

HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2018

The House met at 1.30 p.m.

PRAYERS

[MR. DEPUTY SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Deputy Speaker: Hon. Members, the hon. Cherrie-Ann Crichlow-Cockburn, MP, Member for Lopinot/Bon Air West and Mr. Bhoendradatt Tewarie, MP, Member for Caroni Central, have requested leave of absence from today's sitting of the House, and Dr. Tim Gopeesingh, MP, Member for Caroni East, has requested [*Interruption*] leave of absence for today's sitting and on Friday, June 22, 2018. The leave which the Members seek is granted.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Tobago Regional Health Authority for the year ended September 30, 2011. [*The Acting Prime Minister, Minister of Finance and Acting Minister of Housing and Urban Development (Hon. Colm Imbert)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Tobago Regional Health Authority for the year ended September 30, 2012. [*Hon. C. Imbert*]
Papers 1 and 2 to be referred to the Public Accounts Committee.
3. Audited Financial Statements of InvesTT Limited for the year ended September 30, 2017. [*Hon. C. Imbert*]

4. Audited Financial Statements of the Rural Development Company of Trinidad and Tobago Limited for the financial year ended September 30, 2017. [*Hon. C. Imbert*]
5. Audited Financial Statements of the Trinidad and Tobago Mortgage Finance Company Limited for the financial year ended December 31, 2017. [*Hon. C. Imbert*]
6. Report on the Operations of the National Insurance Board of Trinidad and Tobago for the financial year ended June 30, 2017. [*Hon. C. Imbert*]
Papers 3 to 6 to be referred to the Public Accounts (Enterprises) Committee.
7. Report of the Central Bank of Trinidad and Tobago with respect to the Progress of the Proposals to Restructure CLICO, BAT and CIB for the quarter ended March 31, 2018. [*Hon. C. Imbert*]
8. Annual Report of the First Citizens Asset Management Limited for the year ended September 30, 2017. [*Hon. C. Imbert*]
9. Annual Report of the First Citizens Bank Limited for the year ended September 30, 2017. [*Hon. C. Imbert*]
10. Administrative Report of the MIC Institute of Technology Limited for the year ended September 30, 2015. [*The Minister of Education (Hon. Anthony Garcia)*]
11. Ministerial Response of the Ministry of Energy and Energy Industries to the Sixteenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago Electricity Commission for the financial years 2012 to 2015. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
12. Response of the Auditor General's Department to the Twelfth Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited

Accounts, Balance Sheet and other Financial Statements of the National Training Agency for the financial years 2008 to 2011. [*Hon. C. Robinson-Regis*]

13. Annual Report of the Strategic Services Agency, Ministry of National Security for the year 2016. [*The Minister of National Security (Hon. Maj. Gen. Edmund Dillon)*]
14. Annual Report of the Children's Authority of Trinidad and Tobago for the year 2017. [*The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy)*]

PRIME MINISTER'S QUESTIONS

Trinidad Generation Unlimited (TGU)

(Details of)

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Deputy Speaker. To the Acting Prime Minister: Would the Prime Minister please indicate what percentage of the shares in Trinidad Generation Unlimited (TGU) the GORTT agreed to sell to Ferrostaal GmbH?

The Acting Prime Minister, Minister of Finance and Acting Minister of Housing and Urban Development (Hon. Colm Imbert): Thank you, Mr. Deputy Speaker. [*Desk thumping*] This question and the next two questions can only be properly described as political mischief. In the midyear review which was—
[*Interruption*]

Mr. Deputy Speaker: One sec, one sec. Kindly refrain from that statement please. Retract it.

Hon. Member: Retracted.

Mrs. Robinson-Regis: Stand up and retract it.

Hon. Member: Retract it!

Mr. Deputy Speaker: Now listen, Members! Members! Listen, it is very early in the sitting. It is 1.37, all right. I do not want to say that we have a long day ahead of us, but I am not going to tolerate on both sides. Proceed.

Hon. C. Imbert: Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Sit! Sit! Sit, please. Member for Chaguanas West, would you like to tell me what I should do?

Mr. Singh: You are doing the right thing, Speaker.

Mr. Deputy Speaker: Because, keep in mind, I will respond based on how you all act, and I am serious this afternoon. Early, I am going to lay the cards on the table. Proceed.

Hon. C. Imbert: Thank you, Mr. Deputy Speaker. In my capacity as Minister of Finance, in the midyear preview presented in this House, just about two months ago, I made it crystal clear that it was Government's intention to place a number of companies into the asset base of the National Investment Fund in order to offer shares, now bonds, to the general public, and one of companies named by me in my capacity as Minister of Finance was Trinidad Generation Unlimited. It is therefore impossible if the Government is proceeding to use TGU as one of the assets to underpin the National Investment Fund that the Government would be selling any shares in TGU to Ferrostaal, and this is why I say this question is political mischief. So, the answer is, zero.

Dr. Moonilal: Thank you very much. To the substantive—to the Prime Minister. Could the Prime Minister indicate whether the decision taken by Cabinet on May 25th 2017, by Cabinet Minute 922, to sell 40 per cent of TGU to Ferrostaal GmbH, has that decision been rescinded?

Hon. C. Imbert: Thank you, Mr. Deputy Speaker. Obviously, if the Cabinet has endorsed the proposal for the National Investment Fund for the assets of TGU to

be placed in the National Investment Fund Company to underpin the National Investment Fund offering, obviously this matter is no longer being pursued.

1.40 p.m.

Mr. Lee: To the Acting Prime Minister. Could the Acting Prime Minister state when that asset, National Investment Fund comes into being with the percentage of TGU in it, would Ferrostaal be able to purchase part of that asset base?

Hon. C. Imbert: Obviously not. The National Investment Fund as I indicated recently in the public domain will have an asset base which would be used to offer asset backed bonds to the general public. Clearly, if the assets of the National Investment Fund Company are to be used back to those bonds and to generate income to repay the bonds then clearly, no one, including Ferrostaal, can purchase shares in TGU as long as TGU remains in the asset base of the National Investment Fund. This is all very obvious and very clear. And to repeat, we are selling zero per cent of these shares to Ferrostaal or anybody else. We are not selling any shares in TGU.

Mr. Deputy Speaker: I recognize the Member for Tabaquite.

Dr. Rambachan: Thank you, Mr. Deputy Speaker. Acting Prime Minister, given that the Cabinet had taken a decision to sell shares to Ferrostaal and now you are claiming it has been rescinded, is there any liability on the part of the Government to Ferrostaal or can Ferrostaal lay claim to the Government in any regard for the rescinding of such a decision?

Mr. Deputy Speaker: Acting Prime Minister.

Hon. C. Imbert: Firstly, Mr. Deputy Speaker, I am not claiming anything. I am stating a fact. We are not selling any shares to Ferrostaal. And the answer to your question is no. There is no liability whatsoever. It was an offer which was dependent on an acceptance from the Government and preconditions and

conditions precedent and that transaction was not completed. There is no liability whatsoever. And I want to say again, the Government is not selling any shares in TGU to Ferrostaal or anybody else for that matter. And it is impossible because TGU's assets are going to be placed to underpin the National Investment Fund among others; TGU shares.

Mr. Deputy Speaker: Question 2, Member for Pointe-a-Pierre, would you forego or you still want to entertain the question?

Mr. Lee: Mr. Deputy Speaker, I withdraw questions 2 and 3 based on the answer from the Acting Prime Minister.

Mr. Deputy Speaker: Okay, fine. Question No. 4, Member for Couva South.

Red House Restoration Project

(Number of Venezuelan Migrants Employed)

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Mr. Deputy Speaker. To the Acting Prime Minister: Could the Prime Minister inform this House of the number of Venezuelan migrants who are employed in the Red House Restoration Project?

The Acting Prime Minister, Minister of Finance and Acting Minister of Housing and Urban Development (Hon. Colm Imbert): Thank you, Mr. Deputy Speaker. I am advised that the Urban Development Corporation of Trinidad and Tobago is currently conducting an investigation by making enquiries of all of the contractors and subcontractors employed on the Red House Restoration Project. Until that investigation is completed and the information is received, it is not possible to answer this question with respect to the number, whether there are any or one or two as the case may be.

However, Mr. Deputy Speaker, I want to make the point, Members opposite have to make up their minds. When 82 Venezuelans were repatriated recently,

there was a hue and cry and a hullabaloo and a fuss coming from the other side about the actions of the Government [*Desk thumping*] and they demanded that we give Venezuelans refugee status. Members opposite have to make up their minds, because if you are going to give Venezuelans refugee status then you have to allow them to work as part of the refugee process. So make up your minds! It is either you want Venezuelans to get refugee status or you do not. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Member for St. Augustine.

Mr. Ramadhar: Is the Acting Prime Minister saying that you are now adopting a policy of allowing refugee status by the employment through indirect means? [*Crosstalk*] It is for the Government to make up their minds.

Mr. Deputy Speaker: Prime Minister, Acting.

Hon. C. Imbert: Mr. Deputy Speaker, I did not really—there was a lot of crosstalk down there. I would ask the hon. Member to repeat the question please.

Mr. Deputy Speaker: Member for St. Augustine.

Mr. Ramadhar: Thank you very much. Is the Acting Prime Minister indicating a possible move to a policy of allowing Venezuelans here as refugees through indirectly employing them through the State?

Mr. Deputy Speaker: Prime Minister, Acting.

Hon. C. Imbert: I think there is a question later on that deals with that, Mr. Deputy Speaker. I think No. 12 talks about the policy with respect to refugees. The point I am making is that if a person is admitted as a refugee in Trinidad and Tobago one of the conditions is that they must be allowed to work. So that if Members opposite want this Government to just accept Venezuelan nationals wholesale as refugees then we must allow them to work. And this is why I am asking them make up your minds. What do you want? Do you want us to grant refugee status wholesale to Venezuelan nationals or not? Make up your mind.

Because if we are to grant, as a country, grant them refugee status then we must allow them to work. That is part of the process. I am sure the Member for Naparima could educate all of you about refugee matters.

Mr. Deputy Speaker: I recognize the Member for Couva South.

Mr. Indarsingh: Thank you, Mr. Deputy Speaker. I would ask the Acting Prime Minister to make up his mind in responding to the Opposition this evening—

Mr. Al-Rawi: Is that a question?

Mr. Indarsingh: Hold on Attorney General.

Mr. Deputy Speaker: Members, Members.

Mr. Indarsingh: Is the Acting Prime Minister telling this House that refugees are currently employed in the Red House Restoration Project? [*Desk thumping*]

Hon. Member: That was the question.

Mr. Deputy Speaker: I will not entertain that question, Member.

Hon. C. Imbert: I answered that already. It is being investigated.

Mr. Deputy Speaker: Supplemental.

Mr. Indarsingh: In relation to the investigation that the Acting Prime Minister alluded to, could the Acting Prime Minister also commit the Government to investigating whether the labour laws of Trinidad and Tobago are being upheld in this Red House Restoration Project from the point of view of personal protective gear, overtime and I could go on and on in terms of compensation and so on.

Mr. Al-Rawi: List them out.

Mr. Deputy Speaker: Prime Minister, Acting.

Hon. C. Imbert: Thank you, Mr. Deputy Speaker. I am certain that UDeCOTT will cover all eventualities and all issues in their investigation. I am sure they will make a comprehensive report on whether there are any Venezuelan migrants whatsoever working for any subcontractor on the Red House Project and whether

these persons are working there legally or not as the case may be. But we have not yet received any report from UDeCOTT. There was only a newspaper article in a weekend newspaper, the investigation is ongoing so the question cannot be answered at this time.

MV Galleons Passage Retrofitting

(Completion of Works)

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Mr. Deputy Speaker. Again, to the Acting Prime Minister: Could the Prime Minister inform this House if the retrofitting works on the *MV Galleons Passage* in Santiago, Cuba has been completed?

The Acting Prime Minister, Minister of Finance and Acting Minister of Housing and Urban Development (Hon. Colm Imbert): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, the arrangement for the enhancement works on the *MV Galleons Passage* had two components. There were works to be done by the seller of the vessel—certain upgrade works—and there were also upgrade works to be done by the buyer of the vessel, which in this particular case was the National Infrastructure Development Company on behalf of the Government of Trinidad and Tobago. So that the seller had work to do at his expense, with his own arrangements on a contractual basis with the shipyard in Cuba and NIDCO also had work to do on a contractual basis based on separate transaction with the shipyard in Cuba.

We have been informed recently that some of the materials and equipment that the seller requires in order to complete the enhancement works that were agreed to in the contract for sale of the vessel to NIDCO, some of these materials and equipment, the seller is having difficulty transporting them from Australia to Cuba, because Cuba is still an embargo country for many countries. Cuba accepts

shipments from some European countries [*Crosstalk*] and does not apparently make it very easy for shipments from countries such as Australia. The seller has reported that to us recently, that although fabrication of one of the canopies had begun they were having difficulty in getting an airline or a shipping company to transport some of the remaining equipment and materials for the canopies into Cuba.

1.50 p.m.

So the Government has taken a decision to bring the vessel to Trinidad immediately. The work will be done in Trinidad and the boat will be put into service very soon and the enhancement work will be done on a phased basis while the boat is transporting passengers to and from Tobago. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Member for Couva South.

Mr. Indarsingh: Could the Acting Prime Minister inform this House whether any retrofitting was done in Santiago, Cuba? [*Desk thumping*]

Mr. Deputy Speaker: Acting Prime Minister.

Hon. C. Imbert: Based on the reports received from NIDCO, the answer is, yes.

Mr. Deputy Speaker: I recognize the Member for Naparima.

Mr. Charles: Is the Acting Prime Minister—was the Government aware of the fact that there is an embargo in Cuba? And was that taken on board in making the decision to go there? [*Crosstalk*]

Mr. Deputy Speaker: Members, Members. Prime Minister, Acting?

Hon. C. Imbert: Thank you very much, Mr. Deputy Speaker. The seller of the vessel—[*Interruption*] Mr. Deputy Speaker, I am having a little trouble with all the noise over there. I would seek your protection, please.

Mr. Deputy Speaker: Proceed, Member. I will protect accordingly.

Hon. C. Imbert: Thank you very much. As part of the contract for purchase of the

vessel, the seller of the vessel had agreed to do certain enhancement works at the Damen Shipyard in Cuba. This was a contractual responsibility of the seller, not a contractual responsibility of the Government of Trinidad and Tobago. The works that the seller is contracted to do have been affected by the seller's inability to get materials and equipment into Cuba, not the Government's inability to get materials and equipment into Cuba.

Mr. Deputy Speaker: I recognize the Member for Oropouche East.

Dr. Moonilal: Thank you so much. Mr. Acting Prime Minister, notwithstanding the embargo on Cuba, are you aware that in April this year the United States Department of Homeland Security, under which the United States coastguard reports in specific matters, found that this vessel that you got from the seller that did not know it had an embargo in Cuba—

Mr. Deputy Speaker: Question please.

Dr. Moonilal:—was found to be defective by the US coastguard on inspection in Hawaii? Are you aware of that?

Mr. Deputy Speaker: I would not entertain that question, Member. I now recognize the Member for Chaguanas West.

Mr. Singh: Thank you, Mr. Deputy Speaker. Could the Acting Prime Minister indicate whether or not these enhancements and these changes have been pacified by the classification authority that is responsible for the safety of shipping—ships of that nature?

Mr. Deputy Speaker: Prime Minister, Acting.

Hon. C. Imbert: Thank you very much, Mr. Deputy Speaker. The vessel was classified by Lloyd's of London in its original condition as being suitable for coastal transport of passengers and cargo. So the vessel is already classified. The enhancement works to be done on the vessel are simply to make the vessel more

comfortable for the people of Trinidad and Tobago. But as we speak, the vessel is already in class and is already certified by Lloyd's of London to transport passengers and cargo in coastal areas.

Ministry of Sport and Youth Affairs

(Status of Report)

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Mr. Deputy Speaker. Could the Acting Prime Minister inform this House whether he has received the report of the three member committee headed by Ms. Jackie Wilson to investigate the circumstances which led to the payment of one hundred and fifty thousand dollars (TT \$150,000) to a former employee of the Ministry of Sports and Youth Affairs?

Mr. Deputy Speaker: Prime Minister, Acting.

The Acting Prime Minister, Minister of Finance and Acting Minister of Housing and Urban Development (Hon. Colm Imbert): Thank you very much. Yes, the report was received on the 4th of June, 2018.

Mr. Deputy Speaker: Couva South, supplemental?

Mr. Indarsingh: In the interest of transparency and good governance to which the PNM subscribes, are they willing to lay that report in this House?

Mr. Deputy Speaker: Acting Prime Minister.

Hon. C. Imbert: Thank you very much, Mr. Deputy Speaker. Unlike the LifeSport report, this PNM Government will follow due process. When there is a report that involves the conduct of someone, they have a right to be heard and a right to answer any accusations made against them. So unlike the UNC, we are following due process and allowing natural justice to be developed. [*Desk thumping*]

Sandals International Hotel

(Recipient of Tax Holiday)

Ms. Ramona Ramdial (*Couva North*): Could the Acting Prime Minister say if Sandals International will be the recipient of a tax holiday as seen in other Caricom countries since the Prime Minister stated the hotel will be constructed and managed locally?

Mr. Deputy Speaker: Prime Minister, Acting.

The Acting Prime Minister, Minister of Finance and Acting Minister of Housing and Urban Development (Hon. Colm Imbert): Mr. Deputy Speaker, I think this is an ideal opportunity to clarify and to deal with some of the mischief in the political domain. The model being used for the Sandals hotel has been stated by the hon. Prime Minister himself, by the Minister in the Ministry of the Office of the Prime Minister. The model being used is the Hyatt model, where the Government will own the property and the brand. In this particular case, Sandals will manage and operate the hotel and the Government receives the profits from the operations of the hotel. The questions of tax concessions, these are standard in the industry and they are still being negotiated and have not yet been finalized.

Mr. Deputy Speaker: Supplemental, Couva North.

Ms. Ramdial: Thank you, Mr. Deputy Speaker. Can the Acting Prime Minister say if and when the memorandum of understanding between Trinidad and Tobago Government and Sandals International will be made public?

Mr. Deputy Speaker: I would not entertain that question. Member for Naparima.

Mr. Charles: Thank you, Mr. Deputy Speaker. And we thank you for the enlightenment with respect to the model that is being used. But could you tell us in the development of that model, what is the total equity input of the Trinidad and Tobago taxpayer, the return on investment on that money and the breakeven time frame, so that we could see value for money in Trinidad and Tobago?

Mr. Deputy Speaker: Prime Minister, Acting.

Hon. C. Imbert: Mr. Deputy Speaker—[*Crosstalk*]

Mr. Deputy Speaker: Silence, please.

Hon. C. Imbert:—the Hyatt model has been very, very successful. In fact, the Hyatt has almost paid for itself since its construction in 2008/2009 for the Summit of the Americas. The Government has received hundreds of millions of dollars from the Hyatt's operations since then. The precise details that the hon. Member is asking for cannot be given at this point in time, but based on preliminary data we expect the Sandals Resort International in Tobago to be as successful as the Hyatt, if not more successful in terms of return on equity, in terms of economic activity, in terms of the profitability and in terms of the overall beneficial effect on Tobago economy and also the Trinidad economy. [*Desk thumping*]

Mr. Deputy Speaker: Member for Naparima.

Mr. Charles: Thank you, Mr. Deputy Speaker. Surely as Minister of Finance you must have at your fingertips the profitability and return on investment on the Hyatt's model. Could you tell this honourable House what is the return on investment to date with the Hyatt since this is the model used for Sandals, and the breakeven time project?

Mr. Deputy Speaker: Member, I would not entertain the question based on the answer that was just given. It will be provided accordingly. You had your hand up, Member for Couva North, again?

Ms. Ramdial: No.

Mr. Deputy Speaker: Okay. Member for Cumuto/Manzanilla.

Mrs. Newallo-Hosein: Thank you, Mr. Deputy Speaker. Hon. Prime Minister, there are two different models, the Hyatt model and the Sandals model. The Sandals model is representative of an all-inclusive. An all-inclusive is very different to the Hyatt. And, therefore, as such, in light of the information that has

been going worldwide that all-inclusives do not bring in direct investment to the country, [*Desk thumping*] how do you propose that we will get a return of our investment with a Sandals model compared to Hyatt?

Mr. Deputy Speaker: Member, I would not entertain that question.

Land Acquisition Process in Tobago

(Update on)

Ms Ramona Ramdial (*Couva North*): Thank you, Mr. Deputy Speaker. Could the Acting Prime Minister give an update on the land acquisition process for construction of the new Tobago Airport Terminal?

Mr. Deputy Speaker: Prime Minister, Acting.

The Acting Prime Minister, Minister of Finance and Acting Minister of Housing and Urban Development (Hon. Colm Imbert): Thank you, Mr. Deputy Speaker. Public consultations have been held and are ongoing. The section 3 and 4 notices have not yet been served but will be served shortly.

Mr. Deputy Speaker: Member for Naparima.

Mr. Charles: Could the Acting Prime Minister tell us whether small hoteliers would be affected by the land acquisition and therefore priority is being given to a Sandals model as opposed to a model that will involve small business development?

Hon. Member: Breathe, breathe.

Mr. Deputy Speaker: Member, which question you would like to pose?

Mr. Charles: I want to know if local hoteliers would be affected by the land acquisition process.

Mr. Deputy Speaker: Thank you. Acting Prime Minister.

Hon. C. Imbert: Thank you, Mr. Deputy Speaker. The terminal building at the Crown Point ANR Robinson International Airport in Tobago is many, many, many

years old. As far as I can recall, it was done in the NAR era, so that would make it at least 25 years old, if not older. And that small terminal building has long outgrown its usefulness. This project is a new terminal building, not necessarily a new airport—a new terminal building which will be located at the other end of the runway, and the lands in that particular area are to be acquired for the construction of the terminal building.

There are a number of parcels there. There are vacant lands. There are residences and other properties in the area. When the section 3 and section 4 notices are finalized and the acquisition is approved by Cabinet, the actual serving of the section 3 and section 4, then the details that the hon. Member is requesting can be provided.

Mr. Deputy Speaker: Next question?

Mr. Singh: Supplemental.

Mr. Deputy Speaker: Chief Whip, guide me, please. Are you accepting it?

Mr. Lee: Yes.

Mr. Deputy Speaker: Okay. Member for Chaguanas West.

Mr. Singh: Supplemental to the Acting Prime Minister. The acquisition of the lands for the Tobago terminal—new terminal—is by compulsory acquisition—section 3 and section 4—but the acquisition of the lands for the Curepe Interchange is by private treaty. Why is there a distinction?

Mr. Deputy Speaker: I would not entertain that question.

Tobago Full Independence

(Consideration of)

Ms. Ramona Ramdial (*Couva North*): Thank you, Mr. Deputy Speaker. Could the Prime Minister say if he will accede to the wishes of the Tobago people and consider full independence for them as was expressed at a recent consultation on

the Constitution (Amdt.) (Tobago Self-Government) Bill, 2018?

Mr. Deputy Speaker: Acting Prime Minister.

The Acting Prime Minister, Minister of Finance and Acting Minister of Urban Development (Hon. Colm Imbert): Thank you, Mr. Deputy Speaker. I must confess I am a bit taken aback by this question since the hon. Member for Couva North is a member of the Joint Select Committee which is considering the proposals from the people of Tobago for more autonomy. It is my information that it is incorrect to state—and I think this again falls into the realm of political mischief—it is incorrect to state that the people of Tobago want full independence. My understanding is that at this recent consultation, one person—one, one—asked for full independence. It is my understanding, based on advice received from eminent Tobagonians, including the hon. Prime Minister, the Members of this House who represent Tobago East and West, and many other eminent Tobagonians who were part of the process to grant Tobago more autonomy, is that no one, apart from maybe this one person, in Tobago is demanding full independence for Tobago. So this is a mischievous question. [*Desk thumping*]

Virgin Atlantic Airways

(Status of Audit Report)

Ms. Ramona Ramdial (Couva North): Thank you, Mr. Deputy Speaker: Could the Prime Minister say if he has received an audit report or has been updated on the investigation into the missing \$10 million from the THA accounts meant for Virgin Atlantic Airways?

Mr. Deputy Speaker: Acting Prime Minister.

The Acting Prime Minister, Minister of Finance and Acting Minister of Urban Development (Hon. Colm Imbert): An audit report has not been received. However, I am advised that the Central Audit Committee of the Ministry of

Finance conducted an investigation some months ago and is currently in the process of finalizing its report into this matter. I am advised by the Tobago House of Assembly that the Fraud Squad is also investigating this matter, but no reports are available and no final conclusions are available at this time. But investigations have been conducted.

Mr. Deputy Speaker: Member for Couva North, supplemental.

