

SENATE*Wednesday, September 23, 2026*

The Senate met at 10.30 a.m.

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

Mr. President: Hon. Senators, I have granted leave of absence to Sen. Vishnu Dhanpaul and Sen. Courtney Mc Nish, both of whom are ill.

SENATOR'S APPOINTMENT

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

“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

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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 23rd September, 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 Tobago at the Office of the President, St. Ann's, this 22nd day of January, 2026."

ARRANGEMENT OF BUSINESS

Mr. President: And I want to advise hon. Senators, there is another Senator who has to be sworn in, Ms. Zola Phillips, during the absence of Sen. Courtney McNish. Sen. Phillips is—Ms. Phillips rather is not here at this time, but I will ask Members to bear with us and when she comes, we will have to interrupt our proceedings to have her take the oath of office.

Hon. Senators, a Senator at this time is required to take the Oath. Could we all stand?

OATH OF ALLEGIANCE

Senator Sanjiv Boodhu took and subscribed the Oath of Allegiance as required by law.

ANSWERS TO QUESTIONS

Mr. President: Leader of Government Business.

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, pursuant to Standing Order 27(14), we ask that Question No. 15 be deferred for a period of 14 days.

ORAL ANSWER TO QUESTION**Disposal of Derelict TTPS Vehicles****(Details of)**

The following question stood on the Order Paper in the name of Sen. Dr. Marlene Attzs:

15. As regards the management and disposal of derelict Trinidad and Tobago Police Service (TTPS) vehicles, could the Minister of Homeland Security advise as to the following:

- (i) what is the State's policy governing the disposal of these vehicles;
- (ii) what is the established process for the disposal of these vehicles, including the agencies responsible for authorising and conducting such disposals; and
- (iii) what criteria are used to determine when a police vehicle should be classified as unserviceable or derelict and designated for disposal?

Question, by leave, deferred.

SPECIAL OPERATIONS BILL, 2026

Order for second reading read.

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

That a Bill to provide for the establishment of policing districts, the conduct of special operations to combat criminality in those districts and related matters, be now read a second time.

Mr. President, a few days ago in the Lower House, this Bill was debated and passed after some 13, close to 14 hours, during which I witnessed conduct by

Opposition Members that fell far short of the dignity that one would normally expect of the Parliament. I rise today in the Upper House, where one expects a more measured and elevated discourse, to first address some of the utterances made there, which I have seen find their way into the public space, and which simply cannot go unanswered.

Now, there were things said there, which have been repeated, as I said, in the public space, which were larger than personal insults. I would never, of my own accord, introduce race or racism into this Chamber. Unfortunately, there are insults that die with the moment, but there are some words that summon a history. It is to the latter that I now turn.

Most of us here will recall that during slavery, the lighter-skinned slaves, believing themselves closer in standing and social proximity to the slave master, would demean the darker-skinned slaves as “indolent”, “lazy”, “stupid”, “dunce”, as we see today. It was a means of disparaging, humiliating and psychologically breaking others, reinforcing the very hierarchy that slavery had created, even among the enslaved.

I was unsurprised to hear such language from one of the Members opposite, not directed at those of his own complexion—that is never the case with those opposite—but to a woman of colour and a black man. Now, I am prepared for myself to stop there, except to say that the Member had the temerity to invoke apartheid into a debate that deals with fundamentally protecting the right, and the rights primarily of black people in this country to safety, security, and a long and prosperous life.

Mr. President, I do not need to remind you that apartheid was a system of institutionalized racial segregation in which a white minority oppressed and dehumanized the black majority in their country. To invoke that history here,

while our black children are being slaughtered in the streets of their own communities, is not careless rhetoric, it demands that we examine the assumptions beneath it.

What is particularly shameful is that some who have enjoyed extraordinary privilege and accumulated extraordinary wealth would lecture us on oppression, while the blood of young people of colour, many of whom will never see their 20th birthday, runs through our streets. We on this side reject that, and I ask every Member of the Senate to reject that line of attack that I have seen perpetrated by some, not all, of the Members opposite. We on this side are united in the commitment we made to this population before the general election last year, which was won by us on this side.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: That commitment, Mr. President, was to rid this country of the scourge of criminal activity, to dismantle the illegal drug trade, to confront the gang culture that had flourished for a decade under their watch, and to restore our nation to peace and to prosperity. Mr. President, we say again this morning, if you are involved in the trafficking of narcotics, if you think that you have “the in” with the State that you have enjoyed for a decade, the message is simple. I am asking you to quit while you are ahead. The Government is not going to stop in its attack against—[*Inaudible*]

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: The Government, likewise, it is not going to stop in its attack against gang and gang-related violence.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Mr. President, peace is the birthright of each citizen in this Republic. It is the freedom and the ease of mind to walk our streets,

to enter our workplaces, to return to our homes with the confidence that our lives and liberties are secured. You cannot have order—one cannot have order without discipline and the law. Not every law is going to be universally liked, but in a democracy governed by the rule of law, every law must be universally obeyed.

Nelson Mandela himself said:

“Peace is the greatest weapon of development that any people can have.”

It is the resolve of this Government that our people shall live in peace, and they shall have it at all costs.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Mr. President, by now, we would all have read the Bill and become familiar with it. Perhaps the greatest debate will be in terms of the infringement, the potential infringement, of constitutional rights, and the test of proportionality, which I will discuss in greater detail shortly.

But I want to remind Members, particularly those opposite, specifically my friend and colleague, the former Attorney General, that during his tenure, he made common practice of placing a number of Bills before this Parliament, which technically breached the sections 4 and 5 rights in the Constitution, without the protection of section 13 and without the relevant words.

Now, on at least one occasion, a certificate—the words are contained in a certificate—was removed while a debate was ongoing in order to ensure the passage of the Bill. The Bill seemed to be in trouble and a certificate was removed. We did not do that in this House and we will not—I will not do it. The fact is that the Bill that is before the Senate today—we have taken advice on it—it does not, in our view, require a special majority. I will speak to that in my closing. We have examined the constitutionality of the proposed legislative measures, taken advice on it, and in our considered view, in the interest of the security, peace and

order of our society, the relevant individual rights that might possibly be infringed by certain of the proposed measures are proportionate. We consider that the objectives of the Bill and the measures deployed are proportionate and within the guidelines set by the Privy Council for the exercise of the parliamentary writ to run.

10.50 a.m.

I now turn to the Bill itself. It seeks to establish seven policing districts throughout Trinidad and Tobago, six in Trinidad, one in Tobago, and to enable targeted special operations to address violent crime and gang activity in those designated areas. The boundaries of the districts would be based on the existing boundaries of regional corporations, boroughs, and cities in general terms.

The President would be empowered to declare by Order, subject to negative resolution of the House, any area within a district as a closed area. The Order would be premised on the requirement that the President be satisfied on reasonable grounds that public safety and peace in this closed area are threatened by escalating serious criminal activity. That will include murder, kidnapping, gang activity, the presence of illegal firearms and community intimidation, coupled with the inability of ordinary law enforcement measures to restore order in the closed area.

Mr. President, the Bill provides for strict controls to apply within a declared closed area, including the requirement for entry and exit permits, cordons and the imposition of curfews. The Bill also requires monthly reporting of operations to the Prime Minister, the Minister of Homeland Security and the Minister with responsibility for defence. It requires the Prime Minister to lay an annual report on the conduct of special operations and the provision of military assistance within the closed area before Parliament.

I would like to turn now to a clause-by-clause—in the interest of time, I may

skip some of the clauses—analysis of the Bill. In Part I of the Bill, that will be clauses 1 to 3, we deal with preliminary matters such as the short title, proclamation, and interpretation provisions. I should like to draw Members' attention to the definitions of “closed area”, “cordon”, “district” and “weapon”. Under section 2 of the Anti-Terrorism Act, weapons include firearms and explosives. That is Part I.

Part II of the Bill, that is, clause 4, deals with the establishment of the policing districts: six in Trinidad, one in Tobago. It is set out in the Schedule. Part III provides for the administration of the special operations.

Clause 5, which is in Part III, provides that the Commissioner must appoint a senior police officer—so this is not a Sergeant or Corporal going into a closed area—of the rank of Superintendent or higher to lead special operations in each district. The appointment is subject to veto by the Prime Minister. Before raising an objection, the Prime Minister is required to consult three specific officials: the Minister of Homeland Security, the Minister responsible for defence, and the Chief of Defence Staff.

Clause 6 of the Bill deals with administrative provisions. Clause 7 outlines the appointment and role of the Head of Military Assistance in each district. The Chief of Defence Staff must appoint—and this is the corollary to the power granted to the Commissioner—a defence force member of the rank of Major or higher to the role, subject to a veto again by the Prime Minister. Again, before objecting, the Prime Minister must consult the Minister, the Minister of Defence, and the Police Commissioner.

Each Head of Military Assistance manages the military personnel assigned by the CDS to support special operations in that district. Military officers must be specifically trained in certain disciplines, including conflict de-escalation. Military

assistance can only be deployed when expressly requested by the COP.

Clause 8 establishes the reporting guidelines and accountability framework for the special operations and military assistance. Clause 9 mandates the Commissioner and the CDS to establish joint collaboration protocols and specific standard operating procedures for special operations and military assistance. Non-compliance with the established guidelines is penalized by disciplinary action.

Now, clause 10:

“...authorises the Head of Special Operations in a district to conduct special operations in that district with or without the assistance of the Defence Force, and grants participating...”—personnel—“...the full rights, powers, duties and responsibilities of constables under the Police Service Act.”

Part IV of the Bill is really the heart of the Bill. Clauses 11 to 23, and those clauses provide for special operations in closed areas. Clause 11 outlines the parameters for declaring and enforcing a closed area to combat serious crime. An Order subject to negative resolution of the House would declare a closed area within a district if public safety and peace are threatened by

“(a):

- (i) escalating...violent crime...or gang-related...
- (ii) the prevalence of illegal firearms or ammunition, or...other weapons or explosives...
- (iii) the control or intimidation...of a local community by a gang...”

and:

“(b) ...ordinary law enforcement measures...”—are insufficient—“...to maintain or restore public safety and peace in that area.”

Within seven days of the making of the Order, the President must deliver a statement to the Speaker detailing the grounds for the decision. The Order can be

revoked by the President or annulled by a resolution of the House at any time. The relevant Head of Special Operations is empowered to enforce the closed area using barriers, roadblocks, or other security measures.

Clause 12 regulates movement into and out of a declared closed area by establishing a mandatory permit system. General access or egress from a closed area is strictly prohibited without a valid permit. But the permit requirement will not apply to certain officials. Also, the Commissioner can issue category-wide permits via the *Gazette*. Additionally, individual permits can be granted with specific conditions and restrictions by the Commissioner, the Chief of Defence Staff, or the Heads of Special Operations and Military Assistance.

Clause 13 provides how security cordons are to be established and managed within a declared closed area. The Head of Special Operations is authorized to set up a cordon using barriers, roadblocks, or other methods. A notice detailing the cordon's boundaries and requirements must be published by any means and also publicly displayed in conspicuous locations. This notice would be in a form approved by the Commissioner and must be published in the *Gazette* within three days of issuance. All non-exempted individuals must obtain a permit to enter or exit the cordoned area. This clause also provides that the Commissioner, the Chief of Defence Staff, and Heads of Special Operations and Military Assistance may issue, suspend, or cancel such permits.

Clause 14 gives the President the power by Order, subject to negative resolution of the House, to institute a curfew within a declared closed area. The Order may require residents within a closed area to remain indoors during designated hours unless they obtain a permit. That Order can be annulled by the House or revoked by the President at any time. Permits can be issued, suspended, or cancelled by the relevant authorities to allow movement during curfew hours.

Specified officials, on-duty police officers, and defence force members travelling to or from duty are exempt from the permit requirement.

Clause 15 of the Bill grants police officers specialized search and seizure powers within a declared closed area while establishing specific procedural safeguards. It allows a police officer to search any place, vehicle, or person without a warrant based on a reasonable suspicion of an offence being committed, previously committed, or about to be committed. Officers may seize vehicles, articles, or documents deemed useful for preventing disorder or of substantial value to a criminal investigation.

Clause 16 of the Bill provides for the storage, retention, and return process for property seized during special operations. Clause 17 establishes procedural rights and judicial oversight for the arrest and detention of individuals during special operations inside or fleeing a closed area. The Head of Special Operations must have reasonable grounds to suspect that a person has committed, is committing, or is about to commit an offence before he can arrest and detain a person.

A person arrested must be promptly informed of the reasons for the arrest in a language he understands and be brought before a magistrate to determine whether there are reasonable grounds for his detention. The magistrate can authorize a remand in custody for a maximum of 48 hours. However, once the 48-hour window expires, the person must be brought before a high-court judge who will determine whether to order their immediate release or extend detention in the interest of justice.

Clause 18 deals with the protection of police officers and defence force members. Clause 19 provides safety mechanisms and escalation procedures for persons held in custody without a court order during special operations. If a person

remains detained for 36 hours without a magistrate issuing a remand order to transition them to a high-court judge, a mandatory reporting protocol is triggered. The officer in charge of the station must immediately notify a senior officer at or above the rank of Assistant Superintendent and officially log this notification in the station diary. Upon being notified, the prescribed officer is required to investigate the detention circumstances and ensure the person is brought before a magistrate immediately.

Clause 20 establishes strict guidelines for the treatment, welfare, and monitoring of persons arrested or detained during special operations. All complaints made by or on behalf of a detainee must be officially recorded in the station diary. Detainees are permitted to visit for a house, cohabitant, family member, attorney-at-law, or a medical practitioner. The timing of these visits is determined by the assistant superintendent based on safety and security, and the details of every visit must be logged in the station diary. Detainees, of course, are allowed to receive the necessary food, clothing, and wellness items, but any items that could endanger the safety of the detainee, officers, or others are, of course, prohibited.

Clause 21 of the Bill mandates, or I should say, regulates the use of body-worn cameras, as far as possible and based on available resources, by police officers and defence force members during special operations in closed areas. The Police Commissioner and the Chief of Defence Staff are required to jointly establish and regularly review protocols governing the usage of these cameras.

Clause 22 of the Bill requires that all weapons, including their ballistic signatures and ammunition assigned to police officers and members of the defence force involved in special operations, must be registered with the Forensic Science Centre before the conduct of special operations in a closed area, unless otherwise

directed by the Commissioner of Police or the CDS, as the case may be.

Clause 23 empowers a police officer to require a person within a closed area to disclose his full and correct name, including any alias and address, if the police officer suspects that the person has committed or is committing or about to commit an offence.

Now, in Part V—I said Part IV was the heart of the Bill. It is. Part V of the Bill, that is, clauses 24 to 26, treats with miscellaneous provisions, such as the applications for permits, the making of regulations, and, importantly, contains a sunset clause of two years. The Schedule to the Act sets out the policing district.

Mr. President, I turn now to the constitutionality question. Now, we see that the Bill balances the enhanced security powers with the protection of fundamental rights and the rule of law. It allows for temporary security measures, such as cordons and curfews, to be established or declared in closed areas. While the Bill gives security forces special powers, it is designed to be a limited and temporary measure distinct from a state of emergency, with some parliamentary oversight. The Bill does not grant powers equivalent to a state of emergency.

We have examined the constitutionality of limited states of emergency in Jamaica and the decision of the Court of Appeal a week ago, in respect of their declaration of a state of emergency in Belize. Now, in all of those cases that we have looked at, first of all, you are dealing with the declaration of a state of emergency.

In the Belize case, the Court of Appeal struck down the proclamation, the very proclamation of the state of emergency. It held that a state of emergency was not the tool set up by the Constitution framers to treat with fighting ordinary crime. That is what the Court of Appeal in Belize found.

11.10 a.m.

In Jamaica, the courts arrived at a similar conclusion, but the Jamaican case also dealt with extensions of the State of Emergency without parliamentary oversight. So that, if you recall, Mr. President, in our system, the President's declaration is required to be debated in the House within 14 days. So, you have a 14-day period and then parliamentary oversight—a debate.

After that debate, I am presuming the Members of Parliament agree, you can have an extension for three months and, thereafter, an extension for a further three months. But there must be parliamentary oversight. That did not take place in the Jamaican case. What is important to note, however, is that in both Belize and Jamaica, the courts were called upon to attack the declarations of states of emergency. In Jamaica, since 2017, you have had a Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Act, which was passed in 2017. That Act was not attacked, and it remains, well, good law.

Unfortunately—and at this juncture I would choose my words carefully—the Act was not accepted; well, a version of the Act was not accepted in this place. It was passed in the other place but not accepted in this place.

What is before us this morning comports with the provisions of the 2017 Jamaica statute in many respects and also with the St. Lucia statute. There is a statute in St. Lucia, passed very recently, which is in my parliamentary brief. So, we are not inventing or reinventing the wheel. The legislation that we seek to pass this morning is in force; it is working in Jamaica, where targeted operations have resulted in tremendous gains in the fight against gang-related violent crime.

Now, that is not to say that this Bill does not interfere, potentially interfere, with certain rights:

“the right of the individual to...liberty and...”—to the—“enjoyment of property...”

—section 4(a) of the Republican Constitution.

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

—section 4(c) of the Republican Constitution.

“freedom of movement;”

—section 4(g) of the Republican Constitution.

We have taken advice with which I am in agreement, and I consider that the potential infringement is reasonable and proportionate in light of the guidelines set by the Privy Council in a host of cases, beginning with *Suratt*, including *Suraj*, *Akili Charles* and others.

In *Suraj*, the Board reviewed the proportionality test in the context of ordinary legislation, which is what we have before us today, and it noted that the rights set out in sections 4 and 5 of the Constitution are not absolute. That statement was, if I recall, made by Lady Hale, none other. She was a liberal, for those of us who take, you know, some pleasure in reading the law.

Mr. President: Hon. Attorney General, you have seven more minutes.

Sen. The Hon. J. Jeremie SC: I will speed up.

Hon. Senators: [*Laughter*]

Sen. The Hon. J. Jeremie SC: The Board confirmed in that case that it is now taken to conform with the modern conventional approach to issues of proportionality which involves asking in relation to a measure, whether its objective is sufficiently important to justify the limitation of a fundamental right. Now, this is ordinary legislation she is talking about; whether it is rationally connected to the objective; whether a less intrusive measure could have been used. She said those are the tests that you apply when considering whether or not legislation ought to be struck down by the Board.

It is not that every piece of legislation that trenches on a section 4 right you

are going to strike down. Now, she said that the rights set out in section 4 will only be breached if a measure interferes with them in a disproportionate way, and she pointed out that section 5 declares absolute aspects of the rights contained in section 4. So, she illustrated that the broader rights set out in section 4 must be qualified.

And then she identified the practical ramifications of finding otherwise, in the context of passing ordinary laws, would be that any state actions which involve competing interests, such as the one before us—and the competing interest is the right of the many to live in peace and security, and the many inside of the zones—I am sorry, the closed areas—to live in peace and security.

So, those are the competing interests. You balance rights. What Lady Hale is saying is you need to balance rights, and sometimes, in doing that, you tread upon an individual's rights. And she goes on to say that it cannot sensibly be concluded that section 13 is the vehicle required by the Constitution to resolve the interference in every case where scenarios such as these arise. *Suraj* is to the same effect.

Mr. President, we on this side are convinced that this legislation is necessary. It is proportionate to the danger that we face as a society. There were articles in the newspapers before 2025 which pointed to the incidence of gang activity in the region. In Haiti today, there is no central government. The gangs run Haiti today. That is what happens in Port-au-Prince; it is run by gangs.

We have a serious problem with gangs in Trinidad and Tobago. This Government has made significant progress in the fight against those gangs. We are resolved to continue that fight. We will win that fight.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: The legislation before us is necessary for us to

continue that fight. It will have to be passed today. Mr. President, with those words, I beg to move.

Hon. Senators: [*Desk thumping*]

Question proposed.

Mr. President: Before I recognize the first speaker on the Opposition Bench. I would like with your leave to revert to the business of swearing in of a Senator. Can we revert to that?

SENATOR'S APPOINTMENT

“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: MS. ZOLA PHILLIPS

WHEREAS Senator Courtney Mc Nish is incapable of performing her duties as a Senator by reason of illness;

NOW, THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ZOLA PHILLIPS, to be a member of the Senate temporarily with effect from 23rd September, 2026 and, continuing during the absence of Senator Courtney Mc Nish by reason of illness.

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Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 22nd day of September, 2026."

OATH OF ALLEGIANCE

Senator Zola Phillips took and subscribed the Oath of Allegiance as required by law.

SPECIAL OPERATIONS BILL, 2026

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

Hon. Senators: [*Desk thumping*]

Sen. Faris Al-Rawi SC: Thank you, Mr. President. Mr. President, I rise to join in the debate on this very important law that is before us. I thank the hon. Attorney General for a very measured piloting and for upfront addressing some of the concerns that would obviously present themselves for our consideration. In particular, the Attorney General jumped to the constitutional considerations which we, in pursuit of section 53 of the Constitution, must consider. That is, insofar as we make laws for the peace, order and good governance of our society.

Mr. President, I start with the fact that the Constitution is the supreme law under section 2 of the Constitution, and that when we are looking at the constitutionality of law, we do not look only to the very obvious and well-traversed sections 4 and 5 rights.

It is true, insofar as the Special Operations Bill provides for a cordon, a curfew, arrest without a warrant, search and seizure without a warrant. The inability therefore is apparent that certain rights are affected. I should say that a different way. It is apparent, therefore, that certain rights are affected, certainly under sections 4 and 5: the right to liberty, the right to freedom of expression, the

right to movement, the right to property. Those are sections 4 and 5 rights.

The hon. Attorney General is absolutely correct that the Privy Council, as our highest court, most recently in the case of *Suraj*, has certainly said, adopting *Suratt* and Baroness Hale's view, at paragraph 58, that not every sections 4 and 5 right requires treatment by way of section 13, exception for our Constitution. Section 13 is a three-fifths majority of the vote of the Members of this House, providing, therefore, an acknowledgement of the effect of the law on certain fundamental rights, but an exception—a formulative exception, borrowing the dicta of the hon. Chief Justice in the minority decision of Barry Francis—a formulative exception of those rights.

My concern today is not really the sections 4 and 5 rights at all. There is a degree of legitimacy in the aim. The legitimacy is to tackle the scourge of crime. There can be no greater legitimacy than that. We are *ad idem* on that point. There is a rational connection insofar as the law prescribes certain methods to deal with the Trinidad and Tobago Police Service's intervention into the criminality. The proportionality is to see whether we have gone only so far as we must and whether there is a balancing of the rights.

You can argue that this law sort of treats with that. One of the areas that it does treat with this safely is the area of arrest, subject to certain observations that I would make under arrest. Under arrest, you are arrested, you are brought before a magistrate—stick a pin, the modern law calls them district court judges. You come before a magistrate, you may be put in for 48 hours. You may then go before a judge. I have something more to say on that in terms of a problem in that section, but you can see that there is a degree of proportionality there.

What we have a huge constitutional problem with, Mr. President, is in the protection of law. What we have a huge constitutional problem with is the direct

infringement of section 123 and section 123A of the Constitution. And that infringement is born about by the unholy location of the Prime Minister of the Republic of Trinidad and Tobago being involved in the determinations of who in the Trinidad and Tobago Police Service and who in the Trinidad and Tobago Defence Force shall be permitted to engage in special operations. That is the number one constitutional problem.

The protection of the law is the constitutional problem. The vagueness associated with the Bill is also another constitutional problem, insofar as specificity is not provided and regulations are not directly required to be prescribed in relation to certain matters. And I am going to come to that.

So, the constitutionality at stake is not necessarily the sections 4 and 5 rights. It is, in fact, the section 123 and 123A rights.

Sen. Dr. Browne: [*Desk thumping*]

Sen. F. Al-Rawi SC: And that, Mr. President, means that this Bill is effectively dead on arrival.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: Let me explain why.

11.30 a.m.

Mr. President, when we go to the provisions of the Bill and we look, in particular, to clause 5(3), clause 7(3), clause 8(2) and (4)—and note that I am only going to certain aspects of these clauses because my colleagues are going to be dealing with other aspects of these clauses. We know the Government is one to say “tedious repetition” without paying attention to the debate, so I am dealing with aspects of the clauses only.

Mr. President, the Prime Minister features in this law. And as I have said, in clause 5, “Administration of a Special Operation”, the Commission—that is, the

Commission of Police—shall appoint, effectively, a first division officer—that is a superintendent—to be the head of special operations.

- “(2) Before the Commissioner designates a police officer under subsection (1), he shall consult with the Prime Minister.
- (3) A police officer shall not be designated under subsection (1) if the Prime Minister, after consultation with the Minister, the Minister with responsibility for defence and the Chief of Defence Staff, signifies to the Commissioner...”—that is the Prime Minister signifies—
”...objection to the designation of that police officer.”

That repeats, Mr. President, in respect of the Trinidad and Tobago Head of Military Assistance in clause 7(3). That Head of Military Assistance shall not be appointed if the Prime Minister says that there is an objection to designation.

Mr. President, when you go to the involvement of the Prime Minister in clause 8(2) and (4), it says specifically in subclause (2):

- “(2) A report under subsection (1)”—that is, a report by the head of special operations, the Trinidad and Tobago police person—“shall address such matters and contain such information as may be determined by the Prime Minister...”

Subclause (4)—this is now with respect to the head of the military aspect:

- “(4) A report under subsection (1) shall address such matters and contain such...”—determinations as—“...the Prime Minister...”—may request.

Now, Mr. President, why am I focusing on that? I take you to the judgment of the Privy Council [2024] UKPC 41, the case of *Ravi Balgobin Maharaj (Appellant) v The Cabinet of The Republic of Trinidad and Tobago and others*. And this is a judgment delivered on December 19, 2024. Quite interestingly, Mr.

Anand Ramlogan acted for the appellant in that matter. He lost the matter, but he raised a very important line of argument, which actually applies today. And yesterday I saw Mr. Ramlogan here speaking with the hon. Attorney General at the back, over there. Perhaps he is advising him on this Bill, I do not know. Mr. Ramlogan is an experienced constitutional lawyer and public law lawyer. No discourtesy to him there.

In this case, Mr. President, the Board had to consider the balancing relationship between the role of the Executive and the Police Service Commission, and the Board specifically heard from Mr. Ramlogan an argument which treated with something that he called Mr. President the “insulation principle”. This is the argument crafted by Mr. Ramlogan at paragraph 39; the “insolation principle”. In this case, which concerned the extension of time for the Commissioner of Police, then Erla Christopher, the argument before the Privy Council was that, listen, because the wording of section 75 of the Police Service Act says that the President—and I am going to come to that in a second—may extend the contract of the Commissioner of Police if it is in the national interest, Mr. Ramlogan argued that those words interfered with section 123 of the Constitution because it gave the Executive intrusion into the management of the police service.

Now let us apply it to this Bill. It is expressed in the Bill in the clauses that I have quoted—clause 5, clause 7, clause 8, and the subclauses—that the Prime Minister has a veto to be exercised in relation to the member of the police, who is going to be the Head of the Special Operations, and the member of the TTDF who will be the head. That is expressed in the law.

But, Mr. President, when we go to section 123A of the Constitution and we read that in its pristine form:

“Subject to section 123(1),”—of the Constitution—“the Commission of

Police shall have the complete power to manage the Police Service and is required to ensure that the human, financial and material resources available to the Service are used in an efficient and effective manner.”

Notice it says:

“Subject to section 123...”

Section 123 is the section of the Constitution that says that:

“The Police Service Commission shall have the power to—

...appoint...the...Commissioner and Deputy Commissioner;
...remove”—him—“from office...
...make appointments on promotion...to confirm appointments;
...prepare...annual performance...
...hear and determine...
...monitor efficiency...

And it is the Police Service Commission that can dismiss the Commissioner of Police.

But if we get to the argument before the Privy Council in the Ravi Balgobin Maharaj case, it is of critical concern. Because the Board indicated that where there is an express provision of the Constitution, it must be absolutely obeyed. In this case, section 123A is an express provision of the Constitution that says the Commissioner, and only Commissioner, shall have complete authority over the Trinidad and Tobago Police Service And therefore, Mr. President, if you go into the language of Lord Diplock’s very famous position in *Thomas v Attorney General*, 1982, the appeal cases then, in describing the purposes of Chapter 9, which I have just read of the Constitution , Chapter 9, Lord Diplock said, was to insulate members of the civil service, the teaching service and police service in Trinidad and Tobago from political influence exercised directly upon them by the

Government of the day. Well, we know it is a direct involvement.

Now, Mr. President, if you go to section 121 of the Constitution, you will see that the Prime Minister has a veto. That is clear. The Prime Minister has veto power. So why am I making such a position in relation to this particular point? Well, Mr. President, it is. Because it cannot be used as an aid for the Government in breaching the Constitution, expressly to say that section 121 of the Constitution allows that, Mr. President. And that is because of the case of *Feroza Ramjohn*.

Again, Sir Fenton Ramsahoye, in treating with that case, another Privy Council judgment—this is *Feroza Ramjohn*. It is [2011] UKPC 20, Privy Council appeal, and it provided a very useful position for us. The policy that Lord Diplock was looking at in *Thomas v Attorney General* was upheld, and the board actually gave an analysis of the reason for the veto. And here is what it says, and I quote from paragraph 18:

“The reason for the Prime Minister being given a power of veto in respect of section 121(4) offices is to be found in the 1974 Report of the Constitution Commission (at para 288) (following which the 1962 Constitution veto was maintained in the 1976 Constitution):”

And here is what it says:

““These officials are so directly concerned with the formulation of the policy and the supervision of its implementation that they must be acceptable to the political chiefs with whom they must have a close working relationship. This does permit some measure of political influence in purely public service appointments but is necessary on purely practical grounds. We would mention that this recommendation of ours is in keeping with the views of the Public Service Associations as expressed to us.””

At page 928, it said:

“As for why the Prime Minister is accorded the power to make the appointments specified in section 121(6), the explanation must surely be, in respect of the transfer of permanent secretaries, that no promotion or salary increase is involved and there can be no objection to these decisions...”

So, Mr. President, what we hear from the Privy Council in two authorities—one in *Feroza Ramjohn* in 2011 and another in 2024, in *Ravi Balgobin Maharaj*, in the Erla Christopher case—is that the political entity, in particular this law says expressly the Prime Minister, has no place whatsoever constitutionally in the involvement of police activities.

Our Constitution, section 123A says that the Commissioner of Police has the complete authority. The veto power, we know, comes in positions where you have the insulation of the Public Service Commission, no detriment by way of salary degradation, et cetera. You cannot borrow the veto power, Mr. President, and the Attorney General has said absolutely nothing about the power of the Prime Minister, the location of the Prime Minister and the constitutional effect. But this gets more serious.

Go to section 54 of the Constitution. When we get to section 54 of the Constitution, Mr. President, which is how you can amend laws, section 54 of the Constitution is pellucidly clear. It says that:

“(1) Subject to the provisions of this section, Parliament may alter any of the provisions of this Constitution or (in so far as it forms part of the law...”

—et cetera.

“(2) In so far as it alters—”

—subsection (2), and I read the relevant part:

“(a) section...16 to 125...

a Bill for an Act under this section shall not be passed by Parliament unless at the final vote thereon in each House it is supported by the votes of not less than two-thirds of all the members of each House.”

Mr. President, clauses 5, clauses 7—and let me be specific, 5(3), 7(3), 8(2) and (4) constitute a fatal dose of cyanide to the constitutionality of this law.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: It cannot pass, Mr. President. It cannot pass. But, Mr. President, it is not only the technicality of the law that we must speak to today. Why on the Lord’s earth, good as it is, would we wish, in light of recent events, to include a policeman or a member of the defence force who is vetted and approved and liked by a Prime Minister? Have we not just recently come out of a state of emergency? The hon. Attorney General said that this Bill bears no reflection to a state of emergency. It does, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: It allows a curfew. It allows a cordon. It allows warrantless arrests. It allows warrantless searches. It allows restrictions. It is true. Section 46 of the Police Service Act gives you the ability to arrest someone without a warrant in certain circumstances. But, Mr. President, this Bill certainly does have the reflections of a state of emergency. But, Mr. President, it does not have the safeguards of a state of emergency. In the State of Emergency, sections 7 to 11 of the Constitution, as the hon. Attorney General himself put on the record, the President must declare a state of emergency being satisfied of certain grounds. Within three days, a statement must be delivered to the House of Representatives. It must be debated—let me repeat that. It must be debated in the House of Representatives.

This Bill says, if you are going to have a special operation in a closed area, that the President must send a statement to the House, but there is no express requirement for its debate. The Constitution has a safeguard that says, you can have it last for 15 days, then you extend it, if the House says so, by simple majority, for three months, a further three months, but at the end of six months, Mr. President, unless you come to the Senate as well and obtain a three-fifths majority in the House and a three-fifths majority in the Senate, you cannot extend the State of Emergency.

Now, Mr. President, let us look to the second obvious principle. I heard in the House a most incredible submission coming from Mr. Wayne Sturge—forgive me, the Minister of Defence, who sought to convince the population that “President” meant the President acting in his own discretion pursuant to Section 80 of the Constitution. Mr. President, that is a complete and total untruth. It is grounded by reflection in the law, Mr. President.

In the same case, *Ravi Balgobin Maharaj v The Cabinet*, that is the 2024 Privy Council decision, the Privy Council was invited by Senior Counsel Mr. Ramlogan in that case to hold that because section 75 of the Police Service Act used the words “the President in the national interest”, that that meant that the President ought to consider the circumstances within the meaning of section 80 of the Constitution in the President’s own discretion.

Now, section 80 of the Constitution, Mr. President, stands alongside the general rule. Even though the President is the Executive—head of the Executive, pursuant to section 74 of the Constitution, there is section 75 of the Constitution, and there is section 76 of the Constitution, and the rule of interpretation is that whenever the word “President” is used, unless you say “the President in his own discretion”, or unless the President is subjected to the law that expressly requires

consultation, et cetera, President means the Cabinet of the Republic of Trinidad and Tobago.

So, Mr. President, where do we see that? Clause 11(1), clause 11(2), clause 11(5), clause 14(1). The calling of a special operation closed area is the President in clause 11(1). But what does clause 11(1), by way of example, say? Clause 11(1) says:

“The President may, by Order subject to negative resolution of the House of Representatives, declare any area within a district to be a closed area, where the President is satisfied, on reasonable ground...”

Now, Mr. President, let us deal with “reasonable grounds”. It is a fact, according to the United Kingdom Supreme Court—which, by the way, is the equivalent of the Privy Council—that the State is given deference to its view on national security, particularly in times of emergency, Mr. President. That comes from the case of *U3*—“U” as in “umbrella”; “3”, the number 3—*v Secretary of State for Home Department*, 2025, UK Supreme Court 19. It says expressly that whenever the State comes up and says, “Look, the interest of national security is at stake, you are to give the state deference,” very often, Mr. President, the State is given deference to the point where it says, “Listen, I have intelligence, but I cyah tell you about that, because national security will be at stake.” We see it. It is perfectly permitted, for instance, in answering questions where you can invoke the Standing Orders and not answer. But in the constitutional arrangements and in the jurisprudence, when you are dealing with reasonable grounds within the meaning of clause 11 of the Bill, 11(1), Mr. President, the State will often claim public interest immunity.

Let us look at the statistical outturn of Trinidad and Tobago. We just had a completed state of emergency, where intelligence, which demonstrates reasonable

grounds for certain activities, was portrayed. We had over 650 Preventative Detention Orders on the back of intelligence. That, in the context of this Bill, Mr. President, deals with reasonable grounds for calling of a closed area. It is there in clause 11.

“...reasonable grounds, that public safety and peace in that area is threatened –

(a) by –

- (i) escalating rates of...”—violence—“...homicides, shootings, kidnappings or gang-related...
- (ii) prevalence of illegal firearms or ammunition, or unlawful presence...or
- (iii) the control or intimidation, or the attempted control or intimidation, of local communities by a gang in that area...”

Mr. President, of the 650-odd PDOs, nearly 648 of them were for gang-related activities. Big members of gangs’ names, high-powered weapons, reprisal, killings, et cetera. Mr. President, of the 200-something people that were charged, some of them were charged for illegal water connection, not for gang activity, Mr. President, as far as we are aware, but in those instances, within the meaning of clause 11, applying the *U3* case and the *Rehman* case, R-E-H-M-A-N case, another Supreme Court case, Mr. President, the public interest immunity argument that “Ah cyah tell yuh about de security,” matters.

And therefore, this Bill has a further constitutional problem because the Bill tells us, closed areas, search and seizure, please let it be conducted by somebody whom the Prime Minister approves of, please send the reports to the Prime Minister in the manner that the Prime Minister requests.

11.50 p.m.

Since when is a Prime Minister permitted the full liberty to ask the Trinidad and

Tobago Police Service for details of crimes, Mr. President? Will that include—because it is not here by way of circumspection. It is not here by way of limitation. Will that include the details of the crime? Will that include an interference of the political directorate, or an involvement by the political directorate in the prosecution, the laying of charges and the targeting of this law?

You see, the hon. Attorney General said something that was important for us to remember. He said that in the House that there were reflections of apartheid. He started his contribution with that. It is true that apartheid was based upon racial operations, but, Mr. President, if you go into South African law and you look for the grounding based on colour of skin and race, Mr. President, “yuh eh go find that, yuh know”. You will find discrimination based upon the political directorate’s ability to target. Mr. President, and apartheid, as far as I remember, means to separate, and what we have in this country, Mr. President, is a separation.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: But, Mr. President, in the public domain in relation to this law, the Members of the Government, in the form of two persons—two hon. Members, one the hon. Prime Minister, and two, the hon. Minister of Homeland Security, have publicly said, in writing, in the case of the hon. Prime Minister, that this law will not be used in PNM areas. Mr. President, this law, when it passes, if it passes, under section 53 of the Constitution, is for the peace, order and good governance of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: The Prime Minister’s statement, most respectfully, Mr. President, indicated that the Prime Minister is well aware that the Prime Minister, and only the Prime Minister, has the power under this draft of the law to call a closed area.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: But the Prime Minister has gone so far as to say, “I will not”—I am quoting the hon. Prime Minister—“call a closed area in a PNM area.” Now, what does that say, Mr. President? That says that the law is *ad hominem*. It is directed towards a class of persons.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: If you decide—it is not that the PNM is approbating and reprobating the law, you know. We are clear: The law is unconstitutional and cannot survive. But even if you take it at the Government’s level to say that it somehow can pass muster, they are saying, most respectfully, that the law will be such that it will apply only in the UNC areas and UNC municipalities from local government. So, what does that mean? Does it not mean that there will be a migration of criminality to the areas where it is not going to be enforced?

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: Mr. President—

Sen. Allahar: Mr. President, 46(6), imputing improper motives.

Mr. President: You want to elaborate on that, Leader, in terms of the—**Sen. Allahar:** [*Inaudible*]

Mr. President: No, would you like to elaborate on the imputing—

Sen. Allahar: He is imputing improper motives by insinuating that it is the desire of the Government to migrate criminals to other areas deliberately.

Mr. President: Yeah, but I do not think that is using a collective way—I do not think that I will interpret it in that way at this time. Continue.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: So, Mr. President, the effect of the law in that regard—

Sen. Alexander: Could I say 46(6), again, please? Because the thing I thought

was going to be raised was when Sen. Al-Rawi said that the Prime Minister was targeting a class of persons, and I think that that is imputing improper motives.

Mr. President: No, if, for instance, that was raised as a point of order, at the time, I would have spoken on it, but I think when the hon. Leader of Government Business was talking about government, as opposed to the Prime Minister, I am saying that I do not think it is imputing, in that strictly narrow way, that particular Standing Order. So, I am saying, are you raising a particular point of order?

Sen. F. Al-Rawi SC: Mr. President, the—

Mr. President: No, I am asking, are you raising a particular point of order?

Sen. Alexander: Yes, Mr. President, I am. I am saying that in his remarks, in Sen. Al-Rawi's —

Sen. Allahar: What is the Standing Order?

Sen. Alexander: 46(6).

Mr. President: 46?

Sen. Alexander: 46(6). It is imputing improper motives against the Prime Minister when he insinuated that she was using this against a class of persons. Those were his words.

Hon. Senators: He was quoting.

Sen. Alexander: No, no, no. He was not quoting. Those were his words.

Mr. President: All right. What I would say is, if he did say so—I cannot recall him saying so. But if he did say so, I will ask him to be very cautious in the future. Continue to speak. Continue, please. Continue.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: Thank you, Mr. President. Thank you for your ruling and guidance, Mr. President. The effect of the law is such that it is going to involve itself in something referred to as “kettling”. If you go to the Justice UK site, you

will see what happens in kettling, where you have flagged a very obvious position in law that you are only going to apply it in a certain area, and that will therefore cause an ushering into another area.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: Mr. President, let me turn—I believe I only have about six or seven minutes left, so, let me turn quickly to something. Mr. President, what on earth is clause 17 about, Mr. President? I would like you to reflect upon the provisions of this law concerning arrest, Mr. President. When we go to arrest, Mr. President, clause 17:

“Where a special operation is being conducted in a closed area, a person shall not be arrested or detained unless the Head of Special Operations is satisfied...”

Okay, we go to a magistrate—by the way, the law was updated. It is now a district judge. I do not know why we are still using the term “magistrate”.

The—“...magistrate...is”—to be—“reasonably”—subclause (3)—“required in the interest of justice...”

—to say whether you could be held for a further period of 48 hours or if you could go before a judge. Look at subclause (6):

“Where a person is taken before a Judge of the High Court pursuant to subsection (3) and the Judge is satisfied that the continued arrest or detention of the person without criminal charges being laid against him is reasonably required in the interest of justice, he may, having regard to such further investigations as may be necessary, order that the person shall be further detained for a specified period of time.”

Oh my God, Mr. President. I have never seen a provision of statute that looks like this. This Government is asking the Judiciary to have an indefinite detention in the

interest of justice, Mr. President. The law has to be certain, Mr. President. Take the CCJ case of *McEwan*, Mr. President. Take *Feroza Ramjohn*, Mr. President. Take any of the cases that deal with the certainty of law. Take the case of certainty from the Privy Council, come down. Mr. President, how on the planet can we ask the Judiciary to have indefinite detention? To involve the Judiciary to inspection under what circumstances? What are the criteria and what are the provisions, Mr. President? What is the satisfaction? Mr. President, that translates as well into the area of the Government's need to explain why it is the provisions of the Administration of Justice (Preliminary Enquiry) Act cannot be used, as it relates to section 5 and section 8 of that Act.

Section 5 of AJIPA speaks to search warrants, where a district judge is satisfied that you have reasonable grounds on specified circumstances, Mr. President. It allows you to have a search warrant in multiple premises. It allows you to have a search warrant over an extended period of time, Mr. President. Why is that insufficient, Mr. President? Is it acceptable that those who please the hon. Prime Minister's consent, they can be appointed Head of Special Operations in the Trinidad and Tobago Police Service and in the army? Are they, Mr. President, the sole arbiters of who gets a permit to leave, or to go in curfew or in a cordon?

Mr. President, how is it that we could say that only a judge of the Supreme Court is allowed access out? What happens to other courts of superior record, magistrates, industrial court, tax appeal court, Mr. President? Why is there a discriminatory lens, Mr. President? Under a state of emergency, these things would be produced in regulations but, Mr. President, to get to regulations you have to use a formula in the law that says, "As may be prescribed". These provisions do not have the formula "as may be prescribed", Mr. President. So, they fall into the trap of being vague. Mr. President, this law—if I may ask, what time is full time,

Mr. President?

Mr. President: You have exactly four minutes.

Sen. F. Al-Rawi SC: Thank you, Mr. President. This law is version number two of zones of special operations. It has come as a “special operation”. Mr. President, I ask you, in all sincerity, what on God’s earth is a special operation? It is not defined. We know that you could have a special operation. But what is it? There is a phenomenon of joint patrols, Mr. President, where as an aid to police enforcement, the Trinidad and Tobago Defence Force can be utilized. But, Mr. President, the law does not recognize a continuous period for the operation in this style.

Mr. President, we have districts defined in the Police Service Act. Why are we using a district here now in this Bill, and a district based upon municipalities? Mr. President, if you go to the Police Service Act, you will see the definition of a district. You will see the Police Commissioner in charge of what a district is, Mr. President. Police stations are to be in districts.

But, Mr. President, there is a huge problem in the continuous use of the defence force, and that is section 191 of the Defence Act. Section 191 of the Defence Act says that the discipline—ultimately, the sanction for discipline, Mr. President, comes at the hand of the Minister of National Security who is permitted to give general and specific directions to the TTDF. So not only are we in problem with section 123A, as it relates to the Constitution and the police, Mr. President, but we are also in a problem as it relates to the TTDF on a tour of duty for two years until the sunset clause comes up for review. Mr. President, in all sincerity, this law is completely and totally unconstitutional.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: It is not the sections 4 and 5 rights that take us to that fall off

the cliff. It is the interference in section 123, 123A. Mr. President, there is a whole lot more that we will say at committee stage. I have left ample room for my colleagues to join in on the further aspects of the Bill. I recognize that my time has run, and thank you for the opportunity to contribute.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Anthony Vieira SC.

Hon. Senators: [*Desk thumping*]

Sen. Anthony Vieira SC: Thank you, Mr. President. Let me start by saying that this is a very different Bill from the legislation we considered earlier in January this year. It is not the same wine in a new bottle. Any of the objections raised in relation to the January Bill have been addressed, though there are some concerns that I will deal with later. But for the moment, let me give the Government credit for where credit is due by identifying provisions in this version of ZOSO which materially answer earlier criticisms. For example, this version has the two-year sunset clause; more objective criteria for the declaration of closed areas; an express requirement that ordinary policing measures must be inadequate before a closed area can be declared; police leadership of special operations; military assistance only where the Commissioner of Police considers it necessary and requests it; a separate military chain of command; human rights, use of force, community engagement and conflict de-escalation training; judicial supervision of detention; provision for body cameras; monthly operational reporting, and annual reporting to Parliament.

The official parliamentary description of the Bill itself confirms the new emphasis on police-led special operations, military assistance, human rights training, protocols and reporting. These are important changes. So let me make it clear from the get-go that I am not approaching this Bill as though nothing has changed

since January. There have been significant changes. The question, though, is whether enough has changed?

Hot on the heels of the announcement of this version of ZOSO, Mr. President, you could just imagine the comments, the criticisms, suggestions, even petitions I have been getting from members of the public. Many of the same observations and questions kept cropping up: “If a lot of people do not want ZOSO, then why does the Government insist on it? Why should we trust the Government after everything that has happened over the last six months?” Others have referred to the rhetoric surrounding the earlier ZOSO debate. You will recall in January the Prime Minister described opponents of ZOSO as weak men and women, and accused critics of defending violent criminals gangsters; defending violent criminals and gangsters. And those remarks were publicly reported at the time.

I raise this because trust cannot be separated entirely from this debate. Laws of this kind do not operate in a vacuum. Today, we are being asked to consider, we are being asked to confer significant powers on the State; power to close communities, to prevent citizens from entering or leaving without permission, to impose curfews, to search homes without warrants, and in certain circumstances, to detain persons without charge.

When Parliament is asked to confer powers of that magnitude, trust matters. Trust is built on credibility, respect and fairness. And as we all know, once trust has been damaged, it is not easily recovered. So, we cannot pretend that this Bill comes before us on a blank sheet of paper. It comes after months of emergency rule and considerable controversy surrounding the exercise of the preventative detention powers. It also comes against the background of other controversial exercises of state power which have generated public concern.

Now, I do not propose to adjudicate on those matters on the Floor of this Senate. Some involve disputed facts, some involve precedes before the courts, but they form part of the context in which citizens are now being asked to accept further coercive powers in the hands of the State. And words matter as well. As someone who has studied neurolinguistics, I am troubled by the language of war: “The war is on. We want peace through war,” suggestions that savagery may be required. This kind of gun talk is unattractive. It is unhealthy. It is unhelpful.

More recently, following passage of this Bill in the Lower House, the Prime Minister issued another statement. She said that the Special Operations Bill will be passed in the Senate without amendments. Now, I hope that was simply an expression of confidence and not a suggestion that the deliberations of this Senate are somehow a foregone conclusion, because they are not. The Prime Minister’s more recent statement also warned that criminals, their families and supporters would face harsh and brutal consequences, and described opponents of the Government’s approach as mouthpieces for drug traffickers and criminals.

12.10 p.m.

Again, that sort of binary choice does not assist us. We should be prepared to engage in an open, honest conversation and take part in a national dialogue. One can despise gangs, what gangs have done to this country, and still passionately believe in constitutional rights.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: One can support the police service and still question warrantless searches. One can want murderers and gunmen brought to justice and still ask how long an innocent community should be prevented from leaving a closed area. One can demand effective policing and still ask why Parliament has placed no express maximum period upon detention without charge under clause

17(6). And, an Independent Senator can question whether legislation is proportionate without becoming a mouthpiece for anybody other than his or her own conscience.

So, in the event—I am not taking basket, either from those who are for this Bill or from those who are against it. I do not believe we have to choose between being free and being safe. I do not accept that Parliament weakens the police service if we insist that the powers we give it are clearly defined, proportionate, and subject to proper safeguards. Nor, do I believe, nor do I believe that we could just continue doing as we have always done.

There is no gainsaying the fact that the crime problem confronting Trinidad and Tobago is profound. Too many citizens live with fear. Too many families have lost loved ones. Too many communities have been intimidated by gangs with guns. And, if the old approaches were working, then we would not be having this debate. So, we have to be willing to think differently. I get that. New forms of organized crime, sophisticated criminal networks, illegal firearms, technology, and changing patterns of violence, they require new policing methods. I am willing to examine new ideas.

I am prepared to consider effective tools which enable the police to disrupt criminal organizations, intercept firearms, enter dangerous areas, gather evidence, and bring criminals before the courts. But innovation in policing cannot mean innovation in circumventing constitutional rights. The challenge before us is not whether we are for the police or for civil liberties. That is a false choice. I want to dismiss the proposition that the choice is whether we want a police state or a bandit state. Rubbish! I want neither.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: The question is whether we can design a system that gives the

police the powers they genuinely need, while placing clear boundaries around those powers. A system which will enable the State to thwart and to prosecute crime without unnecessarily diminishing the rights of the innocent. A system which serves people rather than frightening them, and a system in which extraordinary powers come with extraordinary accountability. Fear cannot be the organizing principle of our criminal justice system. Hope must be stronger than fear. And the best answer to fear is neither complacency nor authoritarianism. It is effective policing under the law. Police officers with the tools to do their jobs, courts capable of protecting liberty, Parliament willing to scrutinize power, and citizens able to trust that the State is both strong enough to protect them and restrained enough to respect them. And that is the balance I am hoping we can achieve.

As an Independent Senator, I do not have to decide whether I trust or I mistrust the Government. Nor do I have to determine which side of the public argument is louder. My objective is to design legislation that does not depend on trust. Good constitutional legislation assumes that every government is fallible. Safeguards are not inserted because we necessarily expect today's Prime Minister, Commissioner of Police, or police officers to abuse their powers. They are inserted because laws outlive personalities. Mistakes occur, institutions fail, and power can be misused. Governments change, Prime Ministers change, and Commissioners of Police change. Yet, the law remains.

And so, that brings me to what I consider the central legal question surrounding this legislation. The Attorney General has acknowledged that it may interfere with constitutionally protected rights, but he argues that such interference is reasonable and proportionate having regard to the objective of protecting citizens from violent crime. He raises a serious argument. The Privy Council's decision,

as we have heard in *Dominic Suraj vs The Attorney General of Trinidad and Tobago*, is important. I want to be fair about what that case means.

I accept the Privy Council's holding and the principles enunciated in the Suraj case. I accept that the rights protected by section 4 of our Constitution are not absolute. I accept that the mere fact legislation interferes with the exercise of a constitutional right does not automatically mean that Parliament must invoke section 13. And I accept that even significant interference may, in appropriate circumstances, be justified where the objective is sufficiently important and the means chosen are proportionate.

Let us not forget, when COVID came, the whole country was shut down, curfew, people could not move about. That legislation was passed on a simple majority. So, we are back today, same principle. The Privy Council's judgment concerned, amongst other things, freedom of movement, private and family life, and freedom of association. And let me concede something else immediately. Protecting citizens from murder, shootings, kidnappings, illegal firearms, gang domination, is unquestionably a matter of the highest importance. I do not believe we need to spend too much time debating that, nor is it particularly difficult to establish a rational connection between certain targeted police operations and that objective.

But that does not end the proportionality enquiry. In fact, it begins it. The real questions are these: Do the measures in this Bill go further than reasonably necessary? Can less intrusive measures substantially achieve the same objective? And ultimately, has a fair balance been struck between the rights of the individual and the interests of the community? These questions are important because sections 4 and 5 contain some of our most fundamental protections in our constitutional order.

Section 4 expressly recognizes the rights to liberty and security of the person, enjoyment of property, due process, equality before the law, private and family life, and other fundamental freedoms. Section 13 then provides a separate constitutional mechanism by which Parliament may expressly enact legislation, notwithstanding inconsistency with sections 4 and 5, provided the Bill receives a three-fifths support in both Houses and remains reasonably justified in a society having respect for individual rights and freedoms.

So, the question is not just this Bill interferes with fundamental rights and freedoms. The Attorney General accepts that it can. The more useful question is whether the Government can demonstrate, provision by provision, that the particular interference is proportionate. I would respectfully ask the hon. Attorney General not simply to tell the Senate that the Bill is proportionate. He must show the proportionality analysis. Why must every person in a closed area require permission to leave? Why is there no maximum duration for a closed area? Why does the warrantless search power refer broadly to suspicion of an offence? Why is there no maximum, no statutory maximum period under clause 17(6) for detention without charge? And if body cameras are an important safeguard, then why are they required only so far as is possible, having regard to available resources?

I am not raising objections to fighting crime. I am raising proportionality questions. And there is another question that the Government should answer. The January Bill expressly declared it would have effect notwithstanding inconsistency with sections 4 and 5. As you recall, that Bill required a special majority, and the parliamentary record confirms that it failed because it did not get that majority in this House. Now, this Bill does not contain that declaration.

Now, that does not necessarily mean that there is anything improper about

this change, because this is a materially different Bill. But surely the Government should be able to explain what changes between January and September transformed measures which the Government previously considered required section 13, into measures which the Government now considers constitutionally permissible under ordinary proportionality. I think that is a fair question, and it deserves a provision-by-provision answer.

