lalite-Ettienne, Mrs. A.

*Mr. C. Mc Nish abstained.*

*Question negatived.*

### **ADJOURNMENT**

**Mr. President:** The hon. Leader of the House.

**Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allaha):**

I beg to move that the Senate do now adjourn to a date to be fixed.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 8.41p.m.*