Ms. Ramdial: Just one. Mr. Acting Prime Minister, how soon before we get the report on the investigation? And why is there not an—

Mr. Deputy Speaker: Member, one question is the procedure. Acting Prime Minister.

Hon. C. Imbert: With respect to the report from the Central Audit Committee, the information I received today from the Ministry of Finance is that the report is currently being finalized. It would be premature of me to give you an exact date as to the completion of that report.

United Nations Response

(Repatriation of Venezuelans)

Mr. Barry Padarath (*Princes Town*): Thank you, Mr. Deputy Speaker. To the hon. Prime Minister: Could the Prime Minister indicate whether he has received a response from the United Nations regarding his complaint about their local representative commenting on the repatriation of over 82 Venezuelan nationals?

Mr. Deputy Speaker: Acting Prime Minister.

The Acting Prime Minister, Minister of Finance and Acting Minister of Housing and Urban Development (Hon. Colm Imbert): Thank you, Mr. Deputy Speaker. I am advised that the Prime Minister has not received a response from the United Nations regarding the complaint. However, I am also advised that the person in question, the local representative, is leaving.

Hon. Member: He has left.

Mr. Deputy Speaker: Member for Princes Town.

Mr. Padarath: Thank you, Mr. Deputy Speaker. Could the hon. Prime Minister say whether in light of the comments made by the hon. Prime Minister on this issue where he indicated on April 27th that there are people who want us to join them in invading Venezuela and we are not doing that, has been met—

Mr. Deputy Speaker: Question, please.

Mr. Padarath:—by the US Government with concerns as expressed to the Government? Could he confirm that?

Hon. Member: What is the question?

Mr. Padarath: Could the hon. Prime Minister confirm that the US Government has expressed concerns over these statements by the Trinidad and Tobago Prime Minister that there are persons who are interested in having us join them to invade Venezuela? Those were the words of the Prime Minister.

Mr. Deputy Speaker: Member, I would not entertain that question. Members, the time for Prime Minister's questions has now expired.

URGENT QUESTIONS

Mr. Deputy Speaker: Member for Fyzabad.

Mr. Rushton Paray (Fyzabad): Thank you, Mr. Deputy Speaker—[*Crosstalk*]

Mr. Deputy Speaker: Members, again, there is a decorum in the House how we identify with Members, and rest assured, even if it is being said at the lower end of the Chamber, it reaches my ear. So, please, Members. And I was with Member for Fyzabad.

Doctors in Public Service

(Mechanism for Detection of Stress)

Mr. Rushton Paray (Fyzabad): Thank you, Mr. Deputy Speaker. To the Minister

of Health: In light of a recent incident involving a medical intern, could the Minister indicate what mechanisms are in place for the detection and management of stress in the workplace for doctors employed in the public health sector?

Mr. Deputy Speaker: Minister of Health.

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Mr. Deputy Speaker, and I sincerely thank my colleague from Fyzabad for this very topical question. All Ministries have an Employee Assistance Programme as you know. So the Ministry of Health has an employee assistance programme and all RHAs have similar programmes where employees can feel free to go and have their conditions assessed. For the management of the issues, that falls squarely within the Employee Assistance Programmes. For the detection, we go on performance management systems via quarterly assessments, annual assessments. However, for more daily assessments in real time, each intern, as you know, is assigned by the Chief Medical Officer to the Chief of Staff of the respective hospitals. They then report to the head of department and they are assigned a consultant. The consultant has the responsibility for the daily management of these interns, to look out for behaviour changes, changes in work performance, coming to work late, which are all signs of stress.

However, in 2016, I approached the Medical Association, the Medical Council, the University of the West Indies, expressing my reservations about how we take people into the Faculty of Medical Sciences based primarily on academic qualifications. It was my feeling we should have a more rounded student, based on things like non-academic sports and so on. Another major concern is the length of internship in Trinidad and Tobago. It is currently one year. I have floated the idea to the powers that be that interns be put through a two-year internship programme. The last Minister of Health who floated this in the public domain, my colleague

from Barataria/San Juan, was massively murdered in the public domain when he said interns should go through a two-year internship. I support that. I made that clear in 2016 to the Faculty of Medical Sciences and to the University of the West Indies, that a medical intern should have a two-year internship rather than a one-year internship, so any issues like this have a chance to come to the fore.

Currently, Mr. Deputy Speaker, an intern only has four rotations for three months each: paediatric surgery, general medicine and Obs and Gyns—wholly inadequate. Thank you, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker: Member for Fyzabad.

Mr. Paray: Thank you, Minister, and thank you for that answer. It would seem that the mechanisms are not sufficient in view of what happened. Can you, in that light, then indicate whether any consideration will be given to implementing periodic evaluations specifically geared to junior doctors' mental status, stress levels, that can impact on their performance in the public service?

Mr. Deputy Speaker: Minister of Health.

Hon. T. Deyalsingh: I differ slightly when you said the mechanisms are inadequate. The mechanisms are, in my view, adequate. The thing is, are the persons charged with the responsibility, which are the consultants and the heads of staff, are they, in fact, conducting the assessments as they should? If we do it, then the systems are adequate. It is whether persons charged with the responsibility of the day-to-day management of the interns are actually doing the assessment.

And, Mr. Deputy Speaker, before I close, because I know we only have two minutes, we can do what we want with the intern. The solution is the quality of person we take in to do medicine, because in this country we give too much weighting to pure academics. Everybody has four As now. When my daughter had to do medicine in England, you know what took her over the thing? Her

involvement in pan, her involvement in volley ball. That is what my daughter did in England and she had to serve her two-year internship. That system gives you a better product at the end of the day, versus our system which is heavily weighted on academics. Everybody gets four As and you do not consider extracurricula. You do not look at the rounded person—

Mr. Deputy Speaker: Ten seconds, Mr. Minister.

Hon. T. Deyalsingh:—so they could go into a hospital setting and cope with stress. Thank you, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker: Member for Chaguanas East.

Mr. Karim: Thank you very much, Mr. Deputy Speaker. In light of the answer given by the hon. Minister of Health, could the Minister indicate what is the percentage weighting for acceptance to pursue a degree at the Faculty of Medical Sciences in terms of academics versus other factors?

Mr. Deputy Speaker: Member, I am hesitant to give clearance because you are on a different wave length.

Mr. Karim: No. Can I clarify?

Mr. Deputy Speaker: Yes, go ahead.

Mr. Karim: Mr. Deputy Speaker, the answer given by the hon. Member, the Minister of Health, indicating that too much emphasis was being placed on academia, I am simply asking the question: Could the hon. Minister confirm whether it is only on the basis of academia or whether there are other factors taken into consideration for acceptance to pursue MD/BS at the Faculty of Medical Sciences, the University of the West Indies at Mt. Hope?

Mr. Deputy Speaker: Minister of Health.

Hon. T. Deyalsingh: Mr. Deputy Speaker, I never said they only consider academics. I said clearly that it is an over-reliance on academics. But my Member

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now has raised another issue. What he should ask himself is, why did the University of the West Indies, when they were in office change, the entry criteria to take biology out of the entry requirement to get into medicine and focus only on chemistry and physics? Why was biology taken out? And who was disadvantaged when they took out biology as a criterion to get into medicine? [*Desk thumping*] That is the question my colleague should be asking. Why was biology taken out? [*Crosstalk*]

Mr. Deputy Speaker: Members—

Hon. T. Deyalsingh: Why was biology taken out? [*Crosstalk*] And why did a compliant University accede to it? [*Crosstalk*]

Mr. Deputy Speaker: Members, Members, please. Minister of Health, you have 10 more seconds. You care to avail yourself?

Hon. T. Deyalsingh: Yes.

Mr. Deputy Speaker: Ten seconds.

Hon. T. Deyalsingh: The question that needs—why was biology taken out [*Crosstalk*] and who was disadvantaged in taking out biology. [*Desk thumping*] Thank you, Mr. Deputy Speaker.

Dr. Moonilal: “Tuh save de crapaud life.”

Mr. Deputy Speaker: Couva South, Question No. 2.

School Vacation Repair Programme

(Number of Schools to be Repaired)

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Mr. Deputy Speaker. To the Minister of Education: Could the Minister inform this House of the number of schools which will be repaired during the July-August vacation as a result of the 160 projects identified under the Schools Vacation Repair Programme?

Mr. Deputy Speaker: The Minister of Education.

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Mr. Deputy Speaker. The simple answer to this question is 160 schools will be repaired. Thank you. [*Desk thumping*]

Mr. Deputy Speaker: Supplemental, Member for Couva South?

Mr. Indarsingh: Could the Ministry of Education inform this House whether his Ministry is in full tandem, or operating in full tandem with the Ministry of Local Government as a result of a commitment given that the schools will be repaired by the respective regional corporations throughout Trinidad and Tobago?

Mr. Deputy Speaker: Minister of Education.

Hon. A. Garcia: Mr. Deputy Speaker, that is misinformation that is being presented by the Member for Couva South. The issue was never in the public domain that the regional corporations will repair the schools. That was never in the public domain. What we said is that the regional corporations will assist, and we have been in consultation with the regional corporations on this issue. Thank you.

Mr. Deputy Speaker: Couva South, supplemental? Last one.

Mr. Indarsingh: Mr. Deputy Speaker, is the Minister of Education telling this House that he was not aware that the commitment of the Ministry of Education and the Ministry of Local Government effecting school repairs during the July/August vacation was not in the public domain?

Mr. Deputy Speaker: Minister of Education.

Hon. A. Garcia: Mr. Deputy Speaker, it seems to me that the Member for Couva South has a difficulty in understanding my answers.

Hon. Member: Usually.

Mr. Indarsingh: The country.

Hon. A. Garcia: Mr. Deputy Speaker, I reiterate that we have stated publicly that

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we are enlisting the cooperation and the support of the regional corporations in their assistance in terms of repairs to schools during the July/August vacation period. It is part of our policy of local government reform. Thank you.

Mr. Deputy Speaker: Okay. We have to go on to the next question. Question No. 3, Oropouche West.

Social Media Post re High Powered Rifles

(Authentication of)

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Mr. Deputy Speaker. On behalf of the Member for Oropouche West, to the hon. Minister of National Security: With regard to various posts on social media depicting a room filled with high powered rifles, potentially to be used in gang warfare in Trinidad, could the Minister state if any investigations have been launched to validate the authenticity of the post?

Mr. Deputy Speaker: Minister of National Security.

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, an investigation has been launched by the Trinidad and Tobago Police Service with respect to this post.

Mr. Deputy Speaker: Question No. 4, the Member for Oropouche West, again. I recognize the Chief Whip.

Melajo, Vega de Oropouche

(Supply of Pipe-Borne Water)

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Mr. Deputy Speaker. On behalf of the Member for Oropouche West to the hon. Minister of Public Utilities: With regard to reports indicating that residents of Melajo, Vega de Oropouche have not had a pipe borne water supply for the past six months, could the Minister indicate when this situation will be rectified?

Mr. Deputy Speaker: Minister of Public Utilities.

2.20 p.m.

The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte): I have been advised that the community of Melajo, Vega de Oropouche is located off lower Toco Road, Sangre Grande. Its sources of supply are the North Oropouche Water Treatment Plant together with the Sangre Grande wells, numbers one, two and three. The area is at the north-east extreme of the North Oropouche distribution system. The area's water supply schedule is daily, with high pressures at night where there is optimal operations production at the Oropouche Water Treatment Plant at the Sangre Grande wells.

Over the past few months, the plants and wells have been experiencing disruptions that negatively impact on the maximum distribution. At this time, four out of the five water pumps are in operations at North Oropouche. The fifth unit is undergoing repairs at the central workshop facility of WASA.

Resulting from these disruptions, the reduced plant's well production has led to inadequate tank heights at Oropouche Water Treatment Plant to maintain the supply continuously. Low pressures in addition to the network therefore have affected the Melajo residents at the end points, particularly members of road number one and members of road number two. Members of road number one and road number two are elevated site roads off Vega de Oropouche Road. To improve the supply at the end points, additional valves were installed and localized operations in the areas have been done to increase pressure to reach these extremes. Checks conducted within the areas including during the last week revealed the following—

Mr. Deputy Speaker: Fifteen seconds, Mr. Minister.

Sen. The Hon. R. Le Hunte:—Vega de Oropouche Road supply No. 63, end of the road, during the evening and the night with the person at the end number, Mrs.

Persad, being checked; members road number two, supply up to light pole 3, C3. The supply to these areas will continue to be closely monitored, and adjustments made to reach these final end points expeditiously. [*Desk thumping*]

Mrs. Newallo-Hosein: Thank you, Deputy Speaker. Hon. Minister, can you advise what mechanisms were put in place to provide potable water for the residents, not only of Melajo, but of also the other residents who have been experiencing lack of water supply?

Sen. The Hon. R. Le Hunte: I have been advised that additional truck-borne water supplies have been put in place to help the areas that have been affected. In addition to that, as I mentioned, in those particular areas we have done some work to try to get water up to those extremities. And finally, right before me at this point—I have based on the MP's representation—in my water tank assistance programme, water tanks, a project that is being executed. And again, it is right before my Ministry now looking for approval. [*Desk thumping*]

Mrs. Newallo-Hosein: Thank you. Hon. Minister, is it that the Minister is putting in place that persons can apply and receive water tanks; and how soon can these water tanks be made available?

Sen. The Hon. R. Le Hunte: One of the social programmes that we do have in our Ministry is a water tank assistance programme and, that is, it is available for anyone to make their required applications, and as I said, this is before me and it is hoped to be done expeditiously.

Mr. Deputy Speaker: Thank you, Members.

ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Mr. Deputy Speaker. Mr. Deputy Speaker, there are 17 questions for oral answer. We would be answering 16. We are asking for a two-

week deferral of question 265. There are two questions for written answer, we will be answering both.

WRITTEN ANSWERS TO QUESTIONS

Gynaecological Cancer Surgery

(Details of Patients Waiting)

275. Dr. Lackram Bodoie (*Fyzabad*) asked the hon. Minister of Health:

Could the Minister provide:

- a) the number of patients awaiting gynaecological cancer surgery at each of the Regional Health Authorities in Trinidad and Tobago; and
- b) the waiting time for each patient listed in part (a)?

Legal Fees re Eden Gardens Lands

(Details of Payment)

242. Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Attorney General:

Could the Attorney General state:

- a) the total amount spent on legal fees including opinion and advice by or on behalf of the Housing Development Corporation (HDC) and/or the Government since December 2015 to date on the civil matter regarding the purchase of Eden Gardens lands;
- b) the name and amount paid to each legal firm and lawyer (local and foreign) who provided the legal services and advice at part (a) since December 2015;
- c) the names of all consultants and/or firms procured (local and foreign) to provide technical advice and professional services involving the Eden Gardens land matter since December 2015;
- d) the breakdown of the quantum of monies paid to date to all law firms, lawyers, consultants, firms, technical advisors and professional

service providers (local and foreign) associated with the Eden Gardens matter since December 2015;

- e) the breakdown of the quantum of monies owing to all law firms, lawyers, consultants, firms, technical advisors and professional service providers, local and foreign, associated with the Eden Gardens matter since December 2015?

Vide end of sitting for written answers.

ORAL ANSWERS TO QUESTIONS

The following question stood on the Order Paper in the name of Mrs. Vidia Guyadeen-Gopeesingh (Oropouche West):

Corporación Andina de Fomento Development Bank

(Loan Agreement)

- 254.** Could the hon. Minister of Finance state the purpose for the new loan agreement with Corporación Andina de Fomento Development Bank?

Question, by leave, deferred.

T&T Spirit and T&T Express

(Details of)

- 230. Mr. Rodney Charles (Naparima)** asked the hon. Minister of Works and Transport:

With regard to the *Trinidad and Tobago Spirit* and *Trinidad and Tobago Express*, could the Minister state:

- a) the total amount spent on vessel repairs since May 2017;
- b) the total number of days each vessel was out of service since May 2017; and
- c) the companies/contractors who were engaged to undertake repairs to these vessels?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, in relation to the inter-island ferry, the *Trinidad and Tobago Spirit* and the *Express*, I wish to convey the following information: *T&T Spirit*, dry docking cost, US \$10,199,000; *T&T Express*, repairs and maintenance, US \$807,117. The total number of days the vessel—the *T&T Spirit* did not sail from 15th of May, 2017 to the 16th of April, 2018. The *T&T Express* was in operation from the 15th of May, 2017 to the 12th of March, 2018. This is equivalent of 301 days of which 169 days were sailing days and 132 days were non-sailing days.

The companies contracted for the repairs: most of the vessel repairs was undertaken by Original Equipment Manufacturers and Industry Specialist, and this is done to ensure the validity and warranty of parts, repair work on the vessel for insurance purposes. Thank you.

TTPS Utilization of Background Check Machines

(Details of)

234. Mr. Rodney Charles (*Naparima*) asked the hon. Minister of National Security:

Does the Trinidad and Tobago Police Service (TTPS) utilize machines to assist in criminal background checks and if so, could the Minister state:

- a) how many such machines does the TTPS possess;
- b) how many of these machines are currently functional;
- c) whether there is a maintenance schedule for such machines; and
- d) the parties responsible for the maintenance and repairs of such machines?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, the Trinidad and Tobago Police

Service utilizes machines that are known as Automated Fingerprint Identification System and live scan machines to assist in criminal background tracing. AFIS machines comprise of software and hardware that are used by crime scene investigators, fingerprint experts to scan 10-print cards and search the TTPS fingerprint database to determine whether or not there is a match. There are 10 fingerprints recorded on a fingerprint slip for the following instances: persons charged for criminal offences, elimination for certificate of character, elimination from crime scenes, capturing information on deportees, firearm users' licences applicants, prints recorded from cadavers, and Interpol searches. Live scan machines offer the ability to quickly and easily collect multi-biometric and biographical data for offender booking, identity verification, and civil enrolment without the use of ink.

Mr. Deputy Speaker, the Trinidad and Tobago Police Service is in possession of 15 AFIS and 11 live scan machines. Twelve AFISs and three live scan machines are currently functional. Maintenance schedules are in place for the software and database as well as the live scan machines. Maintenance and repairs to the AFIS system and live scan machines are undertaken by the supplier, Gemalto Biometric Systems. Additionally, the Trinidad and Tobago Police Service Information Technology Department conducts routine preventative monthly maintenance on live scan machines which entails deleting unwanted files and making sure cabinets that contain equipment are in working order. The IT Department also conducts daily health checks on the AFIS system, Mr. Deputy Speaker.

Mr. Deputy Speaker: Member for Oropouche West.

CourtPay Service

(Details of)

245. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Attorney General:

With regard to the recently launched online CourtPay service, could the Minister indicate:

- a) the cost of setting up this initiative; and
- b) the number of persons who have accessed this service to date?

Mr. Lee: No, no, it is the Member for Naparima before me, but—

Mr. Deputy Speaker: No, problem. Attorney General.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Mr. Deputy Speaker. Question 245 relates to the online CourtPay service system. Online CourtPay services is, and the CourtPay is, the Judiciary software system which manages the information in relation to court-ordered maintenance payments made into the Judiciary's custodial bank account using cash through a top-up card, LINX, credit card as well as direct debit cards for payment, and out of the Judiciary's custodial account into the recipient's bank account, or to the recipient in cash, cheque, or via a prepaid pay-out card. The cost of setting up the CourtPay service, specifically, in order to facilitate the design, supply, installation and commissioning of the software solution amounts to TT \$75,000.

The pay card to be used in connection with the use of the CourtPay services is at a unit cost of TT \$20. As at June 17th, 89 persons were ordered to receive payments using this method. As such, TT \$1,780 was expended in obtaining such cards.

Further to this, as part of the roll-out of a suite of services for the benefit, inclusive of maintenance payments, it is intended that service kiosks would be placed at all courts throughout Trinidad and Tobago. The kiosks will be purchased at a hardware cost of TT \$189,000 per unit.

Number of persons who have accessed CourtPay services as at June 17, 2018: 172

users have registered for use of the CourtPay services, both payers and recipients, while 89 persons are duly registered to use pay card. Since the launch of the CourtPay services on April 5th, 185 payment transactions have taken place, and among this group 77 persons have utilized top-up payment method, two persons have utilized credit card, and 15 persons have utilized debit credit card standing order method.

It is to be noted that payments made thus far utilizing CourtPay systems have been pursuant to orders issued by the Family Court; however, the court has received several enquiries from persons who had been making payments prior to launch for CourtPay services who are keenly interested in transitioning. I should add, and without breaching the rules of anticipation in the Senate, we have specific legislation.

In summary and in conclusion, therefore, this Government has managed to launch, through its initiative and cooperation of the Judiciary, the first time in the history of the Trinidad and Tobago, electronic payments coming to life because we refused to accept the naysayers that say it is not possible. We have done so operationally by way of court order and we are about to do that legislatively as the Parliament record will demonstrate. Thank you. [*Desk thumping*]

Mr. Lee: Supplemental, thank you. Mr. Deputy Speaker, could the Attorney General provide what is the name of the company that is providing this service on behalf of the Government?

Hon. F. Al-Rawi: There are several services that are being provided. I do not have the specific names and I prefer to have them all correct. There would be a CourtPay solution, which is a PayPal representative, and then there would be some hardware aspects that are associated with that; I do not have the specifics of that as they were not requested.

Small Business Incentive Programme

(Update on)

235. Mr. Rodney Charles (*Naparima*) asked the hon. Minister of Finance:

Could the Minister provide an update on the Small Business Incentive Programme as announced in the 2018 Budget Presentation?

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very kindly, Mr. Deputy Speaker. Mr. Deputy Speaker, on behalf of the Minister of Finance I would like to indicate that we are in the process of putting the final touches on the Small Business Incentive Programme through the Ministry of Trade and Industry. There is in existence already through the Ministry of Social Development and Family Services a programme, but this specific programme that will be targeting the small businesses, there are certain specific incentives that will be done through the Ministry of Trade and Industry and they are not yet finalized, but they will be quite shortly. Thank you very much.

Mr. Padarath: Thank you, Deputy Speaker. Mr. Deputy Speaker, is the hon. Minister indicating to this House that almost one year since this announcement, this programme has not materialized at all? This is an indictment and a failure on the Government.

Hon. C. Robinson-Regis: Yes.

Hon. Member: So, you are agreeing it is a failure.

Mr. Deputy Speaker: Member for Princes Town.

Diego Martin Stadium

(Details of Award of Contract)

241. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Sport and Youth Affairs:

Could the Minister state:

- a) the name of contractor who was awarded the contract for the Diego Martin Stadium; and
- b) the procurement process to award the contract for the Diego Martin Stadium?

The Minister of Sport and Youth Affairs (Hon. Shamfa Cudjoe): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, with regard to part (a) of the question, the contract for the modified, design—[*Crosstalk*] Mr. Deputy Speaker, I could barely hear myself, could you help me, please?

Mr. Deputy Speaker: Members, please. The question was posed, the Minister needs to answer. I would also like to hear the Minister's response. Proceed.

Hon. S. Cudjoe: Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, with regard to part (a) of the question, the contract for the modified, design, build of the Diego Martin sporting complex was awarded to SRI Construction Limited.

With regard to part (b) of the question, the procurement process to award the contract is as follows: the project was initially under the purview of the Sports Company of Trinidad and Tobago. SPORTT established a phased development plan for the Diego Martin sporting complex and associated detailed designs were fully developed by the InterUrban Design and Development Company Limited, on its behalf, in 2007 for the intended phase one and in 2009 for the intended phase two.

The details on the procurement process to award the contract for the Diego Martin sporting complex are as follows: on April 20, 2006, the Sports Company of Trinidad and Tobago Limited sent a letter to Project and Construction Management Services Limited informing them that they were successful in their bid to manage projects on behalf of SPORTT and that they were assigned four grounds including the NRRJ, which is northern Diego Martin; on June 06, 2006, SPORTT sent a

letter to PCMS informing them that Associated Services Caribbean Limited (ASL) was appointed project manager for the works; in February of 2007, SPORTT initiated a selective tender for upgrade works at NRRJ in Diego Martin.

In the evaluation report prepared by ASL it was recommended that the contract for the upgrade works at NRRJ be awarded to the lowest bidder, SRI Construction Limited, at cost of \$5.5 million; on April 12, 2007, SRI was awarded the contract at \$5.5 million, estimated completion date of 25 September, 2007. Mr. Deputy Speaker, subsequent to the above, a revised contract sum was awarded to SRI in the amount of \$17 million with a revised completion date of the 22nd of April, 2008.

SRI Construction Limited was engaged for the design, bid, build of phase one of the plan which included a scope of works of: a foundation for the 1,624-seater main pavilion and associated service infrastructure, internal site drainage, perimeter fence and main gate, field irrigation system, and field top-soil grassing and associated works. SRI completed all items of work with the exception of the last item which was removed from their scope and issued to a specialist field contractor.