I should add that section 13 itself is not a magic wand. Even legislation passed by the required special majority remains subject to section 13's requirement that it be reasonably justified in a society having proper regard for rights and freedoms. And the Privy Council reiterated that principle in the Akili Charles case, while recognizing the wider margin afforded to Parliament where a supermajority had deliberately authorized the measure. So, with all due respect, changing the majority is not necessarily the answer. I think the better answer really is to improve the legislation.

So let us look now at the specific clauses. Turning to clauses 11 and 12. Clause 11 contains improvements:

- “(1) The President...”—must be—“...satisfied on reasonable grounds...”—of specified conditions relating to—
- “(i) ...violent crime...
 - (ii) ...firearms...
 - (iii) ...gang”—activity, and public safety, together with
 - (b) ...the inability of ordinary law enforcement measures to maintain or restore public safety and peace...”

Now that is considerably more precise than the January formulation. But Clause 12 then does something quite significant. Once an area is declared closed, nobody may:

“...enter or leave...without a permit...”

Subject to the statutory exceptions. Now, what does that mean? “Yuh close down the area, yuh cyah come in or you cyah leave without a permit.” It means that the innocent resident, the grandmother who collects her grandchildren from school, and the children as well, the shopkeeper, the construction worker, the domestic worker, the gardener, all of them will require permission from the State simply to leave his or her community. That is a very serious interference with ordinary freedom of movement.

Here *Suraj* becomes particularly important. So, I ask, why must restriction be automatic? Why can the declaration not establish an area where enhanced policing takes place while allowing movement restrictions to be separately imposed only where they are demonstrably necessary? Could checkpoints not achieve that objective? Could targeted cordons not achieve that objective? Could restrictions not operate during specified hours? Why can residents not have a presumptive right to enter and leave subject to identification and reasonable security controls? These would all be examples of the less restrictive means question.

There is another drafting issue that concerns me greatly, and I see no maximum duration for a closed area. Clause 26 sunsets the legislation after two years, but that is not the same thing as placing a maximum duration upon each closed area declaration. Under the January Bill, a zone ordinarily had a maximum period of 180 days. Why has that protection disappeared? Similarly, the January Bill imposed maximum periods on cordons and curfews. Those territorial limits have also disappeared. A restriction lasting six hours may be proportionate. The same restriction lasting six weeks may not be. Duration matters. If proportionality is the constitutional foundation upon which the Government is now relying, the

Parliament must be concerned with duration. I would therefore invite consideration of express maximum periods of closed areas, cordons, and curfews, together with parliamentary approval for continuation beyond an initial period.

Another point in need of clarification is: Who declares the closed area? Clause 11 says that it is the “President”. But as Sen. Al-Rawi pointed out, we should not confuse the President with an independent decision-maker merely because the word “President” appears in the clause. Section 80 of the Constitution provides generally that in exercising functions under the Constitution or any other law, the President acts on the advice of Cabinet, or a Minister acting under Cabinet authority, unless the Constitution or law makes some other provision. So, I am constrained to ask, on whose advice will the President act under Clause 11?

More importantly, if this is truly a police-led regime, as the Bill says it is, then why does the Bill not require a written recommendation from the Commissioner of Police that ordinary policing measures are insufficient before a closed area can be declared? That would seem to me to reinforce rather than undermine the architecture of the Bill. The professional police leadership assesses the operational necessity, the Executive exercises its lawful responsibility, Parliament would provide oversight, and the courts would remain available to review legality.

The permit system also deserves attention because the Bill expressly exempts the President, Prime Minister, Ministers, Members of Parliament, judges, and certain public officials. But the legislation does not similarly exempt doctors and utility workers. When my garbage has to be collected, they all have to get permits; attorneys attending a detained client, journalists, or ordinary residents just going to work. I appreciate that class permits can be issued, but again, why should the necessities of ordinary life depend entirely upon administrative discretion?

And why should Parliament not expressly provide for emergency medical situations?

If a pregnant woman or somebody has had a stroke or a heart attack must leave a closed area urgently at two in the morning, the law should not depend upon whether somebody remembered to arrange a permit. There should also, in my view, be careful consideration of an express reasonable excuse defence to the offences concerning unauthorized movement and curfew, because we are dealing with offences carrying potentially serious penalties.

Criminal legislation should accommodate for genuine emergency and necessity, warrantless searches and privacy. Clause 15 permits warrantless searches. Now, there are some safeguards. Reasonable suspicion is required. The occupier has rights in relation to observation of the search. Women are to be searched by women. Legally privileged material and tools of lawful trade receive protection. You will get inventories and receipts. Property must eventually be returned when the statutory basis for the retention disappears and there is access to a magistrate.

So, I acknowledge these safeguards, but difficult questions remain. First, what is it about living in a designated geographical area that justifies removing the ordinary warrant requirement? Government may have an answer. For example, police operating in a gang-controlled area may need to act rapidly on intelligence concerning firearms before the evidence disappears. But if urgency is part of your justification, why is urgency not a part of the statutory test?

12.30 p.m.

And there is another drafting issue. Clause 15 refers to:

“...reasonable suspicion that an offence is...being committed, has been committed or is about to be committed.”

Well, that is very broad. The exceptional regime is justified by murders, gang shootings, kidnappings, firearms, and serious violence. Why then? Why then should the exceptional warrantless search power potentially accede to any offence? Any offence?

Importantly, the drafting should make unmistakably clear that the reasonable suspicion connects the person, the vehicle, or the place being searched to the suspected offence. Reasonable suspicion that somebody somewhere in a closed area has an illegal firearm surely cannot justify searching every home in that area. If that is not the Government's intention, the amendment is simple. Say so.

A narrow provision will not weaken law enforcement. If anything, it will strengthen your provisions constitutionally. Clause 17 requires careful scrutiny. Again, while there are significant safeguards here which were absent from the preventative detention architecture of the State of Emergency, I am very concerned that no express maximum is provided. For me, the issue here is one of legislative responsibility.

What is the maximum period for which Parliament considers it acceptable for an uncharged citizen to remain in custody for investigative purposes? That is a question we have a duty to consider seriously, and we have to answer it. I do not think it is right for Parliament to just pass the buck to the judges, to just hand over an undefined outer limit to the courts and leave it to the judges to figure out.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: And there are related questions. Should the detainee have an express statutory right to be represented at the application? Should the statute require reasons? Should there be periodic review? Should the detainee be able to apply for release before the period expires if circumstances change? What evidential threshold should government satisfy for continued detention? And how

does clause 17's requirement that the detainee be brought before a magistrate immediately, or as soon as is reasonably practicable, interact with clause 19 which introduces a mechanism once custody reaches 36 hours? I do not want to see the 36-hour provision inadvertently becoming regarded as the normal period before judicial scrutiny.

One of Vernon de Lima's mantras, when I worked with him, was that the liberty of the subject is paramount. From earliest times under English law, liberty of the subject means that the Government cannot arrest you, put you in prison, or take your property without a fair trial and proper legal process. The liberty of the subject is the personal freedom an individual has to live, act, and make choices without unfair or unlawful interference from the Government. In legal history, due process offers protection from power. It stops rulers from punishing people on a whim, and it ensures that the law applies equally to everyone. The Constitution takes liberty seriously, and so should this legislation.

The treatment of attorneys under clause 20 also deserves reconsideration, I think. Family visits and ordinary social visits can understandably be regulated by station procedures, but access to legal advice is different. Section 5 of the Constitution expressly protects procedural rights of persons arrested or detained. So, I therefore ask whether attorney access should be separated from the general visiting regime and expressly protected as prompt and confidential access, subject only to restrictions demonstrably necessary for immediate security. Now, that would protect the detainee, and it would also protect the police. A properly advised detainee and a properly documented process would reduce later disputes about what occurred in custody.

I turn now to clauses 5 and 7. One of the improvements in this Bill is institutional separation, and as we all know, the law is all about checks and

balances. The police operation has a Head of Special Operations. Military assistance has a separate Head of Military Assistance. The Commissioner determines whether military assistance is required, and that is much, much better than what existed in the earlier Bill. But this version introduces another concern. The Commissioner selects a police operational head, but the Prime Minister can effectively object to that appointment. The Chief of Defence Staff selects a military head, but again, the Prime Minister can object. Why?

Section 123A of the Constitution expressly gives the Commissioner of Police complete power to manage the police service, and it confers substantial appointment and transfer powers upon the Commissioner. So why does this legislation give the Prime Minister a statutory veto over the Commissioner's selection of a Superintendent to head special operations in a policing district? Why is this necessary? What is the mischief to be cured? Political accountability and operational control are not the same thing.

Government legitimately establishes policy; government is accountable to Parliament and the electorate for public safety, but operational policing should remain professional policing. The issue becomes more significant when clause 8 is added to the picture. Monthly reports travel upwards to the Executive. The Prime Minister determines in writing what those reports must contain. So, the Prime Minister can object to the operational commander. She receives the operational reports and determines their content, yet at the same time, Parliament only gets an annual report. I think that balance deserves some reconsideration.

Now, military assistance. I want to recognize an important improvement. The defence force is now expressly in an assisting role. The Commissioner of Police must consider military assistance necessary and requested, and this is much closer to the constitutional and institutional relationship I had been advocating for.

The Constitution vests supreme command of the armed forces in the President, the exercise of that power regulated by law, in particular, under the Defence Act. I would therefore favour an express provision making clear that nothing in this legislation alters the constitutional or statutory chain of command of the defence force.

There is another basic drafting question. Sen. Al-Rawi alluded to it. The Bill repeatedly uses the expression “special operation”. But as far as I could see, “special operation” is not defined. What distinguishes a special operation under this legislation from an ordinary police operation? What will soldiers assisting in a special operation actually do?

The Bill does not appear to give the members of the defence force an equivalent general police power, and this appears to be deliberate, and I welcome that restraint. But functions should be clear. A statute conferring exceptional powers should not leave its central operational concept undefined.

Body cameras. Clause 21 is another area where I recognize improvement, but I question whether this safeguard goes far enough. External access to footage by institutions such as the Police Complaints Authority, the DPP, Ombudsman, they are valuable. But the fundamental obligation remains qualified by the words, “as far as is possible, having regard to available resources”. Well, that is not the same thing as a mandatory obligation. And why does this matter? It matters because body cameras are not an ornamental provision. They form part of the whole accountability architecture, which Government can rely upon in arguing that these intrusive powers are proportionate.

If the police can enter homes without warrants, conduct searches, enforce cordons, and participate in potentially confrontational operations, recordings from body cameras will protect everyone. It will protect citizens against misconduct. It

will protect the honest police officer against false allegations. It will protect evidence. It will protect the integrity of prosecution. So perhaps the better formulation is not an unrealistic absolute rule that a camera must work every second, but we could require cameras to be worn and activated during prescribed operations.

We should identify narrow exceptions. We should require reasons for non-activation to be recorded. We should prohibit unauthorized deletion or alteration. We should establish retention periods. We should preserve access for criminal proceedings, complaints, and constitutional claims. And we should permit the courts to take unexplained failure to record into account where appropriate. These are enforceable safeguards.

Similarly, I welcome clause 22, registration of weapons and ballistic signatures. And again, another important accountability measure. But the clause apparently ends by allowing the Commissioner or the Chief of Defence Staff to determine otherwise. Why? If an emergency operational situation requires an unregistered weapon to be deployed, perhaps some flexibility is necessary, but the exception should not swallow the rule.

One solution might be written reasons based upon operational necessity and compulsory retrospective registration within a short, prescribed period. Given the extraordinary and exceptional nature of this legislation, it seems to me that Parliament should receive information more frequently than once a year. Parliament should be able to evaluate these operations while they are being exercised, not many months afterwards.

So, I would invite the Government to consider quarterly aggregate reports to both Houses, and those reports would include things like the number and duration of closed areas, cordons and curfews, searches conducted, persons arrested/

charged, and released without charge, firearms and ammunition recovered, property seized and returned, use of force, death, injuries, body camera compliance, permits granted, refused, or cancelled. This is not bureaucracy for bureaucracy's sake. It is evidence.

If special operations work, government will want Parliament and the public to see the evidence. If something goes wrong, Parliament should know before the two-year sunset arrives. I also question why the parliamentary control mechanisms are as limited as they are. The closed area order is subject to negative resolution in the House of Representatives. The Senate has no equivalent role in that annulment procedure, and Motions to annul are restricted.

Mr. President: Senator, you have three more minutes.

Sen. A. Vieira SC: Three more minutes? Okay. I will not talk about the disappearance of the social side of things. That just got deleted. But it is a fundamental question. How will health, education, housing, youth development, employment, community infrastructure, and social services interact with special operations? Because if ZOSO means only that the State enters a troubled community with coercive power, then we have only addressed half of the problem.

I have raised a number of concerns, and I believe most of them are capable of being addressed. This is not a situation where Parliament is confronted with a concept which necessarily admits to no improvement. And it brings me back to where I began. The Government does not have to abandon legislation merely because some people oppose it.

Leadership sometimes requires difficult and unpopular decisions, nor should public fear operate as an automatic veto upon measures genuinely necessary for public safety. But when significant numbers of people express anxiety about legislation which concerns exceptional coercive powers, government should listen.

You do not have to agree, but you should listen. And the answer cannot just be trust us. Right?

So, hope must be stronger than fear. If we can produce legislation that gives our police service the tools it genuinely needs, which protects communities from gangs, which respects the constitutional boundaries of the State's power, which subjects exceptional powers to exceptional accountability, and which accompanies security with genuine community transformation, I think we would have genuinely moved closer to that objective. That is the challenge before us, and I thank you.

Hon. Senators: [*Desk thumping*]

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

Hon. Senators: [*Desk thumping*]

Sen. Michael de la Bastide SC: Thank you, Mr. President, for recognizing me. Mr. President, I am a little under the weather, so I hope the Chamber will excuse the odd cough here and there. I would like to endorse most of what Sen. Vieira has said, and he has taken a detailed approach. I will be taking a broader approach with respect to the Bill before us.

Mr. President, the Bill before us today is essentially a second edition version of the Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Bill, 2026, which was debated in this Chamber some six months or so ago. I will refer to that Bill in this contribution as the ZOSO Bill, and the Bill before us today as the present Bill.

Mr. President, the present Bill comes to us against a backdrop of the country being under 18 months of almost back-to-back states of emergency, which ended about a week ago. It seems that living under a state of emergency, unfortunately, is now the norm rather than the exception. Having said that, the SOEs, as I will call them, have been accompanied by a significant reduction in serious crime, but

citizens have had to pay a significant price for that, namely the suspension of their constitutional rights. From what is reported in the media, it seems that even under the SOE approach to serious crime, the reduction in crime initially seen under that approach has begun to plateau, at least in terms of the murders committed.

Further, it is clear that the introduction of this Bill is an acknowledgment that notwithstanding the past three states of emergency lasting in total 18 months, and the time which that has allowed for the gathering of intelligence by state agencies, the design and implementation of improved police investigation and detection systems, and improvements in the administration of justice, the State is still not in a position to maintain or reduce present levels of crime without the exercise of powers which significantly infringe on citizens' fundamental human rights.

For undoubtedly, Mr. President, the provisions of the Bill will, if they become law, significantly infringe upon those rights. Whether that infringement, though it is significant, is sufficient for the Privy Council to strike down this proposed legislation as being unconstitutional is another matter and remains to be seen.

The Government says it is of the view that under the tests or criteria applied by the Privy Council to determine such matters, the infringement is not such as to render the provisions unconstitutional. However, there is no way of determining what position the Privy Council will take should the issue be put before it. But surely in determining whether to support this Bill, we as parliamentarians should apply the same tests that the Privy Council says it will apply on such issues and take the results of that application into account.

I shall not go through all of the tests. I think that has been done, but I will mention two of those tests, namely whether less intrusive measures could be used

to suppress and reduce crime to acceptable levels and whether, having regard to the severity of the consequences for individuals affected by the exercise of the powers conferred on the Government, the police, and the military, by this Bill, a fair balance has been struck by the Bill between the rights of those individuals and the interests of the general public in reducing crime.

But there is another—and this is perhaps one area where I may differ with Sen. Vieira. There is another matter to be considered in deciding whether to support this Bill. Perhaps it can be said to be a matter to be considered in applying the constitutionality tests I referred to above, and that is, given the lack of judicial oversight with respect to the exercise of some of the SOE-type powers proposed to be conferred on the State under this present Bill, what level of confidence can we reasonably have, that the State will not exercise these powers for purposes other than the suppression of crime?

For surely, and we must remember that this Bill has a two-year clause. It is not indefinite, so I think we are looking at how this Government, because I expect this Government to continue beyond two years, how this Government will exercise the powers conferred on it by this Bill. For surely if there is little confidence in the State in that regard, then that is something that would weigh against supporting the Bill.

I will first consider the issue as to whether, given the extent to which the provisions of the Bill infringe upon citizens' human rights, that infringement is justified by the public interest in controlling and suppressing crime. In doing so, I will consider certain clauses of the Bill.

I start with clause 11, which in its essence provides that the President, by Order subject to negative resolution of the House, may declare any area in the country to be a closed area. What is the immediate effect of such an order? The

immediate effect is that no person, apart from those holding certain specified offices, may enter or exit that area without a permit. I refer here to clauses 11 and 12.

The Bill makes it a criminal offence to breach those provisions, and such breach is:

“...is liable on summary conviction to a fine of fifty thousand dollars and imprisonment for one year.”—maximum fine.

12.50 p.m.

Now, Mr. President—and I think the media needs to understand this, and the population as a whole needs to understand this, and that is that, notwithstanding the words:

“The President may...”

—and the words:

“...where the President is satisfied...”

—in clause 11, under section 80 of the Constitution, it is the Cabinet that makes the decision—

Hon. Senators: [*Desk thumping*]

Sen. M. de la Bastide SC:—whether the Order is made to close an area, to declare a closed area, not the President. Under the provisions of the Bill, it is the Cabinet that decides that an area is to be designated a closed area and thereby placed under lockdown.

Under the Constitution, the President is merely a rubber stamp and has no power or discretion to exercise any of the powers conferred by the provisions of this Bill. That much has been made clear by the Privy Council in its decision in *Ravi Balgobin Maharaj (No. 2) v The Cabinet of The Republic of Trinidad and*

Tobago [2024] UKPC 41. So, in effect, clauses 11 and 12 allow Cabinet to lock down any area indefinitely—well, subject to the two-year expiration of the Act—preventing any person, even innocent, law-abiding citizens residing in the area, from leaving or entering that area.

This is a significant, and I would say, concerning change from the ZOSO Bill, and one that significantly broadens the power conferred on the Government, on Cabinet, when compared to those it would have held under the ZOSO Bill had it been passed. Under the ZOSO Bill, the mere declaration of a zone by Order of the Prime Minister did not prevent any person from leaving or entering the zone or an area. The only power to place a check on citizens leaving or entering the zone, or an area within the zone, provided for in the ZOSO Bill, was that conferred on the joint command to cordon off certain areas within the zone.

Under that Bill, the joint command comprised:

“...a member of the Trinidad and Tobago Defence Force, not below the rank of Major...and a member of the Trinidad and Tobago Police Service, not below the rank of Superintendent...”

So, under the ZOSO Bill, neither the Prime Minister nor the Cabinet nor any other politician had the power to lock down persons. The power laid in the joint hands of the police and the military. The provisions in the present Bill conferring directly on the Cabinet the coercive power to prevent citizens leaving a particular area, whether it be a district, a street, a home or a commercial property, is cause for grave concern.

It has always been part of our constitutional arrangements that the bodies or entities exercising coercive powers in civilian life, such as the police service and the prison service, are insulated from political control or interference by placing the power to appoint, promote, transfer and discipline police and prison officers in

the hands of independent entities, namely the Service Commissions appointed by the President in his own discretion, or more recently, in the case of the police service, the Police Commissioner.

In *Thomas v Attorney General of Trinidad and Tobago* [1982] AC 113, the Privy Council stated that the purpose of the Public Service Commission, established by the Constitution is:

“...to insulate members of...”—amongst others—“...the police service from political influence exercised directly upon them by the government of the day.”

The present Bill does not simply remove the insulation of coercive powers from political interference; it places those powers directly in the hands of politicians, the Cabinet.

One of the changes to the ZOSO Bill made in the present Bill is that the latter sets out, in greater detail, the circumstances in which the Cabinet may exercise SOE-type powers and confer on the police and the military such powers. Sen. Vieira referred to that as a positive change. It is a change that we asked for, but we did not ask for the change where these powers would be exercised, in effect, by the Cabinet. And that is, in my view, a negative change and one of great concern.

But even though, I understand, you have an improvement in stating a more detailed criteria as to when an area may be designated a closed area, it is still difficult to enforce those provisions. If Cabinet decides to designate an area a closed area, but it is not, in fact, satisfied that public safety and peace in the closed areas are threatened on those grounds, or if Cabinet believes that there is such a threat but there are no reasonable grounds for such a belief, it may be difficult to prove that fact in court proceedings brought to challenge the Order. And the reason

why is—it was mentioned by Sen. Al-Rawi—because you have this public interest immunity defence. The State can come and say, “Well, you know, we have received intelligence,” and then the extent to which you need to reveal details of that intelligence is limited, so it is harder for the applicant to prove a lack of reasonable grounds.

Further, even if it is challenged successfully in constitutional or judicial review proceedings, that may take months, if not years, to achieve. In the meantime, the area remains a closed area for so long as Cabinet decides, at least until the expiry of the Act, and persons’ constitutional rights continue to be infringed. And this is particularly so if we have, as we have had in the past, you know—you have decisions of the court maybe saying—well, it is squashing a decision to declare somewhere a designated closed area, but then you have to grant a stay. And you grant the stay and you go to the appeal, and the appeal—and so when you grant that stay, it remains a closed area and you go all the way to the Privy Council, and all this time, the area remains a closed area.

So, even if you are successful, at the end of the day, you have already suffered the damage. The community has been locked down, or the person in the home who has been locked down, has been locked down for all this time. The warrantless searches have occurred. That might have been very traumatic. The curfews that took place would have still had to be experienced.

Mr. President, there is no judicial oversight of the exercise of these powers— I am talking about designating a closed area; I am talking about imposing a curfew—in that, the State is not required to satisfy the courts, or the Cabinet is not required to satisfy the courts, that there are reasonable grounds to believe that public safety and peace are threatened in an area before it can be locked down as a closed area.

It may be argued that such oversight may be impractical in cases of emergencies. They may say, “Well, you know, you have a case of emergency. If I have to go to the court, that is time, and I need to lock down this area because of emergency purposes.” Fair enough. But neither does the Bill provide for a maximum period that an area can remain a closed area without obtaining some sort of approval from the courts.

For example, there is no provision for the lockdown to be for no more than X days, unless the State satisfies the court that there are reasonable grounds for believing that an extension of the lockdown of X days is required as the threat to public safety and peace in the area continues to be threatened. So, one can see the potential for abuse here. I am not about saying that the Government is going to abuse or not abuse, but we must be aware of the potential for abuse.

A Cabinet may, in declaring an area a closed area by way of the President, recite that it is satisfied, on reasonable grounds, that public safety and peace are threatened by virtue of one of the matters set out in clause 11(1), when, in fact, it may have no genuine belief in that regard, or contrary to its view, there may be no reasonable grounds for having such a belief. And it may do so in the knowledge that any judicial or constitutional challenge to the Order may take months to be determined, by which time the purpose for declaring the area a closed area will have been achieved, whether that purpose is to harass or intimidate political opponents or supporters of political opponents. This is the area for abuse. So, if a Cabinet wants, it is easier. I am not saying this Cabinet will do so, but it opens up a great risk that Cabinet now can exercise these powers for ulterior purposes—political purposes. And that is why we have always had coercive powers, and people who exercise coercive powers, insulated from political control.

Hon. Senators: [*Desk thumping*]

Sen. M. de la Bastide SC: And Cabinet can also do so in the knowledge that, even if the challenge is successful, any damages that may be ordered to be paid to the applicant would be borne by the taxpayer. The taxpayer will pick up the bill.

The Bill provides that persons, or classes, or categories of persons may be issued with a permit allowing them to leave and enter the closed area. So, there is some relief provided for in the Bill. And these permits may be issued by the Commissioner of Police, the Chief of Defence Staff, the Head of Special Operations or Head of Military Assistance.

However, the Bill fails to set out any grounds on which such a permit may be refused or grounds on which it may be granted. So, the granting of the permit is entirely in the discretion of those officials, most of whom are not insulated from political interference or control. In that regard, the Head of Special Operations, as we have heard, is in part a political appointee, in that, under the Special Operations Bill, no person can be appointed to that post without the agreement of the Prime Minister.

Further, under section 191, I believe, of the Defence Act, the Chief of Defence Staff is appointed by the Minister of Defence and must exercise any powers connected with the operation or use of the defence force in accordance with the directions of the Minister. So, he is without any insulation from political direction in exercising the discretion to grant or refuse a permit.

Similarly, the Head of Military Assistance is also subject to political control because not only does he come under the command of the Chief of Defence Staff, but the Bill provides that he too can only be appointed with the approval of the Prime Minister.

Now, is there any provision in the Bill for an applicant applying for a permit to challenge, by way of appeal to the court or to an independent body, a refusal to grant such a permit? Clause 24 provides, in vague terms, that:

“The Commissioner of Police and the Chief of Defence Staff shall make arrangements for applications for permits...”—to be issued.

So, there is no way of reviewing what those arrangements may be.

Clause 25 says:

“The Minister may make regulations for the administration of this Act.”

So, we do not know what the application process for a permit will be, how effective it will be, or what is the likely time period within which an application for a permit will be determined.

Another difference between the two Bills is that under the ZOSO Bill, as I think Sen. Vieira said, a zone was limited—a declaration of a zone was limited to 180 days and the Order had to specify the period of time during which the zone is to operate. Under this Special Operations Bill—this present Bill—the Order declaring a closed area is not limited to a maximum period, and there is no need, as far as I can see, to state the period for which the closed area is intended to remain in place.

In addition to conferring on Cabinet the power to establish areas which people may neither enter into nor exit from without permits, this Bill confers on the relevant Head of Special Operations the power to cordon off either the closed area, or an area within the closed area, by means of barriers, roadblocks or otherwise.

Clause 13(2) and (3) appear to provide that the relevant Head of Operations shall cause to be published and displayed a notice, which, in addition to establishing the boundaries of the cordoned area, specifies, and I quote:

“...the requirements...”

So, the notice must:

“...specify...the requirements to be complied with by persons within the cordon, persons seeking to enter the area within the cordon, and other persons in relation to the cordon.”

Mr. President, this seems to suggest that, in addition to requirements applicable to persons seeking to enter the cordoned area, there may be other requirements imposed on persons located in this area. But there is no indication as to the type of such requirements that may be imposed on persons located in the area. Are they limited to requirements for persons who wish to leave, or are they related to curfew requirements, or is it that the Head of Special Operations has a general power to impose other requirements on citizens in this area? This clause is not clear. We simply do not know.

Clause 14 confers on the Cabinet the power to impose—and I say here the “Cabinet” because although clause 14 refers to the President, we know that means the Cabinet—a curfew on the closed area. Again, this is a significant change from the ZOSO Bill. Whereas under the ZOSO Bill, the Commissioner of Police and the Chief of Defence Staff were given the joint power to impose curfews on citizens in a zone, under this Bill, that power is conferred on the Cabinet.

Again, conferring these types of repressive measures on a government, that is to say, politicians, create an unnecessary risk of such powers being abused for political ends. And I repeat, the risks of abuse I raised in respect of conferring on politicians is the power to create closed areas. And the question arises: Why is it necessary for the Cabinet to have the power to impose and end curfews and to create closed areas? Why is it that those powers could not be conferred on, say, the Commissioner of Police, as provided in the ZOSO Bill? Why the change? So, we have been given some amendments we have asked for, but then we get these

amendments that we have not asked for, which I would say make the provisions even more alarming.

Furthermore, whereas under the ZOSO Bill, a curfew could not endure for a period exceeding 72 hours, under this Bill, there is no limit on the period of a curfew. It is up to Cabinet to decide the period for which the curfew is to endure. So, this Bill allows politicians to impose curfews, to determine the hours of curfew and to determine the period the curfew is to endure.

Clause 15 confers on—well, I think Sen. Vieira has dealt with that already, so I would not repeat that.

I also agree with Sen. Vieira, clause 17 confers on the police the power to arrest or detain a person where:

“...the Head of Special Operations is satisfied that there are reasonable grounds for suspecting that the person has committed or is in the course of committing or is about to commit an offence.”

There are limits to the length of period of time that he can be detained before being brought, first, before a magistrate and then, if necessary, before a High Court judge. But there is apparently no limit on how long the judge can order him to stay in detention.

But, Mr. President, in addition to warrantless arrests or detentions in a prison, it is important to note that, given the powers conferred on Cabinet to impose closed areas and to impose curfews, the Cabinet essentially has the power to place a person under house arrest. For example, under the Bill, the Cabinet can declare the boundaries of a home a closed area and, if necessary, impose a 24-hour curfew in that area. And I think—I do not know if I am correct in this—but I think this was confirmed by Minister Moonilal in the other place. It can relate to a property. Alternatively, a closed area may be a street with a 24-hour curfew, but

with all the residents, apart from the targeted civilian living on the street, being granted permits, could come and go as they please.

So, a major difference between this Bill and the ZOSO Bill is that the provisions of this Bill place state of emergency-type powers of curfew and restriction of movement, including, in effect, house arrest, in the hands of the Cabinet, that is to say, politicians, whereas ZOSO placed those powers in the hands of senior police officers and the military. In that regard, the present Bill introduces a type of, or something similar to a state of emergency for a period of two years.

There has been a lot of discussion, Mr. President, as to whether the provisions of the Bill require a super majority in this Chamber, but I think a debate as to whether provisions stating the Act is to come into force, even though it is inconsistent with sections 4 and 5 of the Constitution, is of limited use. For me, the central issue is whether in all of these circumstances, the broad powers set out in the Bill should be placed in the hands of politicians and without any judicial oversight, given the opportunity which that would present for those powers to be abused for political ends or for purposes other than the suppression of crime.

In that regard, a very strong case needs to be made to justify conferring such coercive powers on the Government or any politician for a period as long as two years. I do not believe that the Government has shown that less intrusive powers could not have been used to suppress and control crime to acceptable levels, nor do I believe, having regard to the severity of the consequences for individuals, particularly innocent, law-abiding citizens affected by the exercise of the powers conferred on the Government, the police and military by the Bill, that a fair balance has been struck by the Bill between the rights of those individuals and the interests of the general public in reducing crime.

I turn now to the other point—and I think Sen. Vieira has usefully considered lesser measures that could have been used. I agree with Sen. Vieira that something different needs to be done, but not this extreme. I say it is different wine in a different bottle, not because of the improvements, as Sen. Vieira mentioned, but because of what I see are negative changes, that is, putting these powers in the hands of Cabinet. And even if, you know—whether it is constitutional or not, even if you—I think one of the things that we would have to consider as parliamentarians, even if we say, “Well, you know what? Things are so bad, maybe we should really put in the hands of Cabinet these powers,” I think if we are looking at if we are going take that approach, then you need to consider the level of confidence we can reasonably have that the State will not exercise these powers for purposes other than suppression of crime.

1.30.p.m.

There are a number of reasons why my confidence in that is a little low. My low level of confidence stems in part from the reports in the news media that the Prime Minister has stated that she will only authorize special operations provided for in this Bill in UNC-held constituencies. Mr. President, assuming the Bill is passed, then a decision by Cabinet not to declare a particular area a closed area because it is not a UNC-held constituency will obviously be unlawful and would be struck down as unlawful, if challenged in judicial review proceedings. On the grounds that the fact that the area is not a UNC-held area is an irrelevant consideration.

I will use an example to make the point a little clearer. Let us say the Cabinet controlled a particular fund and by law it had the discretion to use that fund to finance emergency operations in areas where a natural disaster had occurred. Clearly, it would be unlawful for the Cabinet to refuse to spend that

money on emergency operations for a natural disaster because the natural disaster occurred in a PNM-held constituency. And that would be even if the PNM or the PNM MP for the area protested against the funds being set up or the fund being controlled by the Cabinet.

I expect it might be said, well, Sen. de la Bastide, why are you complaining about the Government not exercising these powers in certain areas if you are against the Government having those powers? The argument would be, the less they use them, the happier you should be. So, if they are not using them in certain areas, you should be happier by that. But that misses the point that once the Bill is passed into law, these powers must be exercised lawfully and in accordance with the Act. But more fundamentally, Mr. President, it misses the point, and what is more disturbing is that the Prime Minister's statement lays bare the fact that the Government is prepared to exercise its powers under this Bill based on political considerations.

Hon. Senators: [*Desk thumping*]

Sen. M. de la Bastide SC: In this case, the consideration is whether the areas are UNC constituencies or not. But what is to say tomorrow the political consideration for exercising such powers in respect of an area, or a house, or property, is that an Opposition Member of Parliament lives in that area, or that someone who supports or donates money to the Opposition lives in that area? And so, my point is that the Prime Minister's comments reveal a mindset that it is okay to exercise or not exercise these powers purely for political reasons or political circumstances. This mindset I find very worrying, and clearly not only does it undermine my confidence that these powers will not be used for political purposes. It makes me think that it is likely that they may be used for such purposes. But Mr. President, there are other matters which make me apprehensive about the manner in which

these powers will be exercised by the Government.

There has been a trend for Members of the Government, and I dare say Members of the present Opposition when they were in government, to make public statements in which they identify categories of persons or unnamed persons such as the Opposition, as whoever they are then, as criminals. You are narco-traffickers, you are corrupt, and they do so—and this is the PNM or the UNC Governments; they do so very often without identifying any hard evidence. And so, when you have political parties making statements like that, you have to wonder, if they were given these powers, whether they will enforce them without any evidence because they will say, well, you know, these are narco-traffickers or they were corrupt. And on that basis, they may want to exercise the powers against those parties.

We know, Mr. President, that throughout modern history and even today, authoritarian and repressive regimes have used unsupported claims that their political opponents are criminals as a pretext for detaining them and taking other repressive measures against them. In this country so far, that kind of approach is prevented in that before you can detain anyone for any significant period of time, you have to have hard evidence. The DPP, who is insulated from political control or influence, must be satisfied that there is sufficient evidence to bring criminal charges, but under this Bill, that is gone.

The Government, whoever they may be, well, it is a two-year, so it can only be implied to Government. I am not saying they will do this, but there is the potential that the Government can essentially put someone under curfew or, in effect, place them under house arrest for as long as the act is enforced. Yes, you might take judicial review proceedings, but as I said before, it will take time, and meanwhile the person is subjected to this harassment.

As Sen. Vieira mentioned, Mr. President, when we look at the State of Emergency that we have just come out of, there have been a lot of controversies about how these powers have been exercised. That has been the subject of a lot of media attention. I do not want to say too much because I know it is *sub judice*. But those controversies, again, they lower my confidence.

So, in concluding, Mr. President, I am unable to support the Bill due to the broad, intrusive and coercive powers it places directly in the hands of the Government, that is to say, politicians, particularly given the matters which I pointed to as undermining my confidence that these powers will not be exercised for purposes other than suppressing crime. Mr. President, I will just end with one last thing, if I may. I reject, as Sen. Vieira did, I reject the approach that either you are for this Bill, or you are for the narco-traffickers or the criminals. There is no logic to that, as Sen. Vieira has demonstrated. And what it does, when you say things like that, it puts pressure on people, it bullies people into supporting something that they would not otherwise support. And those kinds of statements are to be condemned. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. David Nakhid.

Hon. Senators: [*Desk thumping*]

Sen. David Nakhid: In the name of God, the most gracious, the most merciful. I thank you, Mr. President, as I rise to contribute to this debate on the Special Operations Bill, 2026. Now, Mr. President, I do not know if it is providence or fate—guided by fate that I had the opportunity in the last couple of weeks to travel to South Africa, but I will get back to that.

I heard the contribution of Sen. Al-Rawi, who made the statement, and I paraphrase that, in South African law, it was not based on the colour of skin, but on

the political directorate. Now, that statement alone should disqualify him from being in this Senate. It is the most egregious, inaccurate, mendacious statement that I have ever heard.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: And I will tell you why. I have little regard for people who do not know history or tend to quote it incorrectly, little regard. I will tell you why. I do not just get up and talk here. I talk based on my—

Sen. Al-Rawi SC: I rise on Standing Order 49(2), please. Thank you. Sorry, 42(9) please.

Mr. President: Continue, please.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: As I said, based on providence, maybe. I speak based on lived experience. I know when I was in university, between the years of '83 to '86, every Friday afternoon, I was in front of the South African Embassy protesting. I was sure I am the one who got police boots on my shin. I am sure I am the one who went through tear gas. That is documented. So, nobody could get up here and tell me these incorrect statements that an SC, with all respect, makes here in the Senate, because there is the Population Registration Act of 1950 in South Africa, where it clearly states, in the South African law, that everything is based on the colour of skin.

There was white classification, there was black or Bantu, and there was Asian/India, of which he is part of that.

Hon. Senators: [*Laughter*]

Sen. D. Nakhid: He comes here to tell us now that there is no—in other words he tries to conflate the issue with what the hon. Prime Minister said about “We will not be putting this SOB in PNM constituencies if they do not want it.” They

conveniently left that out, especially Mr. de la Bastide, who has exited the Chamber. They conveniently left out the whole context of where that statement was made. They said that their PNM representatives told the nation, we are not supporting this. It went so far as one of their senators, Sen. Rose, who, when she was asked outside this same Red House, she said, I absolutely will not support it. Further to the conversation, she admitted she had not seen the Bill.

Sen. Rasheed: Hypocrisy.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: Absolutely not, she bellowed. Absolutely not, she bellowed. She will not support a Bill, and she had not seen the Bill. The hypocrisy of those sitting across from me here—

Sen. Rose: Two different classifications.

Sen. D. Nakhid: You will have your chance to speak. The hypocrisy of those sitting across here never escapes me. It is not just pure hypocrisy, you know. It is they are perennial hypocrites. You have to qualify.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: For somebody to get up and tell me, who put not only his career, university career, because the coach told me, in no uncertain terms, if you protest against the University of South Florida, sorry, who had three white South Africans, two of them who were in the army of South Africa, in other words, they could have killed black South Africans, and told me, you will lose your scholarship if you protest. I protested; you know why? I do not know why. It is just the bad mind in me. It is just the pursuit of justice, the pursuit of nobility, and for them to get up and tell me about, in South African law, it was not based on the colour of the skin. Absolutely abysmal. Abysmal to this Senate, to the people of South Africa, and to the people of Trinidad and Tobago, who were so involved in that fight against

apartheid. And I have more to say on that.

Mr. President, you know, Sen. Al-Rawi starts off very much on aspects of the law, and you know, he goes fine, measured, I will always say that, but then when he drifts into the human aspect, as well as Sen. Vieira, as well as Sen. de la Bastide. That is where they lose the plot. They talked about this Bill, but we always have to be concerned about the rights of the criminal. What about the rights of the community? What about the rights of the people that live right next door to these criminals in those communities? Who have, in the last 10, 15, 20 years, burglar-proofing, increased security in their home, they had to worry about their children getting raped, they had to worry about this or that. No concern for them? No concern for them? But we can stand up here always and find some way to try and push the rights of the criminal, because this SOB, who does it target? It targets criminals. They conveniently leave that out.

This targets the criminal element. Why? And let me show you how abject and specious Sen. de la Bastide was, talking about closed districts. Absolutely, in the most, I would say, tragic, misinterpreted the intent of that clause. You have districts, and I think it is time we read all those districts for people to understand that what the Prime Minister was saying was putting it in their face that this Bill is for all, but since you all are against this Bill, so hypocritically, “if alyuh doh want it, alyuh representing alyuh community, go on.” But listen to the districts.

“District 1”—comprises—...Port-of-Spain...Diego Martin and...San Juan/Laventille”

You have as much East Indians as you have Africans in those areas. And you know, they fail to realize that, you know. “They so like to race-bait and bring everything back to African versus Indian and dem Indian and dem Indian, that they fail to recognize that in their own constituencies, even in Beetham.” Ask them

when last they went to Beetham, or I saw the former National Security Minister was here,. “When last they went into Lavantille West. I and all am surprised when I go in these areas, how many East Indians live in these areas, so-called PNM constituencies.” They failed to realize that.

So, when we are talking about these Bills, it is not to target anybody. We are targeting criminals. That is what we are targeting.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: But they conveniently like to leave that out, the human aspect of this thing, and bring it back to, well, the Bill and the clauses reflect a certain breach of our constitutional rights. They are talking about constitutional rights. I got up and heard somebody talk about the hon. Prime Minister, an issue that might breach the constitutional rights. Where were they when the former, former breached the rights and intercepted the merit list?

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: They were not there when Sen. Al-Rawi was there, Attorney General at the time, and he admitted to it. He said—

Hon. Rasheed: “It was me, it was me.”

Sen. D. Nakhid: He said it was me. He boasted in front of the public that I breached the Constitution, bullied the President into committing an act of criminality. I have to call his name because Sen. Lewis, trying to figure out who I am talking about. Former Prime Minister Keith Rowley breached the Constitution and admitted it and they have the nerve here to come and talk about what may happen or what might happen. Talking about, we have to trust hope over fear. Tell the 240-something people whose lives were saved under the SOE by this Government.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: Tell them about that. You have to trust hope over fear. Let me tell Sen. Vieira something because he loves philosophy. Let not your dreams and your habit of dreaming obscure the reality, because dreamers tend to be consumed by their dreams. Do not obscure the reality of where we live and what is happening. So, I admire your idealism talking about dreams, and we should not be like this and we could do this in a better way, but everything here that the AG put forward is proportional. They have judicial oversight for a lot of the things that you all talk about. Conveniently left out. And I will talk about the closed districts in particular because there is a serious misinterpretation in regard to that.

You have these districts I mentioned. I was continuing.

“...District 2... Arima...and...Tunapuna-Piarco.

“...District 3...Sangre Grande...Mayaro-Rio Claro.

“...District 4...Chaguanas and Couva-Tabaquite-Talparo”.

So, there is a proportion there of our demographic, African and Indian, there is.

“...District 5...San Fernando and...Princes Town.”

Where the goodly Senator lost his seat.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: “...District 6...Point Fortin...Siparia...Penal-Debe.”

And I will talk about that area in particular. They do not seem to grasp what we are trying to get to. So within that area—you know what? Forget that area. Let me go to somewhere more home. Picton/Laventille, because here we mention San Juan/Laventille.

So, in Laventille, Laventille is a fairly sizable area. So you have Picton. Picton is where my family is from. Rudolph Charles; they are from Picton. Just up from Picton, you have St. Barbs. Serious hotspot. Picton, not so much. St. Barbs. Closed districts, they might come, based on, and let me read. Clause 11 establishes

a separate threshold for a closed area.

“...the President is satisfied, on reasonable grounds, that public safety and peace... is threatened—

(a) by...”

—circumstances including—

“(i) escalating... violent crime... shootings, kidnappings or gang-related activity...

(ii) the prevalence of illegal firearms or ammunition...unlawful...weapons or ...explosives...or

(iii) the control...attempted control or intimidation, of a...community by a gang.

Importantly, listen to this.

“...ordinary law enforcement measures”—must also be and able to—
“maintain or restore public safety and peace...”

Look at the stringent conditions entailed in that for a closed district.

1.30p.m.

In other words, anarchy exists; anarchy exists. So, therefore, a closed area—and that will not be the whole district we are talking about. That might be two streets in St. Barbs, for example. It might be two streets in Golconda, for example, where, as we know, according to intelligence and crime statistics, crime is prevalent. They are trying to make it sound like it is a whole area. So, you might have two streets—they are trying to make it sound—and they likened it in the other place to Soweto.

Hon. Senator: [*Inaudible*]

Sen. D. Nakhid: Boy, I wish—and I will come back to that. I wish they knew what Soweto is. Forget Soweto. There is a place called Langa, a township just

outside the airport that I went to, against all protocols. I was advised heavily not to go. The taxi driver told me, “Don’t come out ah here, Sir. And put down yuh camera. Doh let anybody see yuh.” But I went because I wanted to see the real South Africa. And I saw South Africa. Let me tell you, based on how the PNM was going, that looks very much like how Trinidad would look under the PNM. I am telling you that.

When I look at Beetham Gardens—hear the names they give: Hope Gardens, that had a big picture of the former Minister of National Security, Fitzgerald Hinds, over it. Hope Gardens. That is the name they give to places where they would not live, where they would not even go, where they will not even think to go. But they sit down there. One of them, benefiting from the mayhem and confusion and chaos that exists with the rising rate of crime—and I will come back to Dr. Attzs, in her contribution previously, talking about how there can be no development without human capital. Wonderful, I love it, nice. Even the hon. Attorney General said it today. Peace must be the weapon. According to Nelson Mandela, peace must be the weapon of development. Well, I say no. I saw South Africa. We could have peace. South Africa is peaceful right now. But there is no justice, and there is little development. So, I am saying, no, Kamla Persad-Bissessar, take it one step further. She said, “Not peace, justice must be the weapon of human development.”

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: And that is significant. We cannot keep talking about peace. We could have peace. A famous Palestinian activist was once asked— Ghassan Kanafani, who was assassinated by Mossad— about peace. He said, “What is peace to us, as Palestinians? What is peace without justice?” What do we have? A situation where there is an invisible form of apartheid that exists in South Africa.

There is an invisible form of apartheid in the postcolonial era in Trinidad and Tobago, where, until now, our black communities cannot see their way. You all want to deny that as well? One of them over there family benefitted from \$500million in contracts, and wants to come and tell us about what we are doing for black people and how we are targeting black people. “Perennial hypocrites” are the words I have for them. Perennial hypocrites are the words I have for them.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: I go on about the closed districts. There is accountability attached to that decision. Within seven days—I do not know why—maybe I did not hear him properly, because he has a cold or something—within seven days, a statement specifying the grounds must be delivered to the Speaker of the House of Representatives. The House has the ability to annul the Order while it remains in force, and the President may revoke it.

I emphasize that, Mr. President, because we heard some extraordinary descriptions of this legislation in the other place and then outside the Parliament. We heard warnings about a police state, we heard allegations of tyranny, we heard arguments about unconstitutional restriction. And then again, as I have said, we even heard the invocation of apartheid and Soweto. Their Member for Port of Spain South, Mr. Keith Scotland, subsequently announced that he intended to meet with his constituents and mobilize them. You see, they have not given all that context. He wanted to mobilize people against a decision we made in the interest of all the people of Trinidad and Tobago.

So, the Prime Minister, in her wisdom, as I said, a political master class, called his bluff. “You doh want it? You were elected by your constituents, then you speak for them, nothing fuh alyuh.” What they do? Send them scrambling. “Well, yuh racist. Alyuh racist.” The same old, same old. “Dem Indian and dem,

dey doh want tuh give it tuh us. So what it is alyuh want? What it is all yuh want. Tell us wah it is all yuh want. Yuh doh want it. And then when we tell yuh, well, we not giving to you all, then yuh want it. As they say in Trinidad, all yuh sound like ah red woman, yuh cyah please all yuh.” With all respect to my colleague.

But I do not know why. If you bellowed to the world, you came out and told the people that you will let your voice, the voices of your constituents, and you will let their feet be heard, and you will march, and all of that, then, for us, it was a way of saying to the people of Trinidad and Tobago that we are listening to you. We are listening to you and your concerns. Knowing full well from the moment we uttered the words, “Okay, in UNC constituencies,” we would have this reaction. You know why? There is no purpose in their protest. There is no goal in their play. There is no objective to their strategy. They are just running around looking for anything. As I said before, Sen. Rose said, “Absolutely not, we are against it.” “Well, did you read the Bill?” “No, I eh read de—” You know that is the *modus operandi* of the PNM; is just to oppose the good work of Government—

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid:—and frame everything in a race context, in a racial context, whereby we see the invocation of apartheid. Now, the cavalier use of that word really got to me. It really, really got me. Until now, I realize how deeply affected I was by apartheid. I cannot tell you. “Even in South Africa yuh eh even hah tuh hear ah—sorry, tuh hear ah white man speak with that Afrikaner accent, it grind on meh soul. I cannot tell ah untruth, Mr. President.” I considered myself then a revolutionary, as some of us in this House. It does not mean that you have to pick up a gun. But I was there on the ground. I was there on the ground. That is why I could quote these Acts because we were educated when we went to protest.

So, I know the Population Registration Act. I know the Separate Amenities

Act. All these were involved, and they were based on this. So, to hear this goodly Senator, SC, come and say something so completely opposite to what we know, I mean, it grinds on your soul. And to see in South Africa, until now, our black brothers and sisters, who we fought for, and many people in Trinidad and Tobago fought for it, maybe they did not go out in front “ah” embassy and protest. But they fought—in their hearts and their minds, they were against South African apartheid. So this cavalier use of apartheid, trying to inflame the population, as they normally do because that is all they have.

Even if they come and speak, like Sen. de la Bastide, he speaks from a position without the balance that is intended. Does not speak about the judicial accountability, that we have a Judiciary in Trinidad and Tobago that is independent, and will look at every case. That somebody could file a habeas corpus, all of that. I will leave all the legalese to Minister Sturge and to the AG. But me, my bush lawyer, where I know about these things. I end up in court so many times, I could tell you. I end up in court. “Dey does boast over there how I was in jail. It is the happiest jail I make. Sen. Cummings talked about that, say, aye, I make ah jail. I is ah jailbird. Doh not know dat I went tuh jail for people who look like him.” Ask him if he is prepared to do the same. Ask him if he is prepared to do the same.

But I am back to these districts. So, within these districts that are quite large, you have these closed areas. And I said before all the stringent conditions to even consider having a closed district, and that is important because, for me, what they say as me being the most the mischief, is actually the one that will be the most effective, given what we have. Because we are talking about gangs. Now, gangs, they do not know people in these districts—so you have a large area, let us say Diego Martin, for example. Diego Martin, you have areas like Goodwood Park.

You have areas in Diego Martin like Alyce Glen, you have some wonderful areas, but then you go right down the road, and you have the most poverty you will see. I think you all know that.

The same up in the east. You go in St. Augustine, you have some areas beautiful, and then you go in some right next door, and you have some areas. So, what we have done here, the Attorney General, in his wisdom, is saying, "Okay, we have these large districts, but within those districts we are going to go close off some areas." Why? There we can concentrate the police forces, the army, to really go after the gangs in those areas based on intelligence, and based on all the things that I previously mentioned. That for me is exactly what we need at this point in time. Because we are targeting gangs, and we are targeting criminals.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: We are not targeting citizens. But of course they will come and say, "Well, yuh tuh have ah pass. And yuh have tuh have ah pass." "Ask them if right now, up in de Bamboo, in de zone, if people need ah pass to go out? Some people cannot leave the Bamboo to go outside to go and play football in Constantine Park." Do you all know that? Do you all know that? And you know they rolled their eyes and all kinds of things. They do not know. Because they know nothing about the ground. They just come in here and talk.

Mr. Sturge: [*Inaudible*]

Sen. D. Nakhid: No, no, no. They just come in here and talk without any lived experience of what we are talking about. So, I am not surprised when I hear Sen. de la Bastide get up and talk about how he has so much concern about these closed areas. Ask him if he ever went in any area that is considered a hotspot and walked on the ground, talk to the people. Never. Ask him if, in there, Sen. Vieira, or Sen. de la Bastide, or Sen. Faris Al-Rawi, they do not have 24/7 security. Every time

you look out, you see a security van pass; a security car passing.

Hon. Senator: [*Inaudible*]

Sen. D. Nakhid: So what are you doing—well, I have that too. I am not being hypocritical. I have that too. I have that level of security. Why do you all not want to give that to somebody else in a community, and separate them, the community, from the criminal?

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: No. You know why? And it came to me in South Africa. It came to me. Because they told me that, they told me that corruption exists where there is mayhem, and chaos, and confusion. And that is the PNM. It has to be that. Nobody is looking to question them “eh” about Balisier House, if it “hah” deal with the confusion and the chaos. The Prime Minister was able to come, Kamla Persad-Bissessar, and I isolated them and let them know your corruption—

Hon. Senator: Except for the AG [*Inaudible*]

Sen. D. Nakhid: Well, we know the AG “eh playing” with that. He is surgical with that one. He is not playing. The corruption that you all perpetrated, that until now you all cannot answer for, we want to know who is that.

Hon. Senators: [*Desk thumping*]

Sen. Rose: [*Inaudible*] the corruption of the PNM. We are dealing with this particular—

Mr. President: Alright. Move on.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: Well, maybe goodly Senator does not know that the corruption is connected to the criminality that we are targeting.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: When the AG talked about—because for them the only gang is

“Sixx” and “seven.” But for us, it is “six,” “seven,” and “the one per cent.” And that is what the AG told them. And they cannot handle that. Why? Because for them, in their lay language, when a black man stands up, like the AG, and tells them what they need to hear, “he is ah dunce. He is ah crab”. He is all kinds of things.

Hon. Senator: “He is ah dog”.

Sen. D. Nakhid: Yeah, all kinds of things they will call him, a low life, all kinds of things. But I will say it in front of him, he does not care. For him and the Prime Minister, it is water off a duck’s back.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: We are going after the criminals, whether it be the one per cent who support PNM, whether the one per cent who build Balisier House, we are going after “all yuh.” We are going after them.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: You all have to come better than how you all are coming here. I do not care what support you have from behind you all. Unless you all come and let us know how we are not proportional, you all do not have an argument. You all could bring apartheid into it—and you know these are words that really trigger the population, “eh.” When you tell me the n-word, that does not affect me as the word apartheid. I swear to God, I do not know why. The n-word, I get called that a million times.

When I went to Europe to play football, it literally had 10 black players in the whole of Europe, 10. I could have count it on my hand. Now you have hundreds. So people will get acclimatized. They will get comfortable with that culturally. When I went to attend, 10. So, the n-word, I thought that was my middle name at a time. They “doh know nothing” about that. They will sit down

here, and easy, try to invoke, always, always—and that is my problem with this version of the PNM; nothing substantive. Whatever they try to say about this Prime Minister, you can be sure about one thing: Together with the AG, we have no intention to target any community other than the communities that need the help of this Government.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: Other than the communities where people, before this Bill, their movements were restricted; before this Bill, they were able to express themselves freely. They could not put businesses there. They put a business—I know people in Tunapuna as they put a business; a doubles business, the next day somebody come, taxed them.

Sen. Charles: Tax them.

Sen. D. Nakhid: “They know wah ah talking about. Meh homegirl know wah ah talking about. The day, as soon as they put a doubles business, as soon as they put ah little chicken and chips, every Friday, they have ah lil Bar-B-Que, de next day, dey getting tax, extortion.” They know about that? They know about that? They do not know about that? They do not care to know about.