However, during the cost of execution of phase one, the project was plagued by a number of variations, the main one being the change of the original field design based on stakeholders demand. The change in the field design impacted the overall design elevation of the ground and thus resulted in major changes to the pavilion's foundation, side box drains and field drainage. These variations resulted in major project budget overruns and crippled the budget, and SRI's contract was terminated in August of 2009.

Mr. Deputy Speaker, in 2012, SPORTT engaged Exec Tech Limited as project manager of the project, and in 2013 Exec Tech prepared a report recommending

that a request for proposal be issued to SRI for completion of works in alignment with the new mandate for a sub-regional recreational facility. By letter dated September 18th in the year 2013—

Mr. Deputy Speaker: Member, you have 15 more seconds.

Hon. S. Cudjoe: Thank you—SPORTT issued on a sole select basis a request for a proposal to SRI for design-build services for Diego Martin sporting Complex—I have more, Mr. Deputy Speaker—SRI with a technical and cost proposal in the sum of \$50,162,512.72 VAT exclusive. After negotiations between SPORTT and SRI—

Mr. Deputy Speaker: Hon. Member, your time has expired. Supplemental?

Okay, Member for Princes Town.

Mr. Padarath: Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, the answer provided by the hon. Minister, one thing stood out. I just wanted the Minister to confirm this, that the initial contract was a select contract, and in those circumstances when it is a sole select contract, those sole select contracts are usually used in emergency cases or in cases of national security—

Mr. Deputy Speaker: Member, 15 seconds. Question.

Mr. Padarath:—could the hon. Minister indicate in 2007 why that decision would have been taken and followed throughout?

Hon. S. Cudjoe: Mr. Deputy Speaker, I would repeat that. The information I provided, in 2007 it was a selection process, whilst in 2013 and 2012, under their watch, that is when the sole selected was recommended.

Mr. Padarath: 2007.

Mr. Deputy Speaker: Hold on! Hold on!

Hon. S. Cudjoe: No, you are not listening. In 2012 and 2013, that is when the sole select happened.

Mr. Hinds: “He do a sole select for roti”.

Mr. Deputy Speaker: Member! Member for Laventille West—

Mr. Hinds: Sorry. [*Crosstalk*]

Mr. Deputy Speaker:—please. Member for Oropouche West.

Mr. Padarath: You have an obsession with roti. [*Crosstalk*]

Mr. Deputy Speaker: Members! Members, please. Member for Oropouche West.

Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*): Thank you, question no. 254 to the hon. Minister of Finance.

Mr. Deputy Speaker: Minister of Finance. Leader of the House.

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Mr. Deputy Speaker, this was the question that we deferred.

Hon. Member: No.

Hon. C. Robinson-Regis: I said 265, but it should have been 254. I apologize for that.

Mr. Deputy Speaker: Okay. So for the records, 254 deferred and not 265.

Hon. C. Robinson-Regis: And 265 is being answered. That is my mistake.

Mr. Deputy Speaker: So, Member for Oropouche West, 255, for the records.

Hemiarthroplasty Surgeries

(Mismatched Components)

255. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Health:

Could the Minister indicate the actions taken:

- a) to address reports of mismatched components for hemiarthroplasty surgeries at Port of Spain General Hospital; and
- b) to ensure components are supplied from the same manufacturer in accordance with international best practice?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Mr. Deputy Speaker, and thank you to the hon. Member for an excellent question. Upon immediate receipt of information, the North West Regional Health Authority launched an internal quality audit into the alleged mismatch of components for the period January 2017 to April 2018. Based on the preliminary internal quality audit report, the following measures were implemented:

- A comprehensive review and update of the procurement practices and processes for implants at the Port of Spain General Hospital was undertaken and all relevant staff members are being sensitized and have been sensitized;
- To ensure effective compliance of this updated procurement process, posters are being strategically displayed and service coordinators in the theatre are monitoring the use of these components;

And this is the crucial part where I think the Member for St. Augustine will like.

- The authority has since issued a public expression of interest in EOI for orthopaedic implants and consumables, and all interested parties are intended to provide the following—Member for St. Augustine;
- A listing of the names of directors of their company and to disclose any conflict of interest.

I may add, I already have in my possession the listing of directors of all these companies and the names will scare you, but I would say no more on that.

- A list of surgical orthopaedic items provided, place of manufacture, brand and supporting documentation that these items meet international certification and clinical quality standards such as the food and drug administration approval.

- Prior to the surgical procedure, the orthopaedic implant devices are to be checked by the consultant surgeon who should not have an interest in a company supplying the components.

That is going to be strictly enforced. No consultant surgeon who has an interest in an orthopaedic supply company will be allowed to do this. None!

- The nurse theatre manager or designate, and the supplier representative to ensure compliance with the specifications outlined in the purchase order.

(b) The following measures were taken to ensure the components supplied from same manufacturer are in accordance with international best practice.

During the first quarter of fiscal 2017/2018, a committee comprising orthopaedic heads of department from the RHAs met with officials from the Ministry of Health to ensure that all medical devices procured from suppliers meet the international certification and clinical quality standards such as the food and drug administration. Upon immediate receipt of the alleged mismatch of components, the NWRHA reviewed its records to ensure that each supplier met the required international standards. Further, upon completion of the EOI process, the suppliers of orthopaedic implants who meet international certification and clinical quality standards will only be utilized. I thank you very much, Mr. Deputy Speaker.

Mrs. Gayadeen-Gopeesingh: Thank you. Hon. Minister, have there been any complaints from any patients thus far who said they have received mismatched components for their surgery?

Hon. T. Deyalsingh: Thank you, Mr. Deputy Speaker. The answer is no, we have had no patient complaints, but what we are doing is strengthening the system and the conflict of interest is going to stop. That is the genesis of the problem. That is the genesis of the problem.

Mr. Deputy Speaker: Address the Chair, please, Mr. Minister.

Hon. T. Deyalsingh: That is the genesis of the problem, Mr. Deputy Speaker. The inherent conflict of interest when you have an orthopaedic surgeon telling you that he will not use X joint unless it is bought from that company, and when you check the company you are seeing who owns the company. Those days are going to be over and have been over. Thank you very much, Mr. Deputy Speaker.

Mr. Singh: Thank you very much, Mr. Deputy Speaker. Minister, you indicated from the comments that you made in your contribution that the names of the directors will scare us. Are you indicating to this House and to the national community that there is an orthopaedic mafia out there?

Hon. T. Deyalsingh: There are names of directors on these companies, if you get it from the Registrar of Companies, who are the same surgeons who are operating on the patients and they own the companies, and they will tell you which company to buy from, and then when you do not buy it from them they will refuse to operate, but another doctor in another RHA has no problem using that same component from another company that the other surgeon refuses to use. It has to stop.

Hon. Member: It could be from a wrong component.

Hon. T. Deyalsingh: It has nothing to do with wrong components. It has to do with conflict of interest.

Dr. Moonilal: Thank you very much, Mr. Deputy Speaker. To the Member for St. Joseph: Member, assuming all that you are saying is correct, is it not a fact that you can take action now, or even before, concerning matters of conflict of interest, improper conduct and such wrongs if persons have been committing that for any period of time before today? I do not think—what help do you need that you could not have dealt with this matter before?

Hon. T. Deyalsingh: Mr. Deputy Speaker, it is quite amazing that our friends opposite knew of this, you know, but do you know what they did about it? [*Crosstalk*] Absolutely nothing.

Mr. Deputy Speaker: Members? Members?

Hon. T. Deyalsingh: When I became aware of this issue, when I spoke in my budget contribution last year, when I brought actual plates and showed you the prices being paid, I was the one who blew the whistle on this and it stopped since then.

Dr. Moonilal: Mr. Deputy Speaker, 48(6), please. Standing Order 48(6).

Mr. Deputy Speaker: Members. [*Crosstalk*] Member, just rephrase the point where you talk about “and they knew”—you said with regard to they knowing about the matter.

Hon. T. Deyalsingh: It is my belief and my information that under the Registrar of Companies which my colleague—you could have gone there, gotten the names as I did. It is an open thing. The former Minister of Health knew about it. He knew about it, did nothing. I spoke about it in the budget debate about thousand per cent mark-ups and we put measures in place to stop that so that the average citizen can have access to orthopaedic surgeries on demand and not as a favour. Because, Mr. Deputy Speaker, everyone votes in a Government for change and everyone wants change, but when you try to change their particular things—

Hon. Member: Change someone else.

Hon. T. Deyalsingh: Change someone else, but leave me alone. Change everything else, but leave me alone. “Don’t touch me”. But when a Minister of Health had to stand up on the public domain and take licks because somebody—Mr. Smith cannot get a knee replacement, that is the reason you cannot get it, because of the system that has been allowed over the years and over the decades to

flourish in this country.

2.50p.m.

Hon. T. Deyalsingh: And this administration and this Minister of Health are acting on behalf of those citizens who cannot go to the private sector. [*Desk thumping*] We are acting in the public interest to get these operations done in the public sector, in the public sector. Thank you very much, Mr. Deputy Speaker.

Dr. Khan: Could you indicate to this honourable House what year these procurement practices started, was it 2007?

Hon. T. Deyalsingh: These procurement practices have been going on in Trinidad for decades, for decades, and nobody had the fortitude and the guts to step on toes. Everybody sidestepped the issue and it was just allowed to flourish and every year it just got worse, and worse, and worse.

My mother in the 1950s, had to pay \$5 “bed money” to get a bed in Port of Spain General Hospital. My mother in the 1950s, before Independence, had to pay a doctor \$5 to get a bed in the Port of Spain General Hospital. That is to tell you how long these things have been going on in this country, and no one has had the fortitude to do something. When my mother had do that—and she tells you this over the years, \$5 in the 1950s to get a bed in Port of Spain was big, big, money; was big, big, money. Had to pay to get a bed. We are bringing an end to all of these practices. Thank you very much, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker: That is the last supplemental on that question. Member for Oropouche West.

Counter Terrorism Unit Division

(Date to be Operationalized)

256. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of National Security:

Could the Minister indicate when the new Counter Terrorism Unit Division will be operationalized?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Mr. Deputy Speaker. The Trinidad and Tobago Police Service has indicated that the Counter-terrorism Unit has been established and operationalized as a subunit of the Trinidad and Tobago Police Service Special Branch since August 2015.

In March 2016, the name of this unit was changed to the Terrorism Interdiction Unit (TIU) to ensure a clear distinction from the National Counter-Trafficking Unit (CTU) which has the same acronym.

With respect to operations, the TIU works in an inter-agency configuration, with specialist elements from the other units of the Trinidad and Tobago Police Service and the Trinidad and Tobago Defence Force, Mr. Deputy Speaker.

Hyatt Regency Profits

(Details of)

260. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Minister of Trade and Industry:

With regard to the profits of Hyatt Regency for the period 2013 to 2017, could the Minister state:

- a) the percentage of the profits as a result of local bookings for each year;
and
- b) the percentage of profits as a result of foreign bookings for each year?

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much, Mr. Deputy Speaker. Given the method of cost recognition, the percentage of profits for the local and foreign bookings are not available to the UDeCOTT.

Mr. Karim: Mr. Deputy Speaker, is it possible for the hon. Minister to provide as much details as possible in answer to questions (a) and (b) of 260 in writing, please?

Hon. C. Robinson-Regis: Once we have the information, we will provide same.

Camp Cumuto

(Invitation to Minister)

261. Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Minister of National Security:

Could the Minister indicate who issued the invitation to the Minister in the Office of the Prime Minister to visit Camp Cumuto on October 31, 2015?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Mr. Deputy Speaker. Based on information received from the Trinidad and Tobago Defence Force, the invitation to the Minister in the Office of the Prime Minister to visit Camp Cumuto was issued by the Trinidad and Tobago Defence Force, Mr. Deputy Speaker.

Dr. Moonilal: Could the Minister indicate the purpose for that visit, to which the invitation was extended?

Hon. Maj. Gen. E. Dillon: Mr. Deputy Speaker, that was not the original question. The question was asked with respect to the invitation, and as such if the Member wishes he can pose that question separately.

Chester Street, Debe

(Drainage Works Commencement Date)

262. Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Minister of Works and Transport:

In light of the impending rainy season, could the Minister state the expected commencement date for drainage works at Chester Street, Debe?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Mr. Deputy Speaker. The desilting work at the Bagmania River, upstream of the La Fortune Pluck Road to the Chester Street area, which is listed in phase one of the drainage desilting of watercourse programme has commenced. Thank you.

Dr. Moonilal: Could the Minister indicate when the drainage work is scheduled to be completed?

Sen. The Hon. R. Sinanan: Thank you. Mr. Deputy Speaker, Cabinet had approved 298 projects under this drainage desilting programme. Forty-seven of these projects would have been in the southern district. As we speak, in the first phase there were 32 projects, 20 have been completed, 12 ongoing and in the phase two an additional 15, which is expected to start next week. So I expect the phase one to be completed maybe by the end of next week.

Dr. Moonilal: Thank you very much. To the hon. Minister to follow up. Bearing in mind one of the key reasons for flooding in the Debe area is the Cuchawan River, in the vicinity of the market, work had started before on clearing and paving that river. Could you indicate if any work will continue between the SS Erin Main Road and Ghandi Village, which requires clearing, paving and walling to prevent flooding in that Debe area?

Mr. Deputy Speaker: Member, just for clarity, those additional areas you identified, it is within that same—

Dr. Moonilal: It is in the vicinity of that Chester Road.

Mr. Deputy Speaker: Okay. Minister of Works and Transport.

Sen. The Hon. R. Sinanan: Mr. Deputy Speaker, as I said, 47 projects would have been put forward by the head of the drainage department in the southern area. All 47 projects would have been approved by Cabinet and funding made available for the 47 projects. What the Member is referring to is a different programme under

the Drainage Division, and that is not included in these 47 projects. Thank you.

Penal Fire Station

(Status of Construction)

263. Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Minister of Housing and Urban Development:

Could the Minister update this House on the status of construction of the Penal Fire Station?

The Acting Prime Minister, Minister of Finance and Acting Minister of Housing and Urban Development (Hon. Colm Imbert): Thank you very much, Mr. Deputy Speaker. The construction of the Penal fire station is suspended due to termination of the contract in February 2018. This became necessary as the contractor went into receivership. The Urban Development Corporation of Trinidad and Tobago, which has the responsibility for the station's construction, has commenced the procurement of a new contractor to complete the project. UDeCOTT expects to receive proposals shortly.

Short-Term Contract Employees

(Non-Renewal of Contracts)

264. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Social Development and Family Services:

Could the Minister inform this House of the number of short-term contract employees of the Ministry who were issued letters related to the non-renewal of contracts effective June 30, 2018?

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Mr. Deputy Speaker. On behalf of the Minister of Social Development and Family Services, the Ministry of Social Development and Family Services has, over the last several years, employed persons on short-term

contracts. These short-term contracts were primarily granted after long-term contracts ended, to ensure continuity of operations where Cabinet approval had expired for programmes and was being pursued for leave replacements.

In 2016, it was decided that the situation had to be addressed when it was determined that numerous persons had been employed on a short-term basis for periods in excess of four years. This was contrary to the established guidelines for short-term employment in Government Ministries or Departments, which provides for a period employment of up to a maximum of six months.

Affected staff, which included departmental unit heads, social workers and field officers had become demotivated, morale was low, complaints were numerous and performance and service delivery were being negatively impacted. It was also recognized that the continued employment of staff for these extensive periods had the potential to create a great financial liability for the State.

The Ministry of Social Development and Family Services therefore commenced the process of filling all contract positions on its staff establishment in 2016. A target of June30, 2018, was established for the filling of most contract positions. Accordingly, persons whose contracts were due to expire on June30, 2018, were issued letters related to the non-renewal of their short-term contract arrangements in anticipation that the relevant posts would be filled. A total of 109 short-term contract employees of the Ministry were therefore issued letters related to the non-renewal of their short-term contracts. Thank you very much, Mr. Deputy Speaker.

Mr. Indarsingh: Thank you very much, Mr. Deputy Speaker. I do not know if the Minister of Planning and Development is in a position to advise this House, in terms of how many persons have been employed at the said Ministry in the permanent establishment, based on what you have just advised the House, in

relation to filling of vacancies within the established organizational structure within the Ministry.

Mr. Deputy Speaker: Member, I would not entertain that question. It is a totally different streamline.

Apex, Fyzabad

(Refurbishment of Hilo Site)

266. Dr. Lackram Bodoie (*Fyzabad*) asked the hon. Minister of Education:

Could the Minister provide the Ministry's plans regarding the refurbished building located at the old Hilo site in Apex, Fyzabad?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Mr. Deputy Speaker. In my response on April 05, 2018, to an earlier question by the Member for Fyzabad on the same subject, I stated that the Ministry of Education had sought clarification from Palo Seco Agricultural Enterprises Limited (PSAEL) on ownership of the property on which the old Hi-Lo building, which is at the corner of Fyzabad/Guapo Main Road and Petrotrin Road No. 2.

I can now report that in response to queries, the PSAEL has advised that the property was never released to the Ministry of Education. PSAEL has further advised that due to the close proximity of the site—*[Mobile device goes off]*

Mr. Deputy Speaker: Wait. One second. Is there a mobile device? I am getting a constant beep. Proceed. Please, remember keep your devices off or on silent. Proceed.

Hon. A. Garcia: I can now report that in response to our queries, the PSAEL has advised that the property was never released to the Ministry of Education. PSAEL has further advised that due to the close proximity of this site to Petrotrin field equipment, it does not satisfy safety requirements for the operations of a public office. Therefore, Mr. Deputy Speaker, the Ministry of Education will be unable to

pursue any plans with regard to the utilization of the unfinished building located at the Hi-Lo site in Apex, Fyzabad. Thank you.

New TTT Channel

(Timeline for Establishment)

267. Dr. Lackram Bodoë (Fyzabad) asked the hon. Minister of Public Administration and Communications:

Could the Minister provide a timeline for the establishment of the new TTT Channel?

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very much, Mr. Deputy Speaker. This is a question to the Minister of Public Administration and Communications and it is answered as follows: The Trinidad and Tobago Television Channel will commence operations in August 2018. Thank you very much, Mr. Deputy Speaker.

Mr. Charles: Mr. Deputy Speaker, could the Member for Arouca/Maloney tell us how many employees have been or are being terminated from the existing television station?

Mr. Deputy Speaker: I would not entertain that question, hon. Member.

Mr. Charles: Well then I would change the question. Could you tell us how many will be employed in the proposed station?

Hon. C. Robinson-Regis: I am afraid I cannot.

Mr. Charles: Is the Minister aware of a business plan that will govern the operations and the projected return on investments for the new entity?

Hon. C. Robinson-Regis: Yes, there is.

Mr. Charles: A business plan will talk about a projected employment level. Could you give us that please?

Mr. Deputy Speaker: Hold on one second. Could you make your question direct

so that—you know? Proceed. That is the question you want to ask?

Mr. Charles: Could you put in it writing, please, the number of new employees?

Hon. C. Robinson-Regis: Mr. Deputy Speaker, may I ask if it is new employees, employees to be retained? Can I get exactly which question is being asked?

Mr. Charles: All of the above, Mr. Deputy Speaker, new employees and employees to be retained.

Hon. C. Robinson-Regis: Are you asking the question? You need to stand and ask the question.

Mr. Charles: Come on, come on.

Mr. Deputy Speaker: Members, no. Listen, listen, listen.

Hon. C. Robinson-Regis: There is a proper way to do things.

Mr. Deputy Speaker: You are comfortable with the question posed and the answer received? Or do you want to clarify just for the record?

Mr. Charles: Minister, tell us: How many employees are being terminated from the existing organization and how many employees are being retained in the new organization and how many new employees are projected to be on the establishment?

Hon. C. Robinson-Regis: Mr. Deputy Speaker, there is no organization from which we are removing employees. We are starting a new organization called the Trinidad and Tobago Television.

Mr. Deputy Speaker: Members, there is one more question to be answered. Though the time being expired, I would like to entertain the question. Member for Fyzabad.

**Counterfeit Medical Drugs
(Policies to Protect Citizens)**

268. Dr. Lackram Bodoë (Fyzabad) asked the hon. Minister of Health:

Could the Minister state the Ministry's policies in order to protect citizens from the increased trade of counterfeit medical drugs?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much again, Mr. Deputy Speaker. Only registered drugs are allowed to be utilized as stated under the Food and Drugs Act and Regulations, Chap. 30:01. Recently, several initiatives were implemented to improve the registration process and monitoring of drugs, including, one, the use of the online inspection system through TTBizLink and ASYCUDA, where there is a review, verification and approval of importers' documentation through the Customs and Excise Division including invoices, notice of approvals, consignee and country of origin. Two, the reconstituted Drug Advisory Committee that conducts the review and assessment and grants approval for drug application.

To date, the backlog which we inherited has been significantly reduced from 629 to 258 items and routine market surveillance at the pharmacies and drugs for the seizure and destruction of non-registered drugs.

For the period 2015 to present, 809 boxes and 51 bottles of unregistered drugs across 26 pharmacies were seized by the Chemistry, Food and Drugs Division. I thank you very much, Mr. Deputy Speaker.

STATEMENT BY MINISTER

National Statistical Institute of Trinidad and Tobago

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Mr. Deputy Speaker. I have been authorized by the Cabinet to make the following statement. In the Manifesto of the People's National Movement of 2015, which was adopted as government policy of the Government of Trinidad and Tobago, the PNM promised, and I quote:

To—“...implement the draft Statistics Act, and create an independent Statistical Institute with a board...funded by the Government.”

We made this promise fully cognizant of the tremendous importance of data-driven decision-making in both the private and public sectors.

Today, I am happy to advise that a Bill entitled An Act to repeal and replace the Statistics Act, Chap. 19:02, and establish a National Statistical Institute of Trinidad and Tobago and other related matters seeking to create the National Statistical Institute of Trinidad and Tobago, will be laid in this august House.

Like other Bills, where we believe there is much value to be added from the input of all sections of society, we have also decided that this Bill will be sent forward to a joint select committee for review and discussion.

Mr. Deputy Speaker, national statistical offices are integral to strong national governance systems. The information they archive from censuses, surveys and administrative sources form the national statistical repository of a country's national information architecture, and support effective evidence-based policy development and decision-making.

Further, these institutions are guided by international standards of data collection, analysis and dissemination as articulated by institutions such as the United Nations Statistics Division, the International Monetary Fund and the International Labour Organization. Mr. Deputy Speaker, it is not unheard of for international rating agencies to downgrade countries because of the unreliability of data emanating from their national statistical offices.

The soon to be created National Statistical Institute will be a completely independent statistical organization responsible for the collection, compilation and dissemination of timely, reliable and relevant information critical to inform social,

economic and environmental policy. It will also allow for the expansion and application of this data-driven model throughout all facets of the country's governance.

Whilst the Statistics Act, Chap. 19:02, has worked reasonably well over the last 60 years since its conception, it has failed to allow the CSO to stay current with the tremendous developments that have occurred globally and maintain pace with the national and international demands required of national statistical offices. Whilst, despite this handicap, the CSO continues to improve and has published diverse official statistics on a more timely basis, it has however, for almost two decades, been operating at less than optimal performance.

Mr. Deputy Speaker, the journey which brings us to the laying of this Bill today spans more than 10 years of consultancy and advice from a number of local, regional and international agencies including Caricom, Statistics Sweden and the IMF-CARTAC. The Ministry has also worked assiduously over a number of years and undertook several initiatives to bring us to the place where we are today.

Mr. Deputy Speaker, permit me to chronicle these developments: 2006 to 2007, the Ministry of Planning and Development awarded a consultancy to Statistics Sweden International Consulting Office to identify an appropriate model for the restructuring of the CSO. The consultancy was also to deliver a comprehensive plan of action to transition from the present status to the model identified.

2008 to 2009, the CSO undertook an internal review of the reports of the consultancy, identifying gaps and additional works to be undertaken to give effect to the recommendations. This work resulted in the preparation of new terms of reference to address the gaps identified. However, from 2010 to 2012, nothing further was done.

2012, Statistics Sweden International Consulting Office was retained for a period

of 13 months to deliver on three main tasks: defining of core products to be delivered through the CSO; designing of an organization; and creating an IT master plan.

In September 2014, the Cabinet agreed to the appointment of a management transition team to develop and execute an implementation plan to transform the existing CSO into a new statistical agency classified at the highest level for statutory institutions. The management transition team articulated a vision for the CSO as a national statistical institute charged with the responsibility for the production, development, management and coordination of official statistics, guided by the UN Fundamental Principles of Official Statistics and relevant codes of good statistical practice.

In 2015, Cabinet approved the report of the management transition team. In 2016, the report and policy were submitted to Cabinet and Cabinet which noted the contents and developed a task force for the establishment of the National Statistical Institute.

In July 2017, a task force was established under the chairmanship of Dr. John Prince for a period of 12 months to implement the recommendations of the task force.

Mr. Deputy Speaker, the establishment of the independent National Statistical Institute will allow for the provision of timely, accurate and relevant statistics consistent with international standards, which are cornerstones for the development of any country.

A position of autonomy and independence is required for a statistical agency to enjoy credibility and fulfil its function in providing an unhindered flow of useful, reliable, high-quality information for both public and private policymakers.

Mr. Deputy Speaker, not only have we completed the Bill that will create this

agency, but we have also very recently issued a tender inviting firms to design and implement a dynamic modern ICT system to facilitate its continued growth.

Mr. Deputy Speaker, a critical partner which has been integral to the transformation efforts has been the Public Services Association which has faithfully furnished a member of the executive of the PSA to be on all of the Ministry's committees.

We are, of course, aware that an important consideration for the transition process is to ensure continuity of the CSO's work programme during the transition and we are aware that there must be no disruption of the work of the CSO.

The efforts to enhance the national statistical capacity will find the Ministry working not only with the current CSO staff who are partners in moving the agency forward, but also with international and regional partners like the Caribbean Development Bank, the Caricom Secretariat, the IDB, the IMF and the Canadian Government's project for the for the regional advancement of statistics in the Caribbean.

Mr. Deputy Speaker, I wish to take this opportunity to formally thank the members of the National Statistical Institute of Trinidad and Tobago Task Force who represented academia, labour, and the private sector. I wish to thank as well the National Statistical Institute of Trinidad and Tobago Implementation Steering Committee with membership from Ministries and state agencies, in particular the Ministry of Finance; the Ministry of Public Administration and Communication, through the PMCD; the Personnel Department; and the Public Services Association. In particular, Mr. Deputy Speaker, this team which was led by Dr. John Prince, we are, on this side, eternally indebted to him for the work that he did to ensure that we met this deadline.

Mr. Deputy Speaker, we on this side look forward to the establishment of the JSC

and the robust discussions that will undoubtedly flow therefrom. We look forward also with even greater anticipation, to the eventual passage of this Bill which, when laid, needs a special majority and, therefore, we expect support from our colleagues opposite. Mr. Deputy Speaker, I thank you.

3.20 p.m.

CORPORATION TAX (AMDT.) BILL, 2018

Bill to amend the Corporation Tax Act, Chap. 75:02 [*The Minister of Finance*]; read the first time.

**NATIONAL STATISTICAL INSTITUTE OF
TRINIDAD AND TOBAGO BILL, 2018**

Bill to repeal and replace the Statistics Act, Chap. 19:02, establish a National Statistical Institute of Trinidad and Tobago and for other related matters [*The Minister of Planning and Development*]; read the first time.

JOINT SELECT COMMITTEE REPORT

Anti-Terrorism (Amdt.) Bill, 2018

(Adoption)

The Attorney General (Hon. Faris Al-Rawi): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, I beg to move the following Motion standing in my name.

Be it resolved that this House adopt the Report of the Joint Select Committee appointed to consider and report on the Anti-Terrorism (Amdt.) Bill, 2018.

Mr. Deputy Speaker, the work before us today involves a considerable amount of effort, consideration and occupies the attention, not only of our good citizens of Trinidad and Tobago, who look to the State and its entities and mechanisms to provide safety for it, but also occupies the attention of a very large number of international entities and countries.

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Hon. F. Al-Rawi (cont'd)

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The work before us today is the adoption of a report. And permit me to put on record what this report is about. The recommendation standing at page 12 of the report is germane to this Motion, and I read it into the record of paragraphs 29 and 30.

The recommendation of the Committee, is:

“that the Parliament agree with its proposals for amendments to the Bill, attached at Appendix VIII.”—of the report.

—“Your Committee further recommends that the Parliament consider and adopt the Anti-terrorism (Amendment) Bill, 2018, as amended.”

Paragraph 30:

“For ease of”—reference—“a consolidated version of the amended Anti-Terrorism (Amendment) Bill, 2018 is attached at Appendix IX and a consolidated version of the Anti-Terrorism Act, Chap.12:07 (inclusive of consequential amendments) is attached at Appendix X.”

What is being recommended therefore, Mr. Deputy Speaker, is that this House accept the work of the Members that it appointed, together with those Members appointed by the Senate to consider the Anti-Terrorism Bill, the 2018 Bill. For the record, Mr. Deputy Speaker, this particular Bill was something which originated from another Bill laid in 2017.

In 2017, Bill No. 9 of 2017, was laid on the 13th of February, 2017, in the House of Representatives, stood on the Order Paper without debate until September 26, 2017, when the Bill lapsed. That Bill, No. 9 of 2017, was referred to as the Anti-Terrorism (Amdt.) Bill, 2017, and that Bill formed the structure of the Bill which the Joint Select Committee—which has now reported—considered. That second Bill is referred to as the Anti-Terrorism (Amdt.) Bill, 2018.

UNREVISED

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The gap which occurred between 2017 and 2018, that more than one year gap, involved the Attorney General's Office, the Office of the Prime Minister, and the Ministry of National Security engaging in a great number of public consultations, in particular with a number of stakeholders including: the Trinidad and Tobago Police Service, the Financial Intelligence Unit of Trinidad and Tobago, the Central Bank of Trinidad and Tobago, the Trinidad and Tobago Securities and Exchange Commission. It involved the Registrar of Companies, the Registrar General. It involved the Solicitor General's Department. It involved the law enforcement head, standing in the person of the Director of Public Prosecutions. It involved stakeholders coming from the Muslim organizations in Trinidad and Tobago, in particular the Muslim Round Table; several other individual entities which sit on other bases and also were consulted. It involved consultation amongst the Orisha Elders. It involved consultation amongst a wide section of persons.

That 2017 Bill was considered in need of certain amendments, in fact the amendments made are reflected in the 2018 Bill which the Joint Select Committee considered, and that was to improve the mens rea around or the mental intention around a number of the offences, as well as to target and better manage the balancing act between the rights of citizens on the one hand, and the rights of individuals on the other hand; a collective consideration, versus an individual consideration.

It was with that in mind, that on Friday, January 26th of 2018, I introduced on behalf of the Government the 2018 Anti-Terrorism (Amdt.) Bill and on the 30th of January, 2018, it was introduced into the Senate. Bearing in mind the need for public consultation, and bearing in mind that we took the precautionary step to add a three-fifths majority clause, even though there is advice to the contrary as to the

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need for a three-fifths majority clause. Even though there was that advice, we took the caution on a three-fifths majority Bill to refer the 2018 Bill to a Joint Select Committee. And I am very pleased to say that a Joint Select Committee was in fact established to consider the Anti-Terrorism (Amdt.) Bill, 2018, and to report on or before March 31, 2018.

The Committee which I wish to compliment in its entirety, all Members participating including your humble servant as Chairman, Ms. Marlene Mc Donald as a member, Mr. Fitzgerald Hinds MP as member, Mrs. Camille Robinson-Regis as member, Dr. Roodal Moonilal MP as member, Mr. Prakash Ramadhar MP, Mrs. Sophia Chote of Senior Counsel, Mr. Nigel De Freitas, Mr. Clarence Rambharat, Mr. Foster Cummings, Mr. Saddam Hosein and Mr. Stephen Creese. These 12 persons comprised the Joint Select Committee and I take this opportunity now on my personal reflection and on behalf of the Committee to thank each and every one of the members, all, Opposition, Independent and Government Members for the very wholesome engagement that occurred in the Joint Select Committee. I am pleased to report that our Joint Select Committee met on 12 occasions and we conducted on those 12 occasions also some very wide public consultation.

We were very ably assisted by the expertise of Ms. Chantal La Roche who served together with Ms. Simone Yallery, both legal officers at the Parliament as the Secretariat to the Committee. Our Committee met February 16, 2018; March 09, 2018; March 16, 2018; March 29, 2018; April 10, 2018; April 18, 2018; April 23, 2018; April 27, 2018; May 16, 2018; May 18, 2018; May 22, 2018; June 01, 2018; and across those 12 meetings we were very pleased to receive, by way of request for stakeholder contribution, written requests from the following—written answers to our requests for submissions from the following entities: the Law Association of

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Trinidad and Tobago, the Criminal Bar Association of Trinidad and Tobago, the University of the West Indies—sorry. We requested submissions from the Law Association, the Criminal Bar Association, the University of the West Indies, Faculty of Law, the Inter-religious Organization of Trinidad and Tobago, the FIU, the Muslim Round Table, Trinidad and Tobago Police Service, Concern Muslims of Trinidad and Tobago, Islamic Resources Society, ASJA, the National Council of Orisha Elders.

We in fact received seven sets of submissions from those persons identified.

We did receive written submissions from the Law Association, the FIU, the Muslim Round Table, the Trinidad and Tobago Police Service, Concern Muslims of Trinidad and Tobago, ASJA and the National Council of Orisha Elders. We also received submissions from Mrs. Joan Harrison and Mrs. Patrick Bynoe and Alex Bynoe, those three persons standing as members of the public who took up the public call for submissions. All of these submissions are annexed as Appendix V to this particular report.

It was at our seventh and eighth meetings that we called for oral amplification to submissions received and we were very pleased and I wish to thank profusely including members who are in witness today to today's proceedings. We did receive and we heard on the seventh meeting on April 23rd from representatives of the Muslim Round Table, the Trinidad and Tobago Police Service and the Concern Muslims of Trinidad and Tobago. We also received personal oral amplification from the Financial Intelligence Unit at our eighth meeting on April 27, 2018.

Mr. Deputy Speaker, the work of this Committee was very deliberate, the Committee considered the Bill in a matrix form. We put the content of the Bill as a marked-up version to the Anti-Terrorism Act. We received all of the submissions

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and we considered every single submission made by members of the public. We also considered further submissions, both those made orally and those made in writing subsequent to interviews. We factored them again and the Committee sat and went through each of the submissions clause by clause in the 12 meetings that we had.

Mr. Deputy Speaker, we were able to come back to the Parliament on April the 4th seeking an extension of time because we would not meet the March 31st deadline. The Committee requested an extension of deadline to June 29th. Fortunately, we were able to report by way of a unanimous report of every single member of the Committee the final report that now stands before us. And I would like to say that this Committee, in the spirit of getting the law right, did a very important thing. Mr. Deputy Speaker, whilst the Committee had in fact finished the clause by clause analysis towards the end of May—in fact, we were very pleased to receive a further submission coming from the Members of the Opposition under the hand of Sen. Saddam Hosein, but adopted by all Members of the Opposition, we received a written submission coming from Sen. Hosein who himself was not able to attend the final sittings of the Joint Select Committee prior to his return to Trinidad because he was on training in the United States of America funded by the United States Government on counter violence extremism.

But, Sen. Hosein sent in, on behalf of all Members of the Opposition, a letter identifying certain provisions which we thought was necessary even though the Committee had completed its work and the final report was ready. We felt it necessary to reconvene the meeting and we in fact met for another occasion where we were very pleased on May 28th, having received that letter, to actually meet on June 1st, and on June 1st we traversed all of the issues raised by my learned

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colleagues opposite, the final issues raised, and in fact we agreed to some of the amendments and we discussed some of the ramifications of the amendments that could potentially lead us in the wrong direction. And so your Committee was able, with unanimity, to complete its work by June 1st.

We, of course, laid the final report on June 5th. That is in the Senate. We laid in the House on June 6th but we very, very carefully ensured that the final report was laid, the marked-up version of the Bill was laid, the clean copy of amendments to the Bill was laid, the Act as it is proposed to be amended in final form was also set out in marked-up version so that people could contemplate and reflect upon the amendments and proposed amendments in the context of the law which we were seeking to amend.

So, that now stands some 15 days away that we have actually had to consume this report. I can tell you that at the Attorney General's Office we were very careful to call around and remind people that the report was out and to invite them to have reflections so that there would be ample enough time in the public space to consume this law.

So let us get to the Bill. Let us get to the law. Let us get to the business of the Committee. Mr. Deputy Speaker, would you give me the precise time that I must end my presentation?

Mr. Deputy Speaker: 4.05 p.m.

Hon. F. Al Rawi: Thank you, Sir. You see, there is a lot to say and very little time to say it in. So permit me to try to do justice to this important piece of work. We have obligations to consider. We have our national obligations to our citizens of Trinidad and Tobago. We have the obligation to provide the right to life as an important entrenched right in section 4 of our Constitution. We also have the right

enshrined in various aspects of enshrined rights across sections 4 and 5 of the Constitution to observe a democracy of the type that Trinidad and Tobago prides itself to be: due process, proper consideration.

But we do not sit in Trinidad and Tobago in isolation. We sit as part of a global network of entities that now manage how countries are to be considered in the global environment. All of our trade, all of our commerce, all of our livelihood is done on a global network, be it on the Internet for research and education, be it by way of importation, be it by way of banking facilitation. Even local banking transactions sometimes find themselves passing through intermediary banks in the United States in the United Kingdom or elsewhere.

Simple things like swiping your card online to pay for a movie ticket in Trinidad and Tobago actually hits the United States banking system and then comes back to Trinidad and Tobago.

Hon. Member: Serious.

Hon. F. Al-Rawi: Yes, PayPal, et cetera, it is done by way of correspondent banking and other facilities. So, Mr. Deputy Speaker, it is important to recognize that in this particular matrix of life, we find ourselves married to two very important organizations.

The first organizational structure that we are married to is the United Nations and in particular the Security Council Resolutions. I am finding it hard to find a person opposite paying attention. Please. [*Crosstalk*] Thank you. So we first of all have the United Nations Security Council Resolutions. Thank you, Mr. Deputy Speaker. We also have another network of organizations to which we are tied and that is the Financial Action Task Force as it finds itself grounded in the Caribbean Financial Action Task Force that being a FATF style regional body which comprises 25

members and Trinidad and Tobago is one of them.

So that is the United Nations. That is the Financial Action Task Force and then there are mirror images of that across the global forum and in other aspects of bilateral treaty operationalization. These entities, these international organizations ask the world to consider certain things as mandatorily in need of criminalization or management and they are, very specifically, anti-money laundering, anti-terrorism. We are all familiar with the rights of the child with the Geneva Convention, with the Rome Convention, with the number of Conventions that the United Nations has treated with. In fact the parent Act, the Anti-Terrorism Act, entreats with convention, under section 2 of Act, specifically sets out in letters (a) through (l), a number of conventions starting in the year 1963 and moving straight through to 1999. Those are conventions and through the listing of conventions you see what occupied global attention. At first, it was Acts on Board Aircraft in 1963, Unlawful Seizure of Aircraft. As we saw in the 1960s and 1970s, the big phenomenon was hijacking. We then went through chemical weapons. We then went through terrorism and very importantly there are a few United Nations resolutions that stand out. They are—the first one is United Nations Security Council Resolution 1267; that was on the 15 October, 1999. That happened in the event surrounding Afghanistan. And in Afghanistan the target was Osama Bin Laden and the target was to treat with making sure Al Qaida which existed in Afghanistan was meant to be driven out of town. The Taliban, simply too, the same thing.

So, that was in 1999. In the year 2001 on the 11th of September, we know there was World Trade and the catastrophe in Unites States of America. Just a couple days later on the 28 September, 2001, in five minutes flat, between 9.55 p.m. and

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10.00 p.m., the entire United Nations Security Council adopted United Nations Security Council Resolution 1373 and that was intended to put a mandatory provision that we criminalize terrorism and acts of terrorism in domestic laws. In 2011, we had UNSCR 1988 which split the UN 1267 list. It allowed us to focus now upon seizing and freezing of assets. To treat with the designation of individuals as terrorist entities at the United Nations, we treated with the phenomenon or foreign terrorist fighters in that 2011. We then come to UNSCR 2253 which was dealt with on the 17th of December, 2015, and in that the Al Qaida *Da'esh* list was broadened to include the Islamic State of Iraq and Levant. That ISIL list became a creature of a UNSCR Resolution and these names found themselves into terminology at the United Nations. And therefore, when the Bill that came to us reflected upon the use of United Nations Committee names, it was not intended to be anything other than utilizing the proper name.

Now I note, Mr. Deputy Speaker, there has been submission in the public domain that the use of Arabic names somehow translates into targeting of Muslims.

I do not personally accept that argument. I instead accept a different argument, but your committee decided out of an abundance of caution that we would avoid the use of Arabic names; Al Qaida, *Da'esh*, ISIL. But I want to put it into common sense language. When you say the Nazi party we think of Hitler Nazi, a German word. How can one possibly say the Nazi party, which is the equivalent of Al Qaida, German phraseology party name? Arabic name—Al Qaida—in Arabic means the base. Base. That is all it means. But it is known to be a terrorist organization. It is why I personally having the heritage that I come from, having the line of history that I am born into, I do not accept that Arabic words are condemnatory of Muslims. This Anti-terrorism Bill, the Anti-Terrorism Act is

squarely against terrorists and there is nobody in the world that can convince me that ISIL or Al Qaida or *Boko Haram* are meant to be anything other than terrorist organizations. But that is my personal view. I do not draft laws and this Government does not draft laws for personal views. It is a collective view.

You wanted to put that on the record because when we did some of our interviews I had to ask a square question in the committee to the attorneys-at-law appearing for one of the stakeholders, to ask whether ISIL or Al Qaida was ever going to be considered to be anything other than a terrorist organization. And the answer was yes, meaning we all agree that these were terrorist entities.

But why should international law affect us domestically? Just because the United Nations comes up with a Security Council resolution. Why should Trinidad and Tobago comply with that? I will explain why. Because the FATF, Financial Action Task Force the Global Forum, the Caribbean Financial Action Task Force, they have now brought the concept of having laws mandatorily considered into reality. And how have they done it? They have squeezed us into the position by international exposure to the risk of de-banking, the de-risking, the loss of correspondent banking. They tell you, be a sovereign as you want, no problems. We just not doing business with you. There will be sanctions against you. We will shut down your banking sector. You could be independent all you want. You can trade in cash. You can trade in gold. Nobody is going to accept it. You can trade in cards. You can trade in cryptocurrency. Nobody is going to bank with you. And therefore the risk to Trinidad and Tobago as a part of a global network that I just described a little while ago becomes reality because that hits upon another argument that has come against the anti-terrorism laws and that is this concept or argument that we are somehow trading sovereignty. Trinidad and Tobago is

trading its sovereignty by agreeing to implement anti-terrorism laws. So let us take a step back from that. Do we as a people know, admit, say, volunteer that one terrorist amongst is enough or too much. The answer is surely yes.

But is it not true that we have a named terrorist from Trinidad and Tobago? Forget the numbers who says it is 400, who says it is 135, let us start with one. And who on earth is Sa'ad al-Trinidadadi is naming himself now. Shane Crawford, a Trinidad and Tobago citizen, found himself on the *Dabiq Magazine* on video, a national of this country, promoting ISIS philosophy. And that one example is one too much.

Mr. Deputy Speaker, let us put this into economic terms. We have an oil and gas sector. We live off of 45 per cent of our contribution coming from international up-streamers, 45 per cent of our GDP, in terms of our contribution to our revenue, 45 per cent of our oil and gas money comes from the up-streamers bp, Shell, et cetera. BP alone on it offshore platforms alone, 17 per cent of its global revenue comes from Trinidad and Tobago. I do not know how many people know that. One oil company in one country, 17 per cent of its global revenue comes from Trinidad and Tobago. Can we afford a terrorist attack in this country? Can the British financial system afford a shake up with pension funds invested there?

You see, there is a global inter-connectivity. So even you want to say let us be sovereign and to not worry with the views of other people we cannot. Because the rest of this country still has to live and we agree one terrorist is one to many. So what does this Bill say? The Financial Action Task Force, committed as we were to observing its process of review, came to Trinidad and Tobago and assessed us. First round mutual evaluation, second round mutual evaluation, third round mutual evaluation, fourth round mutual evaluation. In those mutual evaluation exercises you go through a consideration of your technical compliance. Do I have the laws

that prohibit certain things? Do you criminalize terrorism? Should you criminalize terrorism? Do you criminalize the financing of terrorism? Do you target the sanctions against terrorists? Do you make sure that you make life a living hell for anyone who would consider being involved in terrorism? And in 2005 in our second mutual evaluation, the 2005 Anti-Terrorism Act became law in our country and that has stood on the books of our country since then.

Our laws were then amended 2010, 2011, 2012 and 2014. In 2010 in April our laws were amended. Whilst we were going through the technical reviews, we saw some significant targeting and financial sanction put into the anti-terrorism laws. Under the last Government 2011, 2012, 2014, we amended the anti-terrorism laws in very significant ways with three-fifths majority support in some instances and in some instances without three-fifths majority support. Did the then Opposition, now Government make a squeak about it? No. We understood that Trinidad and Tobago was being rated by our international agencies and we voted yes in both Houses without a squeak, with full support lent to the Government. And what happened next is this anti-terrorism amendment procedure which came about in our fourth round mutual evaluation.

In our fourth round mutual evaluation we were deemed to have significant deficiencies in fact eight of them were pointed out. That on site fourth round mutual evaluation happened in January 2015. Trinidad and Tobago was the first in the 25 country basin to go through the fourth round mutual evaluation and we did not fare well. We went into enhanced follow-up. We went into the ICRG pool at FATF, that is the International Co-operation Review Ground at the Financial Action Task Force. In other words we were submitted to two forms of scrutiny. If you do not graduate out of these two pools enhanced follow-up in CFATF and the

ICRG process in the Financial Action Task Force, you get enhanced due diligence applied against your country. What does that mean? You get blacklisted and people stop doing business with you and you lose correspondent banking and you are de-risked and your banking sector shuts down. And in our fourth round mutual evaluation:

1. They said in relation to our partial compliance that there was no specific provision for proposals for the UN Security Council 1267, 1989 committee.
2. There were no mechanisms for identifying targets for designation as required by the UN Security Council resolutions.
3. There were not specific measures provided to facilitate the collection of solicitation of information to identify persons and entities who met criteria for designation pursuant to the UN SCRs.
4. No provision to facilitate UN SCR 1373 listings based on requests from other countries.
5. All the requirements and procedures for freezing of funds and assets were not covered in the legislation.
6. No provision expressly prohibiting nationals, persons or entities from T&T making funds, assets, financial services available for the benefit of designated persons.
7. We had not had and do not have enough rights for bona fide third parties not fully covered.
8. There are no measures for submitting de-listing requests to the UN Sanctions.

3.50 p.m.

Effectively, we had to comply with observed deficiencies with respect to recommendation 5, recommendation 6, the new recommendation 5 to this, which was done just recently, a new added on, because this thing revolves and turns all the time. There were also shortcomings observed in respect of the immediate outcome 9 and immediate outcome 10. Now, forgive me for being technical and just calling out a whole lot of letters. It is necessary for the record, because when we are reviewed and rated, they go to our Parliament to see whether we got it right. So there is a certain amount of technicality to this position which cannot be left alone or excused away without going into the details.

This Bill treats really with a few important things, and I would like to say that I genuinely believe that the Bill has come a long way in the right direction. In summary, the Bill proposes that we amend the Anti-Terrorism Act, firstly, to expand the definition of property of the funds to include oil and other natural resources and soft transactions, meaning credit cards, et cetera, paperless aspects. Secondly, to expand the definition of “terrorist” to include persons who contribute to the commission of terrorist acts or the financing of terrorism. Thirdly, to redefine the term “terrorist act” and create new offences which were formerly only captured by definition section. Fourthly, to extend the scope of the Act to cover offences committed outside of Trinidad and Tobago. Fifthly, to extend specific offences to specifically cover threats to commit offences and taking preparatory steps.

Next, we seek to expand the offences of provision of services for the commission of terrorist acts, financing of terrorism, collection or provision of property to commit terrorist acts. Then we also criminalized joining a terrorist organization

and attending and receiving training to commit a terrorist act. Whether you do it in person or you do it electronically from right here in Trinidad and Tobago, we criminalized the attendance. We then seek to criminalize travel for the purpose of committing a terrorism act, and we deem such persons, for the first time in law, as foreign terrorist fighters.

We also next provide for the Minister of National Security to designate a declared geographical area, not being a whole country, as an area to which travel must receive permission or there must be notice of travel. We then provide for a system of permits and exemptions for travel to those declared geographical areas. We revised the system for designating individuals and entities as terrorist entities and apply financial sanctions against them including that at the request of other countries. We then provide a mechanism to propose names to the United Nations Security Council for listing of terrorist entities. We broadened the power of law enforcement agencies to gather information to cover documents, computers and other electronic devices.

We revised the provisions for the investigation of suspected terrorists. We revised the provisions relating to the gathering of information by the FIU. We revised the provisions for the seizure and forfeiture of terrorist property and we allowed it to be pooled and used for law enforcement.

In the very short time, I would pull out the headlights of concern and how the Committee has addressed it.

1. We proposed that there be no reference to Arabic names; we instead refer to committees.
2. We then proposed that we treat with a broad definition of “funds”, “property”—what constitutes money, what does not; the tangible, the

intangible.