Maybe if I had \$500million in contracts, too, I might not want to know, too. “Dey” eating caviar, and lamb, and ham, and jam, and I doh know”. But I know that group cannot come and dictate and tell me anything about the ground, none; not one of them. Mr. President, their use of the word apartheid was not a metaphor. They know what they did. Because this Bill, contrary to what Sen. Al-Rawi tried to imply, does not classify citizens according to race. Clause 11 does not say black. It does not say Indian. It does not say Afro-Trinidadian. It does not say Indo-Trinidadian. It does not say PNM. It does not say UNC. It says criminal.

You are a criminal; we are coming after you. And ask yourself, have you not had enough? Tell the people of Trinidad and Tobago, have you not had enough? Get away from all the legalese, and all the talk, and all of the clauses, and—we did not have. We finally, finally we get a Government—under this Prime Minister, under this AG, who has shown themselves to be fearless and say, “You know what, we are going after that invisible hand that not only controls them, but controls the economy, basically.”

You know, I do not like to google, “eh.” I am so confident because Mr. Nakhid, my father, he would not be happy with me googling anything. He was the one who forced me to read—from the age of five, six, I was reading books. I swear to God, you will not believe. So, he would be unhappy, but I had to google this. And when I googled, and I looked at who are the people that control the economy of Trinidad and Tobago, they were all linked with the PNM. That invisible hand in South Africa that they told me about—in South Africa they told me about, Mr. President, there is an invisible hand that still prevents black South Africans from advancing. Who is the invisible hand? Whoever controls the economy. So, I looked at that today.

1.50 p.m.

That is the perspective we have to look at as to why they would be opposed to something that could liberate their own communities in the PNM constituencies. Their own communities. Why would they be opposed to that? Why would they try to bring the issue of race to stymie it? Because you know race is a big thing in Trinidad and Tobago. Race is the biggest thing in Trinidad and Tobago that could stop our development. Forget peace, justice, all of that. Race. Just bring up the issue of race and “talk done”. “Nobody eh want to hear anything.” Logic goes out the window.

Mr. President: You have seven more minutes.

Sen. D. Nakhid: Thank you. Seven minutes already?

Hon. Senator: “Dat time fly fast, boy.”

Sen. D. Nakhid: You know, and maybe it is our fault as politicians that we do not adequately address the issue of race, because that has been to the detriment of South Africa.

Do you know, Mr. President, that in school they told me that South Africa is only framed around Mandela? They told me that. I did an interview and I posted. And the young South African who would be considered coloured, she was “ah red woman”, said, “South African education system frames everything around Mandela”. How convenient. How convenient. It forgets the contribution of the East Indians to the fight. There is a military faction called uMkhonto we Sizwe. I do not know if that was the military faction. Who was the head of that? Ahmed Kathrada, Ebrahim Ismail Ebrahim.

These are important things. Why? You see, once you frame it like that, you begin not to look at your fellow citizens as how they are. These are the people who helped us, who helped liberate us, and then you can have a conversation. But when you do not have that education system, like the PNM has tried to do, they have tried to always marginalize the East Indians in Trinidad and Tobago, they have done that. They have always done that. They can bring whoever they want next to them and make whoever they want—they have, to our detriment. To our detriment, because never we can have—

Sen. Dr. Rose: Standing Order 46(1) please. The PNM has been marginalizing Indians. How is that relevant to this Bill?

Mr. President: Okay, okay. I think you raised your point. Can we just tie those points and move on?

Sen. D. Nakhid: Well, since the question has been asked, I have to answer. Recalcitrant minority. The recalcitrant minority, the Lagoon—

Sen. Dr. Rose: Mr. President, you ruled that—

Mr. President: Okay. May I ask the hon. Senator to just tie and let us move on, please.

Sen. D. Nakhid: Let me bring it in. Let me bring it in. Just for the education and edification, the goodly Senator Rose. Well, I will try. However they try to frame it, being from Laventille does not make someone a criminal. So, if we are targeting Laventille, if we are targeting areas, you can be sure that everybody there, it is not only African people living there, it is everybody living there. Being from Morvant, is the same. For East Port of Spain, the same; Beetham, the same. Being poor does not make somebody a criminal. And certainly, being black does not make anybody a criminal.

The overwhelming majority of people living in these communities are ordinary citizens. They are mothers and fathers, teachers, tradesmen, nurses, public servants, small business owners, students and pensioners. You do not want to give them the same opportunities that your children have? To have a decent life? A safe life, not to have to worry about?

Forget this peace talk. Peace talk, peace talk is the talk of a colonial. Peace talk is the talk of a colonial. The Prime Minister says “no”. Justice. And how do you get justice for these people? You give them a chance to live properly, to develop properly. “Dais wuh yuh do.”

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: So, all this talk, all this talk about we infringed on constitutional rights, okay, there is that and that will be addressed. My only hope is that this constant appeal to race, that they invoked, not us, we did not talk about apartheid,

they did. The constant appeal to the public, these trigger words that they use always to try and get people against what the Government, the good work of the Government. I say to them on that side who always like to talk about stats, 61 per cent of people brought in from the SOE, they were charged, 61 per cent.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: Every day I saw Sen. Al-Rawi in the papers defending a certain section of people. Every day he was in the papers for about three, four weeks. The other 39 per cent, who were not charged? You see him defending anybody else? You see him defending anybody from that 39 per cent? You would not see that—and a pink leopard you would not see. Because their real concern is all about their financiers and their friends and their connections, not about what this Bill can do for the communities of Trinidad and Tobago, and finally liberate our law-abiding citizens towards development.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: And I thank you, Mr. President.

Mr. President: Sen. Faris Al-Rawi, you said you wanted to make an intervention for a minute?

Sen. Al-Rawi SC: Thank you so much, Mr. President, very quickly in the one minute. Mr. President, I simply stand to say that I did not make the statements that the hon. Senator posed in relation to the South African aspect. It is a very different take on it. Thank you so much for your indulgence.

Mr. President: Okay. Alright. Alright. Now it is 1.56, it is a good time for us to have some lunch and to—yes. I would like to suggest that we suspend at this time, and we return at 3.00 p.m. So, this session is now suspended until 3.00 p.m.

1.56 p.m.: *Sitting suspended.*

3.00 p.m.: *Sitting resumed.*

Mr. President: Sen. Melanie Roberts-Radgman.

Hon. Senators: [*Desk thumping*]

Sen. Melanie Roberts-Radgman: Thank you, Mr. President, for recognizing me at this time. Mr. President, before I get into the substantive part of my contribution, I beg your indulgence for one thing, please. Mr. President, it has become the practice, I have observed it a few times, where we have debates that lean towards a more controversial side of things. I have seen where Members have thrown around racial slurs, you know, mention the “black man and ah white man saying dis, and other words, C-word and that kind of thing, Mr. President”. And for me—

Hon. Senator: [*Inaudible*]

Sen. M. Roberts-Radgman: No, not that C-word, another C-word, but I just, I am not in the practice of saying those things. It is not something that I subscribe to, and it just makes me a bit uncomfortable as a Senator being in the Chamber and hearing. We could have heated debates, we could disagree on things, but for me, I just beg your indulgence, Mr. President, where those things occur, that we be mindful that everyone does not subscribe to that kind of behaviour, and it may make some Senators uncomfortable, myself, I am speaking on behalf of here, when those things are said in such a manner. Thank you, Mr. President.

Now, I want to begin my contribution to what I consider to be ZOSO 2.0 by reminding my colleagues, particularly those on the other side, because I see the direction in which this debate is going, that there is a very sharp distinction between accepting the legitimacy of the Government’s stated objective, which we all do, there is a distinction between that and surrendering Parliament’s—which is all of us—duty collectively, constitutional duty to scrutinize the means by which that objective is pursued.

This Senate, the Opposition, if the Independents decide to do it, we can support extraordinary measures to address what we all agree is an extraordinary problem, a crisis affecting all of us here in Trinidad and Tobago. We can do that, we can support that, while at the same time questioning the legality, questioning the drafting, and of course questioning the scope of powers being exercised. The kind of scrutiny that we, the Opposition, are placing, that we are putting on this Bill, this is the kind of scrutiny that is required, and if we cannot do that here in this Senate, then I am worried for our democracy.

Now, Mr. President, this feels like *déjà vu*, because the last time we discussed these measures, the last time that we sat in here contemplating what I consider to be the legislative sanctioning of the erosion of the principle of separation of powers, while we contemplated the granting of unchecked powers and authority to the Executive, while we toyed with the idea of unleashing the military at that time into civilian society in a very poorly controlled manner, while we got to the point where we were forced to fiercely defend our constitution and our democracy, I remember clear as day, while we were in here having that debate, it happened over a series of days.

When we went out there, Joshua Samaroo was being gunned down in cold blood. And I very precisely, as I prepared for this debate, I remembered the question that Sen. Lalite-Ettienne raised on that day, and today as I contemplate this Special Operations Bill, I echo the question again, I echoed her question back then, and I echo the question again. How am I to live with myself? How am I to support legislation like this, if it has the potential to bring harm to one of my own? And now I ask it with even more conviction and with a very personal connection, because Tobago has been designated as “District 7”.

Now, Mr. President, the timing of the introduction of this Bill, it troubles me

deeply, and I will tell you why. Not necessarily because we contemplated this a few months ago, and the Senate back then flagged some very serious concerns, not because it came as—it troubled some Senators, because it came at the heels, at the end of a state of emergency.

It troubles me, because this piece of legislation came at a time where the nation was grappling with, we were looking on in shock and horror, as hundreds of citizens were released after they had been detained on PDOs, sanctioned by politicians. Hundreds of citizens of Trinidad and Tobago were locked up, months went, and then they were released without charge. One day the Government simply got up and said, “Well, my bad, alyuh could go home”. No apology, no accountability, no explanation, Mr. President.

So, while the country itself has had to come to terms with what that means for our democracy, what it means for us as a nation, and where we might be heading, while in this year of our Lord 2026, in this Republic of Trinidad and Tobago, a government could have very openly and so brazenly taken such oppressive and downright, I would not go to the path of saying unconstitutional, but taking these kinds of actions against our citizens.

And you know what, Sen. Vieira, he was actually right when he stated that when we are asked to confer powers of this magnitude, and I am just, I am paraphrasing here, trust becomes essential. And this Bill comes at a time where it is so difficult for the nation to trust the State, to trust expanded state powers. He too, Sen. Vieira SC, also made mention of the context within which citizens, us in this Parliament, acting in the best interest of citizens are now being asked to endorse an expansion of the State’s coercive power.

Now, I am not going to perform a clause-by-clause legal analysis of the Bill. I believe that we have heard quite a bit coming from other attorneys on this side,

but what I want to do is pull maybe two clauses from this Bill that, on paper, they appear to be idealistic. But I want to demonstrate how, in the last few months, almost a year, we have seen how these really play out in reality.

So, when you look at clause 19, “Persons held in custody”, and then you look at clause 20, which comes immediately after, “Treatment of persons arrested or detained”. Now, clause 19 states:

“(1) Where a person is in custody for thirty-six hours and no order has been made by a Magistrate...the officer in charge of the police station shall inform an officer not below the rank of Assistant Superintendent...of the circumstances of the case and shall record in the station diary the fact that the prescribed officer has been so informed.”

And it goes on to say that:

“(2) The prescribed officer shall...”—carry out—“...investigations...and shall cause the person to be brought immediately before a Magistrate.”

And then it talks about “Treatment of persons arrested or detained”. If a person makes a complaint while arrested or detained, it should be recorded in the station diary. And then it talks about persons arrested or detained being allowed visits by a certain category of persons having regard for the security or safety of others. And then it talks about them being able to receive articles of food and clothing. And then it also talks about the right to medical attention.

Now, Mr. President, I do not need to produce hypotheticals or suppositions to address the reality of this clause. Now, please permit me to take this Senate through very, very quickly, parts of an interview that was held with a former detainee, a citizen of Trinidad and Tobago. He was released just last week with other detainees. And he did an anonymous interview on CNC3’s *Morning Brew*. I think it was last Wednesday. Now, this detainee had been held for five—

Hon. Senators: [*Interruption*]

Sen. M. Roberts-Radgman: Is there a problem? This detainee had been held for five months and some days and had not had a charge laid against him. And, you know, he recalled the day that he was arrested and he spoke about being out on the road and then he was taken in. He was given a document, and he was taken to a detention facility, and he described it as a container within a steel building, and he talked about having little to no ventilation, the fan was not working. He reported the toilet was not working, and he went on and on. He talked about the mistreatment, the brutality, the lack of water. And he went into grave detail. The interview with him went on for maybe about 20, 25 minutes. And then, what jumped out at me is that he reported that an entire four months passed before he had been interviewed.

Four months before he was taken to the tribunal.

Now, Mr. President, this young man who gave this interview, he was not charged with a single crime. No charges, no finding of guilt. So the presumption is that he was innocent, but this is what he endured for five months-plus. And this is the degree of torment that hundreds of citizens of Trinidad and Tobago had to endure as recently as last week.

Now, there is a saying that goes when a person—and I will substitute “person” for “government” in this case, so when a government shows you who they are, believe them the first time.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: So, these clauses 19 and 20 here, these sections—

Hon. Senators: [*Crosstalk*]

Mr. President: Please, we cannot be—the Member is speaking. She has to speak in silence. She has to get complete attention in accordance with the Standing

Orders. I am protecting her and I am allowing her to speak in silence. So kindly be—please be guided.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: Thank you, Mr. President, for your protection. So these clauses 19 and 20 that speak about persons being held in custody and how they are supposed to be treated, it really gives me little comfort, especially after hearing about what has happened over the last six months.

So far, Mr. President, we have not heard coming out of the Government an ounce of accountability. We have not heard coming out of the Government an ounce of remorse, and there is no indication that this time around, if given expanded powers, that we are going to see citizens treated any differently, that we are going to see citizens treated any more fairly, or that there is going to be any level or degree of accountability.

I will pull another idealistic section that sounds good on paper, Mr. President, but the reality, the reality that we have seen so far shows quite a different story. I want to look at clause 7 and also clause 10 of the Bill:

“Military assistance in support of special operations

- (1) ...the Chief of Defence staff shall, in respect of each district, designate a member of the Defence Force, not below the rank of Major, to be the Head of Military Assistance who shall be responsible for, and in charge of...military assistance in support of the conduct of special operations within that district...”

And then there are two qualifiers that accompany that. And then we have clause 10, which, 10(1), which very shortly says:

“(1) subject to the provisions of Part IV, the Head of Special Operations of a district may conduct special operations in that district with or without the assistance of the Defence Force.”

Now, Mr. President, unlike the original ZOSO, in this ZOSO 2.0, members of the defence force are not granted police powers. Great. Nonetheless, the TTDF can still be called upon to assist in the enforcement of police action. So, we are still running into the same problem that we highlighted a few months ago.

3.15 p.m.

Now, officers for the most part within the TTPS are trained in civilian interaction. They might not be perfect. There are a few rogue ones, but the training tends to involve de-escalation, alternative interventions, and generally, they are better equipped to deal with members of the public. Now, members of the defence force are not similarly dispositioned, and I hasten to add that take note of clause 7(5). But the reality is that we all know what the defence force gives, and I am not going to put water in my mouth to talk it, especially when Tobago is implicated in all of this.

Mr. President, as the debate in the public space went on regarding this piece of legislation, what came to the fore, surprisingly, actually, was that even police officers will tell you they would rather go under-manned than actually collaborate with members of the defence force because they feel like it places them in a compromising position.

So, the Government has now decided the most effective way, the least intrusive way to combat crime is by unleashing the defence force into our communities. Now here is where it gets even stickier. Even without the “ZOSO 2.0”, the defence force is not properly held to account.

Mr. President: Now, when Sen. de la Bastide was speaking, he made an objective

comparison with the provisions of the Bill called “ZOSO” in January of 2026 to the current Special Operations Bill. That was permissible. But cannot be, and will not be permitted to describe the Bill that is before us as “ZOSO 2.0”. This is the Special Operations Bill, and that is what is before us.

But I have heard you on about three occasions refer to the Bill that is before us as “ZOSO 2.0”. So I do not want us to get into that category because some people will take it up, because I would not have stopped you. So please be guided. Refer to the Bill—if you want to make a comparison, as Sen. de la Bastide SC did, you will have my support and you will be consistent with the Standing Orders. So please be guided. Okay?

Sen. M. Roberts-Radgman: I am guided. The point that I am making is that in this Special Operations Bill, 2026, what we have seen is that the behaviours of the defence force is amplified because they have extraordinary powers that are subjected to an almost similar non-existent level of accountability.

So, the question I ask, Mr. President, is this: How does the Government or even the Senate feel comfortable with expanding the authority of the military to act against citizens while failing to simultaneously expand the mechanism by which the actions of the military are scrutinized and brought to account?

Sen. Dr. Swaratsingh: Mr. President, just on a point of clarification, I am just trying to understand because the defence force is only called if—

Sen. M. Roberts-Radgman: “Nah”, I am not giving way, Mr. President, I am sorry.

Mr. President: I am glad you made that point Sen. Roberts-Radgman. Minister of Planning, Economic Affairs and Development, you can rise on the particular point—I think that is 45 in our Standing Orders—and you can, if you want to rise on a point of clarification, seek the support of the speaker, and if the speaker is

willing to give way, then you can rise. But we cannot rise on a point of elucidation without the speaker giving way. So, continue.

Sen. M. Roberts-Radgman: Thank you, Mr. President, and I am seeing that my time is going very quickly. So let me do this. Let me turn my attention to District 7 because that is my district; District 7.

So, Mr. President, now, crime—and I have followed the debate from the time it happened in the other place. I followed it very, very closely. Now, crime is definitely a concern in Tobago and the island. We have seen an increase in murders. We have seen quite an increase in robberies and in home invasions and that sort of thing. But what I cannot say—and I listened to the hon. Attorney General's piloting in this other place where he laid out the landscape of what they have to contend with in certain parts of the country. But I cannot say that in Tobago, in District 7, we are experiencing the degree of unchecked behaviour that you may see in some areas. And I realized and I noted that there are persons in this other place who tried to paint a certain picture, but I say, Mr. President, it is an egregious misrepresentation of the status of crime in Tobago.

So, as it pertains to Tobago specifically, District 7, I ask the question: What legitimate aim does the declaration of Tobago as an entire district under this piece of legislation serve? Does the declaration of zones in Tobago cause more infringement on our constitutional rights and do more damage to our business and our tourism activity than the current state of crime on the island does? Now, the Attorney General mentioned—when he piloted over here this morning, he mentioned the rights of citizens and the freedom to walk our streets to go to our workplaces and to return to our homes.

Mr. President, I endorse these rights, and I submit that this imposition actually infringes and jeopardizes the very thing that the Attorney General purports

to try to preserve for us. I am honestly having a very difficult time understanding what in Tobago, at this point in time, warrants this intense—or at least proposed intense level of policing.

Now, there is also an administrative concern that jumps out at me. Tobago is currently served by an established police division and has its own divisional command and constituent police districts. Now, what this Bill does is that it creates a separate statutory geography in which the entire island is designated as one policing district. Now, I am trying to understand—and hopefully a next speaker would be able to explain the legal and operational relationship between District 7 under the Bill and the existing Tobago Division under the Police Service Regulations.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: Who commands who? Who is accountable to whom? Which command structure prevails? What consultation is required with the Tobago Divisional Commander? These are questions that are being asked on the island, by the way, before a closed area is declared anywhere on the island of Tobago.

The Bill itself, Part IV, gives statutory closed areas decision-making powers to the President, acting on the instructions—well, the advice of the Prime Minister, and there is no mention of consultation with any authority within Tobago. I note that my colleagues in the other place, he finally woke up and he proposed that consultation be held with the Chief Secretary. But the Bill itself contains no such device. It contains no such prerequisite and we know from experience—and I keep on coming back to experience because we already see the direction this is heading, we see how it plays out—just a short few months ago, in the Prime Minister’s own words, “She doh hadda tell Farley nothing.”

Now, Mr. President, really and truly, there is no argument being made, and there is no argument that can legitimately be made against Parliament creating a new statutory geography. What I am getting at, Mr. President, is the need for clarification on how the two systems are supposed to interact, especially where this new system, by virtue of the Special Operations Bill, gives extraordinary operational powers. And I will give a concrete example, actually.

Part III, clause 5, “Administration of Special Operations”, it:

“...requires the Commissioner”—after consultation with the Prime Minister—“to designate a police officer not below the rank of Superintendent as the Head of Special Operations...”—for—“each district.”

That officer is responsible for overseeing special operations within the district. In this case, we have a Head of Special Operations for District 7, but at the same time, Tobago has its ordinary TTPS command structure. So here comes the question that is being asked right now: Is District 7 merely a geographic convenience, or does it actually create a separate operational chain of command?

Now, Mr. President, if it is a separate or a distinct operational command, I think it is important for the Government to explain how that command interfaces with the Tobago Division. Now, remember clause 10 empowers the Head of Special Operations for District 7 to conduct special operations throughout his or her designated district with or without defence force assistance.

So the Head of Special Operations is not simply being given responsibility for one existing policing district, meaning Shirvan Road or Crown Point or Scarborough. Whoever is the Head of Special Operations for District 7, they have statutory jurisdiction over the entire Tobago Division and all of the districts that fall within that division. So, we need to be clear on how that is proposed to work.

Now, Mr. President, here is where it gets even stickier for us in Tobago.

The entire island itself is the parent jurisdiction for the closed area power. So, clause 11 of the Special Operations Bill allows the President to declare any area within a district a closed area, obviously, where the statutory conditions are satisfied. District 7 is the entirety, the whole of Tobago. So basically, the statutory formulation is that any part of Tobago can potentially become a closed area. The geographical area, to me, has been deliberately left open-ended within district 7.

Now, this works conveniently for the Government, but we also need to understand what it means in practical terms for us over in Tobago, and this is why I asked the question about consultation with any authority in Tobago. Now, once an area is closed—we all know, we have all seen the Bill—it provides for a significant escalation in state powers.

So the Head of Special Operations for District 7 can establish barriers, pull a roadblock, any other means that they need to use to cordon off an area, and then you implement your permit regime, and obviously, persons need a permit to get in and out of the closed-off area. Then we know that there is a hefty penalty that comes with trying to enter or exit a closed area without a permit. So, you are looking at your \$50,000, or you are looking at a year's imprisonment, and then, of course, this can be escalated to the point where you impose a curfew. And then we know what the police powers look like in there. So, your warrantless searches and seizures. You are able to stop and search a person, them—the person themselves—your vehicle, your home, your shop, a church perhaps, daycare, whatever it is like.

Now, the reason why I say it gets sticky for Tobago, especially geographically, is because when you take a community—and let us use Goodwood as the example. Let us say that the village of Goodwood—and Goodwood is not very uncommon, by using Goodwood, and then I will show how other areas are similarly situated. You take an area like Goodwood, for instance, and you declare

it a closed area. Now, this is not unlikely, to be honest.

Now, I need the Government to explain, for the benefit of all Tobagonians, but especially people living in the east—so your Charlotteville, your Speyside, your Roxborough, your Argyle, and all the villages in between—all those residents who have to pass through Goodwood to get to your homes, to your schools, to the hospitals, to workplaces, what are we to expect?

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: When the bus or the maxi loads up at Gardenside Street and starts making its way up Windward Road, with the persons living in the various villages, how exactly does it work in practical terms, when Goodwood is closed off? Is it that persons living in those villages are going to need permits to pass through Goodwood—they are just using it as a passageway—even though they are living in another village that is not closed off? Is it that when the maxi or the bus, or even your personal private family car approaches the village of Goodwood, that you have to be stopped and you have to display your permit before the bus proceeds, and then, logistically, how does it work when you have a busload? Because we are talking about the eastern part of Tobago, so it is mass transportation going to those areas.

Then let us think about tourists. So, tourists come to the island and they are staying at Manta Lodge, or they are staying at Blue Waters Inn, again on the east side—and we are still assuming here that Goodwood is closed off. Is it that tourists now have to apply for permits in order—they land and then we say, “Well, hear what, you have to apply for a permit in order to go up to your hotel”? Then even for tourists that might be staying on the western end—so Goodwood is locked off and they decide, “Well, I will stay in the west,” but then they want to go to Argyle Waterfall, or they want to go to Charlotteville for the day, or whatever—the

point I am making, Mr. President, with this example, it might seem simple to some, but anybody who lives or works or operates in the east understands exactly the challenge that this proposes.

The point or the question that I am asking very pointedly is: What prevents a closed area from being declared in an area containing critical Tobago infrastructure, businesses, schools, tourism facilities or road network?

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: Is the idea, when you implement this, to distress an entire area of an island by virtue of one single community or one little area being closed off? I am begging to understand, because not only do I not understand how we are implicated in this, but I am not understanding how this is expected to logistically, feasibly work in Tobago when we do not have the kind of road network or geographic layout that supports something like this.

Mr. President, to get to the east is one road in, unless you go all the way around Northside, and that road is not so great. And actually, to get to Northside is also one way in, so if you declare a closed area in Northside as well, communities like Bloody Bay, L'Anse, Castara, let us say that you declare my village, Mason Hall, closed off-all, these other communities, they fall into problems also, even though they might not be a closed area.

So this is a challenge when you declare the entire island a district, and it means that any area within that district has been closed off. I am asking these questions in the context of trying to determine if this is necessarily the least intrusive way to achieve the aims that the Government has stated, especially for an area like Tobago.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: What does it mean for our tourism industry? What

does it mean for persons trying to access essential services, when the very villages that they have to pass through to get to the police station—our police station is in Roxborough, or our best hospital is in Roxborough—when the area that they may need to pass through is declared a closed area?

Mr. President, the Bill allows for the designation of policing districts. It is not a blanket piece of legislation. This means that there was room for Tobago to be treated a bit differently. We did not necessarily need to be declared a district. We do not need, Mr. President, to have any closed area. I am sorry, but I cannot, in good conscience, stand here and endorse this—

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman:—not when our geographic, our social and our economic landscape differs so significantly in this particular context.

This is precisely when a certain situation happened late last year. That situation will not be named here. But this is why we were clamouring for inclusion of the Chief Secretary on the National Security Council. It was for reasons such as this, so that when the Government, any government whatsoever contemplates legislation that has the potential to disproportionately affect us, or disadvantage us, or treat us in a different way, or where there is legislation that is not particularly suited for the Tobago context, that can be represented before decisions affecting us, such as this, are made.

Mr. President, we have our Carnival coming up next month—and I am running out of time, so I am not going to go into the nuances. But what does it mean if you close off Scarborough, you close off Crown Point? What does it mean for those areas? We already had the tourism stakeholders speaking out about this situation and the implications. Now, Mr. President, let me hasten to add, this is not a Trinidad versus Tobago argument I am making here. We are one country, and I

love my country all the same.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: All I am saying is that our situation on the sister isle is a bit different logistically, feasibly. I do not know how this is going to work for us, and I am not convinced that the pressure it places on ordinary citizens, law-abiding citizens, persons that have absolutely no connection to crime, I do not understand why I am not convinced that this is how far we needed to take things. Mr. President, can you advise how much time I have left?

Mr. President: Yeah, you finished at 3.40 p.m., so you have five more minutes.

Sen. M. Roberts-Radgman: I have five minutes, all right, excellent. I have some time.

3.35 p.m.

Now, Mr. President, even as I speak about the disproportionate impact on Tobago, I have noted that our decision-makers have been left out of the loop. Now, I would not repeat the reporting architecture because I think it may have been Sen. de la Bastide who went through the reporting structure—how the reports are furnished to the Prime Minister and to the Ministers responsible for the Defence Force and the Police Service, and then an annual report is laid here in the Parliament.

Now, I am not implying in any form or fashion that the THA should command the police; that would be nonsensical. But the question becomes, Mr. President, where an entire island is constituted as one statutory special operations district, should not territorial democratic accountability at least form part of the framework? So, should we not at least have some sort of input from our decision-makers who are on the island, seeing what is happening on the island and, for the most part, administering for the island? And I know that—[*Interruption*] do you

want me to give way?

Hon. Members: [*Crosstalk*]

Sen. M. Roberts-Radgman: Alright, alright. Now, Mr. President, I note that there is a section 11(3) provision that allows—I just do not have the time, so that is why—for a resolution to annul an order passed by the House of Representatives. But I would leave the practicality of that, and what it really means, for another one of my colleagues to touch on.

Mr. President, I have heard another Senator talk about the importance of trust as the Government proposes these drastic changes. And the question that I am asking is: Can we trust the Government with the degree of power they are demanding here? We have seen, over the past year, how, in more ways than one, the State has been weaponized against its own citizens. We have seen Alyssa; we have seen so many circumstances. And, you know, it was interesting to me when Sen. Nakhid mentioned his experience protesting in South Africa in front of the embassy, because I just had to shake my head, because it reminded me of what we have seen played out here where public protests are concerned in very recent times.

Mr. President, not only have we seen it played out in terms of protests, we have seen it played out with the numerous PDOs, the numerous persons—hundreds of persons—who were detained on PDOs over the last few months. We have seen it with the father of Joshua Samaroo. We have seen everything that has happened over the last few months while the State operated with expanded powers.

So, the question is: Why? Why, after seeing all that, would we trust the Government with even further expanded powers? Why am I being asked, as a Senator, to take boule-dife and look in the night for things that I can see so clearly in the day?

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: And I note that the disposition has been to rant and rave and accuse us on this side of protecting criminals because, of course, it is the easy thing to do. Accusation is a solid form of distraction, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: But in wrapping up, in my last 30 seconds, I would say this clearly on the record: We are not protecting criminals on this side. As far as I am aware, I know no criminals. As far as I am aware, I protect no criminals.

Hon. Senators: [*Interruption*]

Sen. M. Roberts-Radgman: And I do not defend any criminals. What I am doing, when I am standing here and raising these concerns, Mr. President, as a responsible Opposition, is standing in the gap and in defence of our Constitution—

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman:—our democracy, our Republic, and ensuring that thousands of innocent citizens who stand to be destroyed by virtue of this piece of legislation, that their rights are protected. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Dr. Desirée Murray.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Desirée Murray: Mr. President, thank you for recognizing me and for allowing me to contribute to this debate on the Special Operations Bill, 2026.

I will start by commending the Government for reflecting on the several amendments to the Law Reform (Zones of Special Operations, Special Security and Community Development Measures) Bill, 2026, which were proposed in January of this year.

Now, many of the suggestions and comments were obviously considered in drafting this new Bill that incorporates a significant portion of the amendments.

Clauses 5(4) and 7(5) state that: persons participating in the conduct of special operations shall be:

“...trained in-

- (a) human rights;
- (b) use of force;
- (c) community engagement; and
- (d) conflict de-escalation”,

And clause 9 refers to the establishment of standard operating procedures for:

“...the conduct of special operations by police officers and the provision of military assistance by members of the Defence Force.”

Clause 15(2)(c) states that:

“...it shall be the duty of the police officer in charge of the search to take such steps as are reasonably practicable in the circumstances to ensure-

- (a) that a female person is searched by a female police officer.”

So, these are welcome additions. I am further encouraged when the hon. Prime Minister, Mrs. Kamla Persad-Bissessar SC, explicitly stated, and I am quoting from the *Hansard* of Wednesday 16th September, 2026, when she said:

“Within closed areas officers must use body-worn cameras...”

However, clause 21(1) of the Bill refers to the:—

“...use of body-worn camera during the conduct of a special operation in a closed area...”

—as being dependent on “...available resources...”

I want to be clear that I agree with the hon. Prime Minister that this Bill should mandate body camera use as the default requirement.

Furthermore, it should not be enacted until a sufficient quantity of reliable body-worn cameras are produced—or procured, rather. And I intend to submit an

amendment that supports the hon. Prime Minister's declaration.

Mr. President, I am also very concerned, extremely concerned, that the community development aspect of the legislation has been completely omitted from the Special Operations Bill. There is no longer any reference to community upliftment and structural development being tethered to the crime prevention initiatives.

Root causes of crime include a lack of legitimate economic opportunities, systemic injustice, alienation, resentment and economic disparities that contribute to the commission of survival crimes, such as theft, when persons cannot afford basic needs. Managing the symptoms while completely ignoring the underlying disease is tantamount to withholding the cure. Community development cannot be coincidental, random or haphazard. It should not be left to chance. Community development must be structured in order to be efficient and effective, and to have maximum impact.

In addition to the dismantling of the criminal gang networks, a comprehensive social development plan should be implemented. Specific objectives need to be clearly stated so that the Minister of Finance can make the necessary provisions in the Budget and to allow for monitoring and evaluation.

That would be the only way to know if this initiative has been successful. Community development was an integral part of the prior ZOSO Bill, and I am deeply disappointed that it has been omitted from this Bill. But I will speak more on this later when I discuss whether this Bill has a legitimate aim.

And now there is the simple majority dilemma. The bulk of my contribution today, Mr. President, focuses on the deeply troubling constitutional manoeuvre, passing sweeping security measures by a simple majority. The Government will have us believe that this Bill does not require a special majority for passage, although it fundamentally clashes with sections 4 and 5 of the Constitution of

Trinidad and Tobago, which guarantee the sacred fundamental rights that this legislation seeks to infringe upon.

Now, what I am about to say is not meant to offend anyone in this Chamber, but sometimes when our learned colleagues in the legal profession debate these matters, they assume that laypersons are familiar with the law, and they tend to retreat into dense jargon that leaves the average citizen, including myself, entirely behind. But the law belongs to the people. So, I do not think that discussing the special majority issue is of little use, at least not to me.

So, over the two-month parliamentary recess, I took my time, I sat down with our Constitution and I thoroughly reviewed the landmark cases of *Kenneth Suratt and others v. the Attorney General of Trinidad and Tobago* and *Dominic Suraj and others v. the Attorney General of Trinidad and Tobago*. These cases form the basis of the Government's assertion that a special majority is unnecessary. So, please allow me, Mr. President, to recount their history in plain layman's terms.

Following the Second World War, a wave of new Commonwealth constitutions emerged, including our own, as former colonies gained their independence. The Constitution of Trinidad and Tobago enshrines specific fundamental rights in sections 4 and 5, such as the right to liberty, security of person, protection of the law and freedom from arbitrary detention. Section 4 states:

“It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely...”

And the Constitution goes on to give details in 11 subsections, (a) to (k).

Now, because the conditions for which discrimination by the State is unconstitutional are strictly enumerated, an obvious lacuna was left in our laws because it meant that, on the face of it, the State could still legally discriminate against citizens based on characteristics not explicitly written into those sections, such as marital status, sexual orientation and disability. So, to fix this gap, then Prime Minister, the Hon. Basdeo Panday, piloted the Equal Opportunity (No. 2) Bill, 1999 in the House of Representatives on May 19, 2000.

The long title of the Bill was:

“An Act to prohibit certain kinds of discrimination, to promote equality of opportunity between persons of different status, to establish an Equal Opportunity Commission and an Equal Opportunity Tribunal and for matters connected therewith.”

The hon. Prime Minister began with these words, and I am quoting from the *Hansard*:

“Mr. Speaker, I regard it as a great honour and a great privilege to move the second reading of the Equal Opportunity Bill, 1999. For me, it is a dream come true in the continuum of a struggle I began since my student days in London.

I am convinced now, as I was convinced then, that the greatest problem facing mankind today is its failure to manage diversity.”

The Bill was passed by a special majority without the support of the Opposition. Now, following the election in 2000, the new PNM Administration failed to operationalize the legislation and appoint the Equal Opportunity Tribunal. The Attorney General contended that the Government could not be compelled to establish an Equal Opportunity Commission or Tribunal because the Equal Opportunity Act was unconstitutional.

So, this gridlock motivated ordinary citizens, mainly consisting of the physically and visually impaired, *Kenneth Suratt and others*, to bring a monumental constitutional motion, as they believed that they were being deprived of the protection of the law, and former Attorney General Ramesh Lawrence Maharaj filed the constitutional motion on their behalf.

Mr. President.

Hon. Senators: [*Crosstalk*]

Sen. Dr. D. Murray: Mr. President, I served with many of these determined individuals on the Council of the Trinidad and Tobago Blind Welfare Association, and for over 20 years they supported our annual Walk for Sight, working together to eliminate avoidable blindness. Sorry, I had to make a plug for avoidable blindness.

Hon. Senators: [*Laughter*]

Sen. Dr. D. Murray: So, I therefore find it very difficult to refer to them as “others” because the law is about real people with real emotions. So, in addition to Kenneth Surrat, the others are Bhawani Persad, Dave Homer, Joseph Belgrove, Pamela Sookdeo, Asha Alexander, Albert Belgrove, Lakhan Seepersad, Dennis Seebaran, Rajendra Ramnarine, Parvatee Dawajit, Sanders Juman, Kaloutie Gopaulsingh, Michael Durham and Deonarine Ragoo. And they were joined by other citizens, including Devon Garray, Davis Thomas, Dianne Arneaud, Abygal Arneaud, Rakesh Persad and Ashton Ramsundar.

In May 2004, Justice Gregory Smith heard the case at first instance and ruled that parts of the Equal Opportunity Act were unconstitutional. One of the concerns was that because the Act breached fundamental rights guaranteed under the Constitution, the unconstitutionality centered around the fact that the Equal Opportunity Act applied to private persons, as well as the State, and contained

provisions inconsistent with the enjoyment of certain freedoms and rights guaranteed by the Constitution, including the right to freedom of association and the right to enjoyment of property.

Specifically, sections 17 and 18 of the Equal Opportunity Act prohibit discrimination in the provision of goods, services or benefits by private persons, as opposed to the State. So, altering rights in this manner required a special three-fifths majority. That was the opinion of Justice Gregory Smith. So, Mr. Surrat appealed to the local Court of Appeal, and Justices of Appeal, Chief Justice Satnarine Sharma, Justice Ivor Archie and Justice Allan Mendonça, unanimously dismissed the appeal, upholding that a simple majority was insufficient. The local Court of Appeal ruled that the new restrictions imposed by the Equal Opportunity Act on private persons required a special majority for passage.

Refusing to surrender, the appellants appealed to the Privy Council under Appeal No. 84 of 2006, and the Privy Council delivered the historic judgment that is often referred to in this Chamber. The majority ruled that simply because a piece of legislation touches or infringes upon constitutional rights does not automatically render it unconstitutional.

3.55 p.m.

They argued that if such a law is justifiable, reasonable, necessary and proportionate, then it can be passed by a simple majority. And this is known as the four-part legal proportionality test or the constitutionality test. This test originated in the German administrative courts in the late 19th Century and was a way to limit state power. The test has since become a standard in judicial review where two or more legitimate rights collide. It has been adopted in various common-law countries such as India, Canada, South Africa, New Zealand, the United Kingdom and, of course, Trinidad and Tobago.

So, the majority judgment was written by Baroness Hale of Richmond, and she concluded that the Equal Opportunity Act was justifiable because it brought the law into conformity with all modern human rights interests. It was reasonable because it was capable of helping to achieve the objective. It was necessary, as there was no other way that was less intrusive to achieve the same goal, and it was proportionate as any impingement was in ways which are now so common in the common law world that it could hardly be argued that it was not proportionate to the legitimate aim of equal opportunity.

But there was a dissenting voice, right, Mr. President. Lord Bingham of Cornhill strongly dissented from the majority. He felt that:

“...a judge sitting in a local Constitutional environment in which he has grown up and with which he is familiar is likely to have a surer sense of what falls within the purview of the Constitution and what falls beyond than a court sitting many miles away.”

Ultimately, the Suratt case lowered the hurdle for a sitting Government to pass sweeping social and regulatory reforms using a simple parliamentary majority.

Now, Mr. President, I do not believe that the Special Operations Bill is comparable to the Suratt case. The majority ruling in Suratt is being used as a legal shield to justify passing the Bill with a simple majority, but this is a false equivalence. The Equal Opportunity Act of 2000 was designed to expand protections and create new pathways to combat discrimination for vulnerable groups by bringing the law into conformity with modern human rights interests.

By contrast, the Special Operations Bill 2006 does the exact opposite. It actively strips away and severely infringes upon the core bedrock rights explicitly protected under sections 4 and 5 of our Constitution. The Privy Council majority explicitly protected a law that created civil remedies for traditionally marginalized

groups, such as persons living with disability. It did not authorize the dismantling of foundational liberties. Apples and pears, Mr. President, chalk and cheese.

Now, with respect to *Suratt & Ors v the Attorney General*, this deals with an entirely different set of circumstances. In response to COVID-19, the Government introduced a series of regulations which severely limited gatherings of people. They commenced constitutional proceedings after Dominic Suraj, Marlon Hines, Christopher Wilson, Bruce Bowen, and Collin Ramjohn were charged with breaching these regulations in June 2020. These regulations constituted the gatherings rule, and they contended that their arrest was unconstitutional.

Another appellant, Satyanand Maharaj, challenged the religious gatherings rule. Regulations 2 of the Public Health Act limited public gatherings to 10 persons. Their appeals were consolidated, and the Privy Council heard the matters together. The decision was unanimous. Both matters were dismissed with no dissenting voice. In the Board of the Privy Council's judgment, the rules were passed for the legitimate aim of the public interest to protect the public from the spread of a virulent and dangerous disease, COVID-19. They felt that restrictions on gatherings were rationally connected to a legitimate aim necessary in the circumstances and struck a fair balance between individual rights and community interests. The rules were proportionate because protecting the public interest in the circumstances of COVID-19 required intrusive legislation.

Mr. President, the Suraj case confirmed that section 4 rights are qualified, not absolute. Legislation may limit them if it pursues a legitimate aim and is proportionate. Now, the hon. Attorney General has taken advice, as we were told, in moving the Bill, and has argued that Parliament has the power by simple majority to pass laws that touch on sections 4 and 5, provided those laws have a legitimate public safety objective and are proportionate. But proportionality is not

an excuse to bypass or short-circuit the Constitution.

What scientific evidence is there that was used to arrive at the need for the Special Operations Bill? If it exists, please share. Sen. Nakhid has asked us to apply the proportionality test to the Special Operations Bill 2026 in his earlier contribution. So let us look at the legal threshold. Is this Bill justifiable? Does it pursue a legitimate aim? The community development aspect of the legislation has been entirely omitted from this new Bill compared to the ZoSO Bill. If the aim of the Bill is to reduce crime, then it must treat with the root causes of crime, not just the branches, the root causes, including poverty, education gaps, unemployment, economic inequality, substance abuse, mental health issues, and communities with limited local resources.

In an article titled, “Between crime and economic growth, the asymmetric role of public expenditure and unemployment,” and published in the journal *Review of Regional Research*, Nurbasuni et al. concluded that.

“...higher unemployment or slower economic growth, may increase crime rates as individuals”—may experience—“economic hardship”—which may lead them to engage in—“criminal activity.”

Conversely, in an article published in *Equilibrium*, the quarterly journal of economics and economic policy, Remeikiene et al concluded that:

“...a stronger economic situation, characterized by high employment and better living standards, can reduce crime by providing more opportunities and reducing incentives for illegal activity...”

So, research indicates that sustainable crime reduction relies on community organization involvement, financial disruption of gangs, and localized social connectedness rather than physical confinement of neighbourhoods.

According to an article by Noah Atchison, published in the Brennan Centre

for Justice in the US:

“...in a city of 100,000, each new nonprofit community organization lead to a 1.2 percent drop in the homicide rate, a 1 percent reduction in the violent crime rate, and a 0.7 percent reduction in the property crime rate”

Trinidad and Tobago’s annualized 2026 murder rate stands at 24.8 murders per 100,000. The rate is 18.1 to date. The annualized rate is 24.8. Now, this exceeds the Caribbean average of 17 per 100,000 and the global average of 6 per 100,000. And this figure was calculated during a protracted state of emergency.

So, excluding a community development component from this Bill is equivalent to “spinning top in mud”. The constitutional infringements proposed in this Bill, in my view, are not justifiable as no long-term crime reduction measure is included in the Bill. Is it reasonable? Is it rationally connected to the objective of crime reduction and actually capable of helping to achieve it?

Sen. Alexander: Yes.

Sen. Dr. D. Murray: There is no convincing evidence that locking down entire communities reduces crime in the long term.

Hon. Senators: *[Interruption]*

Sen. Dr. D. Murray: Local community lockdowns, curfews, or designated closed areas tend to suppress immediate movement, but analysts note that they often create temporary frustration rather than dismantling criminal networks like gangs. So, this is scientific research. This legislation is unlikely to achieve the objective of long-term crime reduction as the root causes of crime remain unaddressed. Is it necessary?

Sen. Alexander: Yes, it is.

Sen. Dr. D. Murray: Is there no other less restrictive or less intrusive way to achieve the same goal with equal effectiveness?

Sen. Alexander: Ask them. They were in power.

Sen. Dr. D. Murray: Are sweeping warrantless searches on closed areas really necessary? Crime-fighting should be intelligence-led with reliable evidence-gathering using evidence-based policing research to guide decision-making. This leads to increased prosecution and conviction of criminals.

Just yesterday in the Senate, the outdated 625-LISA paging network for messaging was mentioned. Perhaps the Government could apply that line of thinking to crime prevention.

Hon. Senators: [*Desk thumping*]

Hon. Senator: That is what we did

Sen. Alexander: That is what we did. That is exactly what we did.

Sen. Dr. D. Murray: The National Institute of Justice, the NIJ, is the research, evaluation, and technology agency of the US Department of Justice and is dedicated to improving knowledge and understanding of crime and justice issues through science. The mission of the institute is to foster and disseminate knowledge and tools derived from objective and rigorous scientific research to inform efforts that promote safety and advance justice. NIJ-supported researchers are involved in evaluating and developing policing strategies. Policing strategies have varying goals, including crime prevention, effective use of police resources, or suspect location.

Rigorous research can determine which strategies are the most effective. And modern policing leverages technology and data-driven approaches to optimize resource allocation, predict crime patterns, and enhance investigative efficiency. Strategies include predictive policing, real-time crime mapping, and the use of body-worn cameras to increase transparency and accountability. But are we making enough use of modern policing technology?

According to the Trinidad and Tobago Police Service website, which I accessed last night, data compiled by the TTPS statistical reports collection show that as of April 2026, there had been 2,720 reported crimes across 15 offence categories in nine divisions. The total number of crimes detected was just 792, a detection rate of 29.1 per cent. So far in 2026, Trinidad and Tobago has recorded 271 murders in 264 days. How many of these have been detected?

Increasing the crime detection rate is likely to have a greater long-term impact on crime than the hard policing measures outlined in the Special Operations Bill. The State intends to give its police and defence forces the power to lock down whole communities and search homes without a warrant, as stated in clause 15 of the Bill. This is not a minor adjustment. It is a frontal assault on sections 4(a) and (b) of the Constitution:

- “(a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law...”

Clause 17 of the Bill allows a person in a closed area to be arrested or detained without charge and states that that person shall:

- “(b) immediately, or as soon as is reasonably practicable, be taken before a Magistrate who shall determine whether or not there are reasonable grounds for the arrest or detention”

The arrest and detention of persons in a closed area without charge is an assault on Section 5(2)(c) of the Constitution which states that:

- “Without prejudice to subsection (1), but subject to this Chapter and to section 54, Parliament may not—

- (a) authorise or effect the arbitrary detention
imprisonment or exile of any person;
- (b) impose or authorise the imposition of cruel and unusual treatment
or punishment;”

Newton’s Third Law of Motion—Sen. Nakhid, Newton’s Third Law of Motion: for every action there is an equal and opposite reaction. Criminal networks will always adapt and evolve. The draconian measures proposed in this Bill are unlikely to reap long-term rewards. Improving crime detection rates would be a much less intrusive way to reduce crime. Is this Bill proportionate? Has a fair balance been struck between the infringement of the rights of the individual and the overriding interests of the majority? Clause 12(1) of the Bill states:

“12. (1) Subject to subsection (2), no person shall enter or leave a closed area without a permit issued under this section.”

However, Section 4(g) of the Constitution enshrines the:
“(g) freedom of movement...”

So, residents in high-risk areas have described feeling targeted, caged, and trapped. Law-abiding residents have described feeling caged and trapped. Persons may live and work in different closed areas. In just my immediate circle, my housekeeper lives in Maraval, my gardener and my electrician live in Arima, and my plumber’s office is in Belmont. Will they need several permits if the areas they live and work in are closed? What about informal workers such as cooks, cleaners, caregivers, and babysitters? Will their movements be restricted? What information is needed to be provided or to be issued with a permit?

If a daily-paid worker cannot get to work, they lose a day’s pay and may even lose their job. What about non-essential travel? Will residents be able to take spontaneous trips to the beach to celebrate a birthday? What about persons who do

not have IDs, such as children? How will they prove their identity or verify their address? And what about unexpected emergencies, medical emergencies, as mentioned by Sen. Vieira, a heart attack or stroke? In these situations, seconds can mean the difference between life and death.

So, Mr. President, to suggest that the Equal Opportunity Act, a law expanding human rights, which was passed by a simple majority, is similar to the Special Operations Bill, or to suggest that emergency regulations required during the COVID-19 pandemic are comparable to regulations introduced to suppress crime, is legal trickery. As I examined the legislation in preparation for today's debate, I was reminded of the ancient tale of the Trojan Horse presented to Helen of Troy. This Special Operations Bill is presented as a nicely packaged gift with parliamentary oversight, but at its core, it contains legislation that rides roughshod over the Constitution.

Hon. Senators: [*Desk thumping*]

4.15 p.m.

So, this Bill looks like a magnificent gift of security; however, once the outer structure is peeled away, there are several grounds for concern. Let me be clear, I am not trying to paralyze Parliament's ability to fight a national security emergency, far from it. I am, in fact, trying to strengthen the legislation. If challenged in the courts, then in accordance with section 13 of the Constitution, the Bill would need to be shown to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.

So, in summary, I have three main concerns: One, body-worn cameras are not mandatory, but should be; two, a community development component is not included, but should be; and three, a constitutional override clause is not included but should be. For the record, I wish to state that I have never and will never

solicit favours in exchange for my vote—

Hon. Senators: [*Desk thumping*]

Sen. Dr. D. Murray:—in this hon. Senate. The allegations of impropriety which were made certainly do not refer to me. My integrity, my vote, and my duty to the people of Trinidad and Tobago can never be compromised.

Hon. Senators: [*Desk thumping*]

Sen. Dr. D. Murray: My vote cannot be bought, and my stance cannot be manipulated. This Senator is not for sale.

Hon. Senators: [*Desk thumping*]

Sen. Dr. D. Murray: Mr. President, I thank you for allowing me to contribute to this debate.

Hon. Senators: [*Desk thumping*]

Mr. President: The Minister of Planning, Economic Affairs and Development.

Hon. Senators: [*Desk thumping*]

The Minister of Planning, Economic Affairs and Development (Sen. The Hon. Dr. Kennedy Swaratsingh): Mr. President, thank you for allowing me a moment to participate and to add to all that has been said here today. On the outside, I want to thank the Attorney General and all of those who worked hard in putting this piece of legislation together. And I also wish to commend my colleagues, the Minister of Defence, Minister of Homeland Security, and all who work in the security apparatus of Trinidad and Tobago—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh:—who have done such yeoman service. And I wish to pay tribute and homage to all of them, to the Commissioner of Police, the Chief of Defence Staff, and all the men and women in uniform, those who protect us.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: I am very happy to have my colleague Sen. Murray back, and one of the things that I hope I will never do is venture into areas where I am not qualified, sometimes to—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: I have heard of Doctors Without Borders, but doctors playing lawyers is not something that I would encourage. Certainly, now, I hope that I do not ever go to a hospital and see the Attorney General trying to operate on me. But I say that also to say, Mr. President, that I entirely disagree with the substance of what Sen. Murray would have opined here today.

Sen. Dr. Browne: [*Inaudible*]

Sen. The Hon. Dr. K. Swaratsingh: Yeah, okay. You should know. But, Mr. President, for example—

Sen. Dr. Browne: [*Inaudible*]

Mr. President: Please, Sen. Browne, I am hearing you. Allow the Minister to speak in silence. Stop the crosstalk. Let us stop the crosstalk. Continue, please.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: Thank you, Mr. President. I know what he gives, so he is nothing new, but I will also say, Mr. President, that—

Sen. Dr. Browne: [*Inaudible*]

Sen. The Hon. Dr. K. Swaratsingh: “Boy, give me ah chance, nah.” I also know—

Mr. President: Listen, Sen. Browne, could you humbly withdraw that statement.

Sen. Dr. Browne: I humbly withdraw.

Mr. President: Thank you very much. Continue, please.

Sen. The Hon. Dr. K. Swaratsingh: Thank you, Mr. President. But I also want

Sen. The Hon. Dr. K. Swaratsingh (cont'd)

to take umbrage to the contribution of my colleague opposite, Sen. Roberts-Radgman. You see, Mr. President, in the other place, while I am sure Sen. Roberts-Radgman, of course, has a right to speak for Tobago, we have two legitimately elected representatives from Tobago in the other place.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: And I am sure if you listened to their contribution when this Bill was being debated in the other place, we would have a different opinion on the views of Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: And, of course, if the Attorney General was here, he would also confirm that the hon. Attorney General had substantial discussions with the Chief Secretary on this Bill—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh:—and he would have given the Attorney General his unequivocal support. But notwithstanding that, Mr. President, we on this side also have the advantage and the opportunity to consult with a long-standing representative of Tobago, sitting behind me, Sen. Jack—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh:—who was both elected and, in this case, appointed as opposed to simply being appointed. Mr. President, I had to start there because I want to be very clear. When we come to debating this particular piece of legislation, and, you know—in fact, before I do that, I was trying to correct my colleague opposite, or to suggest to my colleague opposite that in reading the Bill, in reading the explanatory notes, in clause 7, clearly, you would see that there can be no confusion between who manages the military and who manages the police force. Sen. Vieira pointed out in his contribution, the military will have a head and

the military will only be called out if the Commissioner of Police deems that there is a requirement for the military, and it clearly states the in the explanatory notes that were all circulated to us.

“Military assistance is only to be provided when...”—the Commissioner of Police deems necessary—“The clause requires the Chief of Defence Staff to assign to each Head of Military Assistance such members of the Defence Force as he considers fit and proper...military assistance in support of the conduct of special operations in each district.”