3. We recognize that we should never punish corporations where there may be persons who are directors or employees or officers who are on a frolic of their own, and are not genuinely part of the corporation and who do not do it for the benefit of the corporation.

We have cut that out and said we will only criminalize a corporation if the corporation knew what it was doing—the act was for the benefit of the corporation, the benefit was received. And so, we have taken the caution to not go too broad. Even though the international forum is to go broad, we have said, we do not run the risk here that way. And we did that very specifically because we want to provide a fighting chance, for the first time in our country, to people who are the victims of mischaracterization by foreign entities. Too many of our citizens are on no-fly lists, or black-out lists because they happened to have an Arab name or a name similar to someone else. [*Desk thumping*]

I have said it publicly that I have been subjected to secondary inspection on a number of occasions. They flag you—your parentage is Iraqi, you have an Arab name, you look a certain way. It happens. I can testify to that. But it is the first time that we have a regime where zakat, which is a pillar of Islam—one of the five pillars of Islam—can flow by way of notification, by way of understanding, by having a registry—as we regulate non-profit organizations very shortly—where we can stand up in defence of our citizens and tell a foreign entity, “Look, you got it wrong.”

Similarly, when we treat with clause 22 of the Bill, and we are talking about the declared geographical zones, that caused a lot of concern. People said, “Look, you are going to interfere with my umrah. You are going to interfere with my Hajj”;

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Hajj being one of the pillars of Islam. Again, if you are lucky enough, inshallah, to do Hajj. But, at the end of the day, the concern came there of mischaracterization, and what we have for the first time by the utilization of the modified Australian model is the Minister of National Security coming forward to say, we are going to declare a part of a country but not the whole as a declared geographical area. Before you declare the area—because this is an interest of national security, not for the Government along, but for a potential Government in waiting—we say, let us tell the Leader of the Opposition—and I thank the hon. Members of the Opposition for bringing this under the cover of Sen. Hosein's letter. We acknowledged that. We informed the Leader of the Opposition.

We treat with the declared area, and then we tell our citizens by way of wide publication, listen, if you are there and you need to leave, be aware. If you did not know, and you came back and you found out that you were there—whether by fact or whether by circumstance or mistake—you have an opportunity to tell law enforcement why you went. It has a huge caveat in it called “lawful excuse” meaning if you just did not know, if you had no way of knowing, that you have that excuse. You are provided with the opportunity to give that information. If you intend to go, you have knowledge, you give notice of the fact that you are going. But we treat children very specially. Because is it not true, Mr. Deputy Speaker, that in this country, we are aware of persons who have allegedly gone to join ISIS took their wives and took their children? And, therefore, there is a positive obligation upon the State to ensure that children are not the victims of mad ideology by some parent who thinks otherwise than clearly. And that happens. That is humanity. So we allow for the first time—the Government of Trinidad and Tobago by having a register, by having information, to tell a foreign entity you got

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it wrong, particularly when there is the difficult situation of different countries treating one thing differently.

The United Kingdom will have an entity which is supported by Prince Charles for purposes of charitable benefit. The United States may blacklist it or Canada may blacklist it, and so we have we our citizens giving zakat on the one hand perfectly well, Prince Charles is doing it and somebody else says, “No, you are funding a terrorist organization”, and for those reasons we have now allowed by the system of organization relief for the first time for our citizens.

Hon. Member: Very good.

Hon. F. Al-Rawi: What have we done further? In the Bill, Mr. Deputy Speaker, we are very importantly treating with how we manage designated entities, and let me explain what a designated entity is. A designated entity is an entity declared by the United Nations as a terrorist entity. We in Trinidad and Tobago, I as Attorney General, in coming into office into September 2015, had the pleasure of operationalizing the anti-terrorism laws for the first time ever. Ten years after its inception, the first action taken under the Anti-Terrorism Act was under this Government. [*Desk thumping*]

We listed terrorist organizations. We have done that now 356 times. We have used the 1267 route at the United Nations to list even our locals. Shane Crawford, we listed at the United Nations. We have now shared with our counterpart territories, requests. What we have done is to close a gap for the first time, because the Attorney General wears the hat and has worn the legislative hat since 2005. There is no interference by this Attorney General or an Attorney General, because all civil law is conducted by the Attorney General under the constitutional arrangements of our democracy. The criminal law we preserved separately by

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having the Commissioner of Police and, in particular, under section 45 of the Police Service Act and under 123 and 123A of the Constitution, we have the Commissioner of Police having autonomy for his matters.

We recognize in this Bill that the DPP has a role to play, but that the DPP's function is, again, separate again by section 90 of the Constitution. So what we seek to do in this Bill is to ensure that we keep the separation of powers where they are, but we encouraged the fluidity of exchange of information as we do, for instance, under the amendments to section 22A(a) of the parent law, as we do in the amendments in section 22B, onward under the Part IIIA of the parent Act which treats with the financing of terrorism. What we do is to ensure that we treat with these things carefully, because the civil arm of the State must know what is relevant to be known and the other arm of the State which handles criminal prosecutions keeps its own basket.

We recognize and we have inserted right throughout the Bill, under the offence categorizations, an improvement to the mental intention aspect. There is no strict liability offence under these amendments. None, because there may be a lawful excuse or an element of intentionality that must be proved. We have removed any reference to recklessness, because recklessness lent itself to abuse, but lawful excuse may exist. You may lawfully understand that you have sent money by way of zakat to an entity which X country says is a terrorist entity, a listed entity, but Y country says no, and you lawfully believed that. "Look, Prince Charles is supporting that entity." You have a reason for what you did, and this Bill brings to life these positions of protection in the animus, in the mental intention aspect of the crime. You must have the act and you must have the mental intention. [*Desk thumping*] Mr. Deputy Speaker, is it 4.04?

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Mr. Deputy Speaker: 4.05.

Hon. F. Al-Rawi: 4.05. Mr. Deputy Speaker, there is no way that one can do justice to the depth of amendments here. The justice is to be done by way of reflection upon the full report. This full report was an exercise that was unanimous. It was an exercise that brought about significant improvements to the legislation. I want to say that I do not often give my colleagues opposite a lot of credit on certain things, but I do say that there is credit well deserved to every Member of the Committee; all. And I include the Member for Oropouche East, specifically [*Desk thumping*] and I say that because the Member turned up at almost every meeting and contributed clearly. The Member for St. Augustine, the hon. Sen. Saddam Hosein, Sen. Creese, the Senators on the PNM Bench and the Members of the House. [*Desk thumping*] There really was a spirit of cooperation and facility to get this right.

I can only pray, Mr. Deputy Speaker, that we have done enough. I need to say that the deadline and the clock is now. We are obliged to have completed this month this work product. We have spent two years getting here. We have had a lot of consultation, wide stakeholder contribution and fulsome deliberations in the Joint Select Committee. I believe that the Committee's work is commendable, and I beg to move. [*Desk thumping*]

Question proposed.

Dr. Roodal Moonilal (Oropouche East): Thank you. Thank you very much, Mr. Deputy Speaker, and if I could begin with the last issue raised by the Attorney General, I do have a reputation to maintain, and the Attorney General is threatening to undermine that by speaking about me so highly. [*Laughter*]

Mr. Deputy Speaker, it is a pleasure to rise and contribute on this matter of the

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Report of the Joint Select Committee which met on 12 occasions to consider a Bill to amend the Anti-Terrorism Act, Chap. 12:07. The Attorney General today, if it is one day I could testify that the Attorney General really would have needed more time was today, because it would have taken him about two hours to really speak to the Bill and the amendments and the depth of this matter, and that would be if he would have abbreviated some of the issues. [*Laughter*] But it really is an enormous amount of issues to come to, and even in the 45 minutes allotted to me, I will also not be able to speak to all the issues and where we were and where we arrived at. But to begin, in a general sense, this matter, Mr. Deputy Speaker, presents one of the biggest challenges to modern governments in our time. It is really the challenge of our era, and we must be careful that we do not make an error in facing the challenge of our era, because there can be no doubt about it that in the international community and in the planet we inhabit now, temporarily, that terrorism and all that is associated with terrorism—the hate, the spite, the objective of doing harm to the general public, of undermining states and legitimacy and authority—those issues posed together, collectively, the biggest threat to governments across the world.

The Government of the United National Congress and the People's Partnership over the years made several advancements in dealing with this matter, and I am happy with the tone of the Attorney General today, notwithstanding the need for the special majority vote. But there is a tone of understanding, of compromise, and that tone was quite incidentally missing in the statement by the Attorney General on the ministerial statement that introduced this Bill, but the tone today is one of understanding.

Mr. Deputy Speaker, the People's Partnership administration, as the Attorney

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General said today, did on several occasions advance the legislative and administrative framework. Today the Minister from Point Fortin, the Minister of National Security, of all the people, spoke earlier and in a question filed I believed by the Member for Couva North, indicated that it was in August 2015, that the Terrorism Desk was established at the Ministry of National Security. That has changed its name now, admittedly, but that was in 2015.

You see, Mr. Deputy Speaker, the matter before us is a matter involving lives, rights, property and states and, therefore, the Opposition today takes this matter very seriously, very seriously [*Desk thumping*] and our participation at the Joint Select Committee—I believe all Members—but Members of the Opposition I reflect on now, was one of diligence and commitment and, indeed, sacrifice [*Desk thumping*] and the Member for St. Augustine worked very hard.

I was present most of the time. On two occasions I missed meetings and it was because we had a conflicting meeting involving the Commissioner of Police matter, which I was also sitting on. But our Senator, Mr. Deputy Speaker, Sen. Saddam Hosein, did, I believe, go beyond the call of duty [*Desk thumping*] to participate in this matter, both in the Committee and outside of this Committee, and undertook even while abroad to continue studying and working and, indeed, made a major submission to the end on our behalf which caused some change. I say that because as you go along in this these matters, you will find reason for change. You will always make law better and better as you go along. So that sometimes it is no right to be rushing things, to just rush.

And with this matter, I must indicate to the Attorney General, who was then the Chairman, we were very happy to get the report before it was laid in Parliament. [*Desk thumping*] We were very happy before it was laid in Parliament, that we had

sight of it and, therefore, Members did not have mega criticisms to make. While there are issues I will come to, Mr. Deputy Speaker, where we agreed, there were still issues in which we could not agree, and you cannot agree on everything as you go along. There are still some significant issues, and I am hoping that the Attorney General and the Government will listen to us today as we agree to some issues, but as we continue to raise critical issues which can find its way on board; either in the matter before us now, or in a subsequent time, I do not know. But there are still areas which we are concerned about, but for one reason or another, those areas could not carry in the Joint Select Committee.

In the interest of completing the work, the Members of the Opposition, guided by the Leader of the Opposition who was informed of the journey, the flight plan, so to speak, we wanted to come back to the House, because the Attorney General indicated to us that we have a timeline we are working with, and it is a very serious matter that has implications for this country's economy, security and because deadlines must be met and so on, we did not want to hold up the Committee at the stage of the Joint Select Committee and delay anymore. We felt that we can take some of these issues to the House, raise it and see where we go from there.

So, our critical appraisal does not mean that we do not support. It does not mean we support necessarily, and the Government should understand that. And regardless of how much they may call us unpatriotic and so on, we really do not care about that. We care about doing the people's business and protecting the citizens of Trinidad and Tobago [*Desk thumping*] and I am happy the Attorney General understood that well.

We are here today on a Wednesday, which is not a normal parliamentary day, to deal with this matter. It is regrettable that the Prime Minister whose Government

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called the Parliament today found it fit to be in a next Parliament today. [*Desk thumping*] But, Mr. Deputy Speaker, in this matter, the Attorney General, if he had more time, would have gone into more of the amendments and so on and even the submissions made by the critical stakeholders. But in dealing with this matter of fighting terrorism, changing the legal and administrative structure to deal with the challenge and even looking at the practical side, we had the police come before us and we examined the police led by the Acting Commissioner of Police on their preparedness, on their thinking, on their submission and so on, and the police, of course, were very diligent in responding to us. I would touch on some of those issues as we go along.

But you see, Mr. Deputy Speaker, in this matter we must get a delicate balance between several, at times, conflicting principles in governance. We must be responsible while at the same time observing sovereignty. We must be responsible. We must be accountable while at the same time we need to be expedient. Our mindset must be to protect the citizens, but at the same time to maintain their freedom. [*Desk thumping*] And, Mr. Deputy Speaker, we must be minded of the abuse of Executive authority as we go along trying to protect citizens. [*Desk thumping*] Those principles come into conflict on these matters, and this is why you need to tread carefully.

But, Mr. Deputy Speaker, the Government I believe woke up and we are happy that they are awake, because from recent dialogue in the national community, they could sleep away anywhere. So we are happy that they are awake to this matter and not sleeping. You see, Mr. Deputy Speaker, when on Thursday, March 2017 there is a report in the *Guardian* and there is a report:

“Government has denounced ‘loose figures’ and claims being made in

articles—and from the Opposition—that ‘400’ nationals are involved in terrorist activities”.

Mr. Deputy Speaker, I came to the Parliament and indicated that we had information about persons who were involved with travelling and so on and asked the Government to look at it, and they then condemned the Opposition on numbers, and today I am happy that the Attorney General said it is not whether it is 400 or 135 or 136. It is the issue. Even if it is one, it is serious. So I put that on record that the Opposition was among the first to raise this in this the Eleventh Parliament. [*Desk thumping*] We were the first, and we come from a particular pedigree.

You see, Mr. Deputy Speaker, I have in my hand an article, Sunday 28 September, 2014. It is from the *Newsday*. Mr. Deputy Speaker, I would just quote the headline, not disrespecting anyone: “Rowley blasts TT support of UN security resolution” and I quote:

“ Opposition Leader Dr Keith Rowley yesterday lambasted Prime Minister Kamla Persad-Bissessar for Trinidad and Tobago’s co-sponsorship of a United Nations Security Council resolution on the fight against terrorism saying it was best for TT to have passed up on the occasion.

TT cannot afford to declare war on terrorists ‘at a time when you can stay away,’ Rowley said.”

Hon. Member: Who is that?

Dr. R. Moonilal: You did not hear properly.

“TT cannot afford to declare war on terrorists ‘at a time when you can stay away,’ Rowley said.

The resolution, supported by over 90 countries on Wednesday”—this is September 2014—“was put to the UN Security Council by US President

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Barrack Obama in New York.

Rowley addressed constituents”—at some small meeting he had—“On the issue of TT supporting the resolution in the fight against terrorism, Rowley said ‘in any international issue, you put Trinidad and Tobago interest first.’

When people behead someone ‘little Trinidad and Tobago has to be careful...’”

This was the position in Opposition when we took bold action under the Member for Siparia, Prime Minister Kamla Persad-Bissessar, [*Desk thumping*] when we took bold action, [*Desk thumping*] when we co-sponsored a UN resolution. Today, we are asked to support a Bill pursuant to our international obligations with the United Nations. [*Desk thumping*] So we come full circle, Mr. Deputy Speaker, because—[*Crosstalk*] That was yesterday. Today is today.

Mr. Deputy Speaker, a recent travel advisory, travel.state.gov from the US Department of State Bureau of Consular Affairs:

“Exercise increased caution in Trinidad and Tobago due to criminal and terrorism. Some areas have increased risk.”

And it continues, the advice on the United States Department of State site:

“Do not travel...”

And they name places like:

“Laventille, Beetham, Sea Lots, Cocorite, and the interior of Queen’s Park Savannah in Port of Spain due to crime.”

And they list and they talk about crime and terrorism and they called other names of places, but they are advising citizens and diplomats as well:

“US Government personnel are prohibiting from travelling...”—to certain areas in Trinidad and Tobago.

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Mr. Deputy Speaker, to confront the issue of terrorism, good law is needed and we are here. [*Desk thumping*] But, Mr. Deputy Speaker, good law is not enough. You could pass the best laws you want. We can get it right. If there is no faith and no confidence in those in authority—[*Desk thumping*] at the police, at the Government level—if you do not have legitimacy, you cannot make the changes and fight the criminal enterprise in this transnational arena if you do not have legitimacy. [*Desk thumping*]

Mr. Singh: Solid point.

Dr. R. Moonilal: You cannot operate. You cannot fight terrorism if you cannot attract the trust, the confidence and the legitimacy required. [*Desk thumping*] And I raised that in a context.

You see, within recent time, Mr. Deputy Speaker, we had this scare over the Carnival period of a terror threat over Carnival. Every day we read in the newspapers, plot, and then—Members can correct me if I am wrong, but I have the series of newspaper clips here in my hand. I would not quote extensively but it was the politicians who told us about the threat at a press conference at the Office of the Prime Minister. The police through their Anti-Terrorism Unit and so on, ought to be the one telling the population of a threat, not politicians. [*Desk thumping*] Politicians may impose their own threat, but the police ought to be informing the population of this, unless I am mistaken, I cannot recall the police doing that.

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So we went through a national trauma. The community, the Islamic community in particular, and we must say it is the Islamic community, it was no other community, went through trauma; went through a period of great concern, emotional vulnerability. They did not know if, at the home of their neighbour, a

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door would be broken down at four o'clock in the morning, men, women and children dragged out, and so on.

Hon Member: Or in a mosque.

Dr. R. Moonilal: Or in a mosque. And we had this misdirected, you know, misconstrued, ill-advised approach of a political directorate, when the police and the law enforcement agencies should really take the lead and give information that they are sure about, not the politicians. And, lo and behold, we kept asking in the Parliament, what is the threat, what is the threat? Again, check the records if you may. The first time a carnival threat—the issue of a threat over carnival was made was at a meeting, a press conference of the Government, and subsequently in a Parliament by a politician. You will correct me if I am wrong. [*Crosstalk*]

Mr. Imbert: Always wrong.

Dr. R. Moonilal: But the position we put to the Government is that in this matter allow the police and law enforcement to lead by communicating with the national community on these matters, not the Executive; work on policy and law. And now we have the complete unsettling reality of persons coming back to Trinidad and saying, no, this is a hoax. They were forced to do this or compelled to do this, and they had to say this to be released, or to end their period of torture, and they read a script, and so on. So it is national confusion. It is trauma that is unnecessary, completely unnecessary. [*Desk thumping*]

So the point I make only is that if there is no trust and legitimacy you cannot implement not even good law. [*Desk thumping*] It will not make sense, and not that this law is bad necessarily, although we can look at areas for consideration. You see, Mr. Deputy Speaker, an issue arose as well in our examinations, and so on, because I raised the question—the verbatim report is here, I do not want to again

quote the whole report—when the police came before us, I raised, in the public domain, the issue of their unit, their Anti-Terrorism Unit, is it established? What is it doing? How much people there? Because I was concerned that in the examination, the hierarchy of the police came, but unless I am mistaken I did not see an individual from that Anti-Terrorism Unit, because you would think that unit would send somebody or the head to deal with these matters.

Mrs. Robinson-Regis: The head of the police was there.

Dr. R. Moonilal: Yes, but none from the Anti-Terrorism Unit again. But having said that—we can argue that. But, Mr. Deputy Speaker, I raise this matter because a concern to me then and a concern to me now, amplified now more than ever, was the issue of sensitivity. It is no secret that your challenges— You meet with— dealing with terrorism, and so on, as the Attorney General admitted himself in probably a more flamboyant way than me that it involve names. It involves particular culture, religion, and so on, and therefore there must be sensitivity. And today I call upon the police service to immediately implement a policy and programme of religious, ethnic and cultural sensitivity, [*Desk thumping*] particularly when dealing with these matters. You see, it is more than just a woman police officer going on TV and wishing people happy Divali the day before Eid. It is more than that. That by itself is almost a—that is just a clip for Comedy Central, but it is something much deeper; it is something much deeper than that. There has been a historical lack of sensitivity in the police service to religion and culture, and those things will affect trust.

In New York, in London, Mr. Deputy Speaker, I had the privilege of being in New York and meeting with a team of people, of course, Commissioner of Police, and so on. They actually recruit persons from specific communities because they

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believe that is the best way to get intelligence. And we had the Prime Minister making a statement, talking somewhere and saying, I am vindicated, because they found guns in a mosque somewhere. They did not find nothing. It was the patriotic brothers and sisters of the Islamic community [*Desk thumping*] who risked their lives to call the police. The police found nothing. They found nothing. It was brave members of the Islamic community in Munroe Road who risked their lives to call the police for this discovery. The Prime Minister said, I am vindicated—vindicated for what?—and will not apologize, because, you see, this is a Government that is really sorry for nothing and no one. They are sorry for nobody, you know. [*Crosstalk*] The Member for Moruga bumping his gums with some inane comment, but, Mr. Deputy Speaker, let me focus here.

The other point I want to make, Mr. Deputy Speaker, is that—

[*Crosstalk*]

Mr. Deputy Speaker: Members, silence.

Dr. R. Moonilal: Mr. Deputy Speaker, the Bill attempts to deal, as the Attorney General rightly said, with the issue of observed deficiencies, and that has been something ongoing. We have been subject to a lot of analysis and a lot of, you know, studies, and enquiries, investigations and assessments, and so on, and there are observed deficiencies in law, in administration and in operation. The Bill itself and the amendments speak to our compliance with our international obligations, the UN, the CFATF, et cetera. And the Attorney General already spoke about the obligation five, six, and, I believe, 10, and the UN resolutions. He called the numbers and he put it in a context there, there is no need to do that.

I just want to make one correction and just to clarify, earlier when the Attorney General spoke he may have mistakenly indicated that the notice

requirement to submit to the Commissioner of Police, which I will come to later, the notice requirement, there is something of a licence or exemption, or something, but I do not think that is in the notice. You just submit to the Commissioner of Police before you travel, if you are travelling to a designated area. There is no licence or exemption issued there, but it may have mistakenly come out. So that we clarified that early o'clock.

Mr. Deputy Speaker, I will come to all the—well, I will come to all the goodies in the Bill which there is a fundamental difference here between the first draft, and I took the opportunity to actually bring something called a first draft. It was actually the first draft of the Bill given to the JSC in January; January 26th we were appointed. Mr. Deputy Speaker, if one would read this, and then one would come to what is called the consolidation of the Anti-Terrorism Act, Chap. 12:07, and I have my own year, May 2018; if you would read the two you would see the leap that we took by dealing with issues of oppression, dealing with issues of perception, dealing with issues where you can threaten persons, and again the Attorney General did that. He did some of that to indicate that we made several changes, whereas before in the first draft you had a situation where an entire company, an entire entity could be branded terrorists and taken before the courts and dealt with accordingly. Where one person alone may have been on a frolic of his own, we have changed that so that the person is culpable not the entity, and not other directors and managers, and so on, in the entity. That was actually in the first draft, Mr. Deputy Speaker.

We also had in the first draft the issue of the use of Islamic names, and so on, that I think came out early. The brothers and sisters who came from the Islamic community raised several issues which I have here and want to get back to. And

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we also discussed even the very meaning of terrorism, because in dealing with this, one has to build what is called a consensus definition, because we may not find one definition that will suit us all. So we built the consensus definition.

But one issue, Mr. Deputy Speaker, which I can just touch on and I will come back to later has to do, which we raised in our meetings, but I wanted to amplify here, the role of the Government, and the role specifically of the Attorney General. And I do not for any purpose mean this current Attorney General, who on several occasions has admitted that he is temporary in that someone else will take over from him at some time. I mean, that is how it works, it could be anybody. It could be the Member for Port of Spain North. It could be the Member for Laventille West. It could be neither of them.

Hon. Member: God forbid.

Dr. R. Moonilal: Well, we still have a God to look to. Mr. Deputy Speaker—

Mr. Deputy Speaker: Member, I think it may be a good time for us to suspend the sitting for tea at this time. On the resumption, right, you will be allocated your additional to complete your first discourse, and your additional 15 minutes.

Dr. R. Moonilal: Sure, thank you.

Mr. Deputy Speaker: Right now you would have an additional seven minutes in order to complete, plus an additional 15 minutes. All right, so at this time we will suspend and we will resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Deputy Speaker: As we resume after tea, I would recognize the Member for Oropouche East. You have seven minutes of your initial speaking time and you have your 15 minutes additional; you care to avail yourself “one time”? So, kindly

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proceed.

Dr. R. Moonilal: [*Desk thumping*] Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, before we took the break I was indicating, consistent with my earlier line of argument, that while, at the level of the Committee, we did make substantial progress on addressing some of the concerns of the critical stakeholders; we did make substantial progress, Mr. Deputy Speaker, on seeking to protect citizens from the abuse of Executive authority and from the possible abuses at the hands of law enforcement itself, which is a major concern in this country.

We made some progress. There were some issues that were left outstanding, and in the interest of time and in the interest of getting to the House and dealing with the matter, we felt that it was better to come to the House rather than delay the Committee. And one such issue, of course, was on this critical issue of the role of the Attorney General and the Executive. It is a matter, Mr. Deputy Speaker, which colleagues of mine will develop as we progress the debate, but that, to us, remained a very critical issue, and an issue that we hope that we can raise as we progress.