The military will only be called out if the Commissioner of Police sees fit and deems it necessary to provide assistance and support. So, who commands whom? There is no ambiguity. The military will be commanded by the military. The police will be commanded by the police.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: I do not understand how that could be any—and I am sure the Minister of Defence who is here can speak more eloquently to it than I am, but I just wanted to say that, because that is what I was trying to suggest to my colleague opposite. But, Mr. President, let me not—you know, I had to go back, Mr. President, and my contribution was supposed to be along the lines of the economic value of what this would bring to the country. But I had to switch up my contribution a little bit, Mr. President, because of all the things that I have heard today. And Sen. Vieira would know, when I agree with him, I tell him I agree with him; when I disagree, I would tell him I disagree. And in this instance, Mr. President, I just want to say quite categorically, for the very reasons that Sen. Murray would have raised some of the issues about the root cause of crime and the detection rate, and so on. The detection rate is where it is now since we came into government.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: The detection rate has been languishing below 20 per cent for the last 10 years. And, in some instances, as low as, I think, 8 or 7 per cent. But, you know, there is a sense, Mr. President, and if I am permitted, Mr. President, to refer to the contribution of Sen. Mc Nish, unfortunately he is not here today, so I had to go and review his contribution when—and they currently, they keep referring to the last time we debated another piece of legislation, the Zones of Special Operations, but at that time Sen. Mc Nish reminded us, and I quote, Mr. President, he says:

“But folks, I am fed up and tired. My first Sitting, and I am fed up and tired. Absolutely fed up that successive administrations...”—he said—“...you and you...”—referring to those on this side and those on this side aisle—“...over many, many years, have not been able to come up with sustainable proposals to attack, subdue and defeat the...”—scourge—“...of violent crime in our country.”

He reminded us, Mr. President, that legislative proposals like the anti-gang legislation—you see, I was in the military. I was in the defence force at the time when we had, I think it was in Point Fortin, Gun Hill. I was in the military when we used to do the confidence patrols. I was in the military when we had all kinds of operations. And from then—that was 1995—from then till now, and Sen. Mc Nish referred to it. He said:

“Sen. Al-Rawi, I looked. I could not find one single conviction in the eight or nine years that that piece of legislation...”—referring to the anti-gang legislation, under the former administration—“Not one. Failed...”—Sen. Mc Nish said, failed—“...It did nothing. Did nothing to reduce it. And during the years of its existence, the measurable statistic I use for violent

crime is murder, it kept on increasing.”

Mr. President, Sen. Mc Nish went on to say, and I quote:

“I kept looking for these crime plans and strategies...”—I kept—“...looking to see what was done, what the police service have said, so I went to the Joint Select Committee on National Security, for which I happen to be a member now. You know, interestingly, the 2023 report is interesting.”

Mr, President, he said:

“Almost all of the crime reduction strategies reported by the Trinidad and Tobago Police Service, all the targets were not achieved.”

So, Mr. President, when I keep hearing, those opposite keep saying, in all the things we have tried. In all the things that we have done. I went back, and I checked, and between 2015 and 2025, we spent over, I think, \$77billion, and I could be wrong, but about \$77billion on national security.

Sen. Baig: “B-b-b-billion.”

Sen. The Hon. Dr. K. Swaratsingh: “B-b-b-billion”, on national security. And the murder rate kept going up and up and up. In fact, Sen. Mc Nish went on to say, and I will just read this last part, Mr. President, because I find this part interesting. He said, Mr. President, that:

“If we are to be data-driven and information-driven, allowing us to make decisions, there must be some concerns with the accuracy and completeness of our records. This reality raises an important practical question. How is the State to demonstrate, in a clear, transparent manner, the factual basis on which such reasonable grounds are formed?”

He said, Mr. President:

“...I want to state without any fear of contradiction, that to take action against the serious issue of violent crime is a must. We have no choice. The

question is whether in so doing, we act with the discipline, clarity and foresight required.”

I remember listening to Sen. Mc Nish, then, Mr. President, and as I stand today having had the experience of holding people’s hands as they dealt with the consequence sometimes of crime, having to take people through that painful process. Having to hold people’s hands as they lament the fact of all of the things they have had to suffer because of the impact of crime. Having to work with those who have gone out in the field time and time again to deal with crime. Sen. Mc Nish reminded me, he said:

“...if Parliament authorizes these exceptional powers that touch on the fundamental rights of our citizens, we do so with the knowledge that this is intended to be temporary and to aid that community...—those who are impacted—“...to eventually get back to a position where normal policing strategies...could one day reapply.”

We have to get back to that point. We are not there now. We have not been there for a long time. So, we could sit down here, and we could theorize. Some of us have been in circumstances where we were directly impacted by crime. Some of us have been in circumstances where we have had to walk with people who were directly impacted by crime. But the majority of the time, and the majority of us, are not those who have to face the consequence, the impact, the direct result.

I was parish priest of Laventille. I was parish priest. I lived in Morvant for a couple of years. I used to walk from Morvant to the Shrine up in Laventille down to Success Village. I remember there was a young girl who was in my confirmation class, not 12 years old, and one day that girl did not come to church, and I asked the parents what happened to that child. I have been there. We have seen it. So, Mr. President, I share Sen. Mc Nish’s view that all of the things that

we do now, I hope that it is temporary. That we will have the sunset of two years. That we will get back to a point where normal policing works, where we can get back to a point where we could start living business as usual. We are not there now.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: Mr. President, I do not want to be unfair to Sen. Mc Nish or speak on his behalf, but I just wanted to quote some of the contributions that he made at that debate. Now, at that time, we were very clear in that debate that while the states of emergencies and the things we would have done in the past would have had some positive consequences—unintended, but positive consequences—we have to take, now, deliberate actions, deliberate actions, and you know—and that is why, as I told—and sometimes Sen. Vieira will know, I disagree with him when he talks about hope. One of the things that I do believe, there is a difference between hope and wishful thinking. And to sit down and hope that things will get better, or to think that we have to be in a position, Mr. President, where we have to take deliberate, precise, and concrete actions to deal with what is before us.

4.35 p.m.

Just this morning, I had the very great fortune and opportunity to meet with a potential investor with the Minister of Finance, a company that is seeking to come to Trinidad and Tobago, and looking to invest upwards of \$750 million. And that is why this Special Operations Bill is not only important for our citizens, it is important to take Trinidad and Tobago on a pathway of continuing to develop, because we have started the journey. We have been able to lift the morale of the defence force—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh:—lift the morale of the police service, give citizens a pathway so that they can believe, so that they can trust, so that they can walk the streets without having to feel that they need to pay. We have started that journey, but as all of us would know, while some of the consequences we have reaped, or the positive effects we would have reaped in the actions taken thus far, we have to take now precise structures that will allow persons to access relief, both from the Judiciary, as well as some other structures that we will put in place in support of this project, of this legislation, that will allow persons and allow the country to move forward with an initiative targeted towards crime.

So far, we have done a few things in the national security cluster. We would have arrested certain types of—when the State was being threatened with specific threats, we would have dealt with that. Now, we have to take precise and deliberate action to build on the gains that we would have experienced, and that action led us to this Bill today, Mr. President.

And I want to be very clear, especially for those opposite who are not in support of this Bill, as clearly those in the Lower House and those here, Members of the Opposition in the Upper House, are not in support of this. They have stated that categorically, and we did not—

Hon. Senator: [*Inaudible*]

Sen. The Hon. Dr. K. Swaratsingh: Sorry? Well, some without reading the Bill, but nonetheless—we have circulated explanatory notes—

Sen. Jeremie SC: Ordinary English.

Sen. The Hon. Dr. K. Swaratsingh:—with ordinary English—but we did not expect them to, Mr. President. And all their nice platitudes, and so on, and I am sure many more of them will speak, we did not expect them to. Because nothing in their history, over the past 10 years, has suggested that they have a clue, that they

have any inkling as to how to deal with crime in Trinidad and Tobago—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh:—nor do they possess the political will.

Now, is this something that would have been our first choice? We would have been extremely happy if normal policing worked. We would not be here discussing this at this time, but it is clear that over the last 10 years or so that normal policing application has not worked.

In fact, we had one Commissioner of Police who tried—what was her crime fighting plan? Prayers and thoughts? That and all did not work. So, Mr. President, because this is a government concerned with the future of this country, it is fundamental to understand that there can be no substantial national development where citizens are afraid to live, businesses are afraid to operate, investors are afraid to invest, children are afraid to walk to school and communities are afraid to reclaim their public spaces. That cannot continue, and under this Prime Minister and this administration, that will not continue.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: In fact, I want to quote a learned economist. On September 25, 2024, Trinidad and Tobago *Express* article, economist Dr. Marlene Attzs quoted at a pre-budget discussion, and states:

“‘We cannot talk about economic growth unless we solve crime,’ ...‘if crime continues at its current level, attracting foreign direct investment will be impossible.’”

That is why I stated this morning when I met with that investor, one of the things that is very clear is that the data coming out of Trinidad and Tobago, showing a reduction in murders, have already begun to attract and address the kinds of investments we want to see coming into this country.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: When I met with the economic team at the University of the West Indies, Dr. Hosein said to me, your colleague, “If you can get it on by another 20 per cent, it would be a good benchmark for us to move into an international strata that people would have ever thought impossible.”

Just benchmarking it at a 40 per cent reduction in murders already started to create the type of conversation in the international arena, both in international agencies as well as potential investors that we want to attract to Trinidad and Tobago. We need to now put our foot down on the pedal with substantial measures, not just for our citizens but for our national development purposes.

In its 2025 regional assessments of organized crime and violence, the World Bank described organized crime as a development problem because insecurity undermines economic growth, increases transaction costs, weakens institutions and discourages investments. The IMF, when they visited us, was more specific. They had made the connection even more direct in its 2026 assessment of Trinidad and Tobago. The organization noted that:

“High crime...have a direct economic cost...”

—and I think Sen. Attzs made that point—and can deter:

“...investment and tourism”—same tourism that my colleague opposite referred to—“by reducing labor productivity, discouraging foreign investment, and undermining tourism competitiveness.”

Now, Mr. President, this Special Operations Bill must be, as we discussed it today, take those conditions in thought, because if Trinidad and Tobago is to build on a sustainable platform as we move into this new era, where the economic space is increasing at an alarming rate—just, I think it was yesterday, we had a discussion on productivity and human capital. One of the things that I have been

interested in the measure is the impact of crime on that. If, colleagues, we do not do something now, it is my view, as someone who has been in different Ministries, that we would have lost a generation or two. But the time for us to act is now, and that is why I commend my Prime Minister because she has taken the bull by the horns, and she has said, Sen. Vieira—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh:—that if it is that we have to go in the trenches, we will go in the trenches, because we are in a dogfight, whether we like it or not. I have been in some of those circumstances. I have seen—I have had to bury people.

I remember soldiers coming back from Haiti when Aristide was overthrown, when we participated in the CARICOM—sorry, the UN—we were part of the CARICOM forces in the UN mission in Haiti. I remember some of the soldiers coming back, and I had to debrief one or two of them. They wanted to talk because of what they saw in Haiti. We sit with the luxury of where we are perched. I mean, Sen. Murray, I am—hopefully, we all will be fortunate to have housekeepers and gardeners and so on, but think about the gardeners, where they are living, and the housekeepers, where they are living, the circumstances they are living in. We want all of them to enjoy what we enjoy—

Sen. Lalite-Etienne: Provide them employment.

Sen. The Hon. Dr. K. Swaratsingh: And we are giving them freedom.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: You know, I was once—I do not know how many of you are movie buffs. I like to look at old historical movies, and I remember looking at Mel Gibson in *Braveheart*, and I remember Mel Gibson telling his fellow Scottish fighters, he says—when they want to run from the

battlefield, he says “Yes, you will run, and you could live”—

Hon. Senator: [*Inaudible*]

Sen. The Hon. Dr. K. Swaratsingh: Sorry?—“and stay and fight and you might die.” And he says, “But would you trade every day you can live between now and then for one day to fight for freedom?”

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: So, I just feel, colleagues, that it is easier, I should say, for us to speak from where we are. Holding people’s hand and walking with them in those places that you and I will not go and associate with is where all of these are meant to address and give some measure of that hope that Sen. Vieira spoke about, but I call it “freedom”. The freedom.

I mean, I am not going to talk about El Salvador here. Those of you can look it up for yourself. But I recently met a businessperson from El Salvador, and he said that for the very first time, given all the measures that are being taken in El Salvador, that trample some of the things we are talking about here today, he says that for the very first time, he and his wife and his daughter could walk down town and go to a restaurant without looking over their shoulders and without fear.

Since I have come back to Trinidad, I also feel—I mean, I am sorry, but I drive myself on evenings when I finish work. I do not want nobody around me. I go down Ariapita Avenue, I go and hang out, you know, walk, go and get my doubles, and I remember somebody saying to me—because I was walking up from Ministry of Finance to the Red House, and a policeman came walking and he said, “But where yuh driver?” And I said, “Nah, I like to walk by myself. I love to walk through Port of Spain, like to walk around.” And I say that to say, therefore, I am still able to walk in Laventille by myself.

Sen. Dr. Rose: Thank you, PNM.

Sen. The Hon. Dr. K. Swaratsingh: “Thank you wa PNM? Look”.

Sen. Jeremie SC: “Seven hundred dead”.

Sen. The Hon. Dr. K. Swaratsingh: The fact is that right now people are saying, “It is so important for us”—and I know the vast majority of persons who may be talking publicly and looking on, recognize the fact that one of the things they admire about what we are trying to do, and what the Attorney General, the Prime Minister and the Cabinet is trying to do, is to give people in Trinidad and Tobago the very things we enjoy on this side, and you enjoy on that side: The freedom, the space to breathe, to walk, to enjoy, to put on your jewellery, your fine clothes and not feel as if—

Sen. Alexander: “Children ride could dey bike in de road.”

Sen. The Hon. Dr. K. Swaratsingh: “Yes, children could ride dey bike”. So, that is not—I said, Mr. President, I really had a different contribution lined up, but who—

Sen. Alexander: “They don’t get it.”

Sen. The Hon. Dr. K. Swaratsingh: They will never get it, never get it, because they could afford to put their children in other places. Our esteemed Attorney General, on September 19, 2026, in the other place, he said:

“A continuing reduction in the levels of violent criminal activity in our country is what...”—this administration seeks.

So, Mr. President, I do not think that anything is wrong in saying that, you know. I think when we diminish what we are up against, I think we are doing our population, our citizens, our supporters, our families, our friends a disservice. We cannot diminish it.

Hon. Senators: [*Desk thumping*]

Mr. President: Seven more minutes.

Sen. The Hon. Dr. K. Swaratsingh: Thank you, Mr. President.

So, Mr. President, the important thing today is that crime does not occur in a vacuum. Criminal networks, illegal firearms, drug trafficking, gang activity—I know my colleague went through the geography of it, but legislation therefore provides the State with a capacity to organize its response intelligently, proportionately across Trinidad and Tobago. And that is why all of us have to join and band together. It is not always easy. It is not always pleasant. It is not always linear, but making the decision, sometimes recognizing the fact that some of what we will have to endure may be uncomfortable, there is a greater good. There is a temporality about it, and there is a time for us to stand up and say, “Enough is enough.”

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: Mr. President, I also wanted to just suggest from an economic perspective that I have read in the newspapers, September 20, 2026, that several business groups already back this Special Operations Bill. And many of them are asking, “Please give it a chance.”

For years, it has been repeated that our economy, historically dependent mostly on the hydrocarbon sector, must look for new sources of revenue. We must bring in foreign direct investment. We must be strategic. This Bill gives a chance to do that because it addresses a scourge that will otherwise have remained unabated, unaddressed and rising over the last 10 years. I think that is the point under which Sen. Rose and the PNM need to understand. It has been rising under their time.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: Now, it is time for us to take hard decisions from a macroeconomic perspective. Crime not only affects the economy, it also

has an impact on all the interrelated channels, individual households and businesses. When an individual household becomes a victim of a crime, there is a direct economic impact. So, when we go back to how crime impacts on the economy, let me make it abundantly clear that the economy and crime are two sides of the same coin. We cannot positively impact one while leaving the other unaddressed.

4.55 p.m.

The provisions in this Bill, I give my unreserved support to the hon. Attorney General and the security forces. And you know it would be remiss of me if I did not talk about this one thing, which is trust. I wore the uniform. I remember having to deal with some of my fellow soldiers when they went awry. I was the welfare officer at the time. I was in charge of civil military affairs. I know what it is like to put on that uniform and to encourage those around me to wear it with honour, with pride, with the desire to serve. I know what that feels like.

But I will tell you that all the areas and all the issues we see in this service of those uniforms, areas of mistrust, of behaviour we would not condone, are even more strongly condemned by those in the service than those outside the service. We will not stand, and we did not like it when any person brought our uniform to disrepute.

I have sat through court-martial proceedings. I have seen people not promoted because they were not worthy of being promoted. I served under people like Carl Alfonso and John Sandy and Anthony Franklin. Chiefs of Defence Staff. So, the services are not there asking you to trust them. Asking you to trust that they will do what they are required to do because that is their oath, that is their commitment.

Mr. President: Minister.

Sen. The Hon. Dr. K. Swaratsingh: So, Mr. President, I just want to commend the services again, commend the Minister of Defence, commend our Prime Minister, the Attorney General and lend my wholehearted support to this piece of legislation.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Sanjiv Boodhu.

Hon. Senators: [*Desk thumping*]

Sen. Sanjiv Boodhu: Thank you very kindly for recognizing me. Mr. President, we have just heard what I can only describe as one of the most painfully unpersuasive presentations in the history of this Parliament.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Unpersuasive, and I will move right on.

Mr. President, earlier on, in referring to the Bill, Sen. Nakhid said, “It does say PNM; it does not say UNC; it says criminal, and if you are a criminal, we are coming after you”. Those are the words of Sen. Nakhid, but clearly, they do not listen to their Prime Minister. Because it is the Prime Minister that introduced the PNM and UNC criteria to the declaration of closed areas, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: And after the bellowing confessions of the ad hominem motivations, “We will come for you all. We comin’ for allyuh” and the race rhetoric from on that side. We on this side will keep this debate to a sensible and decent discourse in the interest of the right-thinking citizen of this country.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: So, Mr. President, what we are saying is that rights and crime fighting are not opposite. It is as simple as that. They are not two ends of a rope where the country must pull one way or another. A society can be safe and free at

the same time. And in fact, Mr. President, that is only the kind of safety that lasts, that is sustainable.

I anchor that in clause 11(1)(b). Before any closed area can be declared, the President must be satisfied that there is an “inability of ordinary law enforcement measures to maintain or restore public safety and peace in that area”. It is the inability of ordinary law enforcement.

That test is introduced in this piece of legislation the Government wrote it. The majority of my contribution this afternoon is directed at that one question which the Bill itself puts. Is ordinary law enforcement actually being further supported, resourced, tooled, equipped, or has it simply been bypassed in favour of a purgative state, Mr. President? I would invite you respectfully to stay with clause 11 (1)(b), stay with the test of an inability of ordinary policing to maintain public safety.

What that test quite literally invites is an extraordinary power. The word “ordinary” is in 11(1)(b), and where ordinary is deemed not to be sufficient, the State moves to extraordinary. So, Mr. President, the concept of the prerogative state comes from a 1941 book entitled *The Dual State: A Contribution to the Theory of Dictatorship*, and it is authored by Ernst Fraenkel, a Jewish lawyer who wrote the manuscript while practicing law in Nazi Germany before fleeing to the US.

The main argument in the book—the theme of the book is that authoritarian regimes do not completely destroy the system overnight but instead establish a dual state where two systems coexist.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: And the two systems that coexist are the normative state and the prerogative state.

The normative state exists as long as it is useful to the regime's economic and administrative stability, but the moment a routine legal issue becomes politically inconvenient, the prerogative steps in and suspends the rights and freedoms of the people, and this is done in large measure by the introduction of a policing power that answers directly to the political executive.

And staying with 11(1)(b), because we do not have to speculate about this observation. We have lived through it as citizens in this country through the experiment conducted by the State. Because from early March until the 17th of September, this country was under a state of emergency, and the hon. Minister of Homeland Security gave data in another place on the 12th of this month.

For the benefit, again, of Sen. Nakhid, who presented some data on what seems to be his own origins, the hon. Minister Roger Alexander reported that 702 PDOs were approved and issued 573 of them were executed. Meaning 573 of them resulted in detentions, and as at 11th of September, 240 of those persons had been charged. That is, in fact, 41 per cent were charged out of the executed PDOs, and 34 per cent charged of those issued. So, unless Sen. Nakhid is saying that Minister Alexander is telling untruths, those are the rates, not 61 per cent as Sen. Nakhid said earlier. But the point is that 333 people had not been charged after being detained for months on end.

Now, Mr. President, think carefully about what a PDO is. Every one of those PDOs was a document in writing, signed by a Minister; every one of them named a citizen of this country; every one recited facts of criminality alleged against the persons. Somebody supplied those facts, and theoretically it is not the Minister. It was the police service that provided those facts. The police provided the intelligence.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: And the Minister acted on the police's intelligence, at least according to what the Government has told us. So, follow that through.

The police knew the names. They knew the alleged offences. They knew where those men and women lived, because officers went to those addresses and took them, 574 times. That is not a police service that is lacking in information or intelligence. That is a police service that can name you a man, tell you his name, and drive to his gate. Then 334 of them walked back out without a charge. So where exactly is the failure? The failure is not in knowing. The failure is not in finding. The failure is not in detaining. The failure is what happens after the arrest.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: The failure is in the file, in the statement in the forensic report, the witness, the prosecutor, the court. That is where the failures are, and there is not one clause in this Bill from 1 to 26 that puts a single additional prosecutor in a courtroom.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Not one of these clauses puts an additional analyst in the Forensic Sciences Centre.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Not one of these clauses puts an additional witness into protection or in a position in which they feel confident to give evidence against criminals.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: So, this Bill is about the front end of the system, but our problem is in the back end. This Government has boasted repeatedly publicly, and even today here in this Chamber that crime is down. So, the Government must choose

which of two things it is telling the Chamber today. It is either crime is down, in which case the test in clause 11(1)(b) cannot presently be satisfied, and this Bill is not needed—

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu:—or is that crime is down, in which case two states of emergency for 199 days did not work. What is before us is the same SOE medicine with a new label on it.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: To be clear, learned Sen. Vieira said that this Bill is not the same wine in a new bottle when he compared the ZOSO January Bill to this one. But this Bill is the same wine as the rolling SOE.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: It is SOE in perpetuity by another name, Mr. President. But whichever way they choose, clause 11(1)(b) is not answered. I move now to 10(2), which provides that:

“Where special operations are conducted...the police officers involved...shall have all such rights, powers, authority, privileges and immunities...as any constable duly appointed has.”

The powers of a constable. Now, right now a police officer can stop a vehicle. He can mount a roadblock. He can search on reasonable suspicion. He can arrest without warrant for an arrestable offence. He can take a statement. He could execute a warrant. He can put a man in court on a charge. None of that is new in this Bill; none of it.

So, what exactly is a special operation? Is it scorch and burn? Is it extrajudicial policing? Is it black ops? The Bill is silent on those questions. What is genuinely new here? It is not the capability of the police. What is new is the

geography of the whole thing. The ability to draw a line around a community and switch off, inside that line, the ordinary protections that are afforded to every other citizen of the country who are outside of the line.

Mr. President, on the question of whether the problem has ever really been a shortage of policing powers or intelligence gathering. I do not need to rely on this side of the Chamber. The hon. Minister of Defence, who has joined us today, gave the country his own answer on that question of intelligence some months ago. Speaking of the killing of a Senior Council in 2014, the hon. Minister said the police was there listening, knowing that a high-profile prosecutor was going to be killed. And I make no allegation against any Government of any colour, past or present. I do not need to, and I will not. But I do take the Minister at his narrowest.

That information existed when UNC was last in Government. The listening was happening while they were in office. What failed while they were in office was not the power to know. What failed was that nothing was done with intelligence that they possessed, and there is no clause in this Bill that fixes that problem.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Mr. President, I respectfully suggest give the TTPS and the DPP's office what they actually need. More manpower so they are not overworked and underpaid. Forensic turnaround measured in weeks, instead of months and years. Witness protections so a frightened woman or a little child can feel confident to give the police evidence. Cameras that work, prosecutors, court time, justice for Joshua. Justice for Kaia.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Those things cost money, and it takes patience.

Sen. Alexander: [*Interruption*]

Sen. S. Boodhu: Mr. President, I would seek your indulgence to assist me in continuing undisturbed. There is a constant droning across the aisle please, Mr. President.

Mr. President: Can I ask—the Member knows himself. So, I do not want to identify him right now. But I too am being disturbed. I am getting the feedback myself. Allow the Member to speak without being interrupted. Continue please.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: I thank you very kindly, Mr. President.

Sen. Baig: Mr. President, while I hear you as well—

Sen. S. Boodhu: Is there a Standing Order?

Sen. Baig: I wish to raise a Standing Order.

Hon. Senators: [*Crosstalk*]

Sen. Baig: Well, if you would listen, you would know. Tedious repetition under 33 (1)(b). We heard about Joshua Samaroo. Now we are hearing Joshua Samaroo again. That is the—53(1)(b).

Mr. President: Yeah. Yeah. Unless I require an explanation for a Standing Order, just quote the Standing Order. I will take it from there. He has now really begun his contribution. I am giving an opportunity and so on to develop. Continue.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Thank you again very kindly, Mr. President.

In summarizing that point and moving on to the next point, the point is, what is important is what converts an arrest into a conviction, because it is only a conviction that a gang member fears. So, I move now to clause 12(1) that deals with the closed areas and cordon. I wish to lay down the law from the shelf, take it

off and put it on somebody's kitchen table or dining table because that is where this Bill is going live, Mr. President.

So, the permit that is required is a permit to leave, and it is a permit to leave the street on which you might have been born. The street on which you might have paid for your home. The street on which you might have paid property tax for that home for which you have not gotten your refund as yet. Clause 12(4) says who issues the permit, and 12(6) says what happens after the issue of the permit. It is the most consequential (6) of clause 12 is the most consequential sentence in Part IV of the Bill.

The person who issues the permit may at any time suspend or cancel the permit by notifying the permit holder in writing by electronic or other means at any time, and that, as we know in the public discourse of things could be a WhatsApp message, as we have heard.

Now, nothing in clause 12, however, requires any justification and reason, or any notice period. There is no appeal process in the Bill, there is no tribunal established, there is no grace period or stay of execution, and therefore the natural conclusion is that the revocation of the permit takes effect when it is sent to the person holding the permit.

So, practically speaking, consider a nurse who works at Mount Hope Hospital, who lives in an area that is subject to a curfew, and she is required, for the purpose of this example, to stay indoors between 8.00 p.m. and 5.00 a.m. She has a permit that allows her to go to work, go in and out of the cordon area, including moving around during curfew hours, so she has a permit. But because there are issues at the hospital and staff is cut and overtime is suspended, she is working extended hours at the hospital.

Mr. President, let us say she works a 12-hour shift instead of the usual eight,

and so she is returning home after the 8.00 p.m. implementation of that curfew. While on her way home, “she ha’ no data, de place hard”. She cannot afford to have data on her phone, and so the WhatsApp that was sent to her at 7 p.m., withdrawing her curfew pass, was never received by her, so she arrives at of her cordon and debate residential area to be told, “Ma’am, you doh have a pass anymore. It was revoked at 7.00 p.m.” She has not seen that revocation.

My question is: does clause 12(7) apply here? Does she commit an offence is she liable to pay a fine of \$50,000 and to be imprisoned for a year? Just because she was doing her job under the belief that she had a permit. On the issue of that fine of \$50,000 and the imprisonment for not having a pass, imprisonment of a year.

I wish to compare the Bill with itself, and if we look at 18(2), there is a penalty there for threatening or assaulting a police officer or a soldier, and that is the same \$50,000 or imprisonment for a year. But that tells us that, when you compare the two sections, walking to work without a valid piece of paper and breaching the curfew is punished identically to if somebody slaps down “ah police”. That is what we are saying. .

Multiply that nurse—so, the residents of Siparia who have to leave home at five o’clock to come into Port of Spain to go to work, or the child that goes to school outside of the cordon, or the dialysis patient that has to go to the hospital three times a week, or a family carrying a coffin out of the cordon area for a funeral. Those are people that are affected.

Learned Nakhid asked what I believed was a rhetorical question when he asked it. Who does this Bill target? So, I wish to examine that question because Sen. Nakhid suggested that this Bill targets criminals only.

5.15 p.m.

Now, take the most pessimistic assumption you can make about crime in this country, that every serious crime last year was committed by a different person, so that no offender ever offended twice. TTPS's website today discloses that 10,770 crimes were reported in 2025. So, if we say, for the purposes of this illustration, that each of those crimes was committed by a different person, that no one person committed two crimes, and in a population of 1.4 million people where, based on my research, it is estimated that 67 per cent of the population is between ages 15 and 64, which I would categorize as able-bodied, most likely—most able, I should say—physically able to commit a crime.

Now, that 67 per cent of 1.4 million is 938,000 people, Mr. President. That means that 0.01 per cent of the population engaged in criminal activity last year, 2025, if we use an example. I just want to repeat a few parts of that because it might be a bit much to follow. So, I am proposing that we look at the worst possible scenario here. You have 10,770 crimes committed by 10,770 people between ages 15 and 64. That is a population only of 938,000, so I am being very, very careful here. And, on those figures, 0.01 per cent of that population are criminals, Mr. President. That means that, in that example, 99.9 per cent of the population in 2025 were law-abiding.

Yet, for some reason, this country has been called a “lawless dump”, and we all know it is impossible, it is not real, that criminals do not reoffend. So, it is not possible that 10,770 crimes were committed by 10,770 people. So it is far less than 0.01 per cent of the population, Mr. President. And I think sometimes we, as law-abiding citizens, we do not realize the mass of our collective strength against criminality and against injustice and against oppression, Mr. President.

So, the point is that clause 12 will be felt overwhelmingly by people who have done nothing unlawful, and that is not an unfortunate side effect of the clause.

It is the arithmetic of the clause, because a cordon does not know who is innocent; it only knows who is inside or outside of it. And in respect of who is inside and who is outside, two short matters and I will move on from clause 12. Clause 12(2)(a) exempts a certain category of people, and we have gone through the category of people. But in establishing a category of people exempt from either the cordon or from the curfew, the exemption, by identifying that category of people, Mr. President, it does not track responsibility or risk or need. It tracks a title and a Government, Mr. President, that legislates themselves out of the effects of an Act tells you everything you need to know about that Government, Mr. President.

So, for an example, a local government councillor might drive through a cordon or might move around without having to worry about a curfew. But in the same operation in which he is a councillor, men collecting the garbage “cyah” do that, the emergency response team and the employees of the corporation “cyah” do that, the public health department, all important, very, very important people in the running of a municipality, Mr. President, they all need to apply for and obtain passes.

Well, the next matter is this. Clause 11 sets out the grounds for declaring a closed area, and it is escalating violent crime, illegal firearms, community control by a gang, and whether the ordinary policing can cope. Four grounds; all grounds are fact, Mr. President. There is no constituency, no party, no map of who voted in which way, and it is a plain principle of our law, which requires no authority, that a power given by Parliament for a stated purpose may be used only for that purpose. So, this side is not asking to be included. In fact, we would not wish clause 12 on any community in this country: not Laventille, not Chaguanas, not Diego Martin, not Couva.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: “Our objections, Mr. President, our objections doh have ah constituency, doh have a party.”

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Our objections are quite simply, Mr. President, that the moment a law can be switched on in one place and off in another, according to politics, according to who voted how, that has stopped being a law and becomes an instruction. And I say no more about that because the hon. Prime Minister said everything that we need to know about this law and the way that they intend to continue governing this country. But time is longer than twine.

Clause 14(1), Mr. President. The President of the Republic, as to be distinguished from your good self, may impose:

“a curfew requiring persons within the area to remain in their premises, during specified hours...”

Now, in a real community, rather than in a government conference room, a family of nine people living in a two-bedroom house must stay inside of the premises throughout that curfew. A man standing up by his gate commits an offence; \$50,000, one year. And we have heard in the debate there is no time limit on a curfew anywhere in clause 14.

But, Mr. President, my point is, not to be repetitive, but my point on that issue, which has been traversed, that is not an oversight because it is the same Government that wrote the limits itself. Because the hon. Attorney General, in the piloting today, reminded us that in January they brought to this Parliament the ZoSO Bill, whose clause 15, Mr. President, capped curfew at 72 hours and a cordon at 24 hours. That is their own drafting, and it is now not present in this Act. And I wonder, what has improved between January and September to justify that?

Because crime did not change. So, Mr. President, the only thing that has apparently changed in this Bill on that point is the majority, because they no longer care for the votes of the other Bench here, the Independent Bench, Mr. President. That is what has changed.

I move now to clause 13, the cordon. 13(1) allows:

“A Head of Special Operations...to establish a cordon around or in the closed area.”

Now, if we turn back to clause 3, the definition section:

“a closed area” means an area declared as closed under section 11 and includes an area within a cordon.”

Now, if we put those things together, Mr. President, the Cabinet declares an area under clause 11 and must deliver a statement of grounds for the Speaker of the House, but a superintendent of police may then run barriers around that area and, by operation of clause 3, everything inside those barriers is a closed area as well. So that the street the Cabinet never mentioned now falls under the permit requirement, warrantless search under clause 15, detention under clause 17, and nobody can annul it because there is no order to annul.

So, clause 13 is not subject to negative resolution. Clause 13, in fact, is not subject to anything at all, Mr. President, and 13(4)(b) requires the notice to be gazetted within three days after it is issued. So, Mr. President, for three days a citizen may be arrested for crossing a line that has not yet appeared in the official record of the country, the *Gazette*, Mr. President.

Now, clause 15(1), which permits the search by a police officer of any place, vehicle, person, et cetera. Now, look closely at the final part of that:

“...upon...suspicion that an offence is in the course of being committed, has been committed or is about to be committed.”

Look closely at the words “an offence”, Mr. President. It does not say an “offence under this Act”; it does not say “a serious offence”; it does not say “an indictable offence”; it does not say “a gang-related offence” or “an offence involving a firearm”. It is just any offence. Any offence in the laws of Trinidad and Tobago. So, on the plain words of clause 15(1), reasonable suspicion that a man is about to commit a minor traffic offence might be enough for a search of his house. If that is not the intention, then the words “an indictable offence” or “an offence under this Act” would have been included. But those words are not included, Mr. President.

But there is another drafting point I wish to raise, and I would invite our colleagues in the entire Chamber to listen carefully, because it goes to the heart of every assurance that we have been given when it comes to this Bill. The Government, Mr. President, has placed a significant amount of justification on training. Clause 5(4) is where that promise lives, and it attaches the requirement to a Head of Special Operations and police officers assigned under section 6. Now, read 15(1) again and ask to whom the search power is given. It is given to a police officer. It does not say, Mr. President, “a police officer assigned under section 6”. It does not say “a trained officer”. And that same drafting gap appears in clause 17(1) on arrest and detention, and 23(1) on identity.

And clause 3 tells you who that is. It says it is:

“a member of the Police Service or a person to whom a precept has been issued under the Supplemental Police Act;”

And:

“Police Service includes...the Municipal Police Service and the Special Reserve Police.”

So, on the plain words of the Bill, a supplemental police officer holding a precept, a person to whom clause 5(4) does not apply at all, may search a citizen’s home

without a warrant. That is deliberate. It is no drafting error, and it renders every assurance about training given to this place or the other place worth zero.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: And, Mr. President, 23(1):

“a police officer may”—demand—“a person’s...full and correct name, including any alias, and full and correct address, where he suspects the person is committing an offence, is about to commit one, or can assist in the investigation of an offence.”

Or can assist, Mr. President. Someone who falls in that category of people who can assist is not necessarily a suspect. In fact, that person might quite possibly be a witness, Mr. President. That could be a neighbour who heard something—or somebody’s grandmother sitting down in the gallery, whole day, watching outside. And clause 23(4), Mr. President, that address that is not full and correct costs \$20,000 in fines. Mr. President, anybody who is involved in community activity at the very base level knows how many young men right now in society cannot answer that question in one sentence. And there is a good explanation for it, because when they are working, they stay by the auntie during the week because it is closer to where they are working, and on the weekend they stay by the grandmother. And their mail goes to the mother’s house. There are parents in this country who put a relative’s address on a child’s school application form so they can get into a particular school or in a particular area of schooling. And that address never changed, and the child grows up and is an adult, and that is the address that they have carried for their entire life. And we must be real about those things. These things happen in real life, and it is not unique to Trinidad. It happens all over the world, Mr. President. But that is not criminality; that is reality in Trinidad and Tobago. And, under clause 23(4), that reality will cost people

\$20,000 in fines.

And consider, with all of that, what it does to the one thing that actually solves murders: detection. Detection depends on people talking to the police. It depends on trust. It depends on an exchange of information, and clause 23 makes the first conversation between an officer and a witness a demand, backed by a \$20,000 penalty. Mr. President, I suggest, respectfully, you cannot get information that way. You will instead get silence and resistance.

Now, Mr. President, I turn now to the people that the Government has hardly mentioned in this debate and who will carry every consequence of this Bill. Clause 21 provides that an officer:

“shall, as far as possible, having regard to available resources, use a body-worn camera in... enclosed areas.

Clause 22:

“Weapons...ballistics...ammunition...shall be registered with the...Forensic Science Centre...” before an operation begins.

Both two clauses sit on facing pages. Clause 22 is a mandatory provision. Clause 21 is a hope. This Bill is certain about the weapon being registered and uncertain about the human being as it relates to the cameras.

Let me talk about the cameras, because sometimes we talk about those body cameras in a wrong-side way, Mr. President. A body-worn camera is not only a protection for a citizen. In fact, very, very often, Mr. President, a body camera on a police officer is protection for that police officer. It is an honest policeman that is protected by that body-worn camera when he is doing his job 2 o'clock in the morning, and finds himself by 8 o'clock accused of doing something he did not do. That police officer has exactly one friend in this world, and it is that body camera. And this Bill gives him one only if it happens to be available, Mr. President.

Now, think what clauses 12 and 14 actually require of a police officer. It requires him or her to stand at a barrier and turn back the hearse that I spoke about earlier; to tell a man he cannot go to his mother's house and to explain to that woman why a paper she never asked for was cancelled by somebody she will never meet. Clause 18 then makes it an offence to obstruct him while he does it. Now, that officer, Mr. President, he did not write clause 12. He did not vote for clause 12, and this Chamber is about to hand him the job of enforcing clause 12 against people, most of whom have done nothing wrong. And he will be the only face that those people see, Mr. President.

And here is the part that this Government appears not to have considered at all. When this Government leaves office, which they will do soon, those police officers stay in the TTPS. They will still be on duty in those same communities. They live there, their children go to school there, their mothers will shop in the same grocery, and they will still be knocking on those doors asking for help with a murder in a community that was cordoned in their name by a law they had no part in making to spend the trust of the police service. Trust that takes a generation to earn and an afternoon to lose on a two-year Act is not giving support to the police, Mr. President. It is asking the police service to pay a political bill, and they will still be paying for it long after the rest of us all have moved on from here. And so, I call on the right-thinking—

Mr. President: Senator, you have five more minutes.

Sen. S. Boodhu: Thank you very much, Mr. President. I will call the right-thinking, decent, law-abiding, hardworking rank and file of the TTPS to let your voices be heard and stand up for what is good and decent.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: And stand up for yourself and call on the Government to address

the real issues facing policing, Mr. President.

Mr. President, I would wind up by keeping on the point of the police. The Parliament, in dealing with Bills presented by the Government, is developing a habit of passing a Bill instead of doing a job. Last year, we were told about the home invasion legislation, and that was the answer to home invasions. So, you know, it did not answer any problems, Mr. President. But, you see, that happens when a Bill is announced as a cure, and when the Bill is passed, the problem is still there, Mr. President.

And I want to refer to the contribution of Sen. Swaratsingh. The Senator referred to the men and women of the TTPS, whom he thanked twice and credited for the Bill, Mr. President. That pronouncement is surprising to me. And I want to ask for clarity on whether the Commissioner was consulted on this Bill, because Minister Swaratsingh has suggested that he was. Specifically, was the Commissioner consulted on clauses 5(2) and 5(3) of this Bill?

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Because those two clauses give a veto power to the Prime Minister where the Commissioner appoints a Head of Special Operations. What this Government is saying here today is that the recently appointed Commissioner of Police sat in a room with this Bill, consulted with an Attorney General, with Ministers, with a Prime Minister, with whoever, and that Commissioner of Police agreed to hand over his independent authority—

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: His independent authority to appoint an operational head of a policing unit to a politician, to—

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu:—a Minister, a Prime Minister. Is that what the hon. Minister has

stated that the Government is saying to Trinidad and Tobago? Is it that the Government is saying that the Commissioner is unable to competently carry out the operational administration of the TTPS?

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: And worse than that is that he agreed with that, having been consulted? Or is it, Mr. President, more likely to be true, is this a clause that imposes the political directorate upon the operational administration of the TTPS? It cannot be both, so which is it? What did the Commissioner, the Deputy Commissioners, and the Assistant Commissioners have to say about this, Mr. President?

Hon. Senators: [*Desk thumping*]

5.35 p.m.

Well, he has already said something. The Commissioner made a statement saying policing will remain impartial in the face of the Prime Minister saying only UNC constituencies will be declared closed areas. And that statement of policing impartiality was this morning supported by the hon. Minister of Homeland Security, Roger Alexander, outside the Parliament. So, it seems that the Commissioner may have already smelled the rat, Mr. President, and therefore somebody—as usual, is not telling the truth.

My second concern, Mr. President. You see this division of the map, the drawing of a line around a community and telling the people inside it that they are the problem to be contained and the people outside that they are the public to be protected, that is dangerous anywhere, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Lines drawn around communities in this country have ways of hardening into lines drawn between people. And first it is lines drawn in red and

yellow, and then into something older and uglier than party.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: We in Trinidad and Tobago have come too far for that. We have built something in these islands that many larger countries have failed to build.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: And what we have built here did not come for free and I ask every Member to weigh honestly whether a two-year Bill is worth putting any part of that that we have achieved at risk. Mr. President, the choice this country is being offered, a police state or a bandit state, is a false choice and our people deserve better.

Hon. Senators: [*Desk thumping*]

Sen. S. Boodhu: Better than to be frightened into accepting that those are the only two choices. A free country can be a safe country, and that is the only kind of safety that has ever lasted anywhere. So, send in the police, resource them, support them, prosecute the cases, and let the courts do their work. That is the answer, and it always was. I thank you very kindly, Mr. President.

Mr. President: Sen. Candice Jones-Simmons.

Hon. Senators: [*Desk thumping*]

Sen. Candice Jones-Simmons: Thank you, Mr. President, for allowing me to join the debate at this time. Now, Mr. President, we are about nine contributors into this debate, and so much of what I wanted to say has been traversed, but I still crave your indulgence to share my perspective, and I will be brief where I touch on things that were covered before.

Now, Mr. President, there is a word that keeps coming up of late in here. I believe I heard Sen. the hon. Dr. Kennedy Swaratsingh saying it and, more recently, Sen. Sanjiv Boodhu. It is a word: Trust. It is a word that I wish to

highlight as I proceed, and I think it touches on most of what I want to share. This is not about sentiment, Mr. President. It is not about politics. The trust in the practical governance sense is the confidence that a citizen must have that the power given to the State will be used as described in the manner prescribed, and it will stop where it says it will stop.

A Bill of this kind, this Special Operations Bill, Mr. President, it does not live or die on its stated intentions. Its success or its failure depends on whether the people who will feel its weight believe that the institutions applying it will be fair, accountable, and restrained. Mr. President, the merits of even a well-intentioned Bill can be lost entirely where public trust in the authorities administering it, is weak. And before I turn to substance, I want to be clear about the standard I am applying today to assess this Bill. So, in my assessment, I am not asking whether the Bill is well intentioned or whether the Bill is intended to treat with the issues surrounding crime because we know that. What I am asking is: Would a reasonable law-abiding citizen, that phrase that we hear often, with no history of being in conflict with the law and no reason to fear the law, whether when they read this Bill, would they feel safer or would they feel oppressed?

Now, I want to be fair in my assessment, Mr. President, and I too want to add my observations of what I have seen the Government do. So, where the Government has listened, I want to say plainly I see that you have listened. But where I still think that the Bill falls short, I want to be able to say that too. And, Mr. President, that is fair. On the last occasion that we had to talk about a similar Bill in January, Mr. President, the hon. Sen. David Nakhid—I am happy to see you. He had a lot to say about me. He said, “You know, Sen. Jones-Simmons, I doh know about her, like she talking out the two sides of her mouth”. Mr. President, because I sought in my contribution to present what I thought were the

merits and the demerits of the Bill. And Sen. hon. David Nakhid, I take that as a compliment because that means I am balanced.

I am not a politician, Sen. David Nakhid. I am not here about yellow or red. I am here about red, white and black—

Hon. Senators: [*Desk thumping*]

Sen. C. Jones-Simmons:—and there are citizens in this country who are interested in hearing about the two sides. Because you see me, Sen. David Nakhid, I am the type of person if someone tries to sell me something, I want to know what you are getting out of it and what is the cost to me. And once I could fully apprehend what the cost is, then I could make an informed decision about whether the Bill secures my interest.

So you see, I want to talk about something I just heard coming out of the mouth of the hon. Sen. Kennedy Swaratsingh. He and I could agree on something, and I love that. There is a difference between hope and wishful thinking. I like that, because you see, I am concerned because I pay attention, Mr. President, to what people are saying out there. Because when I come in here, I want to represent the things that I hear citizens saying. And the Government has a responsibility when it communicates with the citizens to paint the clearest picture it can paint.

So you see this comparison of a closed area to a gated community, Mr. President, that concerns me because that is a euphemism. That is understating what a closed area is. A gated community has differences between what this Bill will do. And I think it is dangerous to not tell citizens that.

Hon. Senators: [*Desk thumping*]

Sen. C. Jones-Simmons: Why give citizens a false sense of security? That is not helpful to them. So, I agree, you know, Sen. Nakhid, it does not do me any favours

to just come here and criticize the Bill. But there is also danger in being overly generous and telling people that a gated community is the same thing, because in a gated community, you pay for that service; that is one. You consent to it; that is two. There is a certain level of autonomy, that is three, that you have with the security guard. You could tell the security guard, I am not satisfied with your service and you can revoke their employment. But under a closed area, you will not be permitted to leave. In a gated community, there is egress, and you can leave and come and go as you please, but not under a closed area. So, I want us to be very careful that there must be a balanced perspective presented at all times. At least I hope on this Bench.

So I want to outline what I welcome. Now, I take note that it has been said by the Prime Minister that the Government will listen or has listened to the Members of this Bench when we made certain comments on the previous Bill in January. Now, this statement gave me reason to be cautiously optimistic because on the last occasion, no amendments were made at that time. And yet it is still important to acknowledge that some consideration was given, revisions were made, and we want to acknowledge that. But the proof, as they say, Mr. President, is in the pudding.

So, the question I have is not whether changes were made, because it has all been ventilated here, but whether the change was substantive or whether it is merely cosmetic. Whether it represents a genuine effort to capture all legitimate concerns or is it just to give the appearance? Now, on that question, I want to be fair to the drafters. Some things were genuinely moved, and I want to congratulate the Government on that.

So the first thing that I want to talk about is the sunset clause. We have talked about it before, but I still want to acknowledge that, because many of us on

this Bench, we clamoured for that. So, the former Bill had no fixed end date at all, and that troubled us, right. All that existed was the promise of a periodic review, with the first review not required for three years after the first zone was even declared.

Now this Bill, as we have discussed, will elapse two years after proclamation and like I said, Mr. President, we are grateful because you see that is an acknowledgement from the Government that this type of law should not last on our books forever. The second thing is that an annual report will come before this Parliament, not merely to a Cabinet committee, and that is important. So that is a real change. You see, Parliament now, and not the Executive alone, has a standing obligation every year to examine what has been done under this Bill. But I want to say that the report, the Bill, should also include aspects or matters that should be reported on when this Bill comes before the Parliament.

The third thing is, and I believe Sen. de la Bastide touched on this, is that we have a more detailed definition of what will happen to declare a closed area. That is, I believe, in section 11(1)(a) and (b). So we have specific categories, violence, of weapons, and of gang intimidation, and I note with interest that this section is now conjunctive. It uses the word “and”, and in addition to those factors, it states that these factors will matter and the inability of ordinary law enforcement measures to maintain or restore public safety is a factor that must be established before there is a closed area. And that is good because before all we had to grapple with was a very vague and subjective terminology of rampant criminality in the previous Bill. So, this is definitely an improvement.

Fourthly, a person detained must now always be told the reason for their arrest in a language they understand. Again, quite progressive because the older Bill permitted that step to be skipped where the circumstances were such that the

person should know, and so that subjective exception is gone.

And fifth, and I think this matters more than it is given credit for, the Bill puts the police in a lead while the military is in a supporting role and is only engaged when the Commissioner requests them. So rather than the co-equal joint command the earlier Bill proposed, we have what I think is a progressive step because there were genuine concerns related to the militarization of ordinary policing. So, I want to congratulate the Government on addressing those things, and I believe in giving credit where it is due. And I want the Government to know that when it listens, it will be seen to have listened. And that is precisely why, Mr. President, what I want to see next carries more weight and not less.

Now, Sen. Boodhu just spoke about the body cameras. The body cameras are a very popular topic in the Senate today, but I also want to touch on it and share my perspective. I want to spend a little time on this, because it ties into this concept of trust, and I believe it is the single clearest test of whether this Bill is meant to apply to everyone or just to citizens. So, I welcome its inclusion. It is a progressive step.

Yes, they should wear the body cameras, but you see these words of:

“...as far as is possible having regard to available resources...”

I raised this exact concern when we were debating the other Bill, and I have to say I am disappointed that no revision was made to this.

I have noted the comments from the Minister of Homeland Security and the Commissioner of Police acknowledging concerns about the quality of the current stock of body cameras and about how long a charge lasts, reportedly as little as two hours before the device fails. I am concerned, Mr. President, that rather than fixing the equipment, the legislation appears to have been written to accommodate its failure. So let us be honest about what this wording, “as far as is possible”, tells

me. It is one, that the police do not believe that they will have enough cameras available all the time. Two, they may not remember, or they may not choose to activate it or that where it is not worn the State does not want to be liable if an officer is found to be in breach of the legislation.

So this exception, Mr. President, has already been written in, before a single closed area has even been declared. But that is not an oversight. So, this is an intentional thing. So, this is what we have legislature building in in advance, an excuse for the very failure it should be preventing. And it matters, Mr. President, because you see, again, as was said before, these cameras are not just for the protection of the citizen. They are there to vindicate the officers when they go into a closed area, they do a search, and there is a confrontation. There is footage now to show that they acted reasonably. So, this is not a one-sided request. This is also for the protection of the officers.

Now, Mr. President, the Minister has told this country that this Bill exists to hold criminals and persons whose behaviour is not in order accountable. By the Minister, I mean the Minister of Homeland Security. And I do not dispute that communities want that. We want them to be held accountable. But you cannot ask a citizen to accept that their conduct must be above board, full stop. No “as far as possible”, no qualifier while writing in now an exception into the very officers who will be entering their homes, their streets, their communities under emergency powers, you know, Mr. President. Accountability cannot be a one-way street.

I believe that if the Government wants buy-in from the public, it is asking them to accept curfews, cordons, warrantless searches, and therefore the standard of accountability that applies to the citizen must apply in equal measure to the officer that is exercising power to the citizen. That is fair, and I want to be precise about my recommendation, because I do not want this to be dismissed as an

unreasonable request. This is a government, Mr. President, that prides itself on being able to fix things, right? This is a government, I hear them. I listen to them. They thump those desks enthusiastically, and they say with confidence every single time, “We are going to fix it”. I love to see it. I love to see that confidence. So, what I am saying, Mr. President, it is simple. Fix the cameras. Fix the batteries. Fix the stock. Fix the procurement of these cameras. This is an administrative issue, a budgetary problem, and it is solvable.

What I object to is fixing the legislation instead and lowering the legal standard to accommodate a hardware problem. Can we not just put the mandatory language in the Bill and set the standard where it should be? And then just do the work outside of the Senate to make sure our officers have what they need to meet the obligations of the Bill, because this is a resourcing matter, not a legal matter, and it should never have been allowed to shape the law.

Mr. President, if the Government values transparency, and if it has heard, as I know it has heard, the public’s own fears about the conduct of police in high conflict or volatile situations, and I do not even want to go into those, but we know that there have been concerns. And if our police officers really want to show for the record that they acted within reason, then to me this is a non-issue. This is not something to play with. This is an issue that we can compromise on. It is simple. Lead by example. Set the standard from the State and the citizens will fall in line. Mr. President, that is how trust is built.

Mr. President, there is a chorus that accompanies every Bill of this kind. I hear it chanted outside the Senate, and I hear it chanted inside. There is a choir that sings: “If you are not doing the time, then you would not do the crime”. “If you are not involved in crime and you are a law-abiding citizen, you have nothing to worry about. If you are not involved in wrongdoing, then your name will not call,

and this Bill does not apply to you.”

So, I want to test that claim honestly, because you see, Mr. President, I believed a version of that, you know, once, but that was before I sat on this Bench. You see, before I sat on this Bench, I was naive. I thought that, as a law-abiding citizen. How I see myself, I am not interested in wrongdoing. I have no intention to commit any crime, white-collar crime, blue-collar crime, any kind of colour crime. I am not about that, Mr. President, but let me tell you, I now know that that is not true. I cannot naively walk around and think I am a law-abiding citizen and no type of allegation could be raised against me because it is widely known that two Independent Senators were accused of wrongdoing, of trying to trade votes for favours from the Government on this Bill in January. And so, I too say plainly for the record I never have and never will trade any votes for any favours.

Hon. Senators: [*Desk thumping*]

5.55p.m.

But, Mr. President, here is the discomfort—and I want us all to sit with it, right? It did not even matter that that was not true. It did not, because it was an allegation, right? And it did not need to be proven. You know, all it needed to be was reasonable enough to cast a cloud of suspicion that now settles over this Bench. And that is what reasonable suspicion could do to a law-abiding citizen, Mr. President—

Hon. Senators: [*Desk thumping*]

Sen. C. Jones-Simmons:—even one who has done nothing at all.

Now transpose that experience on to the powers in this Bill. This Bill permits a search, a detention, an arrest on reasonable suspicion, not proof, not a warrant, not a charge. So, if an allegation is raised, it is true or not true, it is enough to cast suspicion over sitting Members of this Senate, then it will be

enough to be levelled at an ordinary citizen in a closed area by anyone with sufficient motive to make it. And once that suspicion attaches, Mr. President, a citizen can be detained and they will have to defend themselves and they will have to prove that that suspicion was not reasonable, and that their detention was lawful. Now, to fight that, Mr. President, they have to have resources. They have to hire an attorney. They have had to get time off from work. They have to have the means to be heard. So, not every citizen that this Bill will touch has those resources. So that is my honest answer to the chorus of law-abiding citizens, Mr. President.

It is not that law-abiding citizens have nothing to fear. It is not that going about your business, lawfully, does not make you untouchable. It only means that if someone, somewhere, wants to create reasonable suspicion, well, now they have the tools to do that, and the burden of disproving it will fall on the citizen, and that should make us all uncomfortable.

Mr. President, I also want to touch on an issue, right? It seems that if you raise a concern and you have a legitimate concern, people like to put you into a box. It is either you are a law-abiding citizen and if you raise a concern about the legislation, “Well, you, you are a criminal, or you are a criminal sympathizer.” For some reason, Mr. President, I cannot understand the logic. Can it not be accepted, Mr. President, that some citizens have genuine concerns about crime and that some citizens, because of their experiences, have concerns that the agencies responsible for enacting and enforcing laws sometimes are flawed and do not act responsibly, so they want that reassurance? Mr. President, I said earlier that I welcome the sunset clause, and I meant it.

I want to address something else. The previous Bill, as we have heard, it capped any individual zone declaration at 180 days, and required the Parliament to

vote affirmatively and actively to extend it beyond that. Now, this Bill removes the cap entirely. So, we already heard it, that a closed area, and the curfew that may accompany it, can now potentially run for two years, with no requirement that this Parliament can ever cast a single affirmative vote to keep it going.

The only constraint offered is that a motion to annul it cannot be brought more than once every three months, and that is not a limit on the power itself, right? It is a limit on how often the House can check it. So, Mr. President, in my respectful view, that is worse. It is worse than the implications of the previous Bill. That is not an improvement. So, a citizen living under a curfew for up to two years is a level of infringement on ordinary life, movement, work, family, worship, that the earlier Bill, for all its flaws, did not contemplate.

So, if we are prepared to countenance a restriction of that magnitude, then I say to this Senate, as it relates to the constitutionality, that this Bill needs to be examined thoroughly on that point. But much has been said about that before. I wish to add that a limitation on liberty of that depth and that duration is precisely the category of measure that should require a three-fifths majority under section 13 of our Constitution, and not a simple majority pass through as if this is an administrative statute. You should not give citizens a right with one hand and take away with the next.

So, Mr. President, closely related to this Bill is this issue of permits. Permits are seen almost like a safety valve for entering or leaving a closed area, but nothing has really been said about how it will actually work. A lot of questions have been raised about that, and they are legitimate questions. If an emergency arises, we have heard about it: Death of a family member; you are trying to reach the hospital—certainly, Mr. President, you see my hand? I understand emergencies.

Hon. Senators: [*Desk thumping*]

Sen. C. Jones-Simmons: Emergencies are funny things. They do not tell you when they are going to show up, and when they do, you do not have time to figure out if WhatsApp is working, you have ability to figure out the WhatsApp. Some of these vulnerable and elderly citizens do not even understand their own devices. Mr. President, emergencies, they do not wait for office hours. They do not wait for an available permit officer to respond to your query. We cannot assume that every citizen has the ability to have access to the Internet and is comfortable navigating WhatsApp. And, you know, Mr. President, with the greatest of respect, they should not be left to rely on common sense at a point of crisis.

Therefore, I welcome from the Government a clear and published administrative protocol with timelines, the required documents, if there is an emergency fast-track process. All of these things could have been easily outlined to alleviate some of the concerns that citizens have, instead of just diminishing it and rubbishing it, because they are valid concerns.

Mr. President, now, I want to turn to another thing that I consider to be a gap, or rather an absence in the Bill. Again, I want to quote from the Minister of Homeland Security, and you know what he said, that the Bill is necessary because persons within the community are not behaving and, you know, they must be brought to account. Now, Mr. President, I want us to consider another analogy that appeals to me as a parent. And all parents in this country will recognize it. It is called timeout.

Mr. President, a parent puts a child into timeout to restore peace in the moment, but you know something? It only works for the moment. Any parent, any teacher, any child psychologist will tell you that timeout by itself changes nothing. It gives nothing lasting. But what it does, it suppresses the behaviour temporarily, but it does not address why the behaviour happened in the first place.

When you use timeout as a strategy, it is only meaningful when it is part of a wider system that addresses the causes. For instance, what environment is the child returning to, what are the support structures that the child has, and is there an underlying need that is going unmet? So, Mr. President, that is precisely why I fear this Bill is the State's version of timeout.

Now, repeated states of emergency, now coupled with cordons, curfews and closed areas under this Bill will produce exactly what timeouts produce: A period of enforced quiet. And the statistics will look good. They will look better while people are detained and movement is restricted, and very little that outlasts the restriction itself. So, if we detain, if we cordon and we have these curfews without building the community infrastructure that keeps people from returning to the same conditions, then, Mr. President, it is obvious that we would expect that crime would come back in the same places the moment restrictions are lifted. And this is why, Mr. President, the absence of the social transformation committee part of this Bill, it troubles me deeply.

Because, Mr. President, this Bill replaced the previous one, and at least in the previous one, there was a gesture on paper of a coordinated development response with representatives from health, education, disability services and child protection. It sounded so good that all of these things would be done during enforcement. Now this whole structure is gone from the Bill, and all we are left with is just the suppression measures, and there is no plan, as far as I can see, for what will replace it.

So, I am just asking: What will be done to transform the area after they are closed? And I heard, you know, Mr. President, "Well, we did not need all of"—some person said it—"You do not need to have it in a Bill for intervention to be done," but the absence of it from this Bill raises questions, because now I want to

know what will be done. Citizens have been asking plainly, and I have been paying attention, “What is the crime plan beyond this Bill? Are there other interventions?” Mr. President, these questions are not unreasonable. I am telling you, Mr. President, I believe it, because I know that it is true, that citizens are willing to make real and uncomfortable concessions and accept some temporary limits on their liberty if, Mr. President, they understand the larger picture that they are being asked to trust.

What citizens are not willing to do, and in all fairness, should not be asked to do, is just accept an open-ended cycle of enforcement with no visible strategies for the enhancement of the communities that are being enforced upon. So, Mr. President, I look forward to hearing from this Government all of the lovely policies that are going to be implemented for the actual building up of these communities, and I am hoping that it is not going to be an afterthought, but that it will be an equal part of the pillar of this strategy, that it would be pursued with the same alacrity, with the same seriousness, with the same gusto as they have pursued cordons and the curfew.

A little bit more, Mr. President, on the citizens’ wish list, if I might add, because I have heard people say, “Well, okay, you are coming with all of these observations, you have any recommendations?” So, Mr. President, I also paid attention. There are things that I have seen renowned criminologists suggesting, and they are saying things like, “More responsive policing.” That is an obvious one. When you are in a situation that is dire, and you call the police, you do not want to hear, “Well, we do not have a vehicle,” or “We are at a police post.” You want to hear, Mr. President, that they are coming. And I can tell you, Mr. President, that I have experienced that. I have said it in the Senate, they took my whole house and ran with it, and I waited a whole day for the police to come; a

whole day. And when they came, Mr. President, there was little that they could do. So, I am saying we need more responsive policing.

The criminologists say that we need scientific, evidence-based, data-driven policing. We certainly need accountability and transparency to boost trust. We need to address social dysfunction. We need to confront institutional failures. We need to address underlying causes. There is a lot of trauma in our country. Social inequity, early interventions for mental health, we can do some of these things, but we are not hearing enough about that.

Mr. President, I just want to touch briefly on this issue. It is about tourism, and because I am from Tobago, I also want to touch on that. I think it is incontrovertible that this would impact tourism. Any tourist going to research our country, once this Bill is passed, is likely to come up on this information about closed areas. And this affects your planning because you are all thinking, potentially, is, “I can come to this country and get locked up in a closed area or affected by a curfew. I cannot travel to places that I planned to visit.” And it makes our designation less attractive. Mr. President, I raise it because, you see, our economic and security conversations need to be happening in the same room.

Mr. President, I want to close where I began, with trust, and with a choice I do not believe our country should have to make. If citizens come to believe that the very officers empowered to act on their behalf under this legislation are unwilling to be held to the same standard of accountability, then they are likely to have concerns about this legislation. And where trust is absent, Mr. President, and where we do not have confidence in our institutions, we will have difficulties. And I want to say that where there are fears that rights will be infringed, that is not to be dismissed as paranoia or negativity. It is a rational response from citizens.

Permit me to be equally clear about this, I am not proposing or suggesting

that the Government is to do nothing in the face of violent crimes. I am not saying that at all. We have a serious problem, and I understand the urgency of the Government. But I want to add my voice to the views that say, citizens should not be asked to choose between a state of crime and a police state, neither is an acceptable governing outcome, and with the greatest respect, the Government did not campaign on a promise to deliver a police state.

There is another path, perhaps, that we could think about, which is enforcement, paired with genuine investment, accountability that is applied evenly and powers that are time-limited in practice. That would restore the confidence in citizens who have reservations. So it should not be just in the name, right? I am asking for those genuine things to be committed to by the Government.

So, I am asking the Government to give serious consideration to making the body-worn cameras genuinely mandatory, and pair it with whatever they need to in terms of procurement and maintenance, rather than us having to fight up with a legislative exception, placing an actual cap on the duration of any single closed area or curfew, and publishing clear and accessible administrative processes for the permits. And with these few words, Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Senators, I believe this is a good time for us to take another suspension because it seems like we will be here for a long time. We might be spending Republic morning if we continue how we are going. So, at this time, I would like you to have something to reinforce your presence when you return, okay? So, at this time, we will suspend and return at, I would say, 7.00p.m. So, this Sitting is now suspended until 7.00 p.m.

6.12 p.m.: *Sitting suspended.*

7.00 p.m.: *Sitting resumed.*

[MADAM VICE-PRESIDENT *in the Chair*]

Madam Vice-President: Sen. Dr. Marlene Attzs.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Marlene Attzs: Thank you, Madam Vice-President. It is always good to see you assume the role. So, thank you for the opportunity to contribute to this extremely important Bill, the Special Operations Bill, 2026. I am hoping to be brief since we have been here almost nine hours now, Madam Vice-President and much has been said about the Bill since this morning.

Madam Vice-President, I begin from the position that I believe most citizens of Trinidad and Tobago can readily understand and appreciate. The fact is that our country faces a serious problem of violent crime. There are communities in which people live with fear as an almost routine feature of daily life. Families have lost loved ones, businesses have closed or have had to alter their operations, but perhaps one of the worst consequences of the situation we face is that we have a generation of children who have grown accustomed to violence in ways that no child should have to grow accustomed to.

So, I fully appreciate, Madam Vice-President, that the State has an obligation to act and to act effectively, but of course I maintain that urgency must never lead us to treat short-term interventions as a panacea for long-term problems. I believe as legislators our responsibility is not simply to ask whether the Government should respond seriously to the crime situation, I think everyone will agree that we should, and the Government should address the crime situation and treat it as a serious matter.

But Madam Vice-President, I think we also have a responsibility to ask whether the measures before us are likely to work, whether the powers being granted are proportionate, whether adequate safeguards exist, and whether most

fundamentally, the legislation before us forms part of a wider strategy capable of addressing the conditions that allow criminality to become entrenched.

Madam Vice-President, one of my continuing concerns relates to the criteria by which particular areas become subject to special operations. Clause 11 is important in this regard, it provides the framework within which the President may declare an area within a policing district to be closed, and much has been said about that. And this is an improvement from the January Bill that we considered in this honourable Senate. But I believe that there is an important question around these criteria and around how they will be interpreted. I am hopeful that communities will not be designated simply because of their socioeconomic circumstances, their reputation, or broad perceptions about an area.

Serious criminality may become geographically concentrated, but geography itself cannot become a proxy for criminality. We have a responsibility to isolate criminals and criminal elements, not to isolate communities. I think this is particularly important because the consequences and ramifications of designation extend far beyond the immediate security operation.

Once a community becomes publicly identified as an area requiring extraordinary security intervention, what happens to the people who live there? What happens to the young person from that community applying for employment? Sen. Boodhu mentioned earlier about people changing addresses. We change it for the SEA exam, we change it for employment, we change it for different reasons. What happens to businesses operating in that closed area? What happens to property values? We must be careful in our determination to confront criminality that we do not inadvertently stigmatize entire communities or create a situation in which a person's address becomes a marker by which that person is judged.

Madam Vice-President, I also have a concern and want to suggest that we should guard against passing legislation that creates, and perhaps inadvertently so, different lived experiences for citizens depending upon where a person happens to live. For some citizens, the State is experienced principally through its developmental and service delivery role, through schools, healthcare, infrastructure, et cetera, and other public services that Government is expected to provide. For other citizens, particularly those living in communities that may be repeatedly subjected to intensive security intervention, the State may be increasingly experienced through checkpoints, searches, heightened surveillance, and the presence of armed security personnel.

The role of the State ought not to be reduced simply to maintaining order. The State also has a responsibility to create the conditions in which citizens can live safely, participate economically, access opportunity, and develop their capabilities. I suggest, Madam Vice-President, that the objective should ultimately be to restore communities to circumstances in which extraordinary interventions, such as we contemplate under this Bill, in which those circumstances are no longer required.

Madam Vice-President, I want to congratulate the Government for taking on board some of the concerns raised during the January debate because some of these concerns have been reflected, at least in part, in the new Bill. The September legislation, Special Operations Bill, contains more objective triggering criteria for closed areas under clause 11. It strengthens provisions related to human rights and de-escalation training. It introduces some reporting requirements under clause 8, and it contains the sunset provision that was one of the recommendations from the January Bill.

But I want to ask two questions, Madam Vice-President, two questions

around this legislation that pertain to equality and equity. Equality asks whether the law applies to everyone according to the same rules. And equity asks somewhat different questions in the context of who actually bears the burden of those rules and how is that burden experienced. If special operations, cordons, searches, and restrictions on movement are concentrated geographically, then their effects will not necessarily be distributed evenly across the population.

Consider a resident of a closed area who works an eight to four job. He/she might experience an operation differently from a nurse or security officer working shift, from a hotel worker, from a factory worker, or another employee returning home at midnight after shift. And I think Sen. Boodhu alluded to this. By extension, a salaried worker may be able to absorb the disruption differently from a daily paid worker who loses income if he/she may not be able to go to work because of the restrictions imposed on a closed area.

So, Madam Vice-President, I respectfully suggest that the economic question for me is not simply can an area be cordoned? Yes, the legislation allows for that. My question is more about what happens to the legitimate economic life inside of that cordon? And these are not abstract questions. Clauses 12 and 13 deal expressly with permits to enter and leave. Clause 14 provides for the curfews. Clause 24 requires outlines, arrangements for permit applications, et cetera, to be made both manually and electronically. And a lot has been said about those by persons who spoke before me.

But we still have to treat with a fairly granular set of questions, can workers leave for their shifts and return home afterwards? And I think my colleague, Sen. Jones- Simmons, or someone, one of the previous speakers spoke about, you know, you happen to be at work and then you get a message on your phone which you did not retrieve saying, "Well, something has happened and your permit is no longer

valid.” Can businesses receive supplies? Can customers enter? All of these very mundane, day-to-day questions, but which are really living questions. They affect daily life of the average citizen. Can taxis and delivery vehicles operate? “Or am I just going to be relegated to a short drop and have to walk the rest of the way because the taxi cyah come and drop meh home with meh groceries?” What happens to school attendance? What happens to health care appointments and care responsibilities? And those points were also raised by persons who spoke before me. Madam Vice-President, I reiterate that these are practical questions of how ordinary services will continue to enter a community once it has been declared a “closed area”.

Then, we have the other set, essential and routine services, waste collection, garbage collection, et cetera. Then we had the point raised about emergency repairs, et cetera, et cetera. Clause 12 does provide some flexibility in that the Commissioner may issue a permit allowing a class or category of persons to enter or leave a closed area, and these permits can also be issued to individuals.

But the Bill itself does not quite get us to understand how day-to-day life will continue in these closed areas. So, there is a sort of a general arrangement in place, but day-to-day life, day-to-day nuances, “de taxi droppin’ meh home with groceries, the taxi bringin’ de child home from school, all of those things, the school bus.” How will those operate in reality?

So, Madam Vice-President, I would welcome some clarity on whether there will be pre-established categories or protocols for essential and routine service providers. So, the school bus doing transportation for children, the taxi, et cetera, et cetera, because a closed area remains a living community. People still need their garbage collected. They still need medication and food. Utilities still fail. “Meh fridge stop working, ah have to call in an repairman, et cetera, et cetera.” So, the operational

challenge must not only be to secure the area, but to do so in a way that allows legitimate community life to continue as far as reasonably possible.

Madam Vice-President, I understand and I have read the perspective expressed by some members of the business community that stronger security may help restore confidence and create a safer environment in which businesses can operate. And I was very pleased to hear the hon. Minister Swaratsingh referenced a point I made, and the phrase I used, the catchphrase I used was “There can be no prosperity without security”, and that was said in a particular forum either last year or the year before. So, I understand the business perspective, and they are welcoming the heightened security influence because some businesses have in fact been suffering as a result of the heightened criminal activity in some areas.

But there is another side to that equation. If workers cannot obtain the necessary permits to enter or leave a closed area, if they are delayed at checkpoints or detained during an operation for whatever reason, there is a cost not only to the worker, but also to the businesses that depend on that labour. So similarly, restrictions may also affect suppliers, deliveries, customers, and transportation that can interrupt legitimate economic activity, economic and commercial activity. So, the economic impact to businesses should not only be assessed in terms of the potential benefits of improved security, but we also need to contemplate and anticipate the transactions costs that may inadvertently arise because of these measures, and the disruption that the security intervention itself may impose on legitimate businesses and livelihoods. Much has been said—as we have heard, the Schedule establishes seven policing districts, six in Trinidad and one in Tobago.

And I note, Madam Vice-President, that the hon. Attorney General indicated in the other place that concerns about consultation with Tobago’s Chief Secretary would be addressed through a non-legislative fix. And I think those things are

important. Informal cooperation is welcome, but Tobago's distinct administrative and economic circumstances warrant a clear protocol, particularly where an operation may affect transport, tourism, cultural activities, public services, and business continuity. Sen. Roberts-Radgman made the point that depending on how special operations and closed areas are activated in Tobago, the economic and social footprint, my words, not hers, may extend well beyond persons suspected of criminal activity.

Madam Vice-President, I ask you to permit me some latitude to digress for a brief cultural reflection. In his well-known ode to Tobago, Grandmaster himself, Lord Kitchener, invited us, "Come leh we go, leh we go to Tobago, dat paradise found by Robinson Crusoe." As he celebrated Tobago's lovely hotels, lovely beaches, flowers, and friendly faces, it was a welcoming ditty, inviting the world to come to Tobago for holiday. But now that Tobago constitutes a single policing district under this Bill, must we contemplate a remix of that ditty? So, "come leh we go, leh we go to Tobago, but check first to see if it closed and if you need ah permit." I make the point lightly, Madam Vice-President, but the underlying concern, I think, warrants some attention, because clause 11 permits an area within Tobago to be declared closed without appearing to prescribe a maximum geographical extent.

While the invitation was "come Tobago for holiday", we must ensure that the operationalization of this legislation does not replace that invitation with uncertainty about access, movement, and restriction. The wider principle applies throughout Trinidad and Tobago at the national level. Security operations may become necessary even during major cultural, religious, sporting, or commercial events. And these restrictions on movements must form part of the planning, proportionality, and communication surrounding an operation.

Again, I reiterate that communities do not cease to be economies when a cordon is imposed. A security intervention that succeeds operationally but unnecessarily destroys legitimate economic activity, damages business confidence, or could very well deepen the economic vulnerability of residents that may create costs long after the cordon has been removed.

During the January debate, some of us argued that extraordinary security intervention must be accompanied by deliberate attention to education, employment, youth opportunity, family support, and community infrastructure. Those concerns have not disappeared because the legislative architecture has changed. If anything, the removal of an explicit social development component makes it more important for government to identify where that responsibility now resides, which Ministries and agencies are accountable, and what personnel, programmes, and financial resources will support it.

7.20p.m.

I have to say that I appreciate the timing of this Bill because we will hear the national budget read in a couple of weeks, I presume, and hopefully that budget will help connect some of those dots between this Bill and how it is actually going to be operationalized and the resources that will be allocated.

The debate in the other place has provided some indication of the Government's thinking. In his contribution in the other place, the Minister of Homeland Security referred to initiatives such as Hearts and Minds, engagement with vulnerable youths, school-oriented policing, community policing, anti-bullying initiatives, and parenting programmes.

So, I welcome any credible intervention capable of supporting young people and strengthening communities. But the Minister also suggested that these things kind of rest primarily on administrative intent because he suggested that these

initiatives need not be provided for in the legislation, and that is a concern to me. If the social response, based on what the hon. Minister said, rests principally on administrative intent, what guarantees it continuity, its coordination, its funding, and its evaluation? Which Ministry or agency is going to be ultimately accountable for delivery, and what happens if priorities change, if personnel change, or if budgets change? I think it is important for us to know, as legislators, how these interventions would be coordinated around each affected community, what resources will support them, what outcomes are expected, and who will be held responsible if those outcomes are not achieved?

Madam Vice-President, the hon. Attorney General this morning, as he piloted this Bill, spoke about democracy, and you know, I think that is an important concept, and I wish to endorse that democracy is important, but democracy also requires, Madam Vice-President, deliberation, restraint, accountability and a willingness to listen, particularly when Parliament is being asked to confer extraordinary powers upon the State. If every question is treated as an obstruction, if every concern is seen as disloyalty and if every proposed safeguard is taken as sympathy for criminals, then we have a challenge in terms of parliamentary scrutiny. More importantly, what does that portend for ordinary citizens who may wish to question how these powers are exercised against them? The real test of democracy is not how readily a government exercises power when it possesses votes, it is how responsibly that Government responds to scrutiny, how carefully it protects those who may be affected by its decisions, and whether it remains willing to be corrected.

Madam Vice-President, public confidence matters. Speakers before me spoke about trust. Trust and public confidence matters, particularly in communities where successful policing ultimately depends on information,

cooperation, and trust between residents and law enforcement agencies. But legitimacy also requires understanding. Citizens must clearly understand what this legislation is seeking to do.

And while it has been a long day so far and we are still not anywhere—the end is not in sight, I appreciate the conversations because I think it provides an opportunity for the citizens to hear different perspectives, contending views, and hopefully garner from our exchanges something that will resonate with them to help explain the process on which the Government has embarked.

This Bill, Madam Vice-President, potentially affects the ordinary relationship between citizens, their communities and the State. People should understand what a policing district means, what circumstances can trigger special operations, what a closed area means in practice, what restrictions may be imposed, what powers may be exercised, what safeguards exist, and what avenues of oversight and accountability are available. Citizens should not first discover these things when the legislation is passed, and a cordon appears at the entrance to their community. The State has a responsibility not only to exercise extraordinary powers lawfully but to ensure that people whose names those powers are exercised understand what the law permits, why it permits to and what it may mean for their daily lives.

Madam Vice-President, the Bill before us speaks about the relationship between the Trinidad and Tobago Defence Force and the Trinidad and Tobago Police Service in operationalizing these special operations. Reading the Bill, there is an operational issue on which I would welcome some clarity. The Bill contemplates police officers conducting special operations with the assistance of members of the Defence Force, but I think it is now widely known that the TTPS, the Trinidad and Tobago Police Service and the TTDF, the Defence Force, are

distinct institutions with different primary functions, different professional cultures, and with different types of training.

Sen. Swaratsingh made reference to a Joint Select Committee on National Security Report from 2023. I too wish to make reference to that report because during that session in March 2023, the Joint Select Committee on National Security, the then Chief of Defence Staff, Air Marshal Darryl Daniel, identified joint patrols—not quite the same thing—but joint patrols with the police service as a significant operational challenge, and my language is being taken straight from that document.

He explained that when military personnel patrol alongside the police, they may be required to perform functions for which their core military training was not principally designed. I think that observation is particularly relevant to the Bill before us. The Bill recognizes this institutional distinction. Clauses 5 and 7 require participating defence force personnel to receive training in human rights, use of force, community engagement, and conflict de-escalation, while clause 9 requires joint protocols and separate standard operating procedures.

I ask whether that preparation will be completed before deployment; whether common rules will govern engagement with civilian searches, de-escalation, and the use of force; and how command responsibility—and I know that the TTPS, I forget the specific term, but the officer in charge of the operation has some overarching responsibility. But what you have is both the Defence Force and TTPS operating jointly—how command responsibility will operate where the professional training and operational instincts of the two services differ.

Madam Vice-President, joint police and defence force operations are new to Trinidad and Tobago, so we have a lot of experience from which we can draw. During that same March 2023 session before the Joint Select Committee on

National Security, the defence force reported conducting 11,333 patrols of the police service in 2021, and a further 8,824 in 2022. So, we have a history of considerable operational activity, but I think it is useful for us to ask how effective those joint operations were.

The committee did not receive corresponding evidence demonstrating how those thousands of patrols affected firearms seizures, arrests, successful prosecutions, or sustained reduction in crime. Perhaps more significantly, in providing evidence, the then Chief of Defence Staff, and again this is taken from the records of that enquiry, that presentation before the JSC on National Security, the then Chief of Defence Staff candidly acknowledged that joint operations have been conducted for some time, but in his words:

“...you are not seeing the success.”

I am not citing that to suggest that joint operations have zero value, and I do support the view that the defence force can provide important operational, logistical and specialist support to the police service. But the evidence from that enquiry causes us to be cautious about equating the number of patrols conducted, the visibility of armed personnel, or the scale of deployment with actual improvements in public safety. I think those lessons are directly relevant to this Bill.

Before we expand the use of this model through special operations and closed areas, perhaps Parliament should be told what lessons have been gleaned from those thousands of joint patrols already conducted, what has worked, what measurable outcomes have been achieved, and how have the lessons from previous operations informed the training protocols and safeguards that are contemplated in this Bill.

The issue is therefore whether institutional arrangements anticipated under

this Bill adequately preserve the distinction between military support and civilian policing and whether the training command structures, the rules of engagement, and accountability mechanisms are sufficiently clear to manage that distinction while protecting both public safety and citizens' rights.

Madam Vice-President, there are three questions that I think ought to sit alongside the provisions of this Bill. The first is what happens before the special operations become necessary. The second question is what happens alongside the security interventions. And, the third question is what happens once the operation ends?

Let us look at the before scenario. The Trinidad and Tobago Police Service recently launched an initiative called Flip the Script that may be relevant to this discussion. Flip the Script is an initiative led by the Trinidad and Tobago Police Service school-oriented policing unit, and it is initially targeting 17 schools, and is being framed not simply as an anti-bullying campaign but as a youth violence prevention and longer-term strategy. It seeks to address gang culture, bullying, substance abuse, and other risk factors through interventions that include mentorship, psychosocial support, police youth clubs, music programmes, and the assignment of a social worker; some of the things that were captured in the social development component from the January Bill that we contemplated.

But here is the thing. Speaking recently about this programme, officials from the Trinidad and Tobago Police Service have themselves acknowledged that early intervention is preferable and less costly rather than waiting until enforcement becomes necessary. A superintendent, David Guelmo, is quoted as saying—

Madam Vice-President: Five more minutes.

Sen. Dr. M. Attzs:—and I think this important, that:

“No police service anywhere in the world has ever arrested its way out of youth violence.”

I think that reinforces a basic proposition. We cannot police our way out of every social problem. If we can identify young people who are vulnerable to gang recruitment, violence, or social exclusion while they are still in school, then intervention should begin there, not only when the same young people later come into contact with the criminal justice system.

The important question is whether these programmes form one coherent strategy around the young person and the community, because if it is not a coherent programme, there is also a cost to the fragmentation. So, if we fail to address the issue in advance, then it turns up as an expenditure to the country. We also need to ask what happens while these zones are operational.

I want to refer again to the work of Professor Selwyn Ryan, which I have spoken about in this House on previous occasions. Professor Ryan repeatedly reminded us that crime cannot be understood independently of the wider society in which it develops. So true security therefore begins long before a police checkpoint, which is why I continue to believe that zones of special operations must be matched by zones of social investment.

Madam Vice-President, then we have to ask what happens when the operation ends. If firearms have been seized and individuals arrested, but young people remain disconnected from education and employment, and community institutions remain weak and gang recruitment pipelines remain intact, then we have to ask ourselves what has fundamentally changed. The security operation has created some space, but public policy must contemplate what fills that space.

Madam Vice-President, as I begin to close, I want to suggest that perhaps the legislation and the regulations make publicly available some kind of reporting

framework that should include information on the number of operations conducted, the weapons recovered, the number of arrests, charges, release without charges complaints, and reported use of force incidents, in addition to permits granted or refused. But, I think ultimately, we must also, as a Parliament, be able to assess outcomes. Has violent crime declined, and whether that reduction persisted? Has gang recruitment declined? The residents feel safer, a business is recovering, or has criminal activity simply migrated elsewhere? These are the questions that will tell us whether or not the policy is actually working.

I think, respectfully, these questions cannot be answered either by the Minister of Homeland Security or the Defence Minister alone. They require information and cooperation across a number of Ministries: Education, Social Development, Labour, Community Development, et cetera. Much has been said about the body cameras as far as possible having regard to available resources, so I will not repeat that.

Madam Vice-President: One minute.

Sen. Dr. M. Attzs: Thank you, Madam Vice-President.

My final words are, that I end as I began, acknowledging the fear that crime has instilled in our communities and the urgency it demands of us and the responsibility we carry as legislators to respond wisely. The State must act firmly. Citizens living under the threat of gangs and violence deserve nothing less, but the success of this policy cannot ultimately be measured simply by how many people we arrest, how many operations we conduct, or how many communities we many designate. We need to ensure that zones of special operations are matched by zones of social investment, and our objective, as legislators, should be to ensure that the success of these measures is demonstrated by our needing fewer of these zones. With those few words, Madam Vice-President, I thank you.

7.40 p.m.

Hon. Senators: [*Desk thumping*]

Madam Vice-President: Sen. Darrell Allahar.

Hon. Senators: [*Desk thumping*]

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Thank you, Madam Vice-President. I am very grateful for the opportunity to say a few words in this debate. We have been at it for some time, since 10:30 a.m. It is 7:40, and they say the night is young and so are we, but it is only round four. So, I will try to be as brief as possible, bearing in mind that I have other colleagues on this side who wish to speak. And I do not want to go into tedious repetition, but there are certain things I want to cover.

As the hon. AG has mentioned before, this is a Bill about policing. Unlike the Bill that came before, that we were talking about in January, this is a Bill about policing. It is a Bill to give the protective services the ability and the tools to protect those who bear the brunt of violent crime as a result of organized criminal gang activity.

Madam Vice-President, we on this side, we have heard the cries of grieving parents, the concerns of businesses that face extortion, families who are terrorized in their homes—when you get to speak, we will come to you—and our youth who are discouraged from pursuing an education because they are shoved into being recruited into criminal activity in certain areas.

Madam Vice-President, this Bill is about giving law enforcement authorities the tools to restore peace and security in areas in which violent criminal activity is rampant, and much has been said about the proportionality test. But I want to go back to something Sen. Murray said, and let me just jump to that, and I can dive right in. I have a note here. Before we get to that, I have a note here, Sen.

Boodhu. I think you spoke about “a free safe”. Was it “free safe” you had said?
Free safe?

Hon. Senator: Free state

Sen. The Hon. D. Allahar: Oh, state? I thought it was “free safe”, and I heard “free safe”. I do not know, free state. Anyway, Sen. Murray—Madam Vice-President—Sen. Murray said she spent the weekend reading *Suratt*—

Hon. Senators: Recess.

Sen. The Hon. D. Allahar: The—?

Hon. Senators: Recess.

Sen. The Hon. D. Allahar: Oh, the recess. Even worse. So, she spent the recess, which is maybe eight weeks, reading *Suratt*. It is interesting reading. You should read *Hinds v the Queen*. That is the longest piece of obiter, and that is much more. But she read *Suratt*, but I think, unfortunately, there was a mischaracterization by her of the case, and she had mentioned that *Suratt* was about giving rights, and this Bill is about taking away rights. And she accused the Government of legal trickery. Those were her words: “legal trickery”.

Hon. Senators: Trojan horse.

Sen. The Hon. D. Allahar: Well, let us not get there. Legal trickery in resorting to *Suratt* and *Suraj*—

Madam Vice-President: We have a Procedural Motion. Leader of Government Business.

PROCEDURAL MOTION

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Thank you. I hope this does not cut into my time, so stop the clock. In accordance with Standing Order 14(5), I beg to move that the Senate continue to sit until completion of the business at hand.

Question put and agreed to.

SPECIAL OPERATIONS BILL, 2026

Madam Vice-President: Sen. Allahar, continue please.

Sen. The Hon. D. Allahar: Thank you, Madam Vice-President. Madam Vice-President, the case of *Suratt* had—and let me say that I instructed counsel in both the High Court and the Court of Appeal in the case of *Suratt*—and if you read it, and you read it and you read the Privy Council judgment, it might be easy for you to misunderstand it. You see, the law is not for the uninitiated, and even those who study it and practise it for many years sometimes do not get it.

Hon. Senators: [*Laughter*]

Sen. The Hon. D. Allahar: The case had to do with breach of protection of the law when it started, because the UNC administration under Mr. Panday had passed the Equal Opportunity Act in 2000, but it was never proclaimed by the Manning government that came in in 2001. And those who were disadvantaged or discriminated against on the basis of some of the areas of sex, race, political persuasion, et cetera, disability, they did not have recourse to the Equal Opportunity Commission or Equal Opportunity Tribunal in order to enforce their rights. And, interestingly enough, their rights as against private persons not to be discriminated in, inter alia, education, provision of education, housing, employment and physical access to buildings. Because we always talk about fundamental rights as being enforceable against the State. What that Act did, the Equal Opportunity Act did, was it provided for rights, non-discrimination rights, as against private persons, okay.

And they said, listen, we do not have the Commission, we do not have the Tribunal. We cannot enforce these civil causes of action, if you want to call them that, to get damages and orders and so on, because the Act was not proclaimed.

And they said—my clients at the time said—it breached the protection of the law.

Now, very curiously, the Attorney General at the time ran the case that the Act itself, the Act that the State had to implement, was itself unconstitutional for many reasons. First of all, it violated the property rights and other fundamental rights of these private landowners, educational establishments, all the people who were discriminating—could be accused of discriminating. It violated their freedoms, the right to enjoyment of property and so on, and to employ whoever they wanted. And so, the State came for the first time and said, “Hey, our Act is unconstitutional”. “So you, the applicant, you should not have any relief from protection of the law. How can an unconstitutional law protect you?” Because the Act was not passed with a special majority. That was the argument, and it infringed private persons’ rights, following so far?

Sen. Murray: That is what I said.

Sen. The Hon. D. Allahar: No, you did not say that, with respect. With respect, okay. What you said was it was giving rights, and we are taking away rights. And I think that was your reasoning, your legal reasoning.

At the end of the day, it went to the Privy Council, and part of what lawyers call the ratio decidendi of the case, the reasoning of the case, had to do—well, first of all, the Privy Council had to decide on whether the Act was constitutional and, if the Act was constitutional, whether there was a breach of protection of the law, because the State had put up that hurdle. And that is where Baroness Hale’s dicta came into place. The State also said that the Act was unconstitutional because the Equal Opportunity Tribunal was not sufficiently insulated, as High Court judges are, and it breached the separation of powers and, therefore, was unconstitutional as well.

So, it is not as simple, with the greatest respect, the analysis that you gave,

and I do not think it is very fair on the Government to say that we have engaged in legal trickery. Very sad.

The principle that came out of Lady Hale's judgment in *Suratt* was simply that the rights in sections 4 and 5, fundamental rights, are qualified, and they are not absolute rights, and they are limited only when a measure interferes—a provision interferes—disproportionately with those rights. That is where the discussion of disproportionality came into place. A limitation that pursues a legitimate aim and is proportional to it, is not an infringement, and so not every statute affecting those fundamental rights requires special majority. That is the principle that Lady Hale put out in *Suratt*.

And what happened in *Suraj* was that *Suraj* adopted the jurisprudence in cases such as *de Freitas v Permanent Secretary of the Ministry of Agriculture, Fisheries, Lands and Housing and Others*, Antiguan case, to say that—so they put a gloss now on what Lady Hale said in *Suraj*, and they put a four-stage inquiry. And I can just repeat it briefly, because we have talked about it all day: one, whether the objective is sufficiently important to justify limiting a fundamental right; two, whether the measure is rationally connected to that objective; three, whether a less intrusive measure could have been used; and four, whether, having regard to the severity of the consequences, a fair balance has been struck between the rights of the individual and the interests of the community.

So, there we have it. I do not, with the greatest respect, think that your characterization of this side engaging in legal trickery is fair to the Government. And I hope, really hope, that you can get the opportunity to withdraw those statements. They are not very fair, hyperbolic, and I am very disappointed in a very important debate such as this.

Madam Vice-President, allow me to say, in a very summary way, that the

legitimate aim of the provisions that affect fundamental rights in this Bill before us are confidently satisfied. In *Suraj*, the Privy Council did recognize—and this is important—that the right to life of the population can justify the limitation of other section 4 rights. The objective of this Bill is to save lives, Madam Vice-President.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar: Madam Vice-President, we say that ordinary law enforcement powers are insufficient, and we have placed clear thresholds to declare a closed area where public safety is threatened by criminal activity. And I also concur with the proposition of the hon. Attorney General, when he started, that the provisions for the powers to close off hotspot areas, checkpoints, curfews, cordons, searches, are rationally connected to the aim of seizing, for example, illegal weapons and, of course, disrupting organized criminal activity.

Having practised in the area of habeas corpus in the ordinary criminal law, where the police picks up somebody and keeps them for the weekend, I am very happy that we now have in the detention provision what I would describe as an automatic habeas corpus, in that you go before the magistrate automatically after a certain time; you go before the judge automatically. You do not have to pay an attorney to go and apply for habeas corpus. So, actually, it is an improvement on the common law, with respect to the framework of the Bill in that limited respect.

Madam Vice-President, having regard to the areas of the Bill, the legitimate aims of the Bill, and the desire to save innocent lives and to combat violent crime and gang violence, we say, with respect, that insofar as those several fundamental rights are affected or concerned, the Bill strikes a fair balance. There is judicial oversight of every decision made under this Bill, in that the Bill does not oust the supervisory jurisdiction of the High Court to judicial review. Every decision, from that of the President, go down to the police officers making these decisions, are

reviewable by judicial review, *Thomas v the AG*. There is the protection of the law, *McLeod v the AG*, which the protection of the law is maintained, a right of access to a superior court. And, of course, section 14 of the Constitution. Anybody who wishes can challenge the constitutionality of any of these provisions. So, there is that access to the court.

The long and short of it, Madam Vice-President, is that the detention architecture of this Bill is formulated, incidentally in my respectful view, to comply with section 5(2) of the Constitution, which are the procedural guarantees intended to complement the enjoyment of the section 4 fundamental rights, and indeed they can stand on their own as well.

And, Madam Vice-President, the speakers before me have discussed proportionality issue, and I am sure they will discuss it afterwards. It is a central theme, and we say, with the greatest respect, that the provisions in the Bill are finely tuned to allow the police and law enforcement to protect law-abiding citizens, recognizing practical operational mandates for secrecy, urgency and robustness. We never lose sight of that.

We can come and be as ideal as we want here, but there must be secrecy, urgency and robustness by law enforcement to save lives in the face of those who have illegal firearms and are not afraid to use them, while at all times, Madam Vice-President, the Bill incorporates judicial oversight, maintaining judicial review, having decisions made, for example, by senior police officers, reporting to the Parliament and, of course, conflict de-escalation training, I think, is most important.

I want to move off a bit from the law into a more personal area. Madam Vice-President, how much time do I have?

Madam Vice-President: [*Inaudible*]

Sen. The Hon. D. Allahar: Okay, I will not take up all of it. Madam Vice-President, you may not be aware of this, but some years ago, 2009 to be exact, I participated as a mentor in a programme aimed at at-risk young men in East Port of Spain, under the guidance of Father Clyde Harvey, who is now Bishop Harvey.

Throughout that programme, we got to know these boys, their circumstances and, most importantly, their difficulties growing up in a crime hotspot area without a father figure, when their neighbourhoods were controlled by gangs. Boys would tell us about hiding under beds automatically when they heard gunshots ringing out at night. They would tell us that they were taunted by the gangsters on the way to and from school in their uniforms because they chose to go to school rather than do other things.

They told us of the fear that they had when their mothers and sisters left the house. They feared for their personal safety. They spoke of threats made to them, offers to employ them to carry messages and packages, offers of gifts, attempts by the gang members to attract them into the gang family, preying on their sense of wanting to belong to a family or to have strong male figures around them or those strong male figures in their lives.

8.00 p.m.

In 2009, we started with a cohort of 30 boys, ages nine to 10, just before common entrance—I am sorry, SEA. You can tell my age; SEA.

Sen. Dr. Browne: You said you were young.

Sen. D. Allahar: I said what?

Sen. Dr. Browne: You said you were young.

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

Sen. D. Allahar: Okay, well, I am not. You may be. And we volunteered; all of us, all the mentors, were volunteers. And the main plank of the programme was to

spend one hour a week in a safe, supervised space, with the young man whom you would mentor, unstructured time, one hour a week. And this went on for five years. And I mentored a young man, and woe be unto me if I missed the week, because he kept the week as his time and the next week, he came and said, “Why did you miss that week?” It became part of his routine. And for the most part, Madam Vice-President, we made a difference, especially with the support of the mothers.

It was hard when the boys reached puberty and they started to do what all boys do, hormones raging, but we held strong for most of them. I am still in touch with my mentee and another young man from the programme who came, and he came back into my orbit; still in touch with both of them. They are about 28 years now. And I still remain ready to lend advice and a willing ear. They both call me “dad”, and I am very proud of that.

Madam Vice-President, when I participated in this mentoring programme in 2009, this east Port of Spain mentoring programme, I never dreamed that I would stand here and appeal to my fellow Senators to support a suite of measures to give law enforcement the tools to dismantle the criminal gangs. I do so now. Those are the very gangs that have destroyed so many young lives. The life of a gangster is nasty, brutish and short, to borrow a phrase from Shakespeare. The life of law-abiding citizens in gang-controlled areas is, from the accounts I have heard, a living hell.

Madam Vice-President, I did mention before that we started with a cohort of 30 boys. Unfortunately, one of those boys was tempted into the gang life, the life of crime, and he was incorporated into the gang family after the programme had stopped. He was not my mentee, but it does not matter, Madam Vice-President. Because you see, that young man, whom I shall not name, was killed a few years

ago in a shoot-out with the police. He was 23, and one life was destroyed. One life destroyed by criminal gangs is one life too many. One life too much. Madam Vice-President, I hope that this Bill passes so that the life of that young man would not be in vain. I thank you.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Murray: I rise on section 42(9). Please, Madam Vice President—sorry, Standing Order.

Madam Vice-President: All right, Member, you have one minute.

Sen. Dr. Murray: Thank you, Madam Vice President. I would just like to repeat what I said during my contribution, because I am not sure that Sen. Allahar heard the entirety. What I said was the unconstitutionality centred around the fact that the Equal Opportunity Act applied to private persons as well as the State, and contained provisions inconsistent with the enjoyment of certain fundamental rights and freedoms guaranteed by the Constitution, including the right to freedom of association and the right to enjoyment of property. Specifically, sections 17 and 18 prohibit discrimination in the provision of goods, services or benefits by private persons. Altering rights in this manner strictly required a special three-fifths majority. So, I just wanted to be clear that I did refer to private persons. Thank you.

Hon. Senators: [*Desk thumping*]

Madam Vice President: Sen. Rose.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Margaret Rose: Thank you, Madam Vice-President, for allowing me to contribute to this very important debate. I am a bit taken aback by what I just envisaged, what I think was quite an unbecoming attack on a professional and Independent Senator—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—who sits here in the highest court, if you want to call it that, a legislator in the Upper House who has taken her recess to consider cases. And for two Members of this House on the Government side to make such a reproach, this is nothing short of bullying in this Senate.

Sen. Baig: Madam Vice-President, I stand on—

Sen. Allahar: Madam Vice-President, 46(4), that is offensive.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: And what they did to—

Sen. Baig: A Standing Order was read.

Madam Vice-President: I think the Minister was responding to Sen. Murray's contribution. She contributed for about 20 minutes on—so, I will give you to continue, but I think he was responding to—[*Inaudible*]**Sen. Dr. M. Rose:** Thank you. I do not want to waste too much of my time on the issue, so I will move on. But I felt that I am one of the, if not the newest person to join these hallowed halls and walls, and I have a lot of respect for my colleagues on the other side. Some of them I have known before, and I have had a high level of respect for them. And my respect for them since I have been here has grown. I just felt what I witnessed, I could not believe that that would have happened here—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—someone giving of their time and service and trying to do their best, and I would say this. What Sen. Murray did and how she summarized the case law was entirely on point. And, in fact, where she landed, which is *Suraj* and going through the four-prong test, which you also did, and systematically going through each of the four criteria that the Privy Council will have to go through is exactly what I would urge all Members in this House to do—

Hon. Senators: [*Desk thumping*]

Sen. Rose:—if we are to make a considered and proper and responsible decision here today. And I will leave it there, that issue.

Now, throughout the course of today, and not only today, the last time we sat and all of that, I have been hearing, “Oh my God, you said absolutely no, you would not support this Bill before you read it,” and it is all over social media and on memes and all this sort of thing, I want to say this. I said absolutely no, and I still say absolutely no.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: And I am going to tell you why. Because from the first speaker, right through to all the speakers that we have heard here today on this side, the issue of trust has been a central theme; trust in our government. And I stand here to say—and this is not an attack on my colleagues here in the Senate, whom I have respect for. I stand here to say that I am one of the citizens in Trinidad and Tobago, having regard to what I have just lived through for the—

Sen. Dr. Chaitan-Maharaj: But you were not here.

Sen. Dr. M. Rose: This woman is saying that I am not here—what I have just lived through for the last 12 months of my life, and in the last six months, what we have witnessed with the rolling states of emergency, with the 700-and-something PDOs, with the 300-and-something people let out with no charges, with people’s conversations being listened to and being locked up for a month—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—because two housewives ranting on a phone, what I have just lived through and experienced, I say it, without fear of reproach, I have no trust

Sen. Baig: Madam Vice-President—

Sen. Dr. M. Rose:—in legislative agendas—

Hon. Senators: [*Desk thumping*]

Sen. Baig: Madam Vice-President, I stand on—

Sen. Dr. M. Rose:—that marginalize and marginalize—

Sen. Baig: I stand on Standing Order 46(1). What was the relevance of this?

Sen. Dr. M. Rose: May I respond to this—[*Inaudible*]

Madam Vice-President: All right. Member, I will let you continue for now.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: Madam Vice-President, because what I want to say, I do not trust this administration's legislative agenda when it comes to protecting the fundamental rights and the dignity of the citizens of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: And I do not trust legislative measures that seek to enlarge this Government's power to trample and infringe on the rights, in particular, of our most marginalized communities.

Hon. Senators: [*Desk thumping*]

Sen. Alexander: How did they get marginalized?

Sen. Dr. M. Rose: How did they get marginalized?

Sen. Al-Rawi SC: Ignore him.

Sen. Dr. M. Rose: Ignore him. There is a good history—

Sen. Alexander: [*Inaudible*]

Sen. Dr. M. Rose: There is a history as to how they were marginalized, but I will not be distracted. I will not be distracted. So, I say that this is why I said, absolutely no—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—when the reporter put a mic in front of me and the reporter said, “You hear the Minister and they say they are bringing ZOSO again. What is

your position going to be if they bring ZOSO again?" I said, "Absolutely no." Hard no. Then I was asked, "But there are certain measures that were raised in the Senate and all this sort of thing. What do you think of this measure and that measure?" I stepped back and I said, "Listen, we have not received the new Bill yet. We are not seized of it."

Hon. Senators: [*Crosstalk*]

Sen. Dr. M. Rose: And I am done with that explanation. That is what happened, and we move on. So that is housekeeping.

I now want to respond a little bit to the hon. Attorney General. I want to respond a little bit to the hon. Attorney General because he quite skillfully, in his opening, very skillfully spoke about the Belizean case and the Jamaican case and, you know, very quickly said, "Well, you know, in these cases, there were states of emergency, and they were struck down, but they were states of emergency." This is not a state of emergency.

Sen. Jeremie SC: I do not speak like that.

Hon. Senators: [*Laughter*]

Sen. Dr. M. Rose: Okay, okay, sorry. All right? I speak like me. I speak like me and I am—

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

Sen. Dr. M. Rose: Yeah, yeah. He said they are states of emergency and that is his excuse for having us avoid looking at the cases, all right?

I just quickly want to refer to the Belizean case that just this month, just a few days ago—these are the notes of what the Court of Appeal in Belize just said about states of emergency, and rolling states of emergency. And I will show why it is relevant to what we are dealing with here today because they were dealing with states of emergency being implemented to deal with gang violence, to deal with

threats to public safety. Exactly what we have just been through, they were ruling on the constitutionality of that in the Belizean Court of Appeal. And just because we call this Bill that we are putting—an Act that we are going to put in place, not a state of emergency because it is an Act passed by a simple majority—I heard them say it downstairs, and I say it as well here: A rose by any other name is still a rose.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: And the underlying fundamental rights that are being infringed for the exact same purpose are still happening in this Bill that is before us.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: And, in fact, it is far worse what we are legislating here than what the Court of Appeal was ruling on, because the Court of Appeal there was ruling on a state of emergency, something that has a clear, very quick—and emergency purpose and that sort of thing. We are legislating, for two years, a state of emergency in Trinidad and Tobago. That is what this legislation is doing. And so the Independent Sen. de la Bastide SC made that point, and I support him in his characterization of this Bill as the legislating of a state of emergency in Trinidad and Tobago for two years.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: And Judge Marshalleck in his ruling, which struck down those laws, held that:

“...the state had not provided...”

—please listen.

“...the state had not provided sufficient evidence to justify bypassing ordinary crime-fighting powers; and that the violence, though serious, did not meet the constitutional threshold of a threat ‘likely to endanger public safety’ requiring extraordinary measures.”

Bear with me.

“The court acknowledged that the right to liberty is not absolute and may be limited by the state. However, Justice Marshalleck echoed the caution of 19th century British philosopher John Stuart Mill...”

Hon. Senators: [*Interruption*]

Sen. Dr. M. Rose: I am going to ask for your protection, please, Madam.

Madam Vice-President: I am listening and I could ignore.

Sen. Dr. M. Rose: Thank you, Madam Vice-President.

“...echoed the caution by the 19th century British philosopher John Stuart Mill, that the state may restrict liberty only to prevent harm to others or in the public interest.”

And I know you are saying, “Yes, that is what you are doing.” Let us go on:

“It cannot be for convenience, expediency or broad crime-fighting aims. The Court also adopted the position that the right requires protection by the government and against the government itself.”—Justice—“Marshalleck emphasized Mill’s warning that the ‘tyranny of the majority’ or the idea that the biggest threat to individual freedom comes not from a dictator, but from a majority willing to support government restrictions on unpopular individuals or groups.”

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: This is September 2026 in our region.

It goes on:

“The Court pointed to Jamaica...”

Sen. Alexander: [*Inaudible*]

Sen. Dr. M. Rose:

“The Court pointed...”

Justice Marshalleck addressed Jamaica. Justice Marshalleck addressed Trinidad and Tobago, and Belize:

“...increasingly using...”—states of emergency—“...to ‘force peace’ in gang-controlled areas, and warned that frequent reliance on...”—states of emergency—“...is a red flag...”

Sen. Ratiram: Madam Vice-President—

Sen. Alexander: Standing Order—

Sen. Ratiram:—I want to rise on Standing Order 46(1). This is not about a state of emergency.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: Well, but he opened the door. I am responding to—

Hon. Senators: [*Crosstalk*]

Sen. Nakhid: She is on her legs, Madam Vice-President.

Madam Vice-President: I could stand here whole night. I am sure everybody is willing to stay here whole night.

Hon. Senators: [*Interruption*]

Madam Vice-President: Sure about that. We are tired but, Member, let us—I know you are trying to respond to the AG, but let us move on because, as you said, everybody is here whole night and we want to move on. So, move on to exactly where you are trying to get to.

8.20 p.m.

Okay, I will close where they say that, you know, it is bandaging rather than curing the ailment; bandaging rather than curing the ailment. I want to address this allegation. This, trying to, in terms of Sen. Murray saying legal trickery, trying to align that with her interpretation of *Suraj* and *Suratt*. She did not say legal trickery in that context. She said it in the context of the provisions, and I want to go to the

provision now, because I may use the same words. I use the same words, with respect to this Bill.

Because, whereas, on one hand, it appears some of the issues that were raised by this august Chamber before I was here, many of the Senators have said, “Oh my goodness, you have done this sunset clause. You have done that. So, it appears like, “oh, we are taking things on board.” In my respectful view, and I will hope to be able to demonstrate, this Bill is far worse—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—than ZOSO of January 2026, far worse, not just minimally so. Let me show you how: Whereas with ZOSO, you had to come every 180 days and get the approval of the House for when you want to create a zone and when you want to do your stuff, you had to come here. You had to come to the Lower House and the Upper House. You had to get your approval. Every 180 days, you were subject to scrutiny under that first Bill.

Sen. Ratiram: Madam Vice-President, I rise on Standing Order 53(1)(b), tedious repetition. We have heard this multiple times.

Hon. Senators: [*Desk thumping*]

Hon. Senator: [*Inaudible*]

Madam Vice-President: No, actually it is not. I have been listening to the debate even when I was not in the Chamber. So, I was going to warn you, Member, that the ZOSO and everything, has been referred to previously. So, I understand where you are trying to go, but let us try not to repeat what was already said. We heard a lot from the different Members on this side. We heard from all the Members, so just keep it narrow, and stick to the point.

Sen. Dr. M. Rose: Thank you very much, Madam Vice-President. I will do it very narrow. We no longer have that 180 days in this Bill before us. It is two

years, and, as you know, the closures, the cordons, the curfews can go on for two years. Whereas we had a maximum of 24 hours for the cordon and a maximum of 72 hours for the curfew, we have no maximums under this one. Parliamentary scrutiny, we had that in ZOSO, that came before, and on this one, there is a negative resolution, a power to raise a motion at the House of Reps, but this Bill never comes back here to the Senate. I do not think that point has been raised.