Mr. Deputy Speaker, for the record, there were several areas in which one felt that the existing first draft Bill so to speak was deficient and did not allow for the fullest protection of citizens to be so—who are affected by this. I do not want to repeat issues raised by the Attorney General; that is not my intention at all at this time. He already spoke to several matters where we had reform and we had a better understanding of the issues from the stakeholders. Mr. Deputy Speaker, even in the definition of “weapon”—if you go to that—there was a lot of concern over the definition of a weapon, and that was expanded or made clearer by indicating as well that a weapon includes:

“any article made or adapted for use...”—

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Mr. Deputy Speaker: Member, excuse, could you just quote the page that you are on so that I can probably follow?

Dr. R. Moonilal: Yes. Mr. Deputy Speaker, I am on the consolidation of the Anti-Terrorism Act, Chap. 12:07, and this would be the definitional section; and weapons include—that is where I am, Mr. Deputy Speaker. Yes. So that there was an attempt to bring clarity in terms of the issues here and to insert:

“any article made or adapted for use for causing injury to a person or property or intended by a person for use by him or another person for that purpose;”

Mr. Deputy Speaker, in the challenge that we face with terrorism, and so on, almost anything can become a weapon of terrorism today. Historically, when we talk about weapons of terrorism we meant weapons of mass destruction. An entire war was fought on the notion or perception of weapons of mass destruction. We think about guns and tanks, and these kind of things. But, Mr. Deputy Speaker, a bicycle if thrown into a power plant at a critical installation can make major disruptions causing mass outage and panic, and looting, and crime, and so on, and could be used for terror. A pen—a simple thing like a pen could be used. In fact, Mr. Deputy Speaker, in the aviation industry, some time ago, they changed from serving with cutlery, steel cutlery, and so on, to plastic. But even the plastic, it is capable to use some of those things as weapons so that we had to broaden that definition somewhat and bring clarity because it is not just chemical weapons or explosives, or nuclear weapons, and so on, we are talking about.

Mr. Deputy Speaker, we also had—well, the definition of “terrorism” had to be adjusted somewhat, but I think the Attorney General already dealt with that. We had removed something I thought was critical as well because it created a lot of

distrust and a lot of problems, and that had to do with section 3 amendments, which persons:

“threatens to commit an act referred to in this Part;”

—the taking of—

“...preparatory steps...”

And there was a line here:

“...including but not limited to acquiring material or participating in the planning of an act referred to in paragraph (a)...”

“for the purpose of committing...”

That has been removed so it does not give you that type of confusion over including and limiting, acquiring materials, because you did not even know what were the materials that you are thinking about. And as the Attorney General indicated, recklessness was a concept used—a legal concept as well—and that was removed because we felt that also created severe problems.

Mr. Deputy Speaker, we were also able at another juncture, and I am referring to amended section 15, 15B:

“Minister”—to—“designate geographical area[s]”

Mr. Deputy Speaker, this is a real centrepiece of this amendment, this issue of designated area, and when I reached to this Committee it was a decade or so before where I was involved in this type of debate so I had lost touch with the literature and with some of the developments in this area.

And, Mr. Deputy Speaker, this matter has to be explained in a very simple way, because, as I said in the Committee and I say now, the people who are affected are generally simple people. They are simple people. They will be travellers. They will be persons going on a religious pilgrimage in a few days, I understand, in July—

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the first part of July or so. Hundreds of our citizens will be travelling to the holy land for Hajj and undertaking a spiritual journey, travelling, and so on. Mr. Deputy Speaker, a lot of these people are almost, by definition, elderly people. Many, they may not have the highest level of literacy or education, and so on. They are people who are hard-working, working class people. They live and they saved their money for their entire life, and in their old age, so to speak, Mr. Deputy Speaker, they have enough resources to go to do this great sacrifice and blessing in Islam, which is to go to Hajj, which, I believe, is like a dream to go and do that. And they do that, Mr. Deputy Speaker, and they are simple people, and this matter here affects those people, and I insisted that it must be explained in simple terms, because there is a possibility of mass confusion with the way legislation here is written. And we tried our best, and you will see from the amendments, between first draft to this draft, the extent of amendments to explain what is happening here.

Because you see, Mr. Deputy Speaker, in a nutshell—I do not want to be guilty of oversimplifying, but persons going to Saudi Arabia, they can pass through several other territories and lands to reach there, right. Firstly to begin, I do not think there is a direct flight, so you have to go somewhere else and else, and else. And as you travel you take your vacation, you see things, and so on. Vacation here does not mean, you know, beach, and sand and sea, and so on, it is religious in its nature. You want to see places of worship, holy sites, and so on. And when you reach in a particular country you are there with a tour guide, with a bigger group of people. They may decide, without your knowledge, look, on Tuesday we want to see three more sites. You take a bus, you could end up in a designated area and you do not know.

First, you did not leave Trinidad going there—Trinidad and Tobago and going

there. You end up there because that is where the group organized their trip to go, maybe it was not even on the itinerary. You find yourself in a designated area; you do not know it is designated. Maybe even in Trinidad and Tobago, at the material time, it is not, but you find yourself there. There are requirements for persons to declare before they go. Now, first to begin, how you know where is a designated area in the world? [*Desk thumping*] Many colleagues of us here, you do all your travels, and so on. I know the Member for Diego Martin North/East is a world traveller, you know. The Member for Diego Martin West now, from his recent trips, he may be getting the mileage, the air miles now, the Member for Diego Martin West. But many travel, and when you travel it is not always fixed, your destination here and there, particularly on religious trips, and so on, to holy land and elsewhere; those types of heritage trips, so to speak.

So, Mr. Deputy Speaker, we had to really look at this with great depth to protect people. I just want to read from it because I think it is important, because the national community is also listening; 15B:

“The Minister may for the purposes of this section, by Order...”

Now, that is a next thing, the Minister makes an Order.

“designate a geographical area in a foreign country as a ‘declared geographical area’ if he is satisfied that a listed entity...”

That is the entity the Attorney General named from the United Nations involved in terrorism, and so on.

“is engaging in terrorist activities in that geographical area of the foreign country.”

When I enquired, how could a Minister know this? How the Member for Point Fortin operating in Point Fortin will know of some region somewhere in the world

and say, this eight mile by 10 mile area is to be a designated area? I got my answer; it was part of international collaboration, and the Minister will be briefed by the international agencies, whether it is Interpol, or wherever, and he will do his job. Now, the Minister shall cause an Order to be made under subsection (1) to be published in the Gazette, once a week for at least two weeks in two local newspapers in circulation, on the website of his Ministry with responsibility for National Security, Foreign Affairs, Caricom, et cetera. And all is one Ministry, you know. There are two now—on the website of the Office of the Attorney General, at all offices of the Ministries with responsibility for National Security, Foreign Affairs, Caricom Affairs. At all offices of the Attorney General and at each port of entry. The notice by Order is to be given to the Commissioner of Police. So, immediately, the population will know.

We had made a recommendation here which was not taken, maybe for good reason, I do not know, but the people who are organizing this on this little twin-island State really are travel agents. The travel agents, by and large, operate a lot of these trips, and so on, that go to—you should probably have put here too, to notify some notification specifically to Hajj leaders, to the travel agencies, and so on, and it is a small community; it is not a million people, about how much, 25, 30 people may be involved as leaders in doing this. So we had recommended there—I do not know if we can recommend here as well that the Hajj leaders, so to speak, because they lead these teams all over and they go to the holy land, and other places, but all people, even if you are not going on Hajj, you are going to visit. A friend may go to Jordan, he may go to Yemen, he may go to anywhere, and travel agencies, by and large, along with airlines now, they will sell those tickets, and so on, travel agencies. So you know and you are informed.

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“Notwithstanding subsection (1), the Minister shall not designate an entire country as a declared geographical area.”

So he cannot do a whole country.

“Where the Minister is satisfied that a declared...area no longer meets the criteria...he...revoke the Order...”

Fine.

“A Trinidad and Tobago citizen or a person resident in Trinidad and Tobago who travels to, enters or remains in”—an—“area shall be presumed to have travelled for a purpose specified in section 15A(1).”

Section 15A(1), if we just move quickly, would be:

“planning a terrorist act;
 committing a terrorist act;
 supporting a terrorist act; or
 facilitating the commission of a terrorist act,”

So if you do not declare—let us read that again:

“Where the Minister is satisfied that a declared...area no longer...”

No. A person in Trinidad and Tobago who enters or remained there shall be presumed to have travelled for that.

“The presumption under subsection (4) shall not apply to—

(a) a person who has given notice with reasons under section 15C;”

We are coming to that.

“a child, in respect of whom notice is given under section 15D(1), unless the reasons given are false in any material...”—way.

The Attorney General mentioned children before, I do not want to get into that.

Mr. Deputy Speaker, we were able to make an important thing here, and we will

come to giving notice:

“Where a Trinidad and Tobago citizen or a resident of Trinidad and Tobago is within a declared geographical area before an Order is made under subsection (1), he shall, unless he has reasonable excuse, leave the declared geographical area within thirty days of the designation, failing which he is presumed to have committed an offence under..”—this Act.

This matter is still not 100 per cent clear, because you are in a geographical area. You left to go there before it was declared a geographical area—you left. It became a geographical declared area when you were in the area, so I do not know how you are finding out that, you will probably have to read the online something every day, or something. How an ordinary citizen will find out that? Anyway, unless you have reasonable excuse—now, you can have reasonable excuse, you are determined, there is a presumption that you are there for an offence.

Mr. Deputy Speaker, 15C(1) says:

“A person who wishes to travel to a declared geographical area shall, prior to such travel give notice to the Commissioner of Police...in the form approved by the Commissioner of Police.”

So if you are going to travel and you know you are going to a designated area, you have to give notice to the Commissioner of Police, and there will be a form to do this. Now, whether you have to do it at a central police headquarters or a police station, that itself is not absolutely clear, but as it reads here it is the Commissioner of Police.

Hon. Member: And where is our nearest embassy?

Dr. R. Moonilal: Abroad, yeah.

Hon. Member: Yeah, but they must tell them.

Dr. R. Moonilal: “A Notice to Travel to a Declared Geographical Area under subsection (1) shall be accompanied by reasons for such travel...”—tourism or religious travel.

“A person who travels to a declared geographical area without giving prior notice under...shall immediately upon his return to Trinidad and Tobago, provide the Commissioner of Police with—

reasons for his travel...

reasons as to why he was unable to give...notice...

documentary evidence substantiating the reasons given...”—and so on.

Mr. Deputy Speaker, they had a section here where it said:

“The Minister shall notify the Commissioner of Police, the Attorney General and the Chief Immigration Officer in writing of all Notices to Travel to” an “Area...”

That was removed and a new section:

“The Commissioner of Police shall notify the Attorney General and the Chief Immigration Officer in writing of all Notices to Travel to a Declared Geographical Area...”—and so on.

That is a minor change.

But, Mr. Deputy Speaker, we also had to place a timeline on this, and the timeline that we placed on this was to give persons, I believe, 30 days within which when they come back, if you have been to a designated area, you have 30 days or less you can do it in, to give the Commissioner of Police the notification that you were there and the reasons that you were there for; it was holiday, it was religious travel, it was sightseeing, or whatever it was. Mr. Deputy Speaker, it goes on with the

children. The Commissioner notifies the Attorney General and the Chief Immigration Officer again.

Mr. Deputy Speaker, we also had the issue of the designation of areas and we placed also another limit on that; that the designation of an area would automatically lapse after three years. It is not forever, it will lapse, or the Minister can revoke it at any time he wishes. Based on his advice, and so on, he can revoke, but if it is left without revocation it lapses in three years, and then you can reissue it depending on that matter.

So, Mr. Deputy Speaker, there were several areas in which we sought to bring some type of accountability given what is happening here. And there was another area which I just wanted to focus on in the Bill itself that we are dealing with here, and it has to do with the notification of a designated area alone, because this is such a sensitive matter, Mr. Deputy Speaker. It was a case where we placed as well here, and this deals with the issue of the Attorney General, which will be dealt with later by colleagues, but in giving the designation there was a little healthy quarrel and ended up with a situation where the Minister, before issuing an Order, would notify the Leader of the Opposition in writing as to the area to be designated in law so that it gave the Leader of the Opposition, and whoever might be the Leader of the Opposition at that time; it is not necessarily the person today, she may quickly move across the aisle. Mr. Deputy Speaker, it is a requirement there that there may be some transparency that the political Opposition—the political Opposition of the day. That will exclude some of my colleagues opposite, but the political Opposition of the day will have some prior notice of these areas to be designated so they can raise a red flag. So we can raise an issue in the public domain—not this Opposition necessarily, but the one to follow—they can raise an issue that, listen,

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how could you designate this area? What is your factual basis? What is the evidential basis? Have you properly informed these people?—and so on. So, again, that was an important type of amendment that involves the Leader of the Opposition being notified in writing before the Minister makes an Order to create a designated area, because that designated area and the administrative structure around it is a critical centrepiece of this amendment; that and, Mr. Deputy Speaker, the role of the Attorney General.

Mr. Deputy Speaker, I know I do not have much time with you again—

5.20 p.m.

Mr. Deputy Speaker: Two more minutes, Sir.

Dr. R. Moonilal: Yes, Mr. Deputy Speaker, regrettably only two more minutes, but to end as I began, that while we have made some inroads into the Bill and brought a level of transparency and accountability and protection to citizens who, I think, acknowledge now the role that we played in the Joint Select Committee to bring some level of protection, there is still more work to be done to make it better. It is not the best piece of legislation before us at this time. We can certainly consider some more inroads to create greater responsibility, transparency and reduce any attempt by anyone to abuse the authority in managing such a critical matter involving sensitivities, culture, religion and in some cases, share ethnicity in a multicultural and plural society, these issues have to be considered.

You see, Mr. Deputy Speaker, as I end I want to repeat, that if you do not have legitimacy you do not have credibility, you do not have trust, you will not be able to implement not even the best legislation that you get. [*Desk thumping*] And yesterday it was very instructive that we come today because it was just yesterday that the entire Government got a grade from the labour moment, and I saw the

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president of one of the JTUM, Mr. Roget with a big score card, and on every area, page 3 of the *Express*, F, fail—

Mr. Deputy Speaker: Member, Member, I know you are coming to a close, but the relevance.

Dr. R. Moonilal: Mr. Deputy Speaker—

Mr. Deputy Speaker: Tie it in quickly.

Dr. R. Moonilal:—had there been a section here on dealing with anti-terrorism measures, they would also have received an F. [*Desk thumping*] And, Mr. Deputy Speaker, for the record, “F” means fail.

Hon. Member: F means fair.

Dr. R. Moonilal: We will deal with the Member for Arima at another time. But on crime they got an F, on economy they got an F, on labour F, health F, education, F, performance of Prime Minister, F, and if you continue like that it is foreclosure, it is time to move.

So, I hope the Government takes some of our recommendations. Even though we have done a fair amount of work in the Joint Select Committee, we believe that some of the issues we raised there and issues we are to raise now deserve consideration. [*Desk thumping*] Mr. Deputy Speaker, I thank you.

Mr. Deputy Speaker: I recognize the Member for Laventille West. [*Desk thumping*]

The Minister in the Ministry of Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Mr. Deputy Speaker, I just want to say before I really get into the measures here that the Member for Oropouche East closed off his contribution telling us about who get F and who get thing. September of 2015 the whole nation gave them a big, big F, you know [*Desk thumping*] and big C too, chase them

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away, you know, and they remained chased for a very, very long time.

Mr. Deputy Speaker, the Member for Oropouche East began by talking about the tone of the Attorney General, that the reason why the Attorney General spoke in the distinguished warm tones as he would normally do today is because all of the issues that troubled the national community and troubled Members of the Opposition, and troubled the national community who the Opposition and the Members of this House represent, they were all discussed, all traversed, all sorted out and there was resolution to these issues.

That is the reason why this Parliament sent the measures before us today to a Joint Select Committee which as you know, Mr. Deputy Speaker, is an entity designed by democratic Parliaments such as ours to allow for greater deliberation outside of the floor of a debate in an adversarial manner for contemplation of the issues, for resolution of differences. It allows for third-party interventions. So we would have had a number of stakeholders appear before us; that is the very essence of a joint select committee. It allows for bipartisan talks outside of the hot and heated nature of the debates in a House such as ours in the adversarial mode.

So it is no surprise that even the Member for Oropouche, you would have noticed he was rather calm today and he spoke in similar tones, because there is nothing to fight about anymore. All the misunderstandings have been clarified.

Yet, I heard the Member for Siparia a few days ago telling the public from a UNC's platform that this measure that we are dealing with today came as a "thief in the night". How could it be? The Bill came here. We agreed. They selected persons to sit on the Joint Select Committee, recommended them to the Speaker. We formed the Joint Select Committee with Members of the Independent Bench as well and we deliberated on the matters. How could it be a "thief in night"? But that

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is modus of our friends on the other side.

And you heard the Member for Oropouche East saying, “Well, while we made great progress and we tweaked the law and we fixed it and we resolved all those issues, there will be other things” he told us, Mr. Deputy Speaker, that other speakers will raise in this discussion. That, to me, based on their behaviour with a recently appointed Special Select Committee and based on their behaviour with the anti-gang law, that which he said a moment ago suggests to me, do not be surprised, Mr. Deputy Speaker, if before today is over, before the cock crows three times, they do not, like Peter, deny the work they did in the very Joint Select Committee. [*Desk thumping*] Do not be surprised. That is the modus of the UNC.

I am only hoping that they do not behave like that today. It would not surprise me, but I am hoping for the sake of this country on an important matter such as anti-terrorism legislation, that they would behave differently and understand that like the United States of America, like other countries who have been the victims of massive terrorist events, that we will bind together all the people of Trinidad and Tobago led by its representatives in this House and gallop, as it were, team up together, do the right things in the protection of the people of Trinidad and Tobago. I am hoping that. [*Desk thumping*]

The Member spoke en passant about a provision that went to the Committee where if a director of a company was convicted of a terrorist offence, the company on which board he sat was at risk of being struck off the roll, the company’s roll, and we agreed that there would be cases where the other directors and the management of that entity may not know of the behaviour of the one director; on that basis we agreed to amend that provision. That is what he was talking about, logical and sensible. But there are cases where one director may be convicted, but the entire

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entity may have been involved. It always involves trying to find a balance, because the measures in this Bill, the 2005 Bill and this Bill requires a majority, that is to say, it infringes on certain rights enshrined in our Constitution for the protection of our citizens as exercised by the State where the State is exercising coercive powers. And therefore, this Parliament has a duty, and section 13 of our Constitution demands of us that when we pass law we find that balance that could be justified in a society that has respect for the rights and so on of citizens. So it is always a balance, and it is in that context that a joint select committee is a perfect place for resolving discussions.

And we had the advice of the Chief Parliamentary Counsel who is skilled in the business of drafting laws like this and all laws. We had the Deputy Chief Parliamentary Counsel, Madam Ida Eversley, a very hard-working woman, seriously hard-working woman, seriously professional. We had lawyers, we had expert advice from the lawyers of the Attorney General's department. We had a number of stakeholders who I would list very shortly, if it has not yet been done, all bring to bear, not just as I said third-party intervention, not just us parliamentarians/politicians, but as well experts. In a cool, calm, deliberate way we went through the measures. It is no surprise that tone, even mine, very wonderful and beautiful today, unless of course, it is provoked.

Insofar as the Member for Oropouche East, he told us, Mr. Deputy Speaker, that when we had the Carnival threat to the safety and security and well-being of Trinidad and Tobago, and we had not just threat, you know, we have had incidents here. We have had bombing on Frederick Street, bombing in St. James, women lose leg, you know. We have an event in 1990, and as we all know terrorists are opportunists, they will strike wherever they could. They bombed an Embassy quite

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in Kenya. They went in Bali, Indonesia and mash up the entire tourism industry. Bali is still suffering from it, scared away tourists for years; it has impact, we understand that, you know.

So when we, the Government had to deal with an event that was impending around the Carnival season, we took action to alert the national community, because we had a judgment to make, could have kept it quiet and then something happened. We on the basis of information we had we dealt with it in the way we did.

The Member for Oropouche East is complaining today that it was politicians who went to the public and it should be the police. Let me just remind him very quickly. And I am quoting now from the *South Florida Caribbean News* dated September 02, 2010. Headline:

“1,143 arrested during state of Emergency in Trinidad & Tobago. Port of Spain Trinidad...”

And hear what the article says:

“The Ministry of Foreign Affairs and Communications for Trinidad and Tobago announced on Thursday, Sept. 1st that since the declaration of the State of Emergency in Trinidad and Tobago, 1,143 people have been arrested. Three hundred and sixty-six (366) were related to gangs, 216 related to drug offences, 228 related to outstanding warrants, 181 related to other serious offences, 82 related to breach of curfew and 30 related to homicide.”

Two things instructive in this. It was the Minister Dr. Surujrattan Rambachan, Minister of Foreign Affairs, who told the country all of that.

What is the Member for Oropouche East saying; that is one. And two, as I listed those offences, Mr. Deputy Speaker, it occurred to me, not one of those offences

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that I just listed were emergency power offences. Everyone was normal everyday criminal activity which proves our point, you did not need a state of emergency to deal with that. [*Desk thumping*] But at the end of that state of emergency, when I stood up in the Senate and told them across the floor with force and supported by Minister Deyalsingh and the Member for St. Joseph and the Member for San Fernando West, told them, “Look you had a state of emergency. You extended it. A few days left and not one single person arrested under emergency powers?” Not one?

You know what they did the next day? The next day we were hearing they went and grabbed 13 people, everyone was a Muslim; and how did we know they were Muslims?—because the police, a certain Deputy Commissioner of Police, Richardson. In fact, the then Prime Minister called the Leader of the Opposition, the Member for Diego Martin West and told him of that, and told him of a plot to assassinate her by Muslims, and introduced him to the police officer who could tell him more, and he made an appointment to see the said police officer. And when the police officer came and he asked in representing the people, “On what basis you arrest these men?” he was told, “Because they were Muslims”.

And Dr. Rowley called a press conference, the records will show that, and disassociated himself from that kind of behaviour completely in protection of the rights of the very Muslims who they arrested in strange circumstances and the end of a state of emergency maybe to put some validity to the stress, the economic distress and the loss that they had caused this country in a situation where did not need to do that at all. [*Desk thumping*] And then to talk about who should talk about it, should be the police. I remember a team crying, a team from St. James when the Attorney General at the time, Attorney General Anand Ramlogan got

behind a little girl who sent out some post on Facebook. It was not a police talking about that, it was the Attorney General and they were all applauding him at the time, every one of them.

So, Mr. Deputy Speaker, let me therefore, proceed to elements of this for more useful conversation in my usual calm, wonderful tone, consistent with discussion in front of us today having come out of a joint select committee.

Mr. Deputy Speaker, I was a member, a proud member of that team participating with my other 12 or so colleagues. The Chair, the Attorney General, Faris Al-Rawi with an “R”, he—some people does say “Al-Wari”. It is Al-Rawi with an “R”. He attended every one of the 12 sittings we had, yeah, every one. Dr. Moonilal attended 10 out of 12; Mr. Ramadhar 10 out of 12; Sen. Saddam Hosein, nine out of 12; Fitzgerald Hinds, eight out of 12, [*Crosstalk*] only because I had other Joint Select Committees that would have clashed with that one, some of which I had to Chair, the Special Select Committee to deal with the issue of the appointment of the commissioner in particular. But the point I am making is, I was as present as I could have been. And I said we had support, so they were very present and very participative.

The *Hansard* records all of the deliberations, and I have seen several very effusive comments, comments from—every one of them participated fully; now you are coming to tell us about “thief in the night”; that is an ambush in the night according to Bob Marley. Ambush, they looking to ambush us, not us really, the people of Trinidad and Tobago because the people need this.

As I said, we had professionals in our support. We looked at, because you see if it was in a debate here Members would not get a chance to look closely at the UN resolutions 1276 and 1376, we were able to study them, understand their

implications. We were able to look at the 40 FATF Financial Action Task Force and the CFATF, the 40 recommendations, which is why the Attorney General tells us, this has serious implications for Trinidad and Tobago as a partner with others in the international community. We were able to look in greater detail at the immediate outcomes, all of these things we took into deep contemplation as we settled the positions that are before us today on behalf of the people who we represent. It was not done by whim, and could not have been done in the 40 minutes or so you stand talk up here and talk in a debate, and that was the benefit of it.

We looked at a briefing document from the anti-terrorism desk of the Office of the AG. We got advice from the prosecutorial expert in the UK in the law of terrorism, so we were guided, and we looked at a number of issues, some of which I might want to just attend to very briefly here today.

One of the issues we looked at is whether clause 3 should be amended to expand the offence of committing a terrorist act to include that this offence is also committed when a person threatens, because we understood that terrorism is about imposing disruption and fear in people and in their societal activities. If you could threaten something and as a result all the trains shut down, all the taxis stopping running, to use a more local example, and all the activities of the courts stop, the schools stop, traffic comes to a standstill, all with a threat, you would have had the same impact, the same outcome desired by terrorists because their job is to disrupt the society in any form that they could do it. And therefore, we saw the wisdom in not only holding them accountable criminally if they committed the act, but if they threatened to do it too. And shortly after 9/11 some soul went in the Brixton London Tube and shouted some threat mentioning the word "terrorism". That soul

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is either now in heaven or a place reserved for the UNC because the police took her out. Threats are very, very serious. So the point is—

Mr. Lee: Please, 48(6).

Hon. F. Hinds: What is that? What did I say?

Mr. Deputy Speaker: Member, as a result of the Chief Whip making the comment, you care to clarify, or you care to just rephrase?

Hon. F. Hinds: Mr. Deputy Speaker, I “doh” want to clarify.

Mr. Deputy Speaker: Well, rephrase or retract.

Hon. F. Hinds: Mr. Deputy Speaker, I just said, the person is either in heaven or in a place reserved for the UNC; it might be purgatory. Purgatory is a place where souls suffer for a time on account of their wickedness. [*Laughter*]

Mr. Lee: Mr. Deputy Speaker, please.

Mr. Deputy Speaker: Again, based on the objection, I suggest that you either retract or—retract and move on.

Hon. F. Hinds: All right. Purgatory.

Mr. Deputy Speaker: Retract.

Hon. F. Hinds: Okay, I retract, Mr. Deputy Speaker, I retract.

Mr. Deputy Speaker: Okay, Members.

Hon. F. Hinds: Mr. Deputy Speaker, we also considered another issue in which we considered expanding the definition of “terrorism” to include other forms of industrial action to enable exemptions even if such action is intended to cause harm. There was a view that industrial action can be used to carry out terrorist purposes. We did not, we deliberated on it, but we did not go ahead with it. We did not accept it. But everyone understood as you heard the Member for Oropouche East say, one spanner in the works could create problems.

Workers in any essential service could create major problems. I do not want to be more elaborate than that. Just to tell you one example, some years ago a citizen, an ordinary citizen, pointed out to me and I pointed it out to the management of the particular hotel, name remained uncalled here today, that their compressor for their air-condition system was outside of the building and easily accessible to passers-by. And he told me, this is back in about 2005, eh, that all it required was a small injection of a capsule of poisonous effect into that system and everybody in the hotel will die. Having pointed that out to the management of the hotel, I am aware that they took immediate action and they corrected that. I am only making the point.

They had another incident here where other people occupying a hotel had to evacuate because there was industrial action at the time and there was a threat that something would have happened in there. Citizens who are old enough, old like me would remember.

So, we considered it, but again, in finding the balance we did not go with it because it was not the right balance at this time; that was one of the matters taken into account.

Another question taken into account: Should the mens rea for terrorist offences include the concept of recklessness? For lawyers, recklessness is an aspect of mens rea. For example, the crime of murder, you can have an intention to kill, an intention to cause grievous bodily harm or you could be reckless as to so causing. And the question was whether recklessness was or should be part of the mens rea for these. After discussions we decided, no, it must be deliberate intention rather than recklessness, and that was part of the discussion that we had. So that required now more positive proof on the part of the prosecution in such a matter as opposed

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to just the standard of recklessness.

We considered as well the repeal and replacement of clause 5 where the impact of the provision on persons making donations or distributing zakat. For those who do not know, zakat is part of the religious practice of Muslims where they give charity as it were on a daily or weekly basis, and persons can give money to terrorist organizations and claim that it is zakat. We had a comprehensive discussion on that matter, and having discussed it, we decided on the balance that it should not be because it presented too much risk when it came to other person's religious practices. So this Committee took that into account and did not proceed along that time.

And now that I am on that matter I would like to take the opportunity to say, Mr. Deputy Speaker, that terrorism is not about Islam or Muslim. I want to repeat that. [*Desk thumping*] Terrorism is not synonymous with, it does not mean Muslim or Islam. You can have Muslim terrorists, but you can have Hindu terrorists too, you can Christian terrorists. [*Interruption*]

Mr. Charles: Rastas too.

Hon. F. Hinds: Rastas are Christian, I just said Christian, and the Member for Naparima chiming in "Rasta too". Does not even know the meaning Rasta, bald-head as he is. [*Desk thumping and laughter*] It does not mean—

Mr. Deputy Speaker: Member, again, rephrase, retract, right?—from the Speaker's Chair.

Hon. F. Hinds: Okay, Mr. Deputy Speaker, his dreadlocks are non-existent; it cannot be seen. [*Desk thumping*] So, let me proceed. I do not want the Member for Naparima to disturb me, these are serious matters and we keep it that way.

Just to make my point, on the 29th of September, 2008, there was a spate of

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bombings in western India; Saffron Terror. Some terrorists have come to be known as—that is in India, nothing to do with Muslim down there. The Manoj Pradhan attack. In 2001, the Odisha Assembly attack, all without any element of Islam or Muslim in there. In 2008, attacks on Christians in southern Karnataka, yes, forgive me. Christians could be terrorists too. The Ku Klux Klan with the cross, burning cross, terrorists; killed people including Malcolm X's father. When you read the history back in the 50s, Christians you know, terrorists. Timothy McVeigh, not Muslim, created a major event in the United States. The so-called Alpha 66 and Omega 7; Christians attack against the Government and the people of Cuba. The Army of God dealing with not only with anything political, you know, an anti-abortion group known in the United States, known for terrorist conduct; and others. So this really has nothing to do with Islam. We, as the Attorney General pointed out, understand that there is real risk.

I listened to a news item two days ago that shook me. There were a number of attacks in Nigeria from the group Boko Haram, about 28 of them from the report I recall hearing, and of those 28, 13 of those suicide bombers were children under the age of 10. Could you believe that? Children who, according to our law may be *doli incapax*, without the mental capacity to even decide on a crime although the law has changed now and it is not just because of the age. They will assess the child now to see whether it understands the solemnity of the oath, the occasion, the seriousness of what it did and all that, to decide whether a child should be so charged or not. But children under the age of 10 were used in suicide attacks, that is to tell you how hostile this world and how frightening this world has become. This is real, this is no joke.

So while there is large focus on our compliance with our international obligations

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to ensure that the Republic of Trinidad and Tobago is not treated as a pariah, I “doh” like to say blacklist, and I do not want to say whitelist, just to ensure that our country is not treated as a pariah, and financial transactions as the Attorney General reminded us earlier, cannot be effected for people to deal with medication and operations abroad, they will refuse to deal with you if you are so treated, because we belong to part of this international platform comity of nations as it used to be called back in the days of the Member for Naparima when he was a diplomat, a long, long time ago. Yes, stuffy old days. Yeah?

5.50 p.m.

So, Mr. Deputy Speaker, this thing is real, and we face it, and therefore we went into that Joint Select Committee, we took our task very seriously, and we have come up with some measures that we as a Joint Select Committee commend to this House for its support, and as we amend the legislation we would have complied with our international obligations, yes, but at the same time we would have made this platform a little harder, a little more secure, a little safer, so that more actions that can be designed to hurt our people will be dealt with in accordance with the laws of Trinidad and Tobago, and that to me is the big issue here.

Mr. Deputy Speaker the Anti-Terrorism (Amdt.) Bill, 2018, which is now before us, creates several offences, including, and just for the benefit of those who are listening, collecting or providing property to be used to commit—

Mr. Deputy Speaker: What page are you on, Member?

Hon. Member: “He doh know he self.” [*Laughter*]

Hon. F. Hinds: I thank you very warmly for your intonation. Might I be permitted to read from the script and the report, it is part of the report—

Mr. Deputy Speaker: I just want to follow, so just let me know what page.

Hon. F. Hinds: Okay, page 4. Page 4. I thought I was being challenged for reading. [*Interruption*] Oh, I see, because I know we are expected to speak extemporaneously from this forum, and sometimes we try. Sometimes it is necessary to read. So, yes, on page 4, paragraph 9, with specificity, it says:

- “using property for the commission of a terrorist act being party to an arrangement for the retention or control of terrorist property.
- dealing with terrorist property.”

These are some of the offences that this would have created.

So, I want the citizens of Trinidad and Tobago—those who we represent in this honourable and dignified House, those on whose behalf we speak, those who sent us here with their votes—so, when they listen to the remainder of this debate, they will know who is who, and what is what, and who is really in defence of the people and who pretends to be in their defence.

I saw the Member for Oropouche East, he mentioned it in passing. I saw the Member for Siparia, actually, go to a certain place over the Eid celebration, suitably attired, and speaking to a former deputy political leader of the PNM on the business of terrorism, and this—I could afford to speak on it, Mr. Deputy Speaker, because part of the discussion as reported had to do with this Anti-Terrorism Bill.

Mr. Deputy Speaker: Thirty minutes has expired, you have an additional 15. You care to avail yourself?

Hon. F. Hinds: Most certainly.

Mr. Deputy Speaker: Proceed.

Hon. F. Hinds: What surprised me in that newspaper report is when the former deputy political leader told the country that she was discussing anti-terrorism and oppression of Muslims. Oppression of Muslims in this country. Nothing you have

heard or seen today has to do with any oppression of anybody. It has nothing to do with oppression at all. [*Desk thumping*] It has to do with protecting the citizens from a real and existing threat of terror, which we see everywhere in the world.

And as I said before, when you hear “de terrorist ready to work”, if they could get an aircraft with 450 people, they do not check to see whether Muslims on board, or Christians on board, or Hindus on board, or tall people, or short people. When they could drop a plane they drop it. It does not matter. They do not discriminate in that sense. So, we know it is not about religion. We know it is just about terror, to get their political and other ways. And yes, a discussion about that, and look who the discussion is with, the Prime Minister at the time when 13 Muslims were arrested in this country for no other reason that the fact they were Muslims. They were released without charge, and all of that, and to this day we are spending millions of dollars to repay them for the harm that we did to them when they were in Government. That is the story.

So, if I had to discuss oppression with anybody, “you think I going to such a person? I got to be crazy”. So, it also creates offences of:

“...supporting or soliciting support for the commission of a terrorist act...a terrorist organization...”

“...harbouring a person reasonably believed to be planning to commit a terrorist act, or reasonably believed to have committed a terrorist act...”

...providing any explosive, weapon, or other lethal device for the purpose of committing a terrorist act.”

We broadened the definition, as you would have heard, of “weapon”, because we are now seeing where a motorcar, a normal, ordinary motorcar that is designed to transport people from one place to a next, in air-conditioned comfort could be used

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to kill people. They drive into crowds anywhere. Saw it in Paris a couple of days ago, saw it in London.

Hon. Member: Russia.

Hon. F. Hinds: And Russia too. Yes. And therefore, we broadened the definition—a simple knife, a simple knife. So, any weapon, any object that is used in an offensive way to carry out a terrorist act will be considered by this. You know, I am a lover of fruits, Mr. Deputy Speaker, and they used to sell something called Condy's crystals, up to about two years ago in this country.

Mr. Deyalsingh: Potassium permanganate.

Hon. F. Hinds: That is the active ingredient.

Mr. Deyalsingh: Potassium permanganate.

Hon. F. Hinds: Potassium “permangalate”?

Mr. Deyalsingh: Permanganate.

Hon. F. Hinds: Permanganate. Thank you very much. Yes? And I used to buy that, it is burgundy in colour when you dissolve it in the water, it is a bit of an antiseptic, I am told, and you soak all your vegetables and your fruit in there to deal with this thing. You cannot get it anywhere now in any drugstore in this country again, or hardware. You know why? Because they discovered in America where it is largely manufactured that they used that to make bombs. Just now you would not get “channa” again. [*Laughter*]

Mr. Karim: A precursor.

Hon. F. Hinds: Yes, it is a precursor chemical because “they does take channa and make bomb”. The other day I was at the home of a friend, and he put a cup of “channa” in the microwave, it nearly caused ruction in there, you know? [*Laughter*] It caused ruction in there, you know? [*Laughter*] The Member for

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Chaguanas East knows the man.

Mr. Karim: “Eh heh?”

Hon. F. Hinds: Yes. [*Laughter*] So, this is a serious business.

So, we have broadened the definition of “weapon” in order to accommodate that, and any lethal device as well. Now, the most lethal device that we know—easily available in Trinidad and Tobago—are guns. That is a separate matter. And the reason why I am raising it is because there are thousands of them around. There is a very powerful gun lobby in this world where if you ask them to slow down their manufacture of these lethal barrelled weapons they will not. They will challenge you. Barack Obama tried it. Many people in America tried it. Right there in Brazil there are eight gun manufacturers. International companies are making guns in Brazil. Brazil is next to Guyana, Guyana is right next to Trinidad and Tobago. Guns are being manufactured as we speak, like biscuits, like Crix. The only difference is when you eat the Crix it dissolves and it goes. But these metal objects with metal bullets, they do not go anywhere. They are somewhere, and they end up in my constituency, they end up all over the place. A gentleman was robbed a few weeks, about two weeks ago, and he reported to the police that the four persons who came to him, two things stood out. None of them looked like they were over 17 years of age, he told us, and every one of the four had a gun, not one had a gun, you know?

When I started out as lawyer practising criminal law, usually with a situation like that—the Member for St. Augustine—it is one gun, three fellas hold you. Now, every one had it. So, they are manufacturing—there are causes for our problems, some of which are outside of our control. You think they are listening to the Member for Siparia or the Member for Diego Martin West, to say guns are ending

up in Trinidad, cut down on your production? It is all profit driven. They are manufacturing it, they sell it. It ends up all over the place. When they cannot sell it to governments for their military units, they then sell it the paramilitary units who have conflicts in different pockets of the world, and then from the paramilitary units it ends up in the hands of untrained, uncivilized, unwashed individuals who use it indiscriminately and create mayhem.

But the point I am really making, Mr. Deputy Speaker, wherever—this is why we have to work hard to improve the police service, and to improve our law enforcement platform in this country. Because as we talk about terrorism I want us to understand this, all of the vulnerability that we are exposed to with ordinary everyday crime, we are doubly exposed through the same weaknesses to terrorism. A few weeks ago, a young man jumped the wall at the Piarco Airport, the fence, and ended up on the tarmac close to a plane, where he was arrested. I am sure Members remember that. The report said that he was escaping, he was trying to run from some gang that was trying to harm him, and in his fear and his desire for life, as every human being has, even the most “dernty” and dangerous killer, when his life—even by lawful death, hanging—comes up for question, he pleads, he begs, it is a natural human phenomenon. And he jumped and got in there, and I took note of that. If a man could get in, running for his life, he could get in to carry out a terrorist act too, and that is the point I am making. When they find a container with drugs in the drug trade, that could easily—if it gets past the security then it can also carry out a severe terrorist act, and this is a serious business.

So let me press on, Mr. Deputy Speaker, to say that we have also created offences of:

- “intentionally joining a terrorist organisation.
- agreeing to recruit or recruiting a person or”—worse yet—“a child to participate in the commission of a terrorist act.”

I just told you about what happened with these children in Nigeria.

- “attending or receiving training in the making or use of any explosive, weapon, or lethal device or the practice of military exercises of movements whether in person or through electronic or other means for the purposes of carrying out a terrorist act.
- delivering, placing, discharging or detonating an explosive, weapon or other lethal device...”

And finally—some of them I am reading:

- “providing or collecting funds that are to be used to carry out a terrorist act, by a terrorist or terrorist organisation, to facilitate travel of an individual to carry out a terrorist act or participating in, or providing instruction or training to carry out a terrorist act.”

A whole panel of offences have been created in this Bill. As I say, hardening the target, strengthening the field, raising the fences, so as to make the people of Trinidad and Tobago more secure.

Having come out of the Joint Select Committee, the measures that are before us are considered by every member of that committee to be reasonable. The lawyers on the team would have told us that these measures are consistent with and can stand the scrutiny of section 13 of the Constitution. This is a special majority Bill, and we will expect—if only because we sat together, planned it out, worked it out, resolved it—we will expect our colleagues on the other side to lend mighty full

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support to this, not for the benefit of the Government, or for any individual here, but certainly for the benefit of the people of Trinidad and Tobago.

Mr. Deputy Speaker, with that short contribution, in the nice calm tone that I have delivered it, I would like to thank you. [*Desk thumping*]

Mr. Prakash Ramadhar (*St. Augustine*): [*Desk thumping*] Thank you very much, Mr. Deputy Speaker. You know, I wonder what we are debating here, if it is we are to follow the logic of my learned friend, that if there is a Joint Select Committee put together, and that we work together, and we worked very well together, and we come with a report, is it that this House is to just accept it without any debate?

Mr. Hinds: I never said that.

Mr. P. Ramadhar: No, I know you have not said that. The issue is whether there should be a debate, whether there should be further work in progress while we debate things.

We heard my learned friend the Member for Oropouche East, suggests that there may be other issues to be raised, and I think it is fulsome in the democracy that we still enjoy, to allow those other issues to be ventilated, and if it makes sense the House may agree with it, and if it does not it will not. That is what debate in Parliament is all about. To suggest that having sat in a Joint Select Committee and the work product having been signed off, that that is the end of the matter, then denies the opportunity for every other Member who did not sit on the Joint Select Committee to have their say. [*Desk thumping*] Every one of their constituents looks forward to hearing from their MPs if they have a different point of view, whether they have something to add, something to subtract, something to improve upon, at the end of which it will be shown that if we do pass the law we would have had the consensus of all of the voices that are entitled to speak in this Parliament.

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Having said that, I want to congratulate the Joint Select Committee, because I thought it was a true manifestation of what is best of how we proceed. And to the Chairman, I want to tip my hat to you, I thought your chairmanship was one of an open approach that encouraged contributions, and even though we may have disagreed on certain points, because of the grace with which you acted, we would have agreed to things and said, look, we will bring it to the debate. And there are some points I am sure my other colleagues may wish to bring, and I congratulate you for the work you as chairman of that committee conducted. [*Desk thumping*]

But it proves the point that the Opposition has been making, that a Joint Select Committee is a far better tool to be used than what we have seen in many of the other debates and other Bills brought before this House, where many believed—where things were put as simple majority matters when a constitutional majority was required, and it was suggested that you could do what you wish. And I do remember a line was drawn in the sand in relation to the FATCA debate, when without a doubt, kicking and screaming as it may be described, the matter had to be sent to a Joint Select Committee. And what came out of that was far, far, far better than that which originally came to the House. [*Desk thumping*]

So, what is happening, and I am so delighted to appreciate that the old adage, that you cannot teach an old dog new tricks, may very well be on its way out, because we do see the other side learning something new in relation to Joint Select Committees, and we appreciate that effort. Now, what are we debating here? It is without doubt that terrorism is the modern age of something like the black plague. It is infecting corners of this earth that had known only peace and harmony in living memory. We think of terrorism very often in international terms. It is. But it is as equally something that affects us much locally. And it did not start today.

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Many may have forgotten sometime in the '80s there was an actual bombing in South Trinidad, there was a conference of a certain Muslim sect in this country, and there was an actual bomb that went off.

Mr. Karim: Marabella.

Mr. P. Ramadhar: You remember this.

Mr. Karim: Marabella Senior.

Mr. P. Ramadhar: In Marabella Senior Comprehensive. To this date there has never been a solution as to who would have been behind it. That was a generation ago. And then in 2005, my friend from Laventille West still, I am sure, must remember in vivid pain, the bombings in Port of Spain where a woman lost her leg, lives were put at risk. There were three, I think, if not two, and I remember having passed just in front of that garbage bin, maybe minutes before, so it was very, very personal, and up till today we have had no solution as to who was behind this. If then Prime Minister, I remember speaking about—

Mr. Indarsingh: Mr. Big.

Mr. P. Ramadhar: Mr. Big.

Mr. Karim: The helicopter blew away the evidence.

Mr. P. Ramadhar: Of course, I remember that painfully too. But, there is another very personal matter, Mr. Deputy Speaker, of a young, brilliant light from the constituency, I imagine, of Chaguanas East, Mr. Ravi Ramrattan. This young fella, in the prime of his life, having won the President's gold medal in 2002, from my old school, Presentation College, Chaguanas, had gone off to Cambridge University, where he excelled to Oxford where he was admired deeply, and then into the world as a citizen of this world, to help mankind. And he had gone off to give of his benefit of all the years of excellent education, to Kenya, and it was in, I

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think—

Mr. Indarsingh: A shopping mall.

Mr. P. Ramadhar:—in a shopping mall in Kenya—

Mr. Karim: Nairobi.

Mr. P. Ramadhar:—Nairobi, that gunmen raided, and I think 68 persons were brutally, coldheartedly—unrelentingly evil persons murdered them and he was included in that lot.

So, international terrorism comes home. Many speak of 9/11, one of the worst acts of terrorism in the Western Hemisphere, where over 3,000 persons died on that fateful September morning. But, you know, we have forgotten the 14 Trinidadians and Tobagonians who perished in that attack. So, terrorism is not a problem for any one part of this world. It is a problem for all of us. And we have been hearing over, and over, and over, and over again of the creation of cells, terrorist cells in this nation, and we have to be very careful, very weary. Because if many of these beliefs are true then this country is in grave danger. But it did not just happen today.

July 1990, I remember it very, very well, and who would not, except for the most young, I think everybody here would have been at least of cognizant age in 1990, when our very democracy—and that is why we are sitting here in the Parliament at the Waterfront and not at the Red House, in a way, because a lot of damage that had been done had never been properly remedied—where the seat of democracy, the bosom of power and authority in this nation was attacked while the Parliament itself was sitting.

The gravity of that should never escape us because if that could have happened in this beautiful twin island State, the paradise, the idyllic country that many would

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see as a place for rest, relaxation, and comfort; if our sense of calm and that nostalgic sense before July 27—the 26th of July was a beautiful day, but the evening of the 27th changed Trinidad and Tobago forever. We saw what happened when people were murdered; a sitting Member of Parliament shot, and he died; a Prime Minister put under the gun in an act of incomparable bravery, said attack with full force; and we bow and we gave credence to all those officers who protected this country, for putting their lives on the line and bringing us back to a democracy. [*Desk thumping*]

But the seeds of evil do not reside in true religion. Because I am hearing the debate over and over and talking about Muslims, Christians, Hindus, or whatever. No true Muslim, no true Hindu, no true Christian will ever murder in the name of their religion. They will murder if they have a distorted version of their religion. They will kill and they will cause pain if they truly do not understand that love of God is about love for man. And if you obey your God, all the religions must tell you that you must love your brother as thy self. All the religions will tell you to do unto others as you will have them do unto you. Many use the garb and cover of religion for criminality, for evil, for distorted and damaged minds, which will find itself—you see, we had debated and we now have enacted the anti-gang legislation.

There is a commonality between that and the anti-terrorism. Let me tell you how. In gangs, my friend the Member for Port of Spain South will know this full well, that the young who do not have a direction by some failed education—Member for Arima—system that tells them they are less and they do not belong. When they come from broken homes, if you call it such a thing, where they may not know their father. Where there is so support system, no warm embrace, they will go to that which they feel welcomes them, and just like the gangs that wish to entice

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them—that you belong here, brother, that you belong here, that we will take care of you. We will give you comfort and solace, and enrich you.

It is the same mentality that is used by those distorted and those who have criminal intent to say you have a cause, a religious favour and that you serve your God, and if you should die in this you shall be the beneficiary of 72 virgins, or that you should have fulfilled your karma, or that you should have respite and come before God and say that you have done your duty and your service. Let us get rid of this foolishness about terrorism having anything to do with religion. There are terrorists whose only purpose may be political when they cannot win by democratic means, to try to destabilize governments, to damage economies, and we have seen the criminality for example—and I am not going to be very long, but remember, Mr. Deputy Speaker—

Mr. Lee: You be as long.

Mr. P. Ramadhar: I will be as long as I need to be. Mr. Deputy Speaker, remember, we are talking about religion and so, and we are focusing on that very small issue that is really, I am mistaken. Colombia in the 1980s into the '90s, Pablo Escobar, there was no greater terrorist threat to the democracy of Colombia than he.

When he was under the pressure realizing that the State had turned on him—and I make reference to that because it is very important for us to appreciate Trinidad and Tobago has been described by some as a potential narco-economy, that a lot of the money that comes through here is from narcotics and criminality. And let us go now and examine a little bit what happened in Colombia. This drug lord, so powerful was he, no longer counted in the hundreds of millions, but into the billions, was able to buy out police, buy out security services, buy out judges, buy

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out magistrates, and it is only when it became such a clear and present danger to the United States that action was taken at an international level to try and put force to correct some of the errors, some of the wrongs that were happening in Colombia.