The issue of permits, and I want to say this, the issue of permits was not in ZOSO. This thing of giving people permits to go in and out of where they live—I am not going to belabour this point, because many people here have spoken about it, but I want to speak to this. Sen. Alexander, and his comments in another place about gated communities—

Sen. Ratiram: Madam Vice-President, I rise on Standing Order 53(1)(b), even the hon. Senator herself, has just indicated that others have already spoken about it.

Hon. Senators: [*Desk thumping*].

Madam Vice-President: Member, I understand where you are trying to go, but just stick to right there. Do not go off. Stick to the point that you are trying to make.

Sen. Dr. M. Rose: Yeah, the point is there is a great distinction between a gated community and caging people up with permits. With a gated community, you do need a permit to leave. These are cages.

I want to raise a point that has not been raised—

Madam Vice-President: Let me just warn you, because Sen. Jones-Simmons did raise that point. So just take my guidance on this.

Sen. Dr. M. Rose: I am finished there on that point. So, there is a point that I want to raise. I have not heard it raised. This Bill creates seven districts, and in these districts, we have Heads of Special Operations. The point has been raised—

Hon. Senator: [*Inaudible*]

Sen. Dr. M. Rose:—that there is no definition.

Hon. Senator: [*Crosstalk*]

Sen. Dr. M. Rose: Hold on, you have to build on points. There is no definition—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—of “special operations” in the Bill, and that is no small omission. That is no small omission. Because in clause 10 there is no definition—

Sen. Chaitan-Maharaj: [*Inaudible*]

Sen. Dr. M. Rose: Oh my goodness, read the Bill. “Yuh did not read it”?

Hon. Senators: [*Desk thumping*]

Hon. Senator: You did not read it.

Sen. Dr. M. Rose: You did not read it. You did not read it. Clause 10 speaks to the establishment—let us get to clause 10. And nowhere in the Bill will you find a definition of it. But clause 10(1) says: “Subject to the provisions of Part IV, the Head of Special Operations of a district may conduct special operations in that district with or without the assistance of the Defence Force.

Where special operations are conducted under subsection (1), the police officers involved in the special operation shall have all such rights, powers, authority, privilege, immunity, and shall be liable...”

Nowhere in the Bill is “special operations” defined. Now, others have mentioned the point, but they have not driven it home in terms of what that means.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: You will say, “Oh, no, a special operation must mean, it must mean, when we cordon off, or when we curfew, or when we do one of those things that are written the Bill.” Nowhere in the Bill is it defined as that. That is a big

lacuna, which will end up in court, where it is not a cordoned area, but it is in the district where you have power to do special operations, and it is undefined.

Hon. Senators: [*Interruption*]

Madam Vice-President: Hold on. Members, let me just let the Member continue because she will get distracted, and I do not want her to be called for tedious repetition.

Sen. Dr. M. Rose: So, special operations can happen outside of the cordoned areas. It can happen outside of curfew. It can happen once it is in the district, according to clause 10. It has not been defined. It is sloppy drafting not to define “special operations.”

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: It is sloppy. Because you are leaving a big gateway there. But hear the dangerous part that I want to talk about. This Bill creates seven districts headed by these heads of special operations, which my learned friends, all, have already spoken, particularly Mr. Al-Rawi SC, Mr. Vieira SC, and Mr. de la Bastide SC, they have spoken about the influence, the interference of the Prime Minister in the context of that position, the appointing of those persons, the operational—and also Sen. Boodhu—reporting to the Prime Minister. So, we have created, follow with me here, we have created seven districts.

Sen. Ratiram: Madam. Vice-President, I rise once more on 53(1)(b), tedious repetition, once again.

Sen. Dr. M. Rose: I am not finished with the point. [*Inaudible*]—

Madam Vice-President: Member, Member.

Sen. Alexander: [*Inaudible*]. We have heard this five times for the day.

Madam Vice-President: Members, Members. Member, I told you—I gave you the warning before. I know the points that you are trying—but just stick to it.

Because you are getting caught up with what the other is saying, and you are trying to answer them. So, focus on your contribution and continue.

Sen. Dr. M. Rose: Here is my contribution. In Trinidad and Tobago, we already have nine divisions headed by Divisional Commanders who report to the—

Sen. Alexander: Madam Vice President, I really want to say, on 53(1)(b), this is a summary—

Hon. Senators: No, no, no, no, no, no, no.

Sen. Dr. M. Rose: “Nah,” this point has not been raised.

Sen. Alexander: We just heard that.

Sen. Dr. M. Rose: “Nah.”

Madam Vice-President: Just say the Standing Order for me, please.

Sen. Alexander: 53(1)(b), Madam Vice-President. Again, nothing new.

Madam Vice-President: Member, continue, but again, stick to your contribution.

Sen. Dr. M. Rose: This point has not been made at all. The point is that there are two parallel structures that are being put in place by this place. We have now seven districts headed by Heads of Special Operations that report to a Prime Minister, while, at the same time, we have our nine divisions with divisional commanders reporting to the commissioner. That is, you have given no data, no information as to why—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: No rationale as to why we are creating two dual—we have two dual police forces by this, and one force controlled by the Government.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: We need to understand what your thinking is, and the one that is—

Sen. Baig: Madam Vice-President, I rise on 46(6). There is no service in this

country being controlled by the Government, no police service being controlled here. That is imputing improper motives on the Government. She cannot say that.

Madam Vice-President: Member, let us just be careful of our wording. Continue.

Sen. Dr. M. Rose: I go on to clauses 5 and 7 where you have the Prime Minister having a role in respect of the day-to-day operation. Let me say this, I want to speak to the broader issues about this Bill, because this particular Bill, the only rationale we have heard from Government for this Bill is, “Oh, God, it have plenty murders. PNM you all did nothing. We did an SOE. We reduced the number of murders, so therefore, we must continue doing this. Right now, we cannot do anything else.” Is that not the argument that you all have made? That, in my respectful view, does satisfy the test in *Suraj*.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: So, the test in *Suraj*, if you want to take away the rights, one, two, three, four, whether it is objective is sufficient, a legitimate objective; we all agree that curbing crime is a legitimate objective. Whether what you are trying to do is rationally connected there, too—we accept what you are trying to do is rationally connected there, too. Where I take issue is on three and four, whether a less intrusive measure could have been used.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: And four, whether having regard to these matters and to the severity of the consequences, an appropriate balance; a fair balance, is being struck between individual rights and those of society. I would say, with respect, that this government has not demonstrated to this House that they have taken into consideration less intrusive measures. A lot has been said about what the PNM did and what the PNM did not do, and all that sort of thing. I want to say this: If you

look at the research—I want to put on record—conducted by Sandra Pellegrini in 2025, which looked at Trinidad and Tobago and states of emergency, and the impacts of states of emergency, also looking at a report by Aubrey Stewart and Anthony Harriott, *British Journal of Criminology* 2025, both reports have said that states of emergency only amount to a forced suppression of rights and a forced suppression of crime.

Sen. Chaitan-Maharaj: Madam Vice-President, 53(1)(b) and 46(1).

Sen. Dr. M. Rose: No one has mentioned these studies.

Sen. Chaitan-Maharaj: It is not an SOE.

Sen. Dr. M. Rose: I would respectfully suggest—

Madam Vice-President: Member, let us focus on this Bill. I know you are trying to make your points, but let us focus on this Bill. This is not a state of emergency Bill. We are not debating the state of emergency.

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

Madam Vice-President: So, let us continue. And, Sen. Al-Rawi, you do not tell me what is what. Thank you, I am hearing you. Do not tell me what is what.

Hon. Senators: [*Desk thumping*]

Madam Vice-President: So, Senator, continue.

Sen. Dr. M. Rose: Thank you, Madam Vice-President. I have limited time, so I just want to put a couple of things on the record before I close. I need to put a couple of things on the record. In 2022—because they talk about what PNM has attempted to do with respect to crime—

Sen. Alexander: [*Inaudible*]

Sen. Dr. M. Rose: Well, we are a very complex society. So, I want to put on the record a project called Project REASON, R-E-A-S-O-N, which was conceived in 2008, and research was done on it later on. But in 2008 this project—I am trying

to get the full name of it for you. Project REASON was a project called Resolve Enmity, Articulate Solutions, Organise Neighbourhoods. And it mirrored a programme in the United States called Cure Violence. The idea was simple: Treat violence like a health issue, not just a crime problem. Strategic partnerships, rigorous scientific ways of working. That was the principle. At the heart of it—

Sen. Alexander: “When PNM did that”?

Sen. Dr. M. Rose: PNM did it.

Sen. Alexander: When?

Sen. Dr. Browne: Point of order, Madam Vice-President. This is ridiculous.

Madam Vice-President: Allow the Member to finish.

Sen. Dr. M. Rose: Yes, I need to understand how to manage this, and I will get there. You all will see. I will get there. But this, I am talking about a PNM project conceived in 2008, and at the heart of it, not soldiers or police, or lockdowns, or surveillance, but reformed criminals and community activists. People who walked the road of crime, spent time in prison, and now wanted to make a difference; they were the violence interrupters. They knew the guys on the block. They knew who had beef with who. And they stepped in before shots rang out.

Hon. Senator: [*Interruption*]

Sen. Dr. M. Rose: It is a proven method—I have more to say. Can I—it is a proven method—

Madam Vice-President: Allow her to say—

Sen. Dr. M. Rose: It is a proven method—

Madam Vice-President: Member, I am just trying to speak to everyone. Just allow her to finish in silence, please.

Sen. Dr. M. Rose: It was a proven method, and it was subject to rigorous

research. But it started in 2008, and in 2010, when another administration came in, it was on pause from 2010 to 2015, and this administration, the PNM administration, in 2015, when they came back in, they went straight back to this programme.

Hon. Senators: [*Interruption*]

Sen. Dr. Browne: On a point of order. You warned repeatedly. Standing Order 51(1), (e), (f) and (g). My Member deserves protection.

Hon. Senators: [*Desk thumping*]

Madam Vice-President: Members, please allow Sen. Rose to finish her contribution in silence, please. Members on both sides.

Sen. Dr. M. Rose: Thank you, Madam Vice-President. Because, you see, a lot has been said about PNM not having certain things and not trying certain things. It is a clash of values. There is a difference in value systems on the PNM and this administration. And the values that the People National Movement holds start with people first.

Sen. Ratiram: Madam Vice-President, I rise on Standing Order 46(1)—

Sen. Dr. M. Rose: They want my time to run out. It is clear.

Sen. Ratiram: —the relevance of what she is speaking on at this point in time is totally not related to what is before us.

Sen. Dr. M. Rose: It is relevant to the third criteria of *Suraj*.

Madam Vice-President: Allow her to finish. She “doh have much time”. Allow her to finish.

Sen. Dr. M. Rose: “Yuh so frightened”?

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: So, in 2018, a study was completed on that project; that was done. Implemented again—2015 to 2017, there was a reduction of numbers. I

would like to put on the record—

Hon. Senators: [*Interruption*]

Madam Vice-President: Members, Members, Members. “Ohh, ah doh know. All yuh bed calling or what,” but come on. Ladies, let us have a little bit of behaviour, please. Let Senator finish. Senator, your time is almost up, you six minutes and some seconds to go.

8.40 p.m.

I am just putting it on the record; “Evaluating Cure Violence in Trinidad and Tobago”, authors Edward Maguire, Megan T. Oakley, and Nicholas Corsaro. In their summary of their findings, they made it clear that in the three years that this programme was running, there was a clear reduction in crime. The difference-in-differences, that is a formal social science quantitative analysis mechanism, and synthetic control analysis of official data on five categories of violent crime found that the Cure Violence intervention was associated with significant and substantial reductions in violence. The difference-in-differences analysis of police calls for service data on three categories of violent incidents also found substantial and significant reductions in reported violence. I have very little time, but I would just encourage those on the other side, you all love to say nothing was done. It is just that on this side we take different approaches to fighting crime.

Hon. Senators: [*Inaudible*]

Hon. Senators: [*Laughter*]

Sen. Dr. M. Rose: We do, and yes—let me say this. I have five minutes. What do I want to say in my last five minutes? Let me tell you what I want to say. Last night, last night, some colleagues and I were talking to people on the ground about this, about this Bill.

Sen. Alexander: [*Inaudible*]

Madam Vice-President: Members.

Hon. Senators: [*Crosstalk*]

Sen. Dr. M. Rose: And you know, listening to people and what they were saying.

Madam Vice-President: Senator. Members, I am begging you all. The five minutes that she has, just let her finish her contribution. Member, I am also asking you—I just realized that you just started to tie it back. So let us tie it into this Bill, so we can move on. Thank you.

Sen. Dr. M. Rose: Yeah, I just wanted to speak to the voices of the people that we have been speaking to and those on the ground. I spoke to a mother last night who said to me, “If my area is cordoned off, and my nine-year-old girl—we want to have a birthday party, well, nobody is going to come, because all of them will have to apply for permits to come home to a birthday party.” You see, we have not thought about the social determinants and the social impact of this policy.

Sen. Alexander: [*Inaudible*]

Hon. Senator: Permits again—53(1).

Sen. Alexander: 53(1)(b)—we are back to permits for drivers and gardeners.

Sen. Dr. M. Rose: Madam Vice-President, I want to say this—

Madam Vice-President: Member—

Sen. Dr. M. Rose: I just want to finish.

Madam Vice-President: Yes, you finish please.

Sen. Dr. M. Rose: I just want to finish. This Government, in the piloting of this Bill, I have sat, and I have listened to all of their contributions, and not one of them has gone above the rationale for the infringement of rights. They have not gone above this one idea: “PNM couldn’t do nothing, and we reduced it with a state of emergency.” That is your only argument. I say to you—and the members of the public are looking on—that is lazy governance.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: It is lazy governance. It is bordering on gross incompetence—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—because you were not able— You had the SOE for so long, and when you were not able to identify where the gangs are, how to address the gangs, and how to get information on what is going on. What happened? Were you just suppressing things that were happening? Were you all not collecting any intelligence? Were you only collecting intelligence on Star Sabga?

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: That is who you were collecting intelligence on? It is enough. It is enough.

I am closing now. This Government has not done enough to convince the people of Trinidad and Tobago that their rights need to be further infringed after the experiences that we have just had. Madam Vice-President, I have not been able to say all that I would like to say, but my time is up, and I thank you for the opportunity to contribute to this.

Hon. Senators: [*Desk thumping*]

Madam Vice-President: Sen. Chote.

Hon. Senators: [*Desk thumping*]

Sen. Sophia Chote SC: Madam Vice-President, thank you for the opportunity to speak. I am low in the batting order this evening, so I will try to address a few points which have not yet been addressed, and if I do refer to some matters which have been raised, then I will try to put them in a different perspective.

I thank all my colleagues who have spoken. I try to explain sometimes to people that when you come into the Senate, it is very dynamic—put the heckling and the harassment and so on to one side—but it is a very dynamic environment.

And while people make their contributions, you know, you think of what they are saying, you evaluate it, you consider it, and you take it into account. That is why we are here. That is why we are all here; not to come here with preconceived notions about the state of things and what we are going to say, but to listen to each other. I thought today, for me at least, was quite valuable in that regard.

Now, I start by saying that context is all. And I thank the citizens of Trinidad and Tobago for the remarkable patience which they have demonstrated since 2020, because this piece of legislation is being, or is being sought to be, introduced in a context where, with the COVID pandemic, we were in an extraordinarily long lockdown situation for about two years. And after that, we came out with jobs lost and a fractured economy. The world had changed for us.

Two years later, we were hit with a state of emergency. We are here now in 2026 after various states of emergency, and what we are really being asked to consider is a piece of legislation which will have us at some level of lockdown, or at least communities within Trinidad and Tobago, at some level of lockdown at least until 2028. When you think about that, it means that between 2020 and 2030, when we look back on it, if we get there, we will have spent the majority of the decade living under restrictive laws for one reason or the other. And I think it is important for us to remember that. Because when these laws are implemented, they impact upon the citizens of the country. We do not legislate in isolation. People have to live, they have to work, they have to educate their children, they have to take care of themselves, and they have to continue to do all the things which they would normally do in restricted circumstances.

So this is the context in which we are being asked to consider this new piece of legislation. I must confess that I listened to my colleagues who had done the comparisons with ZoSO. I myself did not go back to ZoSO. I looked at this

legislation in the context of its own merits and formed my views accordingly. It is not to say that I did not find that some of the comparisons made and the points raised were valuable. So I do not want to dismiss what was said; it is just that I am saying the parameters within which I looked at this legislation.

Context is everything. Because I looked at the *Hansard* for the debate in the other place, and in particular the contributions of—I think the Ministers of Energy and the Minister of Works. What I read there was extremely heartening. So murders have gone down, and murders have always been the bugbear in our crime fight because other statistics are never on par with murders. Murder statistics have been the biggest problem to solve when you talk about crime in Trinidad and Tobago. Murders have gone down from 626 to 370, and that is excellent. But with all due respect, sometimes I hear the Government speaking as if they forget that they have accomplished that. You know, Sen. Nakhid's insistence on why we should pass this legislation, I think, gave me the feeling that the Government does not applaud itself when it needs to. And I certainly do think that in this case, under any circumstances, cutting the murder rate by 41 per cent is phenomenal.

Hon. Senators: [*Desk thumping*]

Sen. S. Chote SC: So while the fight has been a hard one, I think after such a prolonged period of time, we as citizens can say, "Okay, we are starting to see things look up for us." And I do not believe—because no speaker has suggested that—that the murder rate has gone down necessarily because of the state of emergency alone. Because we were not told, "Okay, out of the detainees, so many of these people were charged for murder." Had we had that statistic or that data, then we could have made the link to say, "Well, look, it was a state of emergency or the states of emergency which resulted in the murder rates going down." But I would like to think that it was more than that. I would like to think that it was an

increase or an improvement in the quality of policing. This is not to say that mistakes were not made. I think mistakes were made, and there were some terrible things which happened, not only to the Sabgas. But I think overall, let us recognize that fighting crime has gone up in standards. Let us acknowledge that. Let us take the fear factor away a little bit when we look at the piece of legislation here to determine whether it is proportionate or not.

Now, I will start with the schedule because it was extremely interesting to me. We have nine policing districts; seven are now being created. I looked in particular at District 1, simply because while we debate, we are standing in the middle of District 1. District 1 includes the city of Port of Spain, the Borough of Diego Martin, and the regional municipality of San Juan/Laventille. So, I did my little research, and I am thinking, "Okay, how many people are we talking about in District 1 alone?" So, I looked at our last census figures to be found on the World Population Review. These are outdated figures, but they would give us a number that we can use. Let us think of the citizens who will be affected by this Act in District 1 alone, and it came up to something like 287,000 people who will be impacted by this piece of legislation in one district.

Okay, let us take it further. How are we going to use the resources we have to do what we aim to do, or it is suggested that we aim to do, within this piece of legislation? So, I think it is the Ministry of Homeland Security, which may have the number of officers of the TTPS at around 6,500. And the regiment, which is a land force, has about 3,000. So, we have 9,500 personnel, police and military, to now enforce certain laws for 287,000 people within one district alone. I do not see how that could be effective. And, if it is to be effective, it would mean that you are pulling people from other parts of the policing districts to bring them to participate in the special operations of District 1 in a hypothetical situation.

So, I think it was Dr. Chaitan Maharaj who used—I thought it was quite a cute phrase in the last debate that we had, when she said, “The Maths was not mathsin’.” And that is exactly what we have here today. “The Maths not mathsin’ for me”. How is this going to be effectively done? And if you do not have enough people to do the job competently, in the manner in which we expect, then they are going to do it badly. They are going to take shortcuts. They are not going to make proper records. They are going to detain people and not follow the rules. And you cannot sue for everything that goes wrong. One, it is a resource issue. People without resources cannot run to the court. And even if you are taken to court, who is going to argue your case for you?

So, I think we have some stumbling blocks in terms of the data that we have and how we may be able to apply the law to the population with the resources that we have. So, that is one observation. I was extremely disappointed to see that while we talk so much about protecting children, this piece of legislation does not segment out the protection of children. So, it means that if you have a region or a district on the lockdown, or cordoned off, and you need a pass to get to it, you are going to have primary school children who are going to school in the morning and coming back home, having to show a pass to military personnel. I am sorry. That is—to use the language of the younger generation in my family, that is giving me West Bank vibes.

Hon. Senators: [*Laughter*]

Sen. S. Chote SC: Because that is what is happening there. That is what is happening in the West Bank.

Hon. Senators: [*Desk thumping*]

Sen. S. Chote SC: Those people for years have to have had passes to get out of an area where they live to go to work. And is this what is contemplated for our

primary school children? What kind of passes for people who do not have proper identification? And that group does not only include people who are going to school. It includes adults. It includes people who simply lost their identification.

So, how are they going to get passes? So, there are logistical blocks, which I think I can easily see from the legislation and the way in which it is drafted. Now, there are regulations to come. And I am sure that in order to be workable at all, regulations will have to address all of this. But you know, without regulations, I cannot look into the future and imagine what these regulations will look like, what they will cover, and how comprehensive they will be. I have found, with all due respect, that the making of laws cannot be a leap of faith. It has to be black and white; it has to be plain; it has to be understandable not only to me, but to the people to whom the laws apply.

[MR. PRESIDENT *in the Chair*]

9.00 p.m.

Now, before I leave the issue of children, let me just make this point. There is nothing in this legislation which says that you cannot detain a child, that is to say, someone under 18 years old. And you would have thought that if you wanted to make provision for the detention of children, you would have had a section which pays a nod to children's rights and the protection of the child, and so on.

To say that if it is that you detain a child and the child is being kept there for 36 hours, because that is one of the time periods that is being considered; if you are detaining a child, well, you must call a parent or guardian or a responsible adult. But there is no protection here for children. And I think that is a huge issue. That is a huge issue. Because out of the number of citizens that we are talking about, I do not have any figures as to how many of them may be schoolchildren or how many may be under 18. But certainly they are equal in the law and they are equal

in deserving the protection of the law.

So let me move on quickly, body cameras. The records of this Senate have been so useful to me on many an occasion, and this has to do with clause 21. On the 26th of September, 2025, in this honourable House, Mr. President, the *Hansard* reflects that a question was asked of the Minister of Homeland Security about body cameras. And it is there to be read, but just so that I would not take us too long into the night, what he said was this. His answer told the nation that the TTPS had tendered for 3,000 body cameras in accordance with the regulations established by the Office of the Procurement Regulator. And a letter of award had been given. The Minister told us, however, in September of 2025, which is about a year ago, the contract had been terminated. And the reason the Minister gave for that was that this was in a bid to save millions of dollars.

Okay. So where are we in September of 2025 with body cameras? Again, Parliament is so useful, 2nd of June, 2026, the Standing Finance Committee of this Parliament records evidence that there was an expression or an invitation of interest sent out for body cameras. So I was very surprised to discover what was going on social media, and so on, very recently. And a year later, after 26 September, 2025, if what is reported is true, then it seems as though we have 100 body cameras and the equipment might not be the best.

So how is clause 21 going to be of any use whatsoever? Let us go back to District 1. That is the only one I am talking about for the time being. We do not even know if all districts were contemplated. How on earth will 100 body cameras be useful in a situation where you have a large group of people living in these circumstances? And I respectfully say, I mean, it may be that there would be provision for, or there may have been another process engaged. I am simply saying what I found on the public record and what I found on the record of

Parliament in relation to this issue, which I thought was quite informative.

Now, curfew, and I am speaking under headings, curfew. In 2011, the last UNC administration under the hon. Prime Minister had imposed a state of emergency. And that had actually worked effectively and that had included a curfew. I think it had included a curfew during the period of 11.00 in the night to 4.00 in the morning or something like that. Now, it seems to me as though curfews in the context of a state of emergency was not seen as something useful on this occasion. And the reason which the hon. Prime Minister gave was because of the fact that it would affect the financial sector and people's businesses, and so on. Understood.

So if a curfew would do that within the context of a state of emergency, and that is the reason for not having had it, why are we now considering a curfew? Because will a curfew not continue to have that same financial impact? So that is just a question which I pose to myself. I think the answer is obvious. It will have an impact. Whichever area is under lockdown, whether it is District 1 or whether it is Districts 1 to 7, it will have an impact on the businesses within those areas.

I agree with Sen. de la Bastide, that we cannot completely ignore the outcomes of the SOE in determining whether powers of this kind should be given to members of the TTPS and members of the regiment working in conjunction with each other. Take away the political aspect of his argument for the time being.

And I say this, because while it is early in the day, it seems to me that we have not had a proper audit as to what came out of the SOE that is useful. Do we have enough data to tell the nation that the period of time spent under this SOE, apart from the reduction in the murder rate, that this period of time was useful in so many aspects of our lives? We need to do that. We need to have some accountability. We cannot have states of emergency without knowing what went

on, apart from what the press chooses to tell us, or what we as attorneys involved in the system may know about and can speak about and can attest to. So we need to have a level of accountability. For example, if 264 people had been charged with this last period, how many out of those 264 were charged with serious crimes or let us say violent crimes? I think that would be a useful statistic to have, but we do not yet have it.

Out of the number of people who were detained, how many did the tribunal recommend for release? I think that would be a useful statistic to have. And out of that lot, if any, how many were actually released? So things like that, the mechanics of how detention worked under the State of Emergency, will assist us in terms of how power might be used if we are talking about detention under this new piece of legislation.

In my quick research though, I found out or I discovered that during the period of the State of Emergency, the complaints to the Police Complaints Authority about the abuse of police power, unfortunately went up. I do have the numbers on my phone, but unless it is absolutely necessary, I am not going to trouble you with those numbers right now. But they went up radically. And it means that the police officers, one may glean from that, or one may infer from that, might be a possible inference you may want to make. You may say that police officers appeared to have abused their powers during the State of Emergency.

Not all police officers. I would imagine many police officers, if not most, acted within the law and acted reasonably and did their jobs. But unfortunately, it appears as though there were those who did not. Are they going to have a role in how this legislation is—I cannot do it like Sen. Al-Rawi—operationalized? Are they going to have a role in that? Should they have a role in that? So how do we keep the bad ones out? We talk about keeping repeat offenders off the streets, but

how do we keep out those officers who have serious allegations hanging over their heads from participating in exercises such as these, where you would want to only have people with a high level of professionalism and integrity and knowledge.

Mr. President, the locked in the house thing, I have to say it is a little frightening. And let me take you back, if I may, to the days of COVID and that prolonged lockdown that people lived under. What happens to battered women locked in homes with abusive men? What happens to children who are being sexually abused in those homes? We are making, or this has the possibility to make vulnerable people like those, sitting ducks.

A woman might end up, not simply beaten, but dead, as might a child. So I do not see how I can honestly, without more, agree that people should be locked into their homes. I suppose some people who have big homes with lots of space and that kind of thing and TVs in every room and the children could spread out and look at Netflix and play video games and so on, that might not be a burden. But that is not the average household in Trinidad and Tobago. And when we legislate, we legislate for everybody. Now, we certainly do not legislate to put them in a situation of greater potential danger.

Joint protocols, there is reference in the legislation or the proposed legislation that joint operation protocols will be drafted, not only with respect to how the police will work, but how they will work together with the army. Now, if this legislation has to get off the ground at all, I think we need to see more of that. Simply because joint operations have not always gone well. Some of them star in court cases.

There was a case, it involved a vessel, an oil tanker, CV 2020-02848. Joint operation, I think it was under the SIU. It involved coast guard, prison, police. I cannot remember who else, but joint operation. No protocols, boarded an oil

tanker, resulted in infecting the entire crew with COVID-19.

9.15 p.m.

Provided no medical attention or food during that period of time, simply because nobody wanted to take accountability and responsibility for those on board the vessel.

What also happened? You called the Commissioner, the then Commissioner of Police—I think it was—was he Acting Commissioner Griffith? No joy there. Called the head of the coast guard. No joy there. Called their respective legal arguments. No joy there. Called the then Minister of National Security. No joy there. It ended up with the attorneys, myself included—and I cannot swim—on the back of a vessel, jammed up against an oil tanker, with two coast guard men pointing machine guns at the attorneys on the vessel. Joint operations do not have a good reputation in terms of accountability and responsibility. So, we go to court.

Mr. President, what you realize is while the TTPS has Standing Orders and they understand that record-keeping is an essential part of policing and prosecuting, the other people that they were working with had no such training. So, there was very little in terms of record-keeping as to what had occurred. Of course, at that point, because there are no protocols, everyone is shoving it to the other. All of a sudden, nobody wants to take responsibility for what had occurred, but that was egregiously wrong from any perspective at all, and that is just one example which I can speak to and which is now recorded in case law.

So, Mr. President, may I continue? Sorry, I did not want to interrupt you. So, with those few comments, I want to say that I hope my observations were of some use to us in our consideration, and I again thank all Members who have made their contributions to this debate. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Francis Lewis.

Hon. Senators: [*Desk thumping*]

Sen. Francis Lewis: Thank you, Mr. President. My contribution will be among the last for the evening. Much has already been said, and I will do my level best not to repeat arguments that have already been adequately made.

This legislation deserves careful reflection. It is consequential. It has been a long day, but a strange thing, Mr. President, I confess to feeling somewhat rushed in dealing with it, and therefore, I have to ask a simple question from the outset: Why are we rushing this legislation?

There is an old expression, which I think is particularly useful here: “Hasten slowly.” We can recognize the urgency of the crime situation while still taking the time necessary to ensure that the legislation we pass is sound, workable, proportionate and capable of achieving what it is intended to achieve. There has been much alarm expressed about the Bill in the media, and quite surprisingly, particularly to me, people found numbers and they called me, or they sent me emails. The voices have been diverse and they have come from many quarters. A question that occurs to me is: Are all of the voices raised to express concerns political opponents? Because some of the conversation suggests that that is one interpretation we should give.

Might it be, in expressing concerns—in some cases, serious concerns—that the need to feel listened to is not being met. We often talk about the need to engage. I have a sense—and I have no poll numbers, so I will open it up; others may have a different experience—that there is a sense that people feel they are not being listened to in matters pertaining to this Bill. It is not going so far as to say, “It is bad. We should not have it. Do not do it.” It is, “What about this? What about that? How we go make this thing work?” This is going to be one of the more

consequential items of legislation coming before the Senate, and we will vote. So, listening to my colleagues, I asked myself, should I talk? The point is, I am going to vote, and in voting, I need to be able to explain why, or what were the concerns that I had as I looked at it.

This Bill does an interesting thing, more than any other Bill in the last six months. It puts almost every aspect of the scrutiny function, that we have all sworn to as Independents, under pressure: Public safety, executive power, police powers, military assistance, freedom of movement, search and seizure, detention, privacy, and it goes on and on. These are not minor considerations.

Let me be clear, I applaud the Government for trying hard—and that is not a throwaway line. I applaud them for trying very hard to try and make Trinidad and Tobago a safer country. I would have done some of the things a little bit differently, but I appreciate the effort and the energy. A safer country creates opportunity. People are more willing to live, work, and build their lives in a safe environment. Growth and development become more achievable, more probable. Conversely, crime depresses all of those things. So, I do not question the importance of confronting crime in all its forms, and in particular, violent crime. I think, from all that people have said to me and that I have heard, that sentiment is very widely shared across the society, cut across the demographics and the geography any which way you like.

But there is another element to this. We have to acknowledge that the situation we face today did not emerge overnight. It is the product of generations. Some of us, if you have been around a little while, remember, as a boy growing up, the front door of the house being unlocked in the morning and only pulled in, and sometimes pulled in but not locked, as the last thing at night. Today, when I think of it, or when I describe it to others, it sounds almost like a fairy tale.

Successive governments have used different approaches in addressing crime, yet here we are. That tells us something. It tells us that while individual measures may have had value, we have not found a sufficiently comprehensive, sustainable way of reversing the underlying trends. I sometimes think that the approach we use—and we have a tendency to want a magic bullet or a pill that will solve a problem—is to treat an illness with different medications, without identifying or addressing and treating the underlying disease. We can change the medication, we can change the dosage, we can change the doctor, but if the underlying causes are not identified and addressed, the condition and the patient will continue to deteriorate.

Often in this House, and in Bills like this, we have discussed, or it has been suggested, let us look at Jamaica. I have tried as best as I can, from a distance, to look at it. If we are to be serious about reversing trends, what are some of the things we need to recognize? That crime is complex—I am not saying anything new—that the causes are complex, and the consequences are complex. What that does say to us is that the solution will require patience, not a quality that we tend to often have as a country, and it will require persistence. We tend to jump from one thing to the other. It will require an all-of-country approach and if there is nothing that I take away from Jamaica—and there is much I take away from them, our sister Caribbean country—it is that engagement across politics and across groups is going to be needed. It will require us to find ways of working together.

Mr. President, I am reminded of an experience I had in this House, where I think it was a line in one of my contributions about, “As we mature, we move from campaigning to governing.” How naive of me. I was told in this Senate, on the record, in no uncertain terms, that is never going to happen, that constant campaigning is a new operating model. I understand why the passion was there

and how it was driven, but perhaps we have become so conditioned by our political experience, that cooperation and civility have become difficult concepts to even appreciate, much less practise, and our political debate has become so accustomed to blame and point-scoring, that genuine cooperation is viewed with suspicion. And in Bills like this where—you cannot write everything down. I understand that. But there are some very serious questions, and when they get raised and someone assumes the worst, it carries us downhill fairly quickly, and sometimes I have to wonder if our debate is a sham or a camouflage for blaming and point-scoring, because we have serious problems to deal with. We have complex issues to deal with, whether it is crime, whether it is the national budget, which I presume we will be debating sometime in the very near future, or issues of development.

If most of our discussions become so frequently disagreeable, where different points of view are viewed with suspicion, or worse, insults, then how do we move forward, and what example do we set for others? Because if we have arrived after generations, in this particular instance, in finding a way to deal with crime—a serious national problem—crime does not belong to one political party. The victims of crime do not belong to one political party, and the social and economic consequences of crime do not belong to one political party. The responsibility for finding sustainable solutions cannot belong to one political party. We need to find ways to work together where the national interest requires it. That is a lesson we can take from Jamaica. They are not perfect. They would be the first to admit that it does not always work as they would like, but they certainly have tried.

We have choices to make and behaviours to change, and I will not go into what others have expressed, but how do we build trust? People do not have to like each other in order to develop a level of trust so that they can work together. That

is, unfortunately, I think, escaping us. Not impossible, and I continue to be hopeful, but how do we build it?

One of the things that struck me, and it really did strike hard, in reviewing the Special Operations Bill, was the lack of focus—and maybe it is happening in another area—on the community development component that was part of an earlier piece of legislation, which this is not that, and I accept that. The community development element gave a sense of hopefulness, and I am uncertain why it is not addressed. I am not saying it has to come into this Bill, but is it that it is no longer regarded as strategic, or necessary, or considered important, or perhaps the emphasis has shifted, or worse—and this is me being perhaps cynical—it was never seen as important and was only a piece of window dressing.

What we attempted to do in January did not pass. That is fine. That is water under the bridge. But it does not change the fact that in the last nine, 10 months, some of the elements, which did not require legislation, did not require that or any other Bill to pass, that we could have worked with, experimented, innovated at what we do with community development initiatives as we contemplated back then, if those initiatives had been implemented—and nothing is stopping us from starting them now—tested, evaluated, it would have given us, from the jargon of my trade, a very useful proof of concept to determine what works, and quite frankly, what does not work. So how do we move towards dealing, not simply with crime—and let me be clear, I will repeat what I said in another contribution. This is not a crime-fighting Bill, this is a crime-suppression Bill.

When I think of crime-fighting, I look to some of the persons—some of my colleagues on the Government Bench, and those that come to mind almost immediately are: The Minister of Trade, Investment and Tourism; Minister of Agriculture and Fisheries; the Minister of Finance, when he is here; the Minister of

Planning, Economic Affairs and Development. Those are who our crime-fighters are because they create an opportunity in the society that allow people to see possibility, to see hope and to have action. Conditions sometimes occur where, because—and many of the Members have spoken about this—gangs, violence, evil make that effort almost impossible to succeed. So, I am not at all disputing that sometimes you need to put persons with guns, with power and authority, to start to create the environment so that we can deal with the negative externalities of crime.

If we focus only on crime suppression—however we dress up the language—we will not address crime. There are others who have given their lives to studying this, to working on this, far more expert than I, who could say how we need to go. That effort is very much what crime prevention ultimately becomes.

In looking at this Bill, Mr. President, it is consequential because it is asking us to give the State additional and very powerful tools. It provides a framework for special operations for the police service, with all possible military assistance from the defence force. It creates the possibility of closed areas, with consequent powers related to movement, to curfew, to search and seizure, to arrest and detention. That is major. Those are substantial powers and I am not at all suggesting that in doing this, there is an intent, or somebody is—I am not a conspiracy theorist. But the question that this Parliament needs to legitimately ask, and which is why I am feeling rushed, is: Are those powers necessary, sufficiently well-defined, workable, with proper safeguards and with persons capable of being held accountable?

One of the things that I did not hear—and I tried, I went through the 300-plus pages of the *Hansard* from the House—is what is specifically failing in our existing law. I am not saying it is perfect, but you want new law with new powers. And I went through this specifically looking—and, you know, I got the first draft

from the library—and in doing the word search to try and figure out what is failing. What powers do the police service currently possess that have proved inadequate? What precisely is the operational gap that this Bill is intended to fill? Perhaps, most importantly, what evidence do we have that these new, powerful additional powers will address those gaps?

I do not ask these questions because I doubt the seriousness of the crime problem. I ask them because extraordinary powers should have an identified purpose, beyond “We know wa we doing.” If the Parliament is going to give the Executive additional powers—and let me be clear. It is not the Parliament giving this Executive additional powers. We give the powers to every government to come long after we have passed through this place. We should be able to identify, and I hope largely agree, on the problem or the problems that it is designed to solve. Subsequently, we should be able to measure whether it has solved it.

Much has been said, that I do not need to repeat, about the constitutional majority question; whether it should be a simple majority or two-thirds majority.

9.35 p.m.

Our hon. AG has suggested that the Bill is robust in terms of safeguards and guardrails. I respect his assertion that a simple majority is conclusively sufficient for this particular Bill. I do not want to play “bush lawyer”, and I certainly do not have your level of experience and expertise, but to my untutored eye, when I look at what this can do to people, I say, I am uncomfortable. I have no expertise to say, “You are wrong”, but “ah cyah say yuh right.” Please, do not take that as being dismissive or impertinent.

The assertions, though I respect them, are not giving me the certainty I require. That conclusion cannot, in my view, be reached simply by looking at the present wording of the Bill. Now, I take comfort, perhaps I should not, that the

matter would be adjudicated and decided by learned justices in another place, I hope, sooner rather than later. I could only hope that not too much damage is done between now and then when that question is finally determined, and I hope I am wrong.

One of the things I found interesting, Mr. President, is the architecture of power proposed in this Bill. The Bill creates a chain of authority involving the Prime Minister, the Commissioner of Police, the Chief of Defence Staff, the Heads of Special Operations, and the Heads of Military Assistance, and a number of other elements, but interestingly not the Parliament, except for an annual report. It has been suggested that the Bill gives the President latitude to decide if to act.

Now, I went through the Constitution, I chatted with some of my colleagues who are far more learned than me, and I understand the language I see where “the President shall”, is really to be interpreted as “the Cabinet shall instruct”, but it is in polite language. There has been some suggestion, including some calls to me by people who felt that they knew better, that this misperception needs to be corrected. I would want to suggest that the person or persons responsible for conveying the misperception, even inadvertently, may want to correct that.

The Police Commissioner designates the Heads of Special Operations, but there is a veto role for the Prime Minister in that process. I have a very simple constitutional and institutional question, where does the operational authority ultimately reside? I would welcome clarification on the purpose and the limits of the Prime Minister’s role in relation to the designation of the operational heads. In an earlier similar Bill, that was a red line for me. This is not that, but this gives veto power.

This is not a suggestion or an accusation of political interference, but it is a question for me of an area in which I have served a long part of my life of

institutional design. If we are going—we, the Parliament—to ask the police and military personnel to operate in a community under exceptional statutory powers, the line of command and accountability should be absolutely clear. The police officer, the soldier, at multiple levels, must know who gave operational orders, and the citizens who are affected by this should know who is accountable. That is, at this point, opaque to me in a way that I am uncomfortable. The Bill has a conception of closed areas, clause 11, and once an area is closed, a series of consequential powers become available.

The question really becomes, what exactly must be demonstrated before a community can be closed? The Bill refers to circumstances including escalating crime violence, homicides, shootings, kidnapping, gang-related activity, illegal firearms, gang control or intimidation, together with an insufficiency of ordinary law enforcement measures. I understand, and I find useful, the labels that we had in the Bill, but what is not clear to me is, and my assumption is, the Cabinet is going to instruct in the establishment of a closed area, is who makes the assessment; what information is provided; is it written; is there an intelligence assessment from competing sources so that the decision-makers can compare and contrast; is there a formal assessment that ordinary policing is insufficient; who does that; and what is the mechanism for reviewing the decision once the circumstances change?

There is another area related to this that I think deserves a clear answer. The Bill does not appear to prescribe a maximum duration for an individual closed area once declared to be undeclared, to be unclosed. Earlier legislation, including the state of emergency legislation and the Constitution, has periods for that. This new Bill takes a different approach. So I need to ask, how long can a community remain a closed area? What requires the authorities to consider both the

declaration and the removal? What is the evidence that is used to maintain it? What is the exit mechanism? Because if we are going to geographically close off an area and affect, in a very significant way, people's lives, even where we try to minimize the impact on lives, there needs to be not only an entry threshold, but a clearly understood exit threshold.

Then there is the question of "freedom of movement". This may be one of the most significant consequences of the Bill.

Under clause 12, a person generally cannot:

"...enter or leave a closed area without a permit..."

Clause 13, the permit further can cordon or establish within an area in the closed area, and then clause 14, permits the authorities to impose a curfew. So we potentially have three levels, a "closed area", a "cordon", a "curfew". Now, each may be defensible under circumstances, but this Parliament needs to consider, and this is the last line "eh", this Parliament needs to consider what happens to ordinary residents. What happens to persons who leave the community at three in the morning to get medical treatment?

Allow me, Mr. President, to digress for a minute. When—sorry, Sir.

Mr. President: Sen. Lewis, you are the fifteenth speaker, and I am saying that we are getting into breaching Standing Order 53(1)(b), persistent tedious repetition. So I am advising all upcoming speakers, get something new to say. Do not repeat persons' arguments or arguments that have gone before. Sen. Lewis, I am just advising you, all that you are saying have been said already. I am asking, if you have some new points that you would like to bring to the attention of the Senate, I will support you, but, please, I am just advising that you are in breach of 53(1)(b). Continue.

Hon. Senators: [*Desk thumping*]

Sen. F. Lewis: Thank you, Mr. President. I was simply going to share a story in the COVID lockdown where a close family member had to be taken to the hospital at three o'clock in the morning, and it was scary and hairy, but I will not bother with that. The issues around curfews have been addressed, I will leave that alone, but it is a concern that I have.

I suppose I just do not understand the temporal limits that this Bill would provide around curfews. The “search and seizure” issues to be guided by you, Mr. President, have been addressed by others. What I do not understand, and I think it is new—maybe it is just the lack of legal training—I do not understand what “reasonable suspicion” means in this context. It was said with great confidence, but it is not clear. An area of concern for me, and I suspect to others, but let me speak for myself, are the concerns expressed by the Media Association of Trinidad and Tobago about the potential treatment of journalistic material, confidential sources, and media equipment, and their personnel.

The concern raised are sufficiently significant to deserve a clear answer from the Government and, ultimately, from the Parliament. Free press can be bothersome on occasion, but our courts have noted that they are not an obstacle to national security. We need to know precisely how this Bill is going to address the concerns raised by the Media Association of Trinidad and Tobago. The questions around detentions have been raised, and perhaps the biggest one is how do we determine “as soon as reasonably practicable”, as quoted in the Bill, at two o'clock in the morning? A safeguard which exists on paper but cannot operate in practice, is not an adequate safeguard. Body cameras and the issues around that have been raised, as well as the issues of who holds the footage, how long do we hold it, and some have tried to address that, so I will not.

The only risk is the appearance of accountability cannot substitute for accountability itself. The issue of measurement and the reporting and accountability is uncertain at best. If Parliament passes a law that is profound, then my question would be, at what point does Parliament itself have a responsibility for reviewing the implementation of that law? The sunset clause is a welcome addition. The two-year duration gives us an opportunity to review, but, again, it can only be meaningful if Parliament receives the evidence necessary of what we expect to see after those two years have expire, otherwise the provision becomes a little more than a date on paper.

So let me move to conclude. I began by saying, Mr. President, that I feel rushed. There is a temptation when confronted by serious problems to believe that speed itself demonstrates seriousness; that is not so. So the old adage of “hastening slowly” is a valid approach for a Bill such as this. We need to address the issues not simply of crime suppression, but of crime-fighting. I believe, in conclusion, that Trinidad and Tobago needs effective measures against violent crime, but effective legislation measures are not only the powers given to the State, but also the precision by which those powers are defined and the safeguards required. So, in looking at this Bill, my consideration and the analysis of it is, is it necessary, is it proportionate, is it workable, and is it properly controlled? Those are the questions that will control and ultimately affect my vote. That is the job we are here to do, and with that, Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: The Minister of Defence.

Hon. Senators: [*Desk thumping*]

The Minister of Defence and Minister in the Ministry of Homeland Security (Hon. Wayne Sturge): Mr. President, let me start my contribution by answering

the question raised, or questions raised by the last speaker. Is it necessary? Is it proportionate? Is it workable? One need only read, more particularly, clause 11, and you will get your answer. That is all you need to do. We have spent almost 12 hours here, and what has become apparent is that we seem to think that we can pass perfect legislation. No Bill passed in the history of this Parliament has been perfect. We have all had serious questions about many of the Bills, but the issue is whether the measures and the objectives were worthy enough to give the Bill a chance.

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: The lawmaking process, this is law in motion. This is a work of progress. We are not going to get it perfect.

You know, the thing is, what bothered me about today is this, and I thank Sen. Vieira for his candour. Sen. Vieira started off by agreeing that there were significant changes to the Bill we debated in January. You know, the thing is, almost all of what you asked for in January, you got, but yet you still protest.

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: I remember, and I do not want to single out anyone, but I remember there were at least four Senators in January, a couple on the Opposition Bench, a couple on the Independent Bench, who were saying, “Why must the Prime Minister have this power? Why not give it to the President? Now we have given it to the President, you have a problem.

Now that we have given it to the President, you are saying, “Well, section 80 means the President is taking an instruction from the Cabinet.” Was that not the case in January when you were asking for it?

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: So it seems as though, not for all, because there were some very good contributions, but for some it seems as though, no matter what changes we make, you intend not to vote for this Bill.

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: But yet it is a pappy show. But let me also congratulate Sen. Chote, and in a very restrained manner, I will try to answer some of the questions and some of the issues raised, because there is a limit to what I can say.

Let me make this clear, a “district” is very different to a “closed area”, and you cannot close off an entire district. You cannot. As Sen. Chote said, “De maths not mathsing.” But if you look at what is a “closed area”, and you look at clause 11 of the Bill, then you would know the answer is right there. So I have to wonder whether Sen. Roberts-Radgman’s first language is English, because when you look at clause 11, in plain English, the President, the declaration:

“...any area within a district to be a closed area...”

Not the entire district, Sen. Roberts-Radgman, as you were suggesting, because Sen. Roberts-Radgman asked, “What did Tobago do to warrant being named a district?” That made absolutely no sense, and that was the bulk of her contribution. So at the end of the day, Sen. Roberts-Radgman basically said nothing, misled the whole of Tobago.

9.55 p.m.

So, in terms of the “maths, not mathsing,” let me go to 11(1), the area that is going to be affected by the declaration is a closed area, and the closed area is within a district. The closed area, and not the entire district, will be visited with this Order if the President is satisfied on reasonable grounds that public safety and peace in that area is threatened, and then we see Roman (i), (ii), (iii).

Then for those who were asking about three and four of *Surat* and *Suraj*, the third limb and the fourth limb, the answer is right here, whether there is anything less intrusive, but clause 11 answers that. So, if there is:

“(a) by –

(i) escalating rates of violent crime, homicide, shootings”—and so on.

Or what is listed in (ii), or what is listed in (iii), and then here is the kicker where we answer the questions about limb; those who ask the question about limbs three and four. When all of these prerequisites are satisfied, whether less intrusive measures cannot be employed, it is answered right here:

“by the inability of ordinary law enforcement measures to maintain or restore public safety...”

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: So the President is telling you that this declaration can only be made if these things are satisfied, and ordinary law enforcement measures or less intrusive things will not work.

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: I hate to say it only takes an ounce of common sense to figure that out. But, you know, the thing is, again, before I move off on the “maths, not maths in,” I will have to go into the history of how we have come here, and I can go into very recent history to buttress what I am saying about how this all started. Because in January I said it. Zones of Special Operations then were not new; they were practical realities. They were employed as a matter of fact, and Sen. Al-Rawi in January admitted that. It is now the Special Operations Bill; special operations are not new and everything in clause 11 ties back to the history I am going to give you.

Circa 2010 in Laventille, in fact, for the whole of the first decade of the 2000s, Laventille was seeing bodies dropping on a daily basis. But there was a time when bodies were dropping more frequently in a place called Snake Valley, and you know what? They had special operations of the kinds referred to—the measures referred to in this Bill were employed in Snake Valley, and guess what happened? Murders came down to zero in Snake Valley. But it is not only Snake Valley. There was a time after 2010 in Tunapuna, you all remember that bodies dropping every day, gangs killing each other every day in Tunapuna—

Sen. Nakhid: “In the Zone.”

Hon. W. Sturge:—in the Zone. We employed operations such as these; the army went in; nobody could leave. Practically, they implemented a curfew and a cordon until we got who we were looking for, the men who were doing all the killing and the shooting, the gang leaders. And you know what? When that operation was finished, what were the figures in Tunapuna after that? Zero, for many years. There was a soldier killed in Rich Plain, Diego Martin. The army went in, established a cordon—you could not leave Rich Plain—established a curfew, right? And hear what they said: schoolchildren, you all come out, granny, you all come out. You all want to pass, if we have reasonable suspicion that you are carrying something too heavy in your bag, we will search it.

So they were able to filter who was coming in and out., and “t“They were able to ensure yuh stay in yuh house, because if yuh out yuh house, what yuh doing out of your house at that hour? Yuh opening yuhself up for when reprisal start”. So it was for the protection of the residents, and they did it long enough and you know what happened? The two men who were killing everybody and who killed the soldier, you know what, the residents themselves gave them up, and guess what happened to the killings in Rich Plain? Zero.

Hon. Senators: Zero.

Hon. W. Sturge: What about Isis? You all remember a group called Unruly Isis in Chaguanas, not all of Chaguanas, just a small part. The army did not need to lock down all of Chaguanas. Why would they lock down Lange Park, or Brentwood, or any area where there is no Unruly Isis? They went in, they locked down a particular area, and by the time they were finished, the two and three bodies dropping every day, no more bodies were dropping; that is the practical reality.

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: But here we are, just as in the other place, we started to hear, well, what is going to happen to the property value?

Sen. Alexander: Whataboutism.

Hon. W. Sturge: Yeah, all the whataboutisms. From the time you start telling me that property value is going to drop because we declared it a closed area, that tells me where your mind is at. Are you more concerned about property value than the lives of black brothers and sisters falling down? And, you know, who feels it knows it. That is the problem in this place, you know, who feels it knows it. Because we are here, and the people making the biggest noise inside of here, they do not live there. Their rights are not going to be affected. Their sons, their brothers, their cousins, their fathers will not have chalk marks around them. So, you could say, you know what, what is the rush, “lewwwe wait,” and while we wait, people die.

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: But not you, not you, not you, not you. Because, you know what? Your life is more valuable than theirs, your life is more valuable than theirs, your life is more valuable than theirs. So we could wait, we could wait, that is exactly what it is.

Because the reality is, for the President to declare, not a zone, a part of an area to be a closed area, she has to be satisfied of these things. I do not have to read it over and over. “All ah allyuh cud read and spell.” And if she has to be satisfied of these things, if bodies are dropping, and this is what it is, an uptick in murder, escalating rates in violent crime, not escalating rates of fraud, not escalating rates of a man who made \$500 million and he is looking to make more, nothing like that. Violent crime, bodies dropping, and what is the reality of an area where bodies are dropping? Where night after night—that is why I tell you I could buttress, “all wa ah” going to say by recent history.

A month ago, in Caledonia, every night a body dropping. That is where you put an enclosed area. You do not put it on the whole of Caledonia. You do not put it on Second Caledonia, you do not put it on Never Dirty, because to go back to the “maths not mathsin’,” we do not have the resources to do that, not for a week, not for a month, not for the two years that some of them spoke about. Because I do not know—this is so ridiculous that the police would lock down an area for two years and have a curfew for two years like they have nothing better to do. That was one of the most ludicrous things I heard in this Senate. Why would the police stay in a place if they have achieved their objectives, as they have in Snake Valley, Enterprise, Rich Plain, Tunapuna, and when they achieved their objectives, which was to disrupt the gangs and stop the killings, they left.

So why, in this day and age, and guess what, most of that happened the last time the former Prime Minister was Prime Minister of Trinidad and Tobago. So, it is not that you are going to tell me, “Well, there was a different Prime Minister. It was Keith Rowley and he was measured, so it would not happen under him.” It was the same Prime Minister. So why would the army, after disrupting gang operations, stopping shootings, and stopping murders, why would they want to stay

there for two years, whilst there are murders happening in other parts of the country? That made absolutely no sense.

But you know what the problem is? The reality in these places, like in Caledonia a month ago, where bodies are dropping night after night after night, is that without us declaring a curfew, there is a curfew; without us declaring a cordon, there was a cordon. “If yuh not from there and you come in there, they will kill yuh. If yuh not in the war and you want to play you coming out in the night to play football, they will kill yuh. Wha you doing outside? Or if you feel that is gang business that hav nuttin to do with me, I goin and look for meh gyal.” Come out and pick up a—and you know what? “Dey go say is ah stray bullet.” So, the real issue here is whether the State establishes the cordons and the curfew when necessary, or whether we leave it and—

Hon. Senator: And let the criminals do it.

Hon. W. Sturge:—let the criminals do it as they have done for the last 10 years.

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: Because you know what? The other side, you know where they want the cordon to be? What it is now. The cordon must be a yellow caution tape around a black brother on the ground. That is the kind of cordon. That is not the kind of cordon we want. We want to stop blood flowing in the streets. We have gotten it down by 41 per cent and let me go into—

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge:—what little leeway I have been allowed. Because the thing is, we cannot come here— A lot of the questions that were asked about you want to know this and you want to know that that is not something we could say publicly, be real. There are things we cannot tell you publicly as much as you want to know, and the law provides for that. We cannot tell you everything that was done to bring

it down by 41 per cent. I will say this much; we had help. We paid a heavy price for having help. We had help from our partners in the United States. “Ah see ah finger.” I would not go too far.

But some of the intel is not just intel we have locally. Some of the things we had to do, we had help. When we came into power, out of 16 vessels, only two were working; coast guard. “Yuh cud basically walk in here like Jesus. Yuh cud walk on water. Yuh cud walk in with a crate ah firearms and nobody cyah stop yuh.” That was them, that was them.

They grounded the helicopters, the four helicopters, in 2017, so we had no aerial surveillance. We had blank spots, dead zones, as they call it, on the radar. Imagine you having a dead zone in Carli Bay. What is the biggest import in Carli Bay? Imagine your radar having a dead zone in Claxton Bay with Phillip Boodram, “The Boss.” Imagine having a dead zone in Toco. Every time I go up Toco, the radar is not working, it is not spinning. What “yuh” want us to do, not seek help until we could rectify all these things?

We cannot continue to allow guns to come in. We cannot just say, “Well, you know, you radar eh working, so well we cannot do nothing about that.” If we are limited in the type of intelligence we could get because we “doh” have the equipment, and we could get it elsewhere, should we say, “Well, we doh want it”? Because you see, it is not often you hear a citizen’s name mentioned in a debate, but what is so special about Star Sabga or any Sabga to be mentioned in a debate here, when there were so many citizens subjected to the same things you are complaining about, same rights, “but yuh eh advocate for none.”

Hon. Senators: [*Desk thumping*]

Sen. Dr. Swaratsingh: “Sabga life more important.”

Hon. W. Sturge: Yeah, Sabga lives matter. “Yuh eh advocate for none. Yuh en do ah pro bono for none, but yuh complaining.” And guess what, most of them, I do not know who is “ah” PNM, except for “wah Gadsby-Dolly tell meh” that when you see them fighting in the street, they came from PNM homes, and the parents, when they are fighting in the fetes, they came from PNM homes. But all of the people on PDOs, and I am not saying—I did not say race—because they were not all of one race. I did not say class, I did not say socio-economic circumstances, I did not say geography. But nobody on that side, since they care so much about all who get “lock up” on PDO and did not get charged, nobody on that side because they do not care. So, it is either we take what obtains now, and have the—based on intelligence, and it has to be based on intelligence. I think it is again, sorry if you think I am condescending, it has to be a matter of common sense.

There is a complaint about safeguards. Where are the safeguards? The Bill is replete with safeguards. I just heard Sen. Lewis say, “Well, I do not know what is reasonable suspicion or reasonable grounds to suspect.” You could google it. You could google it. It is not very different in the United States than it is in the United Kingdom, than it is here. And you know what it is, it is a safeguard. Everything dealing with—“just say you doh want to vote for the Bill, nah, ah go prefer dat.” Do not come and say, “Well, I do not know what reasonable suspicion is. When did you get this Bill? You had the whole day, you could not google it?”

Reasonable suspicion is a safeguard. It arises from the common law, so that you have a palladium, a protection from the police against arbitrariness. So that not everybody in the closed area is going to be searched, not everybody in the closed area is going to be subject to arrest and detention. That is why they have reasonable cause right through it. I do not think I need to go through all of the safeguards because I did it in the House, and I heard that Sen. Lewis read it, and I

expect other persons may have. But I know that when I was finished with it, nobody on the other side could stand up and say differently, and they did not. The complaint is no longer about safeguards.

Well, some people are saying, well, limb three and four of *Surat* and *Suraj*. It would be better if you say, "Listen, I am just looking for an excuse not to vote for this thing." Better to say that. Stop making excuses. So, I heard a complaint about the constitutional rights of citizens who would suffer. The only persons who need to be fearful would be persons who find their names on the CAPA database.

10.15 p.m.

And the CAPA database, Crime and Problem Analysis, is for those who the police know from intelligence are shooters and spotters and killers and kidnappers and all of these things. So, when you come to say, "Well, what about tanti or de school children"? Listen, the Bill says the police commissioner could designate a class. School children is not a class? Persons employed, or who can show that they are employed, that is not a class. Senior citizens, that is not a class? The classes could be endless, and you know, the thing is, we have institutional knowledge and lived knowledge of that same thing, because we had it during COVID. People want to pretend about this thing about COVID. Did we not have permits during COVID? I did not need one, because I belong to a class, according to the commissioner at the time, it does not apply to lawyers and doctors, right? Yeah, I had no vaccine card. "I ain't show dem nuttin."

But the short point is, you are acting as if you have to jump through hoops to get a permit. The purpose of the permit is so that you limit who leaves. Not that you want everybody to stay, but by you allowing people to leave, you narrow down who you want to go to. You narrow down your target, and when you narrow down the target, you narrow down the risk to other persons when you have to

engage your target. So, when we had permits and curfews and limited states of emergencies, not just, well, COVID, we had an island-wide, I think, but we have experience with limited states of emergencies by geography and so on.

Did the sky fall? Did the sky—"Oh, God, ah doh even want to call her name". The sky did not fall, so all we are hearing, all we have heard on that side is scare tactics. Fear mongering. So, I think, Sen. Roberts-Radgman, I do not want to say stick to law. You need to learn English as your first language first. Senator Boodhu needs to go back to making ads about Naisa corned beef. Dr. Murray, you need to stick to medicine with the greatest of respect, because I do not want to go into—

Sen Alexander: [*Inaudible*]

Hon. W. Sturge: "No, I am not bullying nobody. Because if you come to me and ask me to remove ah mole, I go use ah Chineese chopper to try to remove it. Dat is not my specialty." It might be the quickest thing. So, same thing with you. You tried. That was admirable, but you just need to read Lady Hale, okay? [*Laughter*] Do I need to go into that? I think the Attorney General can go into this. You can read an even easier judgment, Akili Charles where it is mentioned again:

"(i) whether its objective is sufficiently important to justify the limitation of a fundamental right"

Is saving lives not sufficiently important to justify the limitation? We are limiting your freedom of movement because we want to save lives, and you have a problem with that. Do you really have a problem with that? Whether it is rationally connected to the objective. Is a curfew not rationally connected to the objective, to root out these people who are murdering each other when the night comes, killing, kidnapping? Would a curfew not help? Has it not helped in the past? So, and if we save one life, we are happy.

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: Limb three, whether a less intrusive measure could have been used. Well, right here, we put it in the Bill. Because—

Sen. Dr. Rose: Mr. President, 53(1)(b).

Mr. President: Continue, overruled.

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

Hon. W. Sturge: And whether having regard to these matters and to the severity of the consequences. You know what is the severity of the consequences, the severity of doing nothing? Death.

Whether a fair balance has been struck? Is a fair balance not struck by limiting the rights of those who are killing. And it is not that we are just limiting their rights. You have more protections in this Bill that exists now. Those who practice criminal law would know that when you get locked up, you could stay seven, eight days in the station. “Yuh cyah afford ah lawyer, none coming.” The Bill makes it clear. Immediately, you must be taken, or as soon as reasonably practicable. And if you are not, then the police have to justify it. And when you are taken before the magistrate, the magistrate has to be satisfied that there are reasonable grounds for arresting you and detaining you in the first place. So, it is not the police alone have to satisfy reasonable grounds. They have to satisfy the magistrate that there are reasonable grounds.

Same thing with seizure. Everything here, there is still habeas corpus. I heard Sen. de la Bastide say, “Well, there no judicial oversight before an area can be declared closed”. Why would you want judicial oversight? Why would you want to go to court and tell the court, “Hear nah”—and the clerks are sitting in court, the same clerks who are living in Caledonia. “Hear nah, Mi Lord, we are going to declare Caledonia, because night after night, it is killing. These people

can't stop de killing. Right? So, we want to declare it. So, wuh you think, Mi Lord?"

So, no judicial oversight before an area can be—have you ever heard anything like that? Well, the short point is, the short point is, and I can say it because he declared "he not voting for the Bill". "He don't care. He made that clear." So, the thing is, and then he said, "Well, you know, there could be an appeal, and then in the meantime, it will happen". That is due process. Is that not the law? That is the law. That is one.

But two, the law also makes provisions for something called the balance of convenience. The balance of the risk of injustice. So, if there is the balance of risk of injustice falls one way, they will say, you know what? The declaration has to be on pause until we settle this matter. Because, you know, he said, "There's nothing you can do". The very making of the declaration, since it is done by the President on the instructions of Cabinet, that is subject to judicial review. Judicial review, Sen. de la Bastide, Senior Counsel, that is not judicial oversight? "Ah talking tuh yuh, dais not judicial oversight? He not feeling well."

Hon. Senators: [*Crosstalk*]

Hon. W. Sturge: Yes, specious is the word. Now, the thing is, I want to go to Sen. Al-Rawi who also basically said nothing. I should leave him alone, you know. "He doh ever really say anything, that is the point." But I am missing my glasses.

Sen. Nakhid: It is on the ground.

Hon. W. Sturge: "On the ground? Ah cyah wear dat." And then, Sen. Al-Rawi has the gall to talk about "interference by the Prime Minister". Listen, that clause that he spoke about, deals with management of the police service. Does the Commissioner of Police lose management of the entire police service because the

Prime Minister objects to a particular officer? It has to be on reasonable grounds. It cannot be just arbitrary. Common sense will tell you it has to be on reasonable grounds. Yes. And he has the gall to raise that, but when his Prime Minister went and intercepted a merit list to get rid of a police commissioner, he had nothing to say.

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: And then he said, “It is the Police Service Commission that dismisses the Commissioner of Police”. So, who dismissed Gary Griffith? Who dismissed Gary Griffith? And then he stood up here, yeah, he stood up here and sought to attack Sen. Nakhid, and stood up and said, “I did not say what Sen. Nakhid say that I said”. Thankfully, we have the transcript, and he should be called upon to apologise for misleading the House.

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: Yes. So, what we are seeking to achieve—

Mr. President: Minister, you have four more minutes.

Hon. W. Sturge: Oh, God. Four more minutes? I hate to use my four minutes to get into a bit of comedy, but this was comical. Sen. Al-Rawi said there was discrimination against the Judiciary. That he said only a High Court judge could determine certain matters in the Bill. And he said that amounted to discrimination. And asked the question, why just the High Court? But he went further to say, “Well, why not the District Court”, which is really Magistrates’? And then, why not the Tax Appeal Board? Or the Industrial Court?

Sen. Nakhid: “Twelve years in law school and dais wha he come up with?”

Hon. W. Sturge: That is why he spent 12 years in law school.

Sen. Al-Rawi SC:—twenty two years.

Hon. W. Sturge: Yeah, 22 years. Okay.

Hon. Senators: [*Crosstalk*]

Hon. W. Sturge: Yes. Oh, okay, okay. I see problems starting.

Hon. Senators: [*Crosstalk*]

Mr. President: Listen, listen. Senator. Minister of Defence, just take a seat for a minute. Minister of Defence. Sen. Alexander and Sen. Al-Rawi, calm down, calm down. Continue, hon. Minister of Defence.

Hon. W. Sturge: Yes. Mr. President, I want to close because I do not want to get in the—there is a risk that someone would jump up and say “tedious repetition” when it is not. Mr. President, we have to be objective about what we are doing here. We have to have heart about what we are doing here. Not just courage, integrity.

Mr. President: One more minute.

Hon. W. Sturge: And we have to realize that what we are doing here affects people who have no control over us. So that when you come to vote on something that affects other people’s lives, I want you to be objective and to have a great degree of integrity and compassion—[*Inaudible*—I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Dr. Browne, are you speaking?

Sen. Dr. Browne: Yes.

Mr. President: Right. Sen. Amery Browne.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Dr. Amery Browne, I beg your pardon.

Sen. Dr. Amery Browne: Thank you, Mr. President, for recognizing me. I did not realize the Minister of Defence had concluded his contribution. Mr. President, I will be genuinely brief on this occasion. I think we have covered quite a bit of ground, and I think there are multiple Senators in the Chamber who are not in full,

peak physical health. So, we need to be considerate to them as well, would not name anyone, Mr. President.

10.30 p.m.

Mr. President, I want to start, well, with a sort of compliment, because I noted that Sen. Allahar, Leader of Government Business, at least attempted to respond to the substance of what Sen. Murray was saying earlier. Now, I do not agree with the specifics of his attempted rebuttal, but I have to at least give some regard to the fact that he treated with content as opposed to the individual. Because, Mr. President, I have to put on the record that Sen. Dr. Murray is a distinguished physician in Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: It is the first time I have ever heard—

Hon. Senators: [*Interruption*]

Sen. Dr. A. Browne: Mr. President—

Mr. President: All right, Sen. Browne, just hold on a second. May I ask my colleagues, I think it is getting a bit late—10.30—so let us allow Sen. Dr. Amery Browne to make his contribution in silence. Continue, Senator.

Sen. Dr. A. Browne: Mr. President, I have never heard any attempt to use the qualifications and experience of such a practitioner as a disqualification from being able to contribute to any Bill, any matter, any piece of legislation, Mr. President. The biggest irony is that the Government Senator opposite who led that line of attack, as far as I am aware, is not an attorney by any shape or measure. So, I really did not understand where he was going with that. And if you had to—I would not go any further with him, Mr. President. I could make a few other comments, but it was the wrong thing to do, Mr. President, and that is why I am saying that Leader of Government Business at least attempted to treat with content.

Because if I look on the Opposition Bench, the Independent Bench and the Government Bench, there is a hard-working and distinguished public health practitioner sitting on the Government side. I have never heard anyone say that that Senator is disqualified from speaking on legislation, so I just wanted to sound a note of concern, that what Sen. Swaratsingh was doing there really is not in keeping with the best traditions of the Senate at all. We all bring our experiences, our personalities, our understanding, our perspectives to these debates, and free speech should be encouraged and not discouraged.

Mr. President, I do not think there is anyone in the Red House, in either House, in either Chamber, who does not want to see a decrease in violent crime. We have had several related debates in this Chamber during this past Session, and I do not think it is an exaggeration to say that all of us would have been affected by crime at some point in our lives. Mr. President, that is not what is at issue—and I know a lot of people are looking on, and have been looking on for the last several hours to this debate, and yes, there are arguments for and there are arguments against. That is just the nature of it.

My biggest issue—and I will just cut to the chase, Mr. President, because I do not think I have the duration—yeah, it is like that. My biggest concern is the issue of reform of the Trinidad and Tobago Police Service. Because what the Government is doing and trying to sell us, or convince the population, is that by now giving these extraordinary powers on the side of the police to do things in communities that they currently do not have the power to do—and I will give some examples—and to affect, admitted by the Government, reduce some of the constitutional rights of citizens in those communities, that that somehow is the silver bullet. That somehow is going to turn the corner with respect to violent crime. Mr. President, I am one of those who is not convinced by that line. These

types of measures should be a last resort.

Mr. President, if we have arrived—if this UNC administration has arrived in the month of September 2026 as a last resort, a valid question would be: What other measures did they take? If you look at the history, the reality is that almost every month of their duration during this parliamentary term, they have governed with some extraordinary measure in place. So, have they even tried—has this Government tested itself with the ability to control crime without reducing constitutional rights, or without giving the police the power to enter some citizen's property, without the basic protection of obtaining a search warrant?

So, Mr. President, I just find—I said that I would just cut to the chase, the basic premise, the basic test of this being a last resort. The Government has not told us anything about what the first resort was, the second resort was, what attempts they have made prior to this. So I heard someone use the phrase—they probably took a chance to say it—“This is lazy governance.” And, Mr. President, while I would not repeat it in the same way, I have to agree with this sentiment, because the Government seems to be going, stretching way down to the last resort, and trying to offer that to us without treating with some of the basics, such as the reform of the Trinidad and Tobago Police Service.

It is well known that there is a big issue in this country. We see a former Commissioner of Police making heavy weather of the issue that there is a deficit of trust in the police service. You do not treat with that, but now you are asking these communities to trust the police with extraordinary power. Mr. President, I think something is missing there. I will not go on to talk about trust in the Government, because I believe that, or lack thereof, territory has been well traversed, but I would just say that this Government has had the opportunity.

And I said it during the ZOSO debates that the whole issue of social

programming did not require any special legislation. If this Government, or any government, is convinced that a surge of social programming in a community is going to make a difference, they did not require the ZOSO Bill so to do.

Mr. President, it is extraordinary that in the months that have passed since then, while the Government had their emergency powers in place, they have not presented in this debate any examples of the implementation of such social programmes. And worse yet, when you look at the Bill before us, an entire section that existed before—I know we are not really doing a full comparison of the ZOSO Bill—

Sen. Rasheed: Mr. President, I stand on 53(1)(b). The area of social thing has been addressed by everybody.

Sen. Dr. A. Browne: No, it is a whole different—allow me to make my case, “nah”.

Mr. President: No, he raised a point of order. I am allowing him to continue, please.

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

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: I will just develop it quickly, and I have other points to make; you know. This is not the only point.

So, the point I am trying to make, Mr. President, is we have had—and no one has said it—this entire period under rolling states of emergency. No one has said that those programmes could not have been implemented. The Government has not given any indication that they have implemented any of those programmes, but for some strange reason, an entire section of that Bill is missing here, because this Special Operations Bill has no “objects of the Act”.

I want to ask a few questions to the Attorney General who I know is well

qualified to respond. One of those questions is: Why is there no section, “objects of the Act”, in the Special Operations Bill? Is it because within those objects, there was an iteration of a series of social programmes? Mr. President, I think this is one of the clearest examples you will ever find of putting the cart before the horse. If any government demonstrates, through their actions, that they are unwilling, or incapable, or reluctant to treat with the root causes of crime, I do not think anyone in the population will believe that they have a solution to offer.

The Government has made heavy weather of clause 16, Mr. President, and I want us to take a quick look at clause 16(1). Because this Bill—and you saw it in the last one, and it existed in the State of Emergency, this thing about being able to enter someone’s property without a search warrant. If you just arrived in this country from somewhere else, you would think that that somehow—the requirement of a search warrant is somehow preventing the police from retrieving guns and drugs in the communities of Trinidad and Tobago.

Mr. President, for me to accept that, I would need to see some evidence being presented that somehow that barrier is not just an inconvenience, but somehow facilitates the operations of criminals. Because if that is the case, then we need to look long term at a radical surgery—to use Minister Sturge’s phrasing—of the laws of Trinidad and Tobago, and the Constitution, because that is the case the Government is making. That is the case they appear to be making to me. So, Mr. President, I do not accept the premise that the solution to violent crime somehow occurs if the State finds a way, each time, to get police into people’s premises without a warrant.

I wonder if the Government even talks to the police officers, because we do. We have officers right here in the Parliament. And when you speak to the police, in here and out there, they tell you how sophisticated these individuals—those who

are in possession of weapons. These guns are not sitting down on the kitchen table, and somehow you surprise them. You did not take the time for a warrant. You reach, and the gun will be—it does not work like that, Mr. President. So, the Government seems to have some kind of formula, but it does not appear to me to be well thought out at all. And some of the basic premises, the basic calculus that they are working with is, at worst, a false calculus, and at best, an unproven calculus. I think neither case would be persuasive in a debate like this at all, Mr. President. Let me move right along.

I heard the Minister of Defence make some shocking claims here today, because I had them in my notes, before he spoke, this statement, and I will just read what I have: The police have been conducting special operations in Trinidad and Tobago all along. And there was a lot of to-and-fro, Mr. President, about, “Do we need a definition of special operations?” I am not going to go back there. But Minister Sturge confirmed what I have here. He thought he was contributing to someone who might be persuadable to support the Bill by saying things like—he gave the example of Snake Valley. The Minister of Defence gave that special operations were implemented in Snake Valley that were a spectacular success. You know where I am going—a spectacular success, and he went further, that had results. The results were harvested for years. Mr. President, what he did not say, but everyone knows on the Government side and on this side of the aisle, is that there was no legislation or special Bill associated with those operations.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: So, I thought it was almost an internecine damage he was doing to the Government’s case. Because if we take him at his word—now, he did not present any—as usual, it is sort of just a broad narrative. So, there were these spectacular successes, these special operations occurring in Snake Valley, the

police were so effective, the value was harvested for years with no murders, et cetera.

Then he jumped to Caledonia, very dramatically, to say there is a crisis in Caledonia. Well, my question to him and the Government is: Why not do the same thing in Caledonia that you did in Snake Valley, and there will be peace and zero murders for years?

Hon. Senators: [*Desk thumping*]

10.45 p.m.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: There was no Special Operations Bill there. So, there is just something missing in the logic. Maybe I am missing it, and whoever is to come from the Government will just help to fill in those blanks, because it is a tough pill for the population to swallow, and therefore, you have to be—the case has to be extraordinary. It has to be very strong, and I am not sure I heard anything resembling such a strong case.

Moving right along, Mr. President. So, I have a lot on ZOSO Bill, which I am not going to go into because I know where that will get me. There was some talk about the radar, Mr. President, and drugs. So, I just want to do a brief rebuttal on that.

Mr. President, I was astounded. I was astounded that there are Members of this current Government who have told the national community that it was the removal of the blimp, it was the cancellation of the OPVs, and it was the neglect of the 360-degree radar that caused a surge of drugs in Trinidad and Tobago. And that same Member of the Government attributed those bad decisions to the United National Congress.

And I want to agree with that position and to tell the Government that, on

one hand, you really cannot blame a former administration for what you call the drug scourge or supporting drugs, when members of your own team are pointing their fingers in a very different direction. So, sometimes we have to listen to them, Mr. President, and recognize that—what they say, “out of the mouth of babes and sucklings”? But sometimes you get the truth from the Members of the Government.

Mr. President, I just have a couple more points to make. One of them is that there is a very simple premise in a democracy. I will build the point like this—

Hon. Senators: *[Interruption]*

Sen. Dr. A. Browne: Mr. President, if I could—there is this drone.

Mr. President: Yeah.

Sen. Dr. A. Browne: Right. The premise is this, Mr. President: there are innocent people, law-abiding people in every community. No matter how you stigmatize an area, or anyone stigmatizes an area, I do not think it is an exaggeration to say that the majority of people in any community in this precious country of ours are law-abiding people.

On the other hand, there are persons of criminal intent in every community in Trinidad and Tobago as well. Some are into pickpocketing, some are into larceny of motor vehicles, some are into human trafficking, some are into cocaine, some do not pay their taxes, some do not pay their maintenance, some steal cars, some steal businesses. That is the reality. But, Mr. President, if someone tries to swindle a contractor, you do not take the entire community to court. You take the person accused before the court. You do not sue the whole community. You sue the perpetrator. The entire neighbourhood does not have to pay a price for the commission of a crime.

So, the basic principle I am referring to, Mr. President, is the principle of

individual criminal responsibility, which explicitly prohibits the collective punishment of others. It specifically prohibits the collective punishment of others. And I want to take it from the angle of domestic law and just briefly from the angle of international law as well.

Domestic laws universally reject the penalizing of individual persons, based on another person's criminal acts. And some of what the Government is selling to us, offering to us today, sounds too close to the penalizing of innocent people depending on where they live—

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne:—or, if you take the Prime Minister at her word, depending on how the politicians think they voted. Mr. President, that cannot be supported. That cannot be supported. And I could refer to Article 33 of the IV Geneva Convention as well, that no person should be punished for an offence that they did not personally commit, which outlaws collective penalties, collective sanctions, collective intimidation.

So, my position on this is as such, Mr. President, that this Bill places sanctions, collective penalties and restrictions on people who we have to presume are innocent. This Bill places unconstitutional sanctions and penalties and restrictions on citizens of Trinidad and Tobago who are presumed to be innocent, and it cannot be supported in this Chamber.

The philosophy of collective punishment has no place in the Parliament of Trinidad and Tobago, Mr. President. The Prime Minister has introduced a new premise that is not contemplated in the laws of Trinidad and Tobago. The premise is that the constitutional rights, the extent of the constitutional rights, can be delineated along political lines. That is something we have never heard. I have been around since 2007. I have never heard even a suggestion or a hint, or anyone

floating that, but now it is official, by official Government pronouncement, that is where we are. We have to be concerned.

There was also some treatment of a socioeconomic argument in an attempt to support this Bill, Mr. President. And I have a response to the Minister who tried to say a few things about a socioeconomic rationale for the Bill. And I want to ask the Government: Have they considered the impact on small and medium businesses within these districts, within these areas, within the cordoned-off closed area? What will be the impact on those businesses? The delivery of goods and services into those areas and the supply of services out of those areas, getting your children to lessons or from lessons in those areas, a special needs child—

Sen. Alexander: Mr. President—

Sen. Dr. A. Browne: a neurodivergent child facing challenges—
facing the citizens.

Sen. Alexander:—Standing Order 53(1)(b).

Sen. Dr. A. Browne:—challenges facing the citizens.

Sen. Alexander: We have been hearing a lot of this already for the day.

Sen. Dr. A. Browne: Mr. President, I have not heard a Standing Order, so

Sen. Alexander: Standing Order 53(1)(b)!

Mr. President: Yeah. He did say, Standing Order 53(1)(b). I Want to uphold that Standing Order. So, I think many people have said what you are saying at the moment, and I know the danger when you come late in the batting order. But I have heard the Standing Order quoted by Sen. Philip Alexander. So, I am asking you to be guided.

Sen. Dr. A. Browne: Thank you, Mr. President. So, I had a long shopping list of examples of potential inconveniences that categories of citizens can face. I will skip over that list to just the last two examples. One is a lack of exemption for

emergency workers, nurses and medical doctors; and two, staff of the Parliament of Trinidad and Tobago, and to consider exemptions for them, who live all over this country and who may well find themselves with a Sitting being called or parliamentary measures to treat with where their movements are restricted or limited.

Mr. President, there was also an attempt to paint a picture that in a number of communities across the country, there is a curfew already in place. I do not think that is really an accurate or fair picture, and it suggests to me, unlike what some Members said, “they are elite and they do not go here and they do not go there.” Mr. President, that is not true. Many of us travel Trinidad and Tobago quite widely and generously. And if you go up—it is now almost 11 o’clock—Covigne Road right now, you go past the Mt. Hope/Mt. Lambert Community Centre right now, you go to several locations in Morvant, in Laventille and the communities that we would like to throw those names around with a stigma, you will see netball being played, basketball being played, football being played until late hours of the night.

So, that is what we will be putting at risk with some of these measures, and it is not fair to paint this picture. It is a very wrong picture that somehow these communities are desolate, there is no life taking place, and, well, we will be saving them because they are already in a curfew. I do not accept that, Mr. President, because it is simply not true. And I am not just floating it, I have seen it for myself, Mr. President.

Mr. President, I do not want to go much further with the Prime Minister and the comments she has made, but just to note that we do not have a system here of executive order. So every executive has to be very careful. It is one thing to give views and comments, but there really should not be anything that could be

interpreted, especially when we are contemplating legislative measures, that there will—however we vote, yes or no—be some sort of executive order that can change even our understanding of the measures that we are considering. And that is really what happened in advance of this debate, and it really rubs some of us back—

Sen. Allahar: Standing Order 53(1)(b), Mr. President.

Sen. Dr. A. Browne: Mr. President, I am beginning to wind up. So, thank you very much. Yeah. Thank you.

Mr. President: Okay.

Sen. Dr. A. Browne: So, Mr. President, I am not going to talk much more about the social component. There was talk about a “bandit class”, a “bandit class”, and the Minister of Defence had the opportunity to give some citizens confidence. What exactly was he referring to when he made those statements about this Bill is about the “bandit class”? Who is this “bandit class”, Mr. President, when everyone who is not convicted of a crime in this country has to be considered innocent?

Sen. Radgman-Roberts: [*Desk thumping*]

Sen. Dr. A. Browne: So, if you say you are targeting the bandit class, and at the same time you are saying that the citizens are presumed innocent, it sounds to me that you are going down a very dangerous road, and we have had some examples of where that road has taken us in the last several months, Mr. President.

So, there was one concern that was not addressed thus far that I really have to treat with, Mr. President, because we have some challenges in our system of justice in this country, and I saw where the police now, under this Bill, would have the power to seize items, clause 15(1). Let me read the clause, Mr. President:

“For the purposes of the conduct of a special operation in a closed area, a police officer may search any place, vehicle or person within the closed area,

without a warrant, upon reasonable suspicion that an offence...”—has been—“...committed.”

But it then goes on to say, Mr. President, at 15(3):

“A police officer, may...seize any...article or document that will assist in preventing or controlling a public disorder or...is likely to be of value in the investigation of any offence.”

Mr. President, if we accept that there is a challenge with trust in the police service, if we accept that there is a potential, even without this Bill, of police officers interfacing in these communities and they themselves breaking the law, or committing an extrajudicial killing, or committing an atrocity, it appears to me that what this clause will facilitate is the police themselves, under this premise that they are able, if they feel that the photograph or the video that was taken, if it gets out there, could lead to public disorder, or riot in the community, or cause some sort of calamity, they are now empowered to remove that cell phone, that camera, those documents, those items, proof of their own conduct within the closed area. They are facilitated within this legislation.

Mr. President, I have a problem with that as well. I have a serious concern with that. These are not academic concerns, Mr. President, because I could call the names of several individuals in this country who have met an untimely demise in very strange circumstances in these same communities. Mr. President, I promise not to take up all of my time.

11.00 p.m.

Let me just touch on the point of training. This is where I disagree with some of the Independent Senators who have contributed. I heard a few of them heralding the inclusion of clause 4(a), (b), (c), and (d) as some sort of a gift or positive in this legislation, and it is repeated later on in clause 7(5), where both

from the police service side and from the military side, you will have police officers who are trained in human rights, use of force, community engagement, and conflict de-escalation, and military officers trained in those four categories.

Mr. President, I had cause to call some of the instructors at the Trinidad and Tobago Police Service, because when I look at this legislation, it presents no particulars whatsoever. It presents no standard. It presents no certification. It presents no level. It presents nothing that we can measure against. And what they told me is that these exact areas are components of training already provided at the Police Training Academy.

So, what the Government has done here—I do not want to repeat the trickery comment—but what they have done here is literally harvest existing automatic training that all these police officers have and introduce it as some special selective application that is somehow going to protect the citizens in these closed areas. Mr. President, I put it to the Government that they have no contemplation, according to the wording of this Bill, of providing any additional training and that the implementation of these measures will necessitate no additional training whatsoever. So then, why include what already automatically exists for a police officer in legislation like this?

I have my suspicions, Mr. President, and I would like to hear the explanation of the Attorney General. If I had seen some particulars or standards to be met, I could say, well, they got the basics, and there would be a requirement for an advanced course in human rights. There is nothing like that. So, it really just appears to be empty words.

Sen. Allahar: 53(1)(b), tedious repetition.

Sen. Dr. A. Browne: Mr. President, I did not hear any other Member with that point whatsoever.

Mr. President: Yeah, I think you have six more minutes to wrap up.

Sen. Dr. A. Browne: I will take two.

Mr. President, it was Sen. Lewis who made the point. So, the Government seems to be starting to look at the clock. We have been here till hours of the morning already trying to get the laws of this country right. So, I do not know where is this rush to go home. The fact of the matter is, my concern about rush, if we are talking about time, Mr. President, my concern—

Sen. Rasheed: Mr. President, 53(1)(b).

Mr. President: Yeah, as I said, he is about to wrap up.

Sen. Dr. A. Browne: Yes, I am winding up. I promise.

Mr. President, if you are concerned about time, my concern with respect to time is how the brief period of time, such consequential legislation, this Government has now fallen into a habit. The things that they complained about before, they are now committing with respect to a legislative agenda, where you get two days, three days, sometimes one day to review, research, and pass very consequential legislation. So that is the problem with time, not that it is 11.00 p.m. and a Member wishes to—and there are still Members to contribute in this debate.

So, Mr. President, I have taken careful note of the contributions, especially of the Senators behind me. I do not see any grifters or scumbags or anything like that. I do not question the motivations of any Senator. But there is a saying some of us used to use: “The Government will have its way; the Opposition must have its say.” I believe we have had our say in this debate, but we will have our way eventually, and that will occur when this unfit regime demits office, and we will tell them when they go to take these unconstitutional Bills along with them on that journey. Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Before I call on the Attorney General, Sen. Foster Cummings.

Hon. Senators: [*Desk thumping*]

Sen. Foster Cummings: Mr. President, I acknowledge the time. We have all been here for an excess of 12 hours now, so I do not intend to keep us here unduly. And many of the points that I did intend to raise in this debate, coming at this time of the night, would have been raised by many of my colleagues. I must say, however, Mr. President, that even before I joined the Parliament, there was no live commentary at the time, as we have now, but you would get it on *TTT* during the news or whenever they ran any special segment.

I enjoyed listening to an Opposition Senator at the time by the name of Surendranath Capildeo. I admired his contributions. I felt that it was a learning experience for me. And later on, when I joined the Senate as a temporary Senator, I encountered many other distinguished citizens—

Sen. Baig: You remember that day?

Sen F. Cummings: 2008—who served both on the Independent Bench and on the Opposition Bench. There was a leader of the Opposition Bench by the name of Sen. Wade Mark, who made significant contributions on almost every piece of legislation, very critical of the Government as an Opposition must be.

I cannot recall from 2008, except in very recent vintage, attacks from the Government Bench to Members of the Opposition or the Independent Bench in the way that I have seen in recent time. I recall Senators on the Independent Bench, like the late Dana Seetahal, and others who made very strong contributions against government policy. I was at the time on the Government side. Very, very critical, given their comments and their points of view, but they were not attacked for doing so. They were not belittled for doing so. As a matter of fact, we came under serious criticism, but they were not belittled for so doing. I thought I would put

that on the record.

I was around when a Speaker of the House, in having difficulties with the then Government, a state of emergency was declared around the House of the Speaker.

Sen. Baig: “The PNM do dat.”

Sen F. Cummings I have been around for some time, and over the last few months in this country, more than a year, less than two years, we have experienced some extraordinary powers being exercised in this country. And when those things happen, citizens are concerned, and they will reach out to their parliamentarians in different ways. They may know somebody on the Government Bench, and they may talk to them.

Now, I know when you are in the Government, you have to follow the whip. So even Government Members who were having concerns about these extraordinary powers may not be in a position to express them, because under the whip they will have to support those extraordinary powers being exercised. I was part of a Government that handled the COVID pandemic very well, but there was a particular issue that I disagreed with. It is public knowledge, so I can speak to it now, which was the closure of the borders, the border to citizens of Trinidad and Tobago. I took issue with that as a Member of the Government.

I did not “ramajay” myself in an undisciplined manner, indisciplined manner. I made my point known to my caucus. But what I referred to as the orange cooperation, orange is the combination of yellow and red, Mr. President. Before long, Members of the Opposition had my private position that I expressed, and they were able to express it in the House of Parliament. Even today, a Member of the House indicated that that kind of cooperation still exists. But I expressed my opposition to the closure of the border to citizens of Trinidad and Tobago—

Hon. Senators: [*Desk thumping*]

Sen. F. Cumings:—which I considered as rendering citizens of this country stateless. You pay a price for those decisions, politically.

So, the Opposition has to look at the policy positions brought by the Government and give our point of view, as we are doing. And the Independents have their job to do. Nobody is attacking the Government. You came into office promising the country that you were going to tackle crime in a serious manner. Your approach to crime management is expressing these extraordinary powers to give you the authority to lock down communities, to enter homes without a warrant, to establish curfews, et cetera, et cetera, et cetera. That is your policy. We have a different point of view and we have to express that point of view to the citizens, that we feel that you might be overreaching in your policy positions. We have to look at the powers, the extra powers that you are giving to the police.

Some of us have experiences that cause us concern. I will give you another example. As I said, I have been around for some time. I was part of the Government, and in that same orange type of behaviour, a document was prepared on my activities on a police letterhead called “intelligence”. And when those documents are usually prepared, Mr. President—I would not say much about it because it is attracting the attention of the Judiciary. When that document was prepared, a document that is usually confidential was leaked to the media. A document on a police letterhead.

I was in this Parliament, Mr. President, not too long ago, when I received a message on my phone that there were police at a premises that I own. I received it on my phone here, and at the same moment I received it, a colleague on the other side was saying to me across the Floor, “There are police at your building”. I said, “They probably want to take a drink”. He said, “No, no they are there for

something else.”

11.15 p.m.

A maxi-taxi of 18 heavily armed policemen, operating on intelligence, went before a master of the court, got a warrant for conspiracy to commit murder, because a high official in the Government, not entitled to a particular type of security, wanting that security, put forward a position that caused the police to take that action. Well, I can explain further. A Minister of Government claimed that there was a conspiracy to murder him, which caused the police to take that information and show up at one of my properties in furtherance of that investigation.

When we were under the last state of emergency, that very Minister was up and down this country. There was a report in the papers saying a former Minister wants to take me out, and I want to know why that Minister is still walking up and down freely. It is in the papers. “I want to know why he is still walking up and down.” That is the level of power that exists that we are saying should be expanded. I am in this House with the ability to say this thing, give this report to the House and to the country. What of the citizen who is unable to do so? What of the citizen who does not have access to speak on matters, if they are so affected by the actions of the State?

Mr. President, I looked at the policing districts, as expressed in this legislation. And it dawned on me, by looking at it, that the districts are fashioned as a collection or amalgamation of local government municipalities, and I wondered what was the justification for that, because you could have done it differently. One government official said that if the Opposition did not want this legislation, that they could do it in another way. Many speakers have mentioned it, so I would not spend much time on it. But what is the justification for formulating

these districts according to an amalgamation of local government districts? Somebody sent me a concern with regard to this legislation, which I will share with the Senate. In the first district, City of Port of Spain, the Borough of Diego Martin, and the San Juan/Laventille Regional Corporation—

Sen. Dr. Swaratsingh: Mr. President, I have to stand on 53(1)(b). I mean, we have gone through the districts time and time again.

Mr. President: Yeah, I want to uphold that Standing Order. Sen. Foster Cummings, unless you have something new to say. And further, if you get something from anyone, and you are putting it on the record, just remember you take ownership. And it cannot be anonymous, because, you see, people could write to you, implicate people in this Parliament, or make statements, and we have no signature, and we have nobody who is seeking ownership. So, you end up taking responsibility for anything that is uttered by you, even though you have something coming from someone else. When you come to this Parliament, you take ownership of whatever you say coming from external sources. Please be guided.

Sen. F. Cummings: I am so guided, Mr. President. And the point that I am about to make, while I am using the districts to lay my point, I have not yet developed the point. So, the Senator could hold his fire. Mr. President, what are we facing in the not-too-distant future in this country? Within the two-year time frame of this Bill, we are facing a local government election. It is probably due next year.

When you consider some of the clauses in this Bill, let us take into account that if some of these measures in this Bill are mishandled or misused, it can have a direct impact on interfering with the electoral process in Trinidad and Tobago. Now, I am not saying, I am not saying that that is the intention of the legislation. I am not making any accusation that that is what the Government sets out to do. But

I am saying to the Senate that if this legislation is misused, it can interfere with our electoral process. If, in certain districts, for instance, there is—

Hon. Senator: [*Inaudible*]

Sen. F. Cummings: Mr. President, I listened to everybody who spoke earlier, I said absolutely nothing. If this is misused, it can interfere with the electoral process, and how can that happen? If, in these districts that are designed against the local government municipalities, some of the provisions of this legislation are in place at the time of campaigning for an election. It has been said here by various persons from the Government that it is not the whole district. The closed area can be sections within the district, or areas within the district. Within these municipalities, there are different electoral boundaries. Therefore, if some of this is in—

Mr. President: Sen. Cummings, I do not want you to invent something and then go off in an argument in the defence of what you are inventing. That is not part of the legislation. It is not part of the debate.

Hon. Senators: [*Desk thumping*]

Mr. President: So, I am just saying that you have made your point, but you are now going to develop an argument that has nothing to do with the Bill. So, you are being irrelevant. I am just asking you: You have made your point, just move on to another point now, please.

Sen. F. Cummings: Thank you, Mr. President. I have made the point, and I will leave that there. I think that in time to come, we will see whether, in fact, that concern holds any validity. Mr. President, one of the other extraordinary experiences we have had in recent times involved something called no protest zones. We, in coming to this Parliament in the last Parliament, were very often greeted outside of the Parliament by citizens who, some of them, expressed

themselves more than others. There has been some extraordinary activity in that area as well.

I said in January, when we debated the ZOSO, something similar to what I was saying here today, we have come here to make good law for the order of Trinidad and Tobago, and sometimes—the Minister of Defence, I think, said it earlier on—that there are some persons on this side, “Yuh doh live in these communities”. “You do not understand some of the challenges in these communities. You live with security”, et cetera, et cetera. And that “this legislation is intended to prevent the death of the young black citizens, to prevent them from being a chalk line drawn around them”, et cetera, et cetera. That is not the only effect of the legislation. It is not only targeting persons who are involved in criminal activity.

We all have a concern about crime. We all know that we want crime to be reduced. And we are all here to support the Government in that effort. But this legislation is going to significantly affect the lives of law-abiding citizens in these areas. Many persons have spoken about it today.

Sen. Dr. Swaratsingh: [*Inaudible*]

Sen. F. Cummings: “Hold yuh horses.” Many persons have made the point today, the legislation is not only going to affect persons involved in criminal activity, and therefore, we have to consider it. We have to consider how we are going to treat with the root causes. If the intelligence is so good, Mr. President, how are we not being more specific in who this legislation is going to target?

If the police have all this intelligence to know within these communities—the Minister spent a lot of time telling us, and giving us examples of different areas that had issues with crime, where the police, through its normal operation, without this legislation, went in and took action that bore results. He gave us at least five

examples where there was an uptick in murders and the police, the very same police, without this, or without ZOSO, came up with a strategy, went into the area with the army, closed off the area—he gave us one example of an army man that was shot in Diego Martin. The army went in. They locked down the area, and the citizens gave up the man, or the men, or the perpetrators.

How then, have we decided that we cannot utilize that very successful model to get at the criminals in these communities that the police know about, utilizing that successful model that the Minister gave us various examples of, to address some of the concerns that the Government claims that this legislation is going to address. And sometimes until these things reach our doorsteps, we will not understand the powers that we are placing in the hands of politicians and police officers. And I am certain, I stand here today to say, that there are many; the vast majority of police officers are doing an excellent job. But we cannot bury our heads in the sand and say that there are not officers within the service who are likely to abuse legislation like this.

In the day of social media, we have seen many examples. And in this Senate there are a lot of lawyers, some of them defence attorneys. We have seen many examples. As a matter of fact, Mr. President, as defence in many situations of some of their clients, they may have raised over the years excessive behaviour on the part of police in taking action against citizens in an illegal manner. So, when we see these additional powers being given, we have to take pause on behalf of the law-abiding citizens of this country.

We might consider that it is just to say yes, or no, and we were looking at whether the Government will be happy with us if we vote with them, or we vote against them, but this particular piece of legislation requires us to take pause and to look deeply at the powers that we are about to legislate.

Hon. Senators: [*Desk-thumping*]

Sen. F. Cummings: So I say, Mr. President, that this legislation does not have our support, and that we have not found that the Government has taken sufficient action to look at the root causes of crime in these so-called at-risk areas; that the Government, by its own actions, have, while it has attempted to take on these extraordinary powers, dismantled many of the social programmes that were aimed at giving opportunities to some of these very young black men that Sen. Nakhid loves to speak about within these communities, to give them an avenue out of those communities, to not be recruited by persons who have criminal intentions, and to train them and make them more marketable and available for employment or for self-employment.

We will be the first—it does not require legislation—to support the Government plans to not only tell us that we are going after the criminals in these hotspot areas but to say, “What else are we doing for the category of neat individuals, young persons not employed, not involved in any formal education programme—

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings:—not involved in any training, idle and within these communities, susceptible and vulnerable to be recruited by the very criminal element?”

And I cannot be one of the persons that they speak of who is unfamiliar with areas like these, because I have represented one of these areas before. And in many of these communities, Mr. President, there is overcrowding in homes. I made a lot of representation to get a library constructed in La Horquetta for the reason that the students—the young men and women in that community—because of overcrowding in the home were unable to properly study for the examinations. We

are going to say in a community like that, with original family, extended family, 15 persons in a two-bedroom house or a three-bedroom house, that we are going to have curfews and lock all of them up in a house for a long period of time, without any indication in the legislation of a limit of two months or one month—

Sen. Allahar: Tedious repetition, 53(1)(b)

Sen. F. Cummings: I am speaking about a specific area of La Horquetta. I did not hear anybody else speak about that. And I spent time in that community understanding that more has to be done other than crime-fighting. A serious intervention is required to make sure that there are opportunities presented for these vulnerable people—

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings:—the root cause, or else we will have rolling states of emergency over and over.

Sen. Allahar: Standing Order 53(1)(b), Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: All right. I want to uphold that 51(1)(b). So, Sen. Foster Cummings, try to come with something new and let us see if you can at least—I know you have a couple of minutes still to go. At least the point has been made on the library, so we can go to another point, please.

Sen. F. Cummings: Mr. President, the young people of this country depend on its leaders. They depend on the Government to not only be concerned about finding those who have criminal intentions, but to also present leadership and opportunities for them. I speak on their behalf today.

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings: I say to the Government that it is more than politics. It is not about just shutting down programmes because they might be considered a “Foster

programme” or a PNM programme, et cetera. The young people, as you take away these opportunities, you remove hope, you remove an opportunity for them to develop a future for them and those they care about.

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

Mr. President: Sen. Foster Cummings, apart from 46(1), you are breaching 53(1)(b). Let me not repeat myself.

Sen. F. Cummings: Mr. President, I am wrapping up.

Mr. President: Yeah

Sen. F. Cummings: I know it is late, and I know the Government does not like to hear about youth programmes. I am wrapping up. I know that they do not like to hear about these things.

So, all I am saying in closing, Mr. President, it is more than crime fighting. This is your second year in the Government. You promised that when you win, everybody wins. The young people are depending on you as the Government. You are the Government for all of Trinidad and Tobago, including all of these districts that you have put here, whether they are red or yellow. You are here to govern for every citizen of this country. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Zola Phillips, I think you would like to make a contribution.

Hon. Senators: [*Desk thumping*]

Sen. Zola Phillips: Thank you. Mr. President, I thank you for the opportunity to contribute to this debate on the Special Operations Bill, 2026. After almost 12 hours of debate and some 17—

Hon. Senators: Thirteen.

Sen. Z. Phillips: Thirteen now? I lost track of the time—over 17 other contributions before mine, I am very conscious that much has already been said. I

have actually gone back and forth several times this evening as to whether I should contribute still, especially since so many points have been so eloquently made by contributors before me. So I do not intend to repeat every argument concerning searches, detention, curfews, cordons, constitutional rights or executive power. Many of those matters have been extensively ventilated.

At this stage, however, I want to do what I believe I can most usefully do, bring my Tobago lens to this argument. My friends and family often joke that I live on the “and”. I am back and forth so many times every week that they say, “You know, you are not in Trinidad, you are not in Tobago, you live on the and.” I also want to bring an academic lens to this Bill, as a criminologist, psychologist and educator, and ask, what happens not only during an extraordinary crime control intervention, but after it. And I ask for the indulgence of my colleagues as I may mention some things you have heard before, but again, a unique lens, tying it to criminological theory, showing us where we have traversed before, and how we can take, use and benefit from this knowledge.

So, my central question tonight is a relatively simple one: Are our people safer? The reduction in murders matters enormously. Every person who is alive today, who might otherwise have become another homicide statistic, matters. Every mother who does not have to bury a child matters. Every family spared that trauma matters. So yes, if murders are declining, Mr. President, that is one important measure of safety. But can it be your only measure of safety? Are people safer walking through their communities? Are children safer; women? Do witnesses feel safe enough to speak up? Do residents feel safe enough to give intelligence to the police? Does the young person growing up in a high-crime community feel that there are viable alternatives available to him? Does the law-abiding resident feel safe from the criminal and secure in his interaction with the

state? Those are also dimensions of safety. And that leads me to my most significant concern with this Bill.

Mr. President, the earlier zones of special operations legislation, as several have said before me, contained an explicit social transformation component. It contemplated examining housing, health, education, infrastructure, social improvement and economic development within affected areas or communities. That element mattered. Its absence from this Bill concerns me because criminology has never taught us that crime is simply a policing problem. Crime emerges from the interaction of individuals, opportunities, families, peer groups, communities, institutions, social conditions and criminal networks.

So, yes, suppress the immediate violence, remove illegal firearms, disrupt the gangs, increase guardianship and restore order, but what happens when this operation ends? When the cordon comes down, when the additional officers leave and ordinary policing resumes, what remains? I understand Government's phased argument. There is an immediate crisis, and the immediate crisis requires an immediate response. I accept that. When people are being killed, the Government cannot tell the population to wait 10 or 15 years for developmental interventions to mature. But phase one and two cannot exist in separate worlds, because if we suppress criminal activity without simultaneously addressing the conditions that allow criminal networks to recruit, regenerate and reorganize—

Sen. Allahar: 53(1)(b), Mr. President.

Mr. President: I will give Sen. Phillips an opportunity to develop, and I will be guiding you accordingly. Continue.

Sen. Z. Phillips: Thank you, Mr. President. I promise you that I am moving quickly towards the point I want to make here. If we suppress criminal activity without simultaneously addressing the conditions that allow criminal networks to

recruit, regenerate and reorganize, we may become very effective at repeatedly returning to the same communities to suppress the same problem. So police can create the breathing room, but our social institutions must use that breathing room. That means education, psychological and social services, parenting support, youth development—

Sen. Allahar: 53(1)(b), Mr. President.

Mr. President: Sen. Zola Philips, I understand the point that you are making, but if you can connect and at least move on to another point, please.

Sen. Z. Phillips: What does criminology tell us? There is another reason why this social component matters. Classical criminology, associated with thinkers such as Cesare Beccaria, starts from the proposition that people can make choices and that the perceived certainty and consequences of punishment can influence behaviour. That logic is relevant to this Bill. Increased police presence increases the likelihood of detection, interrupts criminal opportunity, makes it harder to transport firearms and operate with impunity, and we hope behaviour changes. But I want to ask: Whose rationality are we assuming? The law-abiding citizen sees the roadblock and thinks, “I do not like this inconvenience, but I have my job, my family, my reputation and my future to protect. I will comply.” The determined offender may make an entirely different calculation. He may change his route, his time, his target, his method or location, and this is where displacement becomes important.

So, our evaluation cannot stop at the boundary of special operations. We must ask, “Did crime actually decline? Did it move?”—and all the other important questions that we have heard this evening—“Did one person get removed only for another to fill his position?” These are criminological questions. And understanding criminal behaviour does not excuse criminal behaviour.

Understanding is not excusing. We study why people offend precisely because understanding behaviour gives us a better chance of changing it.

11.45 p.m.

The Carrier's lesson applies not only to the offender. The State must behave rationally too. The State must anticipate consequences, act proportionately, evaluate outcomes and have the maturity to adjust when evidence tells us that something is not working as intended. And this is where I want to make a respectful appeal to the Government. I have heard throughout the wider discussion surrounding this legislation, versions of "Give this Bill a chance," and I understand the sentiment. I believe many citizens are actually prepared to do just that. People are tired. One person actually—

Hon. Senators: [*Desk thumping*]

Sen. Z. Phillips: Thank you. One person actually WhatsApped me, "Zola, I am fed up of this crime situation. This Bill better than nothing, yes." Another said, "I cannot see how this Bill would affect me. Bring it on." And another said, "I support any measures to minimize disorder that causes crime." I am not presenting these three WhatsApp messages as scientific evidence. They are definitely not. But I think they tell us something. There is fatigue in our society. There is frustration. But there is also hope. People want something strong, intentional and different. And that is precisely why I believe Government does not need to double down when citizens raise concerns. Reassure them. Do not simply say, "Give us a chance." Say, "Here are the safeguards, here is what we are trying to achieve, here is how this extraordinary phase is intended to last, here is what we will measure, what happens if something goes wrong, here is what you can do if you believe you have been treated unfairly, and here is what comes next."

There is a difference between asking citizens to trust the State and giving the

citizens reasons to trust the State. Because, Mr. President, law-abiding citizens may also make a sacrifice under this legislation. They encounter roadblocks, like I said, restrictions, searches, changed routines, business disruptions and inconvenience despite having committed absolutely no offence. We should acknowledge that. A citizen can desperately want the Government to tackle crime and simultaneously ask, “How will this affect me? While it protects me from the criminal, who protects me from an unintended misuse of these extraordinary powers?” Answer that question. Reassure the citizens because respectful treatment is not weakness. Procedural justice is not softness. Legitimacy improves cooperation. Cooperation improves intelligence and intelligent policing. Effective policing improves security. These things reinforce each other.

I have also heard the argument that the criminal does not set the standard for the country, and I completely agree. The criminal does not set the standard. We do. The criminal might be ferocious, callous, have no regard for another person’s rights; they may not think five years ahead about the consequences of their actions, but the State must. Parliament must. Government must. We do not demonstrate that we are stronger than criminals by becoming more like them. We demonstrate it by being lawful, deliberate, proportionate, and accountable while being relentless about public safety. We have developed a very punitive rhetoric collar on crime. I have actually seen several posts on social media. I heard my students say it—I hope they are all paying attention at this hour because it was an assignment, “you guys.” Anyway, I have heard students say or celebrate, rejoice when criminals or bandits are killed. I understand the anger behind it. People have buried children, parents, brothers and sisters. But leadership must do more than reflect public anger. Leadership must transform it.

Our language should encourage patriotism rather than division, cooperation

rather than suspicion, confidence rather than fear. Let us tell our citizens, “Walk with us, work with the police, give this intervention an opportunity”. But also, continue asking your questions, continue demanding accountability. Your rights continue to matter. Safety must mean more. And this returns me to the question upon which I started, Mr. President. Are our people safer? Back to the theory, Maslow reminds us that a basic level that human wellbeing is multidimensional. We want citizens safe from gunmen, extortion and violence, but also safe enough to speak, to report what they know, for children to play outside, safe enough for a young person to imagine a future beyond the boundaries of his community.

Sen. Allahar: 53(1)(b), Mr. President.

Mr. President: Are you going to be very long? You are taking up the whole 40 minutes, Sen. Zola Phillips?

Sen. Z. Phillips: Sorry?