There was a response from him, because he was so wealthy, so powerful, and the ego made him believe that he could take on the State of Colombia, and he did. Hundreds of police officers were murdered. It was either the silver or lead. You remember that, Member for San Fernando East? You either take the money or you take the lead. Many do not even remember that to an end to put fear into the minds of the Government and to law enforcement, there was an officer, one of the officials taking a flight, and he caused that plane to be bombed, and a 100-plus persons died, to strike fear and terror into law enforcement and into the Government. When things got even a little bit worse, they took the Supreme Court of Colombia, and there was a—Member for Naparima, you know of this—they took the Supreme Court with its judges, and therefore terrorism is also about money. It is about power. It is about criminality. [*Desk thumping*]

So, let us not get bogged down in some of the mundane details of this thing, and look at this thing on a larger picture, that the health of a democracy in Trinidad and Tobago is the health of protecting all of us, not just against crime but against terrorism. And the Attorney General is very eloquent when he spoke to there being a symbiotic relationship between us and international bodies and other countries, that we have our part to play, because this is a very small world connected now by international banking agreements and facilities, connected by the Internet, connected by a host of things—flights. You could be, I am sure in Australia—not by taking the *Galleons Passage*, of course, but by taking flights you could be in

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Australia in two days and be back. So, it is a really well-connected world, and therefore terrorism can transfer itself today from Australia to Trinidad, or from Bahrain to the United Kingdom, or anywhere. And that is why lots of the laws, much of the laws that have been created over the years—are now by the amendments, have got to be rigid in some way, so that you are able to capture as many as you can in this effort.

One of the means to deal with terrorism is about the funding of terrorism, and we have seen now much of the work done, and in this legislation the need to deal with the funding of terrorism. Going after companies and businesses that facilitate the passage of money and/or material so that you can do the evil things that you have done. 9/11 was a classic example where so many were able to come to the United States, facilitated by persons who financed them, facilitated by those who trained them unintentionally, and that is why some of the laws we have now looked at, we took out recklessness and other things, to show that you had to have some knowledge that what you were doing in assisting was deliberate with the knowledge that it would be used for terrorism. Because innocent people can be caught up in an activity that is legitimate, but used for a very horrible purpose.

And that is why the Member for Oropouche East spoke about that balancing act between the rights of the legitimate action and those who use it for illegal activity. There must always be that balance. And the lines somehow get very, very blurred in that process.

6.20 p.m.

Now, the Member for Oropouche East made a profound incisive observation, something that has troubled me to no end. And I am happy that we could articulate it here somewhat. Crime in this country has been politicized for so long and so

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much that very often the very act of politicians dealing with it allows the criminality itself. Let me explain what that means and my friend, the Member for Laventille West, without even realizing it, buttressed the argument when he made reference to this plot to murder the then Prime Minister, Kamla Persad-Bissessar, in the year 2013, was it? Yes.

Here it was, information coming to a Government from security services and I put that wide, as wide as I possibly could, that there was a plot to assassinate the Prime Minister and other members of her Government. What does one do? Do you wait for the plot to be manifested? Do you wait to a point when, you have not the evidence, you know, Mr. Deputy Speaker, but you have the information, you have the intelligence. Member for Toco/ Sangre Grande, you know the difference—it is huge between having evidence and having intelligence. In these matters it is about prevention. This is not about prosecuting after the fact. Yes, you may do so, but the one thing you want to do is to ensure that you avoid and prevent the very terrorist act or the very action because it is not supposed to be what we call “graveyard prosecutions”, after the person is dead then you go on and deal with things.

So there comes a time and you leave this up to those professionals and you give them all the resources that you should and could and hope that they exercise their judgment and you take their advice, because if you do not and things go wrong then your hands really will be holding the blood of all those who paid the price for your inaction. And that is the challenge of law enforcement in these matters. It is a well-known adage that law enforcement needs to get it right 100 per cent of the time and those who wish us wrong, and the terrorists, need to get it right only once. So that, using that as an example, law enforcement indicated that they had the, not in evidence but they had the intelligence and that persons who were arrested,

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whether they had the quality of evidence, “at the time to do the arrest” is not for me to say, but they acted and the Minister of National Security will tell you, I am sure he would, that that prevention is far better than waiting for something to have occurred when it becomes too late.

Now, you are hearing things about oppressing Muslims. If it is that the information and/or intelligence came in relation to certain persons, who do you go to? Not about those persons, not to them or do you go to some completely unknown group and say, well we hear that there is a plot somewhere, let us take you up. There must be some connectivity, and having been in Government, having sat on the National Security Council, it is a deep challenge to distil between intelligence and proper information, because a lot of the time the intelligence turns out to be inaccurate at best and very often, fake. But what do you do? When is it that you cross the line? When do you pull the trigger?—literally to go after persons whose names are connected to this. What I will encourage, however, is that even if you have to be a little precipitate, that when you do take action you do so with the greatest civility on the basis of a presumption of innocence.

When you go to a home in Mohammedville as an example, at three o'clock in the morning, you assume that person to be innocent. But you go and you conduct yourself under the law that allows you to enter and to speak to and to question, not to abuse, not to slap, not kick down, not to terrorize the home of children, mothers, fathers, and family. You do it with a sense of respect, you do it and you exercise your power with restraint and until you could find the evidence to prosecute, because sometimes it is in that raid you get the evidence to prosecute.

So that when at Carnival, I am sure the security forces would have had their information, “intelligence” of some plot, it is not for me standing here or for us

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sitting as we are today to judge law enforcement at that time, because to do that is to give them pause and sometimes that moment of pause can allow something horrendous to have occurred and then everybody says, why did you not act? Why did you wait when you knew?—because it all changes after the fact; 20/20 vision as they say, it is perfect after the fact. But then we start hearing about the politicizing of these things. Guns are found in Munroe Road. Someone is vindicated. Someone then says that the information which they would have given was as a result of they being given a script from which to read. Do we know what the truth is? Do you believe, and I am not for a moment trying to endanger anybody, but as a lawyer I will tell you there are at least two sides to every story. If a person gives information and it comes out that you gave it, they have to come back into the real world, would you imagine they would say, yes, I really sold out my brothers or they would have to come with some level of explanation for this.

So the point that the Member for Oropouche East was making and I think administrations in the past and at present would be guilty of it, because crime has been one of the electoral issues that will change a government. It has in the past and I expect it will in the future. Because the protection of the people is the first and foremost duty of a government and if you fail on that then you have no right to govern. So it is a terribly seductive thing to use crime for political ends. But at the end of it and at the beginning of it what happens is that you take away the legitimacy of law enforcement.

I sat in this Parliament some short time ago when the debate about the selection of a Commissioner of Police was taking place. And I felt distressed that an institution had been created for the very purpose of selecting a commissioner but something went wrong along the way and a position was taken that that report could not have

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been relied upon and therefore the entire report—

Mr. Deputy Speaker: Member, just one second. I am sitting and I understand that you are talking about terrorism in general terms since you started your discourse. We have a report before us and I know you are making reference mainly to your colleague, the Member for Oropouche East's points. But in the debate I would like you to tie it in with regard to the Report that is before us. Now, you have now gone on to another point, again tie it in quickly, let us bring it in with regard to what is in the Report because we could end up carrying the debate too wide as possible. Right? So let us bring it back home and tie it in, Member.

Mr. P. Ramadhar: I am most grate—

Mr. Deputy Speaker: As I am on my legs one time, you have three more minutes before your initial speaking time. You have an additional 15. You care to avail yourself? So proceed.

Mr. P. Ramadhar: I am most grateful, Mr. Deputy Speaker, but the point I was making is that, unless we are able to fix this thing about taking the politics out of law enforcement, then the credibility of law enforcement will be at risk and therefore the legitimacy of actions taken will always be questioned and looked through the eyes of the politics of the day. And I was making that very simple point about the selection of the Commissioner when we saw what happened and I am making the point equally because the Commissioner of Police would have an incredibly important part to play, and the police service in Trinidad and Tobago, in relation to the anti-terrorism laws and the powers which will give to them. So that the next Commissioner of Police, one side will say he was a choice of the other and the population will say that is a political pick and therefore whatever is happening could be as a result of what they considered to be in their political interest. And

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that is why you would have the issue of discrimination.

I heard the Attorney General speak and the issue was raised as to whether the Attorney General who is an elected official of this Government and of past Governments should have such a role within the legislation. And I am sure that point may be developed elsewhere, so that the politicizing of the law is directly impacted by the Attorney General's—and I mean no disrespect to my very good friend from San Fernando, but if you look, the Attorney General is basically at the centre of a lot of triggering of actions that will impact upon citizens. And therefore he now, Attorney Generals of the past and I imagine of the future being elected, part of the executive, part of the Cabinet, part of the Government—actions taken may be seen from a political point of view as distinct from a law enforcement point of view.

And I pause—the actions taken under this Act may be seen not as a law enforcement issue but as a political one. And I caution on that, because as we move forward now we have an opportunity to revisit a lot of the things that have occurred in the past, but things have changed, and the landscape having changed we must now ask ourselves if what we used to do in the past is good enough for the present and certainly into future. So, Mr. Deputy Speaker, that is one point I would like to put a pin on and to ensure that we take good and careful observation of that. Now, Mr. Deputy Speaker, forgive me if I reference a little bit of the anti-gang legislation. I recall in this very Parliament when that debate was engaged, I asked, having regard to what was proclaimed as to how much information was available to the State, as to who were gang members, as to who and where they were, whether they had the evidence sufficient that if the law is passed that day they could prosecute the next. And the answer given from the floor from the other side

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is, yes, we could. I think it has not been many days, certainly I think about two weeks, but I have not seen any movement in relation to the anti-gang legislation. A bit of law that has draconian powers that we gave with a very short time frame on the insistence on the Opposition, because of the effect it could have if there is any breach of process and procedure.

So I am wondering, equally, that with this new attempt to give more power to the very law enforcement, whether this will ever be used appropriately or in a timely manner. You see, Mr. Deputy Speaker, my father always told me that when you cannot do a job properly you blame the tools, you do not have this, you do not have that. This Opposition, acting with deliberate sense of balance, when something is wrong they say so, we stand firm, on it. When it is right we say, yes, it is good and we go forward, has stood in a way, in a balance between an extreme appetite for power on the other side and then the people's rights.

Having had a tool, the anti-gang, we have not seen it used yet and I want to give the benefit that it will be effectively used in time to come, now with this Anti-Terrorism Act, because it deals with rights to property, freedom of movement, freedom of association and I am happy that it was brought with the requirement of a constitutional majority that it must have. But what troubled me a little bit is that maybe I heard wrong and I hope I did, the Attorney General said that they did not require a special majority, but out of abundance of caution it came as one. Now, that is a little troubling because it is abundantly clear to us on this side that this legislation that affects all of these property rights, movement, association and nearly all of section 4, must be a constitutional majority law. [*Desk thumping*]

So, Mr. Deputy Speaker, as I attempt, not to re-litigate a lot of the other things, I

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implore other speakers to examine the plentitude of power that will be given to the State, to law enforcement, to the very persons who ask for these powers and by international treaty and agreements that we are required to give, and remember as we continue to hear, time after time after time, complaints and criticisms of the former administration that it was we who called for a state of emergency. I was there. This was a request from law enforcement.

Hon. Member: What! Repeat that.

Mr. P. Ramadhar: It was a request from law enforcement, the very institutions that asked for the powers for anti-gang and other things, Member for Pointe-a-Pierre, are the people who told us we required a state of emergency at that point in time. The Government of the day did what it had to, took a very difficult decision to give that authority, but we did not give it to politicians, we gave it to institutions at stake, to the Commissioner of Police, to the defence force, through the Proclamation by His Excellency the President, we gave the power to the Director of Public Prosecutions. None of the implementation of any of those actions under the state of emergency was handled by any Minister, by any Cabinet Member and if I am wrong I shall take the responsibility but as far as I know the powers under the state of emergency were given to those who are constitutionally [*Desk thumping*] empowered to have them.

And if wrong happened under that, well then we need to fix our systems. Now that you have been in Government approaching three years, where have I— has anyone seen any strengthening of the institution of the police, for example? Member for Point Fortin, Minister of National Security, have we had any regime put in place, checks and balances within the police service apart from the PCA and Standards Bureau to ensure that the powers will be given further, will be properly

utilized—has there been any sensitization? Once again, the Member for Oropouche East made the point. But it is not just about sensitization, it is about ensuring that the officers who go out in our name exercise these powers with respect and responsibility, with a presumption of innocence.

Have you created a new group of a terrorist squad or a unit that will do the investigations and that we do not have a repeat of what happened in Mohammedville? It must be painful for the Member for Laventille West to see a former Deputy Political Leader of the PNM embracing the next Prime Minister of this country. [*Desk thumping*] But he must understand that that is what the Partnership was all about. We would be in Government but we were not apart from the people. And that if it is that you had a problem where things may have gone wrong you can revisit your relationship, you can go and speak and find out what is it that hurts you, why do you feel that something is, you know, you are being oppressed, what is wrong with that? That is what Trinidad and Tobago was always about. And this is how it should always be into the future, not because she belong to the PNM, the former Prime Minister cannot go and visit.

You see, this is discrimination in a form that we should identify and it is painful, yes, but it is also a very human thing. And that is a regime that you know, they say, once a PNM always a PNM. I do not agree with that. Once a UNC, always a UNC. I do not agree with that. Once you are a Trinidadian and Tobagonian, always a Trinidadian and Tobagonian. [*Desk thumping*]

And if it is that on the day of Eid, if you understand anything about Islam, that it is a religion of peace and love, that it is when you will embrace all, encourage and invite to your home, give them the best that you could and if my friends do not understand that then we have a problem. Because if we are in

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leadership then we should take the effort to understand all of the cultures. We should take the opportunity and as a duty as leaders in this nation to understand all of our people. No discrimination by race, culture, religion, location, economic level, none of it, but many of us do not take that time because we are in Government, we are in power, deal with it. Mr. Deputy Speaker, I thank you very much for the opportunity. [*Desk thumping*]

The Parliamentary Secretary in the Ministry of National Security (Mrs. Glenda Jennings-Smith): I thank you, Mr. Deputy Speaker, for allowing me to join this debate at this point in time. And coming from the—I was not a member of the Joint Select Committee but I listened carefully to the contributions of Members of that committee and I want to signal my support for the recommendation of the Chairman as he laid this particular Bill before us this afternoon, the Attorney General. But I want to respond to my dear colleague on the other side, the Member for St. Augustine, and I want to say I could not agree with him more. You see, the Member for St. Augustine said that terrorism is not only about religion, we were talking about religion, but he said that terrorism could be political. And, Mr. Deputy Speaker, I am really scared because I too, I am wondering if there are those in this country that use political issues in the name of terrorism and they use political issues to promote a terrorist feeling, a terrorist movement in this country. And I am very, very fearful of this because I too agree that terrorism could take many, many, forms.

So, Mr. Deputy Speaker, I really want to caution the Member for St. Augustine in his utterances. I think coming out of the Report that was laid this afternoon I want to focus on the importance of prevention, prevention of terrorist activities in this country. And by focusing on prevention I want to focus on the fact that this

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Government, we have in train pillars for protection and prevention.

Mr. Deputy Speaker, within recent times—I stand here just to add to this debate. Within recent time I too participated in a programme in Washington, Los Angeles. And I was very pleased to see the type of approaches used there in dealing with terrorism, countering violent terrorist activities. And I want to bring to this House, coming from the Report, because listening to some of the contributions made this afternoon it was agreed by both sides that it takes a lot of approaches to deal with terrorism, to bring some level of understanding to this debate, I want to share what I had experienced.

You see, Mr. Deputy Speaker, I witnessed some best practices which I feel could be very relevant to Trinidad, because it is not only about Muslims, yes. It is about the Catholics, it is about NGOs, it is about looking at the drivers in society that could make a difference, could make a difference to countering terrorism. And when we talk countering terrorism, Mr. Deputy Speaker, we are talking about countering terrorism, we are talking about reducing radicalization and we are talking about targeting persons who we are certain could make that difference. So that when we in Trinidad talk about the Muslim religion, in the United States of America we see the said Muslim clerics and I was so pleased to sit with some of them, because there they were telling us what they were doing within their religious organization. And what they were doing, they were doing the same things that attracted persons to terrorism acts in the first place. And they are reversing it by countering messages that would have people think in a different fashion.

So I would like to bring to bear to this honourable House those points, because it is very relevant to what we are talking about today. Today, the Muslims in our society feel that they are alienated. But you know what, Mr. Deputy Speaker, they

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are not. They are not because therein they are very familiar with the activities, the cultural aspects of what goes on in Syria and what we talk about the ISIS movement and they are the persons who are most beneficial, who are most useful.

So I am sorry that they left this honourable House this afternoon because I really wanted to compliment them and to encourage them to stand up now and be those counter revolutionists, counter terrorists, post information that we could reduce terrorism in Trinidad and Tobago.

So, yes, yes, I may not be speaking right now to the report but I am taking the report to a different level, because, yes, the report laid certain things in this Parliament here this afternoon and both sides, some of us are saying that we are targeting Muslims, but, no, we are not targeting Muslims. We are targeting terrorisms. [*Desk thumping*] That is what the report is about. We are targeting terrorism and terrorism activity and the report was laid to guide this honourable House and to guide the law enforcement agencies in Trinidad and Tobago as to the way forward.

And one particular fact that I want to bring and everybody spoke about—trust and confidence. Trust and confidence is an issue which law enforcement officers face throughout the world. And where we went, that was clearly pointed out to us and, yes, law enforcement agencies and law enforcement officers there, they knew those are the challenges and they knew that they had to work closer with the communities to bring forward a difference of feelings and to reduce the whole issue of alienation. And I want to focus now on alienation because, you see, we talk about the young people. Who are the people that the drivers would be targeting in Trinidad and Tobago? It would be the ones who feel that they have social exclusion. So it is not only about religion, it could be political, it could be social.

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So, Mr. Deputy Speaker, I want to say also that there are the violent groups. And there are some leaders who feel that they could influence persons easily. So when there is a lack of awareness in our communities, these leaders, that is what they trample upon, the young people—

Hon. Member: Is it local, local?

Mrs. G. Jennings-Smith: I am speaking about terrorism and I am speaking about developing an approach using best practice. And I would just bring it to this honourable House what I have experienced. I was not a member of the committee but I am just bringing this point this evening for the benefit for this honourable House so that we could take notice that, yes, there is best practice. And the whole concept of focusing on religion and Muslims, I think that is being very limited. We need to look broader, because definitely as my colleague across, the Member for St. Augustine said, it could be political, it could social, it could be economic or it could just be rebel groups within communities. And what I am saying is that we need to focus and identify drivers within our societies who would be used to turn it around.

Mr. Deputy Speaker, I too experienced 1990 because I was a member of the Trinidad and Tobago Police Service. And I remember that day, it happened very quickly. I believe 27 persons lost their lives. Some of my colleagues had been injured, some have been traumatized and they are traumatized for life. I was also there when the lady in Fredrick Street lost her two legs and I know what terrorism is about. Terrorism is not just you see people gunning down one another. Terrorism creates death for a whole community, it creates a lot of mayhem and it comes quickly. And terrorism we must look at with serious eyes, a serious pair of lenses, because it can bring death and things that people could never have imagined what

would have happened in that quick space of time. We all remember 9/11. On that day I was at work and you just saw buildings being devastated and people in disarray. And we must never forget what is the spirit of terrorism.

6.50 p.m.

Mr. Deputy Speaker, I want to stand here and support, basically, what was put forward in these recommendations for the Anti-Terrorism (Amdt.) Bill, 2018, and I, too, from hearing all the speakers this afternoon on both sides: the Member for Oropouche East, the Member for St. Augustine, the Attorney General, the Member for Laventille West—I, too, want to extend what I heard. I feel that they were all on target. Yes, everything cannot happen today. Everything cannot be done in one Bill. There would be continuation. But what I want to assure this House is that this Government continues to work towards de-radicalization, having a desk to look at the anti-terrorism and to create a counter-terrorism approach in dealing with terrorism in Trinidad and Tobago. And I feel that when the AG addressed this House and stated that his intention was to send it to a joint select committee, I think one of the areas highlighted by him in seeking the amendment to the Anti-Terrorism Act, 2012, was to specifically and significantly strengthen the preventative mechanism within the Act.

And I stand here this afternoon completely convinced that we are on the road to doing just that because there are many social programmes whereby we can try to rehabilitate terrorists, where we could try to dissuade potential terrorists, where we could assist victims of terrorists and their families. We are now facing a situation in Trinidad and Tobago where we have returning persons who went abroad. How do we deal with those persons? And this is where I am saying, we can use the same groups of people in Trinidad and Tobago. We can use the Muslim groups, we can

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use the Catholic groups, we can use the NGOs, we can use all of these stakeholders within the society to deal with these people, instead of trying to eliminate them and push them aside.

We have to make a decision that could provide support and alternatives to what is happening in our nation today. That is the way which is being carried out. That is the approach. That is the best practice approach that we saw in Los Angeles, we saw in Washington. And I believe that in Trinidad and Tobago we have a lot to learn and we have started on the right footing, because we have already established a desk within the Attorney General's office to look at terrorism and to continue developing approaches to dealing with countering terrorism and to dealing with building terrorism strategies for Trinidad and Tobago.

Mr. Deputy Speaker, with these few words, I beg to move.

Mr. Deputy Speaker: I recognize the Member for Naparima. [*Desk thumping*]

Mr. Rodney Charles (*Naparima*): Thank you very much, Mr. Deputy Speaker. As I sat here this afternoon listening to the other side, I felt a sense of comfort and a sense of achievement that they have finally come, kicking and screaming, albeit, to the understanding that there is merit in sending Bills to the joint select committees, [*Desk thumping*] where you can get a broad range of perspectives to improve legislation. And this afternoon I have to commend the Member for San Fernando West for giving us—being gracious enough to understand that we have made a significant input to this legislation. [*Desk thumping*]

When you look at the original Bill and when you look at the changes that were made in the Joint Select Committee and the final Bill, one could see the incremental growth, development and improvement of the legislation, [*Desk thumping*] and I commend this approach of engaging us, respectfully, in the

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crafting of First World legislation.

My colleague from Toco/Sangre Grande spoke about best practices, and we agree that part of the concept of best practice is continuous improvement. And although the report that has come out of the Joint Select Committee is admirable in many respects, it is possible that it could, with additional scrutiny, be a more perfect product. And this is why—I was not a member of the Joint Select Committee and I learnt that the report was laid in Parliament on the 6th of June this year, a couple weeks ago. But as a Member of the Opposition, we were advised on Thursday the 14th of this month—

Hon. Member: Last week.

Mr. R. Charles:—last week, that this matter will be debated today. Now, the Member for Toco/Sangre Grande will agree with me that it is not best practice to give us one week. And some of us were not on the Joint Select Committee, we are not lawyers and we have 451 pages to read, plus supplemental documents, to read in less than one week. Bearing in mind that we were given this document—we got sight of this document—sorry, we were told that it was going to be debated on the 14th. On the 15th was Eid and we had to join with our Muslim brothers and sisters in celebrating the holy month of Ramadan and Eid and the significance of that festival to our country.

So we had a holiday on Eid and we had Labour Day on the 19th and today we meet, with four working days to prepare. May I suggest that in the interest of greater collaboration and developing a consensual approach to the development of legislation, that they give us a little more time so that we could make a significant contribution [*Desk thumping*] and all of this will redound to better legislation that will benefit the citizens of Trinidad and Tobago and succeeding generations of

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Trinidadians and Tobagonians?

The Attorney General spoke about the fact that this legislation was not developed in a vacuum, that it was developed in the context of what is going on in the global environment and particularly with respect to FATF and CFATF and the requirements of the United Nations. I spent some time at the United Nations so I have an interest in what goes on there. Mr. Deputy Speaker, we should have known, and all of us would have known, that the world was moving in a direction of taking cognizance of what was happening with global terror and they were crafting legislation, they were crafting approaches, they were crafting policies to help Member States in this fight on global terror.

So we have Security Council Resolution 1267 of 1999 that spoke about Taliban and the Al Qaeda. That was the origin of the thing. And we had Resolution 1373 and this spoke to the question—and something we need to bear in mind in terms of this legislation. It speaks about terrorists not abusing refugee laws. It is something we may wish to think about as we now witness an influx, I am told, of over 40,000 refugees from Venezuela and other neighbouring countries.

And in terms of that Resolution 1373, subsection (g) it says Member States must:

“Ensure, in conformity with international law, that refugee status is not abused by perpetrators, organizers or facilitators of terrorist acts...”

So may I remind those opposite that in crafting our anti-terrorism policy structure, that we bear in mind that we are mandated by the United Nations to consider the impact of whether terrorists are using refugees to infiltrate our society and affect our well-being. May I also say that resolutions of the Security