Mr. President: Would you be speaking for your entire 40 minutes?

Sen. Z. Phillips: No, not at all.

Mr. President: Alright. Continue, please.

Sen. Z. Phillips: Thank you. A community may have fewer murders and still have traumatized children, frightened witnesses, alienated young people and families who distrust the State. That is my point here. So, murder reduction is extraordinarily important, but sustainable public safety is the larger objective. And so, this is why I returned to this missing social element. Give the police the tools they need to disrupt immediate violence, but alongside law enforcement, let us have an explicit social strategy. Not someday, but alongside it.

I want to turn briefly to Tobago. Tobago is not immune from crime, Mr. President. We have experienced serious crimes, and Tobagonians deserve to feel safe in their homes, communities and places of business. But Tobago also has a

particular economic reality that must form part of our consideration of any extraordinary security designation. Tourism, yes, it has been mentioned before for two minutes. Tourism is a significant income generator for the island, and tourism depends heavily on confidence and perception. Visitors make decisions not only on the basis of crime statistics, but on what they hear, what they read and—

Sen. Allahar: 53(1)(b), Mr. President.

Mr. President: I understand the point again that is being made, Sen. Phillips.

Sen. Z. Phillips: Thank you.

Mr. President: Again, if you can at least get to your other points as quickly as you can, please.

Sen. Z. Phillips: Thank you. I am wrapping up shortly. My point on Tobago is that we need to be mindful that perceptions once established are not always easily reversed. As a Tobagonian, it would be remiss of me if I did not voice this concern as we debate the Special Operations Bill and contemplate a new security framework in which Tobago will constitute one of seven policing districts. I believe we must ask a broader and very important question: What has become of the proposed THA Police Service and Department of Public Safety? The THA has already advanced a proposal for a Tobago-based public safety framework, yet today we are being asked to approve legislation—

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

Mr. President: Yes, Sen. Phillips, what is the connection between what you are saying and the Bill? If you can connect it, I will appreciate it.

Sen. Z. Phillips: Yeah, thank you. So, the question must be asked: Before this framework was developed, was there meaningful consultation with the Tobago House of Assembly on how this Special Operations Bill will interact with the proposals already put forward? This becomes even more relevant when you

consider, as a secondary matter, the establishment of additional national police post across Tobago. We therefore need clarity. Are these initiatives intended to complement the proposed THA Police Service and Department of Public Safety? Or has the national Government determined that a different model should now apply to Tobago? Has there been an assessment of possible to duplication, gaps in responsibility on how these various structures would work together? The question is whether these initiatives are being developed as part of one coordinated public safety architecture for Tobago or independently of each other.

As I conclude, we require those in positions like ours to be thoughtful about crime. Decisive without being dismissive. We can empower law enforcement while insisting upon accountability. We can pursue security while protecting dignity, because the criminal does not set the standard for this country, we do. Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: The Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General (Sen. The Hon. John Jeremie SC): Thank you, Mr. President. Mr. President, we have been here for, I think, 14 hours so far, and I just want to thank and recognize the Chief Parliamentary Counsel who has been here with us for all of that time.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Now, that leads me right into an inconvenient truth. You see, when we debated the Zones of Special Operations Bill, sometime earlier this year, I reminded colleagues—and I am not sure if colleagues remember—that the legislation was not mine. It was theirs. Do you all remember that?

Hon. Senators: Yes.

Sen. The Hon. J. Jeremie SC: Okay. Now, what we have before us tonight, and Sen. Al-Rawi SC, who is usually quick to claim credit for all sorts of measures—and this is a good Bill. It is a good Bill. And I think if you catch him in the corridor, he will tell you quietly, “It was a good Bill—”

Hon. Senator: But?

Sen. The Hon. J. Jeremie SC: And those with—I think so. Do not ask me why I think so. But I think if you catch him in the corridor, he might tell you, “This was a good Bill”, but he did not have the muscle to actually bring this Bill to this House. I think so. And I say all of that to say that a lot of what we have heard tonight is hypocrisy.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: And it is hypocrisy because if you look at the Jamaican Act. The Jamaican Act was passed almost a decade ago—2017. And how is it described? It is described as the Law Reform (Zones of Special Operations) Act of 2017. You see, there is a Law Reform Commission in Jamaica as well. There is a Law Reform Commission in Trinidad. Where is it? In the AG’s Office. They speak to each other.

In Jamaica, they have had a 10-year head start on us. So much so that they have amended their 2017 Bill recently, relatively speaking, recently. They amended their 2017 Bill in 2023, and what did they do in 2023? Did they water down the Bill? No. They strengthened the Bill. They extended the powers given to the police, and they extended the periods of time for which districts could be locked down. Now, that is not rocket science. It is not new knowledge. This is not legislation that “fell like manna from hell”. It is legislation that was sitting in the AG’s Office for years.

Hon. Senators: [*Desk thumping*]

12.00 a.m.

He had it, and my good friend Sen. Browne, who is half asleep at 12 o'clock, in spite of the fact that he says that he can go until six o'clock in the morning, I can, he cannot. He is half asleep. He is resting his eyes. My good friend Sen. Browne was a part, belatedly. There is a story there, which I would not tell, ever. He was a part of that, I would like to say Government, but at this hour, we can be truthful. That regime, that is the better word. Now, having said that, that is just in terms of my general comments, hypocrisy.

Now, if you look at the contents of the Bill. Now, one thing that Sen. Al-Rawi did not say tonight, well this morning, it is one minute after 12. Yesterday, one thing he did not see yesterday evening was that the Bill was unconstitutional by virtue of its potential infringement with respect to section 4 of the Constitution, the established rights. I took careful note of what he said. He said we agree. These are his words. I do not often quote Sen. Al-Rawi. I think this is the first time I am quoting Sen. Al-Rawi. He says, we agree that not all impingement of section 4 and 5 rights requires the section 13 procedure, following the cases, his favourite cases, of Suraj and Suratt. On that, he is right. And that too is a novel thing for me. When last have you all heard me say, Sen. Al-Rawi is right?

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: So now with that, I want to answer his new colleague, Sen. Rose, who might have different ideas. She is new. I am not a bully. I am not going to deal with Sen. Rose tonight. If you fellas want to, you all go ahead. I am not on Sen. Rose tonight. But, she is wrong on that. And Sen. Murray, I applaud you for the hard work that you did over the summer, with

respect to Suraj and Suratt. And I myself, you know, I think I would be very nervous about—you are braver than me. I would be very nervous about picking up a book on medicine and trying to do anything at any time. So you are braver than I am. But, and I do not know what Sen. Allahar had to say to you about Suraj and Suratt and Akili Charles and those cases. But, the law is always in a process of development. I found myself in the equal opportunities case. So, when you spoke about the Attorney General who refused to implement the law, that was me acting on instructions. As Sen. Al-Rawi would know, sometimes we act on instructions. That is the job of the Attorney General. I was taken up to the Privy Council and I lost. You win as often as you lose. I lost that case.

But it established an important point and the point that it established was that the rights in section 4 are not absolute. That is the broad principle. The facts may have been on the Equal Opportunity Commission, but the principle is of wider application. It deals with constitutional interpretation. And that dicta of Lady Hale makes sense, because what she was saying is this, listen, practically everything you do affects rights, so that it may adversely affect some person's rights, but it may, on the other hand, promote the rights of others. So that, it is a balancing exercise at all times. That is what Lady Hale said. And if she said it, and remember Baroness Hale was the President of the Court. I do not know if colleagues remember, but she was the one who told Boris Johnson, come back to Parliament, you have prorogued Parliament unlawfully. Get back to Westminster and do the business. And that is behind the Queen saying, I prorogue Parliament. So, she was not one to trifle with.

Now, building on that jurisprudence, the courts have recently said, well, not only that she is correct, but that we have to look at the question of rights in a broader sense. And that, really, the section 13 certificate that you would put on to

say that the law is potentially in breach of section 8 or whatever, section 4 of the Constitution. But nonetheless, it is constitutional.

What the cases now say is that all that that does is to say that Parliament has considered this, and you give these pieces of legislation a greater margin of appreciation. So that the Privy Council is going to say, well, let us see, let us keep our hands off, Parliament intends to do something serious here. You give it a greater degree of appreciation, a margin.

Now, if you do not do that, you have to satisfy a proportionality test in any case, both with section 13 and with ordinary legislation. But with ordinary legislation, the onus is on us to show that the legislation is constitutional. And what we have to do is to say, well, those things that you discovered in your summer of homework, right, that the legislation must be proportional, that it must seek a worthy end, and so on and so forth.

So that we say that with these closed areas, what we do is to seek peace. I said it in the other place. I said it when I opened the debate at 10 o'clock this morning. We seek peace in communities. That is our goal. That was our manifesto promise. Our promise, which we made to the people of Trinidad and Tobago, was to reduce the rates of crime, criminal activity in this country, and to deal frontally with gang-related activity.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Now, I want the Senate to recall that it was not us who went to the state of emergency as a first option. And Sen. Foster Cummings, I think, I mean, when I speak of hypocrisy, I mean, if you declare a state of emergency on the 30th of December, 2024, with an election, in an election year, with an election due at any time in the whole country, I mean, and then you have the temerity to come in here tonight, quietly, and to say, well, I do not know that

this is what this is all about, but, you know, there are municipalities, and we may have a municipal election, a local government election, at some point in time, in two years' time, not in a few months' time. I mean, do you not all think that that is kind of—**Hon. Senators:** [*Desk thumping*]

Hon. Senator: Hypocrite.

Sen. The Hon. J. Jeremie SC: You say hypocrite, I say, well, I just do not understand it.

Well, let us get to the curfew thing. Thanks for that. Now, the state of emergency that he declared, I apologize, he did not declare nothing. His leader, he could smile now, because they are not under a whip any longer, and a whip there was, for them, not me. The fact is that his leader, and I said, every time I say this, I get complaints. In the other place, somebody said, I have heard this once, I have heard it twice, I have heard it three times, I have heard it five times, I have heard it six times. I will say it again tonight. His leader declared a state of emergency while he was in a party, drinking in Tobago, okay, on the 30th of December. Now, you all know what happens around Christmas time. I am not be going there, okay. This was the 30th of December. That is his leader.

Now, it is the 30th of December. So, he is in Tobago, Prime Minister cannot declare a state of emergency. The Attorney General at the time, not available. The Minister of National Security, not available. It is the 30th of December. So, they had to get an acting Attorney General, who was, I do not know what he was doing in the other place, but he was beside himself a couple days ago. I think he was put out of the House for a few minutes to catch himself. But the point is that that gentleman was the one who told the country on the 30th of December that we were all in a state of emergency. Everybody else was feting or not available.

So, they started this state of emergency thing first. And you know why he has the

temerity again to talk about curfews? Because the emergency regulations provided for curfews. The fact is that there were no curfews, okay. But it empowers, and all of them do empower the Executive, the President to go ahead and declare a curfew.

12.15 a.m.

Now, how is that different from the legislation that is before you? There is not going to be a curfew as of right. If the Commissioner of Police decides that—I mean, yes, I am up, but I cannot remember the names of all of the streets that I have heard here tonight. If the Commissioner of Police—

Hon. Senator: Snake Valley.

Sen. The Hon. J. Jeremie SC: No, I do not want to use Snake Valley.

Hon. Senator: [*Inaudible*] Tunapuna.

Sen. The Hon. J. Jeremie SC: Okay. No, I do not want to use any of those places. I prefer to use Penal. If the Commissioner of Police declares that there is a state of emergency in Penal—do you think that it follows automatically that there is a cordon in there, that there is a curfew in there? No! The Act in section—the Bill—it is a Bill until we do otherwise. The Bill provides in clause 11, it is quite clear, all of these things are discretionary. The Commissioner of Police “may”, “may”, “may”, “may” and then where it is mandatory, we tend to use in the English language the word “shall” and those things are largely confined to reporting. He does not have to declare a curfew. Does not have to declare cordon. But you know what? What the Bill does, it institutionalizes the kinds of ad hoc powers that Sen. Browne was at pains to pull my colleague, the Minister of Defence, over the coals, over.

He said, well, if you could do it in “Snake”, wherever, or here, and it could have such success, then you are arguing against the Bill. No! We did it, or you did it—sometimes we did it in areas without the cover of legislation. Okay? So, that it

was done in limited circumstances for limited periods of time, but we are serious about—**Hon. Senators:** [*Desk thumping*]

Sen. The Hon. J. Jeremie SC:—battling crime— [*Inaudible*] and we are institutionalizing this thing. We are passing this law so that we will give our forces—I see the gentleman who was at the funeral of a noted gangster darting out of the Chamber. Maybe I am tired, but still, you know, the hypocrisy of some people. You come to this House and talk about gangs, and you have photographs of you standing next to persons who are assassinated in two days after that. I mean, some of us, I think, should just keep quiet, especially at eleven o'clock in the night.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: That is when I get a little annoyed. Okay? So, if you want to go to the funeral of gangsters and weep, then keep quiet when we are talking about gangs and dealing with gangs, okay—

Hon. Senator: Recuse yourself.

Sen. The Hon. J. Jeremie SC:—or recuse yourself.

Now, Mr. President, the Bill before us we say is a proportionate response to a problem that we have in Trinidad and Tobago, and our friends and colleagues opposite did not have the courage to treat with head on. They had the knowledge because the Law Reform Commission was doing its work. They had the work product. They had the relationships which we have. Now, dealing with gangs is not—I know that Sen. Browne was a Member of the National Security Council. There are things that you cannot say, but dealing with gangs it is not a one size fits all thing. The Senator knows better because he is talking about a silver bullet, as if this is the Lone Ranger, and you know, there is one bullet that is going to solve—if

that was so, then, really—we would all be living with unicorns. Right. That is not how life is.

Now, what Sen. Chote said in her contribution, and I do not want to personalize, I am trying to deal with issues in the main. What Sen. Chote said, she recognized that—and this was fair of her, I thought, the Senator. She recognized that there had been a dramatic decrease in homicides. Now, what I look at, and I am a member of the National Security Council as well, I tell my colleagues all the time is that you do not only look at homicides, you look at shootings, because every single shooting is a potential homicide, and the rates are consistent. The rates of homicides and shootings have fallen off a cliff. They have dropped. The Government has succeeded.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Now, our success is not total, it is not complete, and it is not the consequence as Sen. Chote pointed out, but she adverted to this—that it is not a direct consequence of the SOEs.

You see, they declared an SOE in late 2024. We then declared two. We move now to legislation. Our states of emergency, unlike theirs, theirs were declared to deal—I mean, you might think this even more hypocritical, but I am just telling you what I saw when I looked at the National Security Council papers. Their SOEs were declared to deal with, if I recall, a spate of gang-related homicides and expected reprisal killings. That is the reason they gave. Now, that is crime-fighting. Again, I have to use the word hypocrisy. They have the temerity to come here and lecture us about crime-fighting SOEs, because you know what, our SOEs were declared when on intelligence, we were told that there were threats to the safety of the State, not once but twice and I am sorry, Sen. Cummings, yes, by the intelligence arms of the State. One of those threats, the

first one, was specific enough to warrant immediate action. It had to be done right away.

Now, I am not saying that they were not spin-offs, and that we did not benefit in terms of the homicide rate and the gang-related homicide, but just one thing that I would like to mention. After saying: Listen, we have a problem with gangs—as I say, that is criminal behaviour—after saying that you are declaring an SOE to deal with gang-related reprisal killings or whatever—you know what they did? They left the chief architect with his phones, with all of his devices and that may be saying a bit much, but his means of communicating with the outside world. What did he do?

Hon. Senator: Communicated.

Sen. The Hon. J. Jeremie SC: He communicated with the outside world, and yes, you could get upset. I am just going to not go there. But a citizen of Trinidad and Tobago is dead because of their negligence. That is a fact of life. What did we do? On the morning that we declared the State of Emergency, that individual was extracted from wherever he was and put somewhere, where he could not communicate. That is all.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: When we put him there, we put him there with others who we felt were of like mind. We have had problems. These are enterprising people, but not the type of problems that they have had. So, I digress. Coming back to the Bill before us, but all of that I think was caused by provocation. I was hearing a lot of talk about SOE, SOE, SOE for the entire afternoon. The Bill before us is a Special Operations Bill. I think I have dealt with the aid of Sen. Al-Rawi with the constitutional points, and I commend the Bill to this House, and I ask that the Members opposite, all of them, and the Independent

Senators, give consideration to supporting the Government in its continued and its continuing battle against the gangs. With those words, Mr. President, I beg to move.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

12.30 a.m.

Senate in committee.

Mr. Chairman: Hon. Senators, the Bill before us contains 26 clauses and one Schedule. We have before two sets of amendments, one by Sen. Anthony Vieira SC—do Members have copies of his amendments? All Members have copies? If not, check your electronic device, it is there. The second set of amendments is in the name of Sen. Dr. Desirée Murray. Do you have this amendment? There is one amendment from Sen. Dr. Desirée Murray. Okay.

Now, we will have to take these clauses one by one because of the amount of amendments that we have from Sen. Vieira, and, of course, as I said, we have one from Sen. Dr. Desirée Murray. So, let us go.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

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

Mr. Chairman: Sen. Anthony Vieira SC.

Sen. Vieira SC: Thank you, Chair. Very briefly, I thought it was important for “special operation” to be defined because it is the central concept upon which the Act relies upon, and it should not be left undefined.

Mr. Chairman: Attorney General.

Sen. Jeremie SC: We do not agree. We think that the long title says that the Act is:

“An Act to provide for the establishment of policing districts, the conduct of special operations to combat criminality in those districts and related matters”

—and we think that that is broad enough.

Sen. Al-Rawi SC: Mr. Chairman—

Mr. Chairman: Yes.

Sen. Al-Rawi SC:—if I may ask—

Mr. Chairman: Yeah.

Sen. Al-Rawi SC: Thank you, Sir.

Mr. Chairman: No, before you speak, I think the Attorney General is on his legs.

Sen. Al-Rawi SC: All right.

Sen. Jeremie SC: We think that clause 10(2) elaborates on what is actually meant by “special operations”.

Mr. Chairman: Yes, Sen. Faris Al-Rawi SC.

Sen. Al-Rawi SC: Thank you, Mr. Chairman. Thank you, Sir. Actually, I was coming to clause 10, Attorney General, in light of the proposed amendment. I am looking for—if you could assist me in understanding—the specificity, the clarity of “special operations” within the meaning of clause 10, insofar as it must be precise, if I look at the protection of law principle and the need for clarity. So, AG, could you assist me with clause 10(1) in light of the proposed amendment of clause 3?

Sen. Jeremie SC: In light of clause, what?

Sen. Al-Rawi SC: Yeah. So clause 10(1) says you:

“...may conduct special operations in that district...”

—but there is no specificity in the law as to what a “special operation” is. So, I was just looking at it in the context of *McEwan* and others cases, which require specificity in terms of what is prescribed.

Sen. Jeremie SC: Well, it would be operations that carry with them the power of the police to exercise extraordinary powers in respect of the matters set out in the legislation. It is an English term, and we do not think that it is necessary. If I could just say that I have looked at the—I have studied the 17 pages of proposed amendments. I know that they are not all before us. It is just in terms of saving time. The Government is not inclined to tinker with the Bill at this stage.

There are one or two of the suggestions which, to us, make sense off the top, but we would need some time to think in terms of the policy. We simply are not in a position to agree to make amendments which might hobble other provisions in the legislation tonight.

Sen. Al-Rawi SC: Thank you, AG. I just had one final small question—

Sen. Jeremie SC: I was advised by the technocrat that the definition which is proposed—and this is just an example of why we are not—I mean, it is not that we are being stubborn or arrogant, but the technocrats have pointed out that the definition, which is proposed, is too restrictive for the policy of the Bill. So that the most that we can do, we think—and I thought that the Leader of Government Business had communicated this—was to do as we have done in other pieces of legislation, to take the suggested amendments under review. The Act in Jamaica has been amended recently—and to have a look at it. Perhaps—I am not giving an undertaking. But perhaps to make those amendments—well, not “perhaps”. We will look at it, and if the amendments comport with the policy of the Act, then we will be prepared to make the relevant changes.

Sen. Al-Rawi SC: Thank you. Mr. Chairman, if I may? I thank the hon. Attorney General for expressing as politely and as clearly as he has. In looking at that position, AG, if we could look specifically within the context of this amendment, insofar as police includes a supplemental police officer which, under Chap. 15:02, would mean rural police and estate constables who have jurisdiction only in the estates and rural areas that they have. The operation in clause 10 says “throughout the district”, so I am wondering how they get the jurisdiction to operate beyond the estate or rural powers under the Supplemental Police Act.

Sen. Jeremie SC: So, it is this Bill which would give them the authority to—the special powers to operate. That is our position.

Mr. Chairman: Are there any further interventions?

Sen. Vieira SC: No, but if I may, Chair?

Mr. Chairman: Yes.

Sen. Vieira SC: Attorney General, you know that I am not strident that every amendment I bring, I must insist on having. Within my package, there may be about three or four that I feel I must have. I am quite flexible on many of the others. So that is one thing.

The other thing is, I know it is late, and I really feel a little embarrassed to have to drag through all of these amendments. I would have been quite happy to say, “Look, let me put them on the record,” and then we can just say that you are not going to agree with them, and we move forward. But I was told that unless we actually interrogate the amendments and treat with them individually, they do not go on the record. It is important, I think, to put the amendments on the record. So, I am apologizing in advance, but that is the procedure as I understand it.

Sen. Jeremie SC: Okay. So I think we have done this before. It helps me if it is on the record, because we actually do go back and look at the legislation and the

suggestions. I mean, it is not that we are irresponsible. The public servants are not irresponsible. Changes are made as they are warranted. I am just wondering about the procedure to do that in an efficient way.

Mr. Chairman: If I may, AG? In the past, the practice and procedure is simple. Just as we did with Sen. Al-Rawi some time ago, he came with a list of amendments, and we had to take each amendment on its own merit. We have to put the question, but he would have read into the record those amendments, but they cannot be taken collectively. They have to be dealt with separately. The question has to be put and we have to take it from there. That is the procedure.

Sen. Vieira SC: All right. What I will do is, I will focus on the four amendments that I would say, “I must have,” articulate why, put it to the vote, and the rest of them, just leave them on the record generally, if that is acceptable.

Mr. Chairman: AG?

Sen. Jeremie SC: Sure.

Mr. Chairman: Yeah.

Sen. Vieira SC: So, the clause 3, I do feel strongly that— I looked at clause 10, I think clause 10 is circular. It does not really give any clue as to what a “special operation” is, so I would like to put this particular amendment to the vote.

Mr. Chairman: Okay. That is clause 3?

Sen. Vieira SC: Clause 3—*[Inaudible]*

Mr. Chairman: Okay. I understand.

Question, on amendment, put and negatived.

Sen. Al-Rawi SC: Division.

Mr. Chairman: No—

Sen. Vieira SC: We do not have to worry about a division—*[Inaudible]*

Mr. Chairman: Are you sure?

Sen. Vieira SC: Yeah.

12.45 a.m.

Mr. Chairman: Okay. Alright, so we go on to the next clause.

Sen. Vieira SC: The other clause.

Mr. Chairman: No. No, we will have to do that clause by clause. And your next clause is 10, right?

Sen. Vieira SC: No.

Mr. Chairman: The four clauses that you had insisted on putting on the record is three?

Sen. Vieira SC: Five.

Mr. Chairman: Five.

Sen. Vieira SC: Eleven.

Mr. Chairman: Eleven.

Sen. Vieira SC: Twelve.

Mr. Chairman: Twelve.

Sen. Vieira SC: And new clause 3a.

Mr. Chairman: Okay.

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

Question put and agreed to.

Clause 3 ordered to stand part of the Bill.

Clause 4.

Clause 4 ordered to stand part of the Bill.

Clause 5

Question proposed: That clause 5 stand part of the Bill.

Mr. Chairman: I think Sen. Vieira SC, he has to—

Sen. Vieira SC: Thank you, Chair. The organizing principle under this Bill is that

it is police-led. Accordingly, it is difficult to explain why the political executive should possess a veto over the Commissioner's choice of the very officer who is to lead those operations. There is a contradiction, we say policing is to be led by the Commissioner, but we tell the Commissioner that he cannot choose his operational commander if the Prime Minister objects. So I have a difficulty in acting on ordinary statutory provision which permits the political executive to veto the Commissioner's choice of the senior police officer who will command those operations.

I do not understand what the mischief which requires this is. So my clause is to preserve the Commissioner of Police's professional responsibility for operational police appointments and to avoid unnecessary political involvement in operational command.

Mr. Chairman: The Attorney General.

Sen. Jeremie SC: Chair, I meant to treat with this point when—I think this was the point that Sen. Al-Rawi raised in respect of section 123 of the Constitution. My answer to that is this that 123(4) of the Constitution provides that the Commissioner of Police:

“123A. (4) In the performance of his functions under this section the Commissioner of Police shall act in accordance with the Police Service Act...”

Which I pulled out.

“...and the Regulation made thereunder.”

Now, if he is required to act in accordance with regulations, I see no reason why by legislation, he cannot act in a matter such as this with and, I agree with you, that he takes the lead, but where I disagree with you is that this is a democracy and as the democratic head of the Executive, we are not looking at the President here, I do not

see why, I struggle to find a reason why the Prime Minister cannot exercise a veto. She is not choosing, the Commissioner of Police is choosing, but essentially, she is exercising a veto.

Sen. Al-Rawi SC: Thank you, AG. Thank you, Mr. Chairman. AG could you assist, thank you for the rationale put forward but you assist me in finding a little bit more in relation to how that explanation wraps next to *Feroza Ramjohn* in the Privy Council and *Ravi Balgobin Maharaj* in the Privy Council, in so far as the constitutionality itself is determined in those two cases, stated in those two cases, as to be such as you ought not to have the political involvement.

Sen. Jeremie SC: Well, if the legislation, the Police Service Act and the Constitution read together contemplate that the President may make regulations. Regulations are subsidiary regulations, so that is subsidiary law. And if he is to act in accordance with subsidiary law, then I see no reason why, by primary legislation, you cannot say to him that he must have some sort of—you are asking that he consult with the Prime Minister. So this is something we have taken out of the—[*Confers with CPC*]. We are wedded to this.

Sen. Al-Rawi SC: Sorry, AG, you said it was taken out of the Constitution, did I hear CPC say that?

Sen. Jeremie SC: No, he said we modeled it on the provisions of the Constitution.

Sen. Al-Rawi SC: That will be 121 of the Constitution?

Sen. Jeremie SC: 123(4) which says—

Sen. Al-Rawi SC: The veto power is in 121 and that is what *Feroza Ramjohn* deals with.

Sen. Jeremie SC: 121, there is a veto.

Sen. Al-Rawi SC: Yes. So, thank you, AG. Thanks for confirming that. Mr. Chairman, of course, we are not in debate, so just simply to state for the record and

Greetings

2026.09.23

not to disturb the AG's position, but we on this side firmly believe that it is unconstitutional to have that. But I do not think I need to say more than that. Thank you, Mr. Chairman.

Mr. Chairman: Sen. Vieira, any further clarification on this matter?

Sen. Vieira SC: I will just put it to the vote.

Question put.

Sen. Vieira SC: We can call it for a division.

The Committee divided:

Ayes 13

Noes 15

NOES

Allahar, D.

Jeremie SC, J.

Swaratsingh, Dr. K.

Maharaj, S.

Baptiste, L.

Alexander, P.

Ratiram, R.

Persad, Prof. P.

Chaitan-Maharaj, Dr. N.

Baig, B.

Charles, Ms. K.

Zakour, E.

Nakhid, D.

Rasheed, D.

Jack, A.

AYES

Browne, Dr. A.

Greetings

2026.09.23

Al-Rawi SC, F.

Roberts-Radgman, Mrs. M.

Cummings, F.

Rose, Dr. M.

Vieira SC, A.

Boodhu, S.

Murray, Dr. D.

de la Bastide SC, S.

Jones-Simmons, Ms. C.

Lewis, F.

Lalite-Ettienne, Mrs. A.

Phillips, Ms. Z.

The following Senators abstained: Ms. Sophia Chote SC, and
Dr. Marelene Attzs.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clause 6 to 10

Clauses 6 to 10 ordered to stand part of the Bill.

Clause 11

Question proposed: That clause 11 stand part of the Bill.

Sen. Vieira SC: Thank you, Chair. It follows the amendment we just interrogated. If the regime is genuinely police-led, then it seems to me that the professional assessment that ordinary policing is inadequate should originate with the Commissioner, no one else. So is the trust of that amendment.

Mr. Chairman: Attorney General.

Sen. Jeremie SC: So the order is made by the President mirroring the provisions

roughly of the states of emergency. We think it is a serious thing for you to designate somewhere a closed area. Yes, it is police-led, but there are circumstances in which it is not an unfettered discretion; the discretion is circumscribed by the law and, of course, that is subject to judicial review.

In terms of order, the amendment itself as circulated requires, if you look at e:

“that we specify the date and time at which the order shall cease to have effect.”

That makes a nonsense of it. If the police go into an area to establish law and order and you tell persons in advance, we will be out by next week Sunday, then they stay home until next week Sunday. In E, define with reasonable precision the geographical boundaries; we think that that is done by the—we think that e, b, c, and d are given, that is to say that the order must have a date and time at which the Order will take effect. Otherwise, it will be no order, ineffective. It must be accompanied by a description of boundaries, and those boundaries must be precise otherwise, again, you will be subject to public law remedies. So we do not think that there is a need for the amendment.

1.00 a.m.

Mr. Chairman: Sen. Anthony Vieira SC—

Sen. Vieira SC: Sen. Al-Rawi wanted to say something.

Mr. Chairman: Sen. Al-Rawi.

Sen. Al-Rawi SC: Thank you, Mr. Chairman. AG, thank you for your response. You indicated that the Order was mirroring the Constitution in terms of the state of emergency usage. Is there any reason why the Order itself, the statement, in (2) is not being subjected to a debate in the House?

Sen. Jeremie SC: Different point. I mean, I think I am dealing Sen. Vieira’s

point.

Sen. Al-Rawi SC: But it comes into the (e) insofar as the specified date and time, and the clear reasons, the condition specified. So, I was just asking in the context of the amendment as circulated.

Sen. Jeremie SC: Well, the normal thing, as you know, the normal practice is that with an Order which is subject to negative resolution, you have more speed. And it can be negated by any member filing a Motion and dealing with it in that way. So that parliamentary time is brought into play by the normal process. There is parliamentary oversight. It is subsidiary legislation.

Sen. Al-Rawi SC: Thank you, AG. I agree with the negative resolution ability. I was just asking about the laying of the statement and the example coming from the Constitution that when the President lays the statement of the reasons in the Constitution, it says, it shall be debated within three days.

Sen. Jeremie SC: Well, that is for a state of emergency. We looked at that and this is not quite a state of emergency. So, when I say “mirror”, I do not mean that you look in a mirror, and you see the identical features of the state of emergency.

Sen. Al-Rawi SC: Thank you.

Sen. Jeremie SC: It is by analogy.

Mr. Chairman: *[Inaudible]*

Sen. Vieira SC: You could put it to the vote.

Mr. Chairman: Right, okay.

Question, on amendment, put and negated.

Clause 11 ordered to stand part of the Bill.

Clause 12.

Question proposed: That clause 12 stand part of the Bill.

Mr. Chairman: Sen. Anthony Vieira SC.

Sen. Vieira SC: Thank you, Chair. I have concerns about the blanket prohibition, and I think this directly addresses the *Suraj* less restrictive means question. It seems to me that enhanced policing need not automatically mean that every innocent resident requires state permission to leave home.

Mr. Chairman: Attorney General.

Sen. Jeremie SC: Could you just repeat it please? I was talking to my—

Sen. Vieira SC: Would you like me to repeat it?

Sen. Jeremie SC: Yes, please.

Sen. Vieira SC: No problem. What I am trying to do is I am trying to deal with the whole *Suraj* less restrictive means situation. I do not have concerns about the blanket prohibition, right. I do not think that enhanced policing automatically means that every innocent resident requires state permission to leave home. So, I am trying to temper it.

Sen. Jeremie SC: Yes. That is something that I would like to think about. It is something that I would like to think about. I am sorry I cannot agree to it now. I know that you feel strongly about it and that you will force a vote on it, but unlike the others, I would like to think about that one.

Sen. Vieira SC: I appreciate that AG, but I do feel—put it on the record so, if you could put it to the vote. Thank you.

Question, on amendment, put and negatived.

Clauses 12 ordered to stand part of the Bill.

Clauses 13 to 20.

Clauses 13 to 20 ordered to stand part of the Bill.

Clause 21.

Question proposed: That clause 21 stand part of the Bill.

Mr. Chairman: Sen. Dr. Desirée Murray, the Floor is yours.

Sen. Dr. Murray: Thank you, Mr. Chairman. My amendment would make clause 21(1) read:

- (1) A police officer or member of the Defence Force must use a body-worn camera during the conduct of a special operation in a closed area.

So, I would like to have this clause amended to make it mandatory that body-worn cameras be used in the field, and that should be the default setting. I am just in full agreement with the hon. Prime Minister on this one, when she made her statement in the other place last week. I do not think that there should be any compromise on this requirement. I think if body-worn cameras are not available, then the special operation should not take place. That is my view.

Mr. Chairman: First the AG and then we will go to Sen. Vieira. Sen. Anthony Vieira, you wanted to make a point, SC?

Sen. Vieira SC: Thank you.

Mr. Chairman: Yeah.

Sen. Vieira SC: I am not going to pursue my similar amendment on this clause, but I want to support Sen. Murray, because if body cameras are being relied upon as a safeguard which makes exceptional powers proportionate, then the safeguard itself must be there. It must be effective.

Mr. Chairman: Hon. Attorney General, AG?

Sen. Jeremie SC: The legislation is necessary and we think that it is necessary as in it has to be in place immediately. We are not sure about the state of the police availability of working body cams. I have made some enquiries. I know that the legislation is written in permissive language, so that the language is that as far as is practicable, but the Executive is alive to this and is desirous of ensuring that the police officers get working body cameras as quickly as possible.

We on this side are not inclined to suspend the operation of the legislation for as long as the procurement provisions would kick in and, you know, delay the implementation of the legislation.

Mr. Chairman: Yes, Sen. Al-Rawi SC.

Sen. Al-Rawi SC: If I may, just following up on what the AG has just described. AG, insofar as this recommendation is for body cameras as a mandatory rule, and insofar as the safeguard that we are speaking about is also tied into the nature of the persons who are going to be in the TTDF and in the police, i.e., “suitably trained” as described in other clauses, is there an intention to await proclamation until those three things are there, i.e., suitably trained TTPS, suitably trained TTDF and cameras? Is there an idea?

Sen. Jeremie SC: Well, the legislation bites on suitably trained officers, so it cannot begin until you have suitably trained officers. That is a must. We felt that that could be resolved immediately. That was within our control. We were not sure about the procurement with respect to the body cams. The body cam issue has been troublesome. I do not quite understand it myself, but it has been troublesome. I know that there has been a lot of debate about it. We do not wish to get caught up in a procurement dispute with respect to that. I know that there is legislation in the other place, which we cannot anticipate, which may solve this problem. But we wish to get the legislation up and running immediately. We can do that with the training of the police officers; that is within our control. That can be done within a day or two.

But the body cam issue, we were not certain that that could be accomplished within a day or two. So, on this, we too cannot give on this. I am sorry.

Sen. Dr. Murray: If I may?

Sen. Jeremie SC: Yes, Sen. Desirée.

Sen. Dr. Murray: I believe it was said that there are about 100 body cams operational. So, can they be ring-fenced for this special operation?

Mr. Chairman: Attorney General.

Sen. Jeremie SC: If there are—?

Sen. Dr. Murray: I think somebody in the debate said that the Minister of Homeland Security is on record saying that there are 100 body cams that are operational, functional.

Mr. Chairman: Yes, I think Sen. Chote said that in her contribution, yes.

Sen. Dr. Murray: So, if that is correct, assuming that is correct, can those functioning body cameras be ring-fenced for the special operations?

Mr. Chairman: AG, can you respond to that?

Sen. Jeremie SC: Well, I do not have factual information on how many and the working condition of the body cams. As a matter of fact, I was surprised to hear that there were 100 body cams working. I thought that the entire body cam system had basically collapsed under corruption.

Mr. Chairman: Okay. Sen. Dr. Murray, you would like me to put the question?

Sen. Dr. Murray: Yes, please.

Mr. Chairman: Okay.

1.15 a.m.

Question on amendment, put.

Hon. Senators: Division.

Mr. Chairman: All right.

The Committee divided: Ayes 15 Noes 15

NOES

Allahar, D.

Jeremie SC, J.

Swaratsingh, Dr. K.
Maharaj, S.
Baptiste, L.
Alexander, P.
Ratiram, R.
Persad, Prof. P.
Chaitan-Maharaj, Dr. N.
Baig, B.
Charles, K.
Zakour, E.
Nakhid, D.
Rasheed, D.
Jack, A.
AYES
Browne, Dr. A.
Al-Rawi SC, F.
Roberts-Radgman, Mrs. M.
Cummings, F.
Rose, Dr. M.
Boodhu, S.
Vieira SC, A.
Chote SC, Ms. S.
Attzs, Dr. M.
de la Bastide SC, M.
Jones-Simmons, Ms. C.
Lewis, F.

Murray, Dr. D.

Lalite-Ettienne, Mrs. A.

Phillips, Ms. Z.

Mr. Chairman: Hon. Senators, the result of the division: 15 Members voted for the amendment, 15 Members voted against the amendment. You all have now put the Chairman in an invidious position. Okay. I will now cast my vote, but before I do it, I just want to indicate that this casting vote that will come to the fore ultimately, I want to put on the record. I have done extensive research on this matter, and in this Parliament, there is no settled practice on this vote called the casting vote. There is no settled practice, and I have the evidence. I have the information to support my position. In this regard, I vote with the noes. Okay, that is all.

Amendment negatived.

Sen. Al-Rawi SC: Mr. Chairman?

Mr. Chairman: Yes.

Sen. Al-Rawi SC: Thank you so much for your guidance, and specifically under Standing Order 54 and Standing Order 115. Insofar as this must go to the Minutes of the Proceedings, the precedent, and insofar as we have the very useful precedent that you have set three times in the Children's Life Fund Bill on 23 June, 2025, in preserving the status quo. May I confirm, Mr. Chairman, that you are confirming the status quo?

Mr. Chairman: No. I am saying that, for instance, there is no settled practice on this matter, and I have to cast a vote, and I am casting a vote with the noes. That is what I am saying.

Sen. Al-Rawi SC: Sorry, Mr. Chairman—

Mr. Chairman: Listen—

Sen. Al-Rawi SC:—I am not challenging you at all.

Mr. Chairman: Listen. Listen. Listen.

Sen. Al-Rawi SC: I am raising the Standing Orders, Mr. Chairman, which I am entitled to do at this point.

Mr. Chairman: Listen. Listen. Listen, there is no debate on a vote. There is no debate on a vote.

Sen. Al-Rawi SC: I am raising a standing order. I am not on the vote, Mr. Chairman.

Mr. Chairman: Let us go on.

Sen. Dr. Browne: Mr. Chairman, just a point of order.

Mr. Chairman: There is no debate on a vote. That is what I am saying to you.

Sen. Al-Rawi SC: I am not on the vote. I am not on the vote. I am not challenging you at all. I am raising this simply for the purposes of the Minutes of the Proceedings for Standing Order 115, the reasons I am requesting, because I am entitled to ask for that pursuant to the Standing Order—

Mr. Chairman: You may be entitled. You may be entitled—

Sen. Al-Rawi SC: Mr. Chairman, I am not finished with my submission. I am not arguing with you, Sir.

Mr. Chairman: Go ahead. Go ahead.

Sen. Al-Rawi SC: Mr. Chairman, most respectfully, I am not challenging you. I am merely asking for the reasons which are set out specifically in section 115 of the Standing Orders. That is all, Sir. Nothing more, and I am asking in light of your precedent.

Mr. Chairman: Oh, okay. There is a reason—I have said there is no settled practice. My reasoning is that there is no settled practice on this issue of the status quo, re the casting vote. On that basis, I am voting with the noes. That is my

reason.

Sen. Dr. Browne: Mr. Chairman, point of clarification.

Mr. Chairman: Listen, there is no debate. Let us continue, please.

Sen. Dr. Browne: Mr. Chairman, will you circulate your research for the benefit of Senators?

Hon. Senators: [*Crosstalk*]

Sen. Al-Rawi SC: No, no, no.

Mr. Chairman: No, no, no, let us continue, please.

Sen. Al-Rawi SC: Mr. Chairman, please.

Sen. Allahar: Mr. President, it is not a debate.

Sen. Jeremie SC: No, you all are debating it.

Question put and agreed to.

Clause 21 ordered to stand part of the Bill.

Hon. Senators: [*Desk thumping*]

Sen. Al-Rawi SC: Mr. Chairman, will you circulate your reasons for us, the extensive research that you have done?

Mr. Chairman: No, no, no, I will do that at the appropriate time. Let us go on, please.

Sen. Al-Rawi SC: So, you will do that—thank you, Mr. Chairman.

Clauses 22 to 26 ordered to stand part of the Bill.

New clause 3A.

“3A. Every power conferred by this Act which restricts the liberty, movement, privacy, property or other protected right of a person shall be exercised only to the extent reasonably necessary and proportionate to the legitimate purpose for which the power is conferred, and, where two or more measures are reasonably capable of achieving that purpose, the measure

which is less restrictive of protected rights shall be preferred.”

New clause 3A read the first time.

Mr. Chairman: All Members have that new clause 3A before them? It is in the name of Sen. Anthony Vieira SC.

Question proposed: That the new clause 3A be read a second time.

Question put and negatived.

Schedule ordered to stand part of the Bill.

Question put and agreed to: That the Bill be reported to the Senate.

Senate resumed.

Bill reported, without amendment.

Question put: That the Bill be now read a third time.

Hon. Senator: Division.

Mr. President: Division.

The Senate divided: Ayes 15 Noes 15

AYES

Allahar, Hon. D.

Jeremie SC, Hon. J.

Swaratsingh, Hon. Dr. K.

Maharaj, Hon. S.

Baptiste, Hon. L.

Alexander, Hon. P.

Ratiram, Hon. R.

Persad, Hon. Prof. P.

Chaitan-Maharaj, Dr. N.

Baig, B.

Charles, K.

Zakour, Hon. E.

Nakhid, D.

Rasheed, D.

Jack, A.

NOES

Browne, Dr. A.

Al-Rawi SC, F.

Roberts-Radgman, Mrs. M.

Cummings, F.

Rose, Dr. M.

Boodhu, S.

Vieira SC, A.

Chote SC, Ms. S.

Attzs, Dr. M.

de la Bastide SC, M.

Jones-Simmons, Ms. C.

Lewis, F.

Murray, Dr. D.

Lalite-Ettienne, Mrs. A.

Phillips, Ms. Z.

Mr. President: Hon. Senators, the question is that—in fact, the report of the division: 15 Members voted for the Bill, 15 Members voted against the Bill. I have stated my reason, and let me state it again. There is no settled practice in this Parliament, based on my research on this issue of the status quo, re the casting vote. I have done the research on this matter. I will make it available at the appropriate time to my colleagues who have requested it. I vote with the ayes.

Sixteen. Okay.

Sen. Al-Rawi SC: Mr. President, may I stand on Standing Order 54 please?

Mr. President: No, no, no, no. The vote having been settled: 16 in favour, 15 against. The vote has been taken. The Bill has been passed.

Hon. Senators: [*Desk thumping*]

1.30 a.m.

Sen. Dr. Browne: A Standing Order was raised. I did not hear a ruling.

Sen. Al-Rawi SC: I stand on Standing Order 54(2) and 115.

Mr. President: Continue, please. Continue.

Sen. Al-Rawi SC: Mr. President—

Mr. President: Clerk, proceed, please.

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

Mr. President: Clerk, proceed, please. There can be no debate when it is coming to—

Sen. Al-Rawi SC: I am not debating, I am standing on Standing Order 115, Mr. President—

Mr. President: No—

Sen. Al-Rawi SC: You did not hear my Standing Order, Mr. President—

Mr. President: Clerk. Clerk, proceed please.

Clerk: A Bill entitled—

Hon. Senators: [*Crosstalk*]

Sen. Al-Rawi SC: Mr. President, I am standing on a Standing Order. You must at least—

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

Mr. President: There is no Standing Order—we are about to—she is supposed to read the long title and she is entitled to do it. There is no debate. There is no

discussion. Clerk, proceed, please.

Clerk: A Bill—

Sen. Dr. Browne: A Standing Order has been raised, Mr. President.

Sen. Al-Rawi SC: Mr. President, I stand on Standing Order 115—

Sen. Dr. Browne: You should respond to the Standing Order.

Sen. Al-Rawi SC:—and 54(2). On this very point, Mr. President—*[Inaudible]*

Sen. Allahar: Mr. President, can the Clerk please read the long title?

Mr. President: Clerk, would you proceed—could you take—Sen. Al-Rawi, I am asking you to take your seat once, I am it saying twice, I am saying it a third time. Let the Clerk proceed, and let the Clerk proceed in accordance with our rules. Clerk, proceed, please.

Bill accordingly read a third time and passed.

Mr. President: Leader of the House.

Sen. Al-Rawi SC: Mr. President, I now stand on Standing Order—*[Inaudible]*

Sen. Allahar: Mr. President, I am—

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

Hon. Senators: *[Crosstalk]*

Sen. Allahar: Mr. President—

Hon. Senators: *[Crosstalk]*

Sen. Allahar: Mr. President—

Sen. Al-Rawi SC:—*[Inaudible]*—the Constitution—

Sen. Allahar: Mr. President,

Sen. Al-Rawi SC:—I am entitled to raise a Standing Order—

Sen. Allahar: Mr. President—

Sen. Al-Rawi SC:—under the duty of the Parliament, section 55.

Hon. Senators: *[Crosstalk]*

Sen. Al-Rawi SC: Mr. President, I am dealing with the Constitution of the—
[*Inaudible*]

Mr. President: If you continue to defy the order of—I am—hon. Senators, I have told this Senator, he cannot stand on any point of order at this time of the proceedings. There is no debate on this matter.

Hon. Senators: [*Desk thumping*]

Mr. President: If he continues to defy the Chair, I have warned him once, I have warned him twice, and this is the third time. If you continue, I will ask you to take your leave.

Sen. Al-Rawi SC: Standing Order—[*Inaudible*]

Mr. President: Take your leave.

Sen. Dr. Browne: May I—

Mr. President: There is no Standing Order. You are defying the Chair. Take your seat.

Hon. Senators: [*Interruption*]

Mr. President: Take your seat. Take your seat.

Hon. Senators: [*Continuous interruption*]

Mr. President: Sen. Browne, I have warned you once. I warned you once. I warned you twice. Third time. Okay.

Hon. Senators: [*Crosstalk*]

Mr. President: Leader of the House, please.

ADJOURNMENT

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, I beg to move that this Senate do now adjourn to Monday, September 28, 2026, at 1:30 p.m.

Hon. Senators: [*Crosstalk*]

Mr. President: Senators, before putting the question to this honourable House, we all know that today is the 50th anniversary of our republican status. We celebrate 50 years as a republican state. At this time, I will invite greetings from the Government, later the Opposition, then the Independent. Who will speak on behalf of the Government? Please bring greetings to the Senate. I recognize Sen. Kenya Charles

Hon. Senators: [*Desk thumping*]

GREETINGS

Republic Day Greetings

Sen. Kenya Charles: Good morning, Mr. President, hon. Senators and fellow citizens of Trinidad and Tobago. It is with a profound sense of national pride that I rise today to extend Republic Day greetings to the people of our beloved Trinidad and Tobago.

Republic Day is more than a date on our national calendar. It represents an important milestone in the continuing journey of our nation, a journey towards self-determination, democratic maturity and the building of a society governed by our own Constitution and institutions.

In 1976, Trinidad and Tobago took that significant step forward as a nation when we became a republic, replacing the British monarch as our Head of State, with the President of Trinidad and Tobago.

[*Opposition Senators exist Chamber*]

Hon. Senators: Shame. Shame

Sen. K. Charles: Our Republican Constitution came into effect on August 01, 1976, and our first Republic Day was celebrated on the 24th of that year, today.

Today, as we reflect upon the journey, we are reminded that the true strength of a republic lies, not merely in its institutions, but in its people. It lies in our commitment to democracy, justice, equality and the rule of law. It lies in our

willingness to respect one another, despite our differences, and to recognize that, whatever our backgrounds, beliefs or circumstances, we share one country and one destiny.

Our Parliament has a special responsibility in safeguarding these democratic ideals. The Constitution entrusts Parliament with the responsibility of making laws for the good governance of our nation and providing oversight of the Executive. And as we commemorate Republic Day, we must also recognize the significance of leadership and representation in the continuing evolution of our republic. Today, our nation is led by the hon. Kamla Persad-Bissessar SC, MP—

Hon. Senators: [*Desk thumping*]

Sen. K. Charles:—Prime Minister of the Republic of Trinidad and Tobago. Her place in our nation's history, including becoming the first woman to serve as Prime Minister of Trinidad and Tobago, stands as a reminder of how far our democracy has evolved and of the possibilities that exist when citizens are given the opportunity to serve their country. But the responsibility for building our Republic does not rest with any one Prime Minister, Government, Parliament or institution. It rests with all of us. Every generation inherits this Republic, but every generation must also strengthen it.

We must build a Trinidad and Tobago where our young people can dream with confidence; where our elderly are treated with dignity; where every child, regardless of circumstances, has an opportunity to succeed; and where service to country is guided not by division, but by integrity, compassion and a genuine desire to improve the lives of all people. Our diversity has always been one of our greatest strengths. We are many cultures, many traditions and many beliefs, but we remain one people, one nation, one Republic.

So, on this Republic Day, let us renew our faith in Trinidad and Tobago. Let

us honour those who helped build this nation. Let us protect the democratic institutions entrusted to us. And let us come together to leave future generations a Republic that is stronger, safer, more united, more prosperous, more than the one we inherited.

On behalf of the Government Bench, I extend warm and heartfelt Republic Day greetings to every citizen of Trinidad and Tobago, at home and throughout the diaspora. Happy Republic Day, Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. K. Charles: May we continue to serve our nation with courage, humility and purpose, and may Almighty God continue to bless our Republic and all its people. Thank you.

Mr. President: Sen. Anthony Vieira SC.

Hon. Senators: [*Desk thumping*]

Sen. Anthony Vieira SC: Thank you, Mr. President. On behalf of the Independent Bench, I am pleased to extend warm Republic Day greetings to the people of Trinidad and Tobago.

Today, we celebrate an important milestone in our nation's constitutional history. We became independent in 1962, but in 1976, we took another important step. We became a republic. We replaced the British monarch as our Head of State with a President, chosen under our own Constitution, and in doing so, affirmed that the ultimate responsibility for the governance and destiny of Trinidad and Tobago rests here, with us, the people of Trinidad and Tobago.

That is why Republic Day matters. Indeed, the word "republic" comes from *res publica*, the public affair. It reminds us that the affairs of our country belong to all of us. Citizenship in a republic, therefore, brings not only rights, but responsibilities to participate, to remain informed, to respect one another, to defend

our institutions and to hold those entrusted with public power to the standards our Constitution demands.

For those of us privileged to serve in Parliament, Republic Day should have a particular resonance. The 24th of September was chosen because it marks the first Sitting of our Parliament under the Republican Constitution in 1976. And for the Independent Bench, there is perhaps an additional significance. Our Constitution deliberately makes room in this Senate for voices which are neither Government nor Opposition. Nine Senators are appointed by the President in his or her own discretion. And that arrangement reflects something important about our constitutional democracy: That national life cannot always be reduced to competing political sides, and that there must always be space for independent judgment, scrutiny and the wider public interest. So, we should therefore be proud of our Republic, not because our journey has been perfect—it has not; not because we have solved every problem confronting us—we plainly have not. We should be proud because for 50 years we have accepted the responsibility of governing ourselves under a constitution of our own, because our democracy has endured, because our institutions have continued to function, and because, through all of our differences, we remain one people, sharing responsibility for this small, but remarkable nation.

Next year will mark 50 years since Trinidad and Tobago became a republic. As we approach that important anniversary, Republic Day gives us an opportunity not only to look backwards with pride, but also to look forward with purpose. The Republic is not merely something that was created for us in 1976. It is something that each generation must preserve, strengthen and pass on.

So today, let's celebrate our flag, our culture, our extraordinary diversity and our achievements. But above all, let us express and celebrate the confidence

Greetings
Mr. President (cont'd)

2026.09.23

expressed in 1976, that the people of Trinidad and Tobago are capable of determining our own destiny.

On behalf of the Independent Bench, I wish every citizen of Trinidad and Tobago, at home and abroad, a peaceful, proud and happy Republic Day. May God bless our Republic, and may God bless the people of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Senators, I join in extending Republic Day greetings to the people of Trinidad and Tobago as we commemorate 50 years of republican status.

This golden anniversary marks a significant milestone in our constitutional journey. Fifty years ago, our nation entered a chapter in which we assumed responsibility for the direction of our nation by establishing a President as our Head of State and further shaping institutions grounded in our own constitutional identity.

Hon. Senators, yet the meaning of a republic extends far beyond the institutions established in 1976. At its heart is a simple but profound principle: The Republic belongs to its people, and its continued development depends upon the quality of our citizenship and our willingness to accept responsibility for the society we are continually building.

The story of our Republic over the past 50 years is, above all, the story of generations of citizens from every community who, through service, enterprise, creativity, scholarship and sacrifice, have contributed to the progress of Trinidad and Tobago, and to the distinctive national identity we share.

1.45 a.m.

The strength of our Republic rests not only in the institutions we have established but in the spirit of citizenship which we continue to cultivate.

Hon. Senators, as we mark this historic anniversary, let us remember that a

Greetings

2026.09.23

Mr. President (cont'd)

republic is never inherited in finished form. The Republic we celebrate today is also the Republic we are entrusted to carry forward, and national progress is sustained when the common good remains greater than individual interest. Let us therefore, hon. Senators, let us honour those who built before us, by accepting our own responsibilities to preserve, strengthen and improve what will eventually pass into the hands of those who follow.

On behalf of the Senate of the Republic of Trinidad and Tobago, my family and myself, I extend warmest greetings to all citizens at home and abroad on the occasion of our 50th Republic Day. Happy Republic Day, Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Senators, the question is that this Senate do now adjourn to Monday, September 28, 2026, at 1:30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 1.48 a.m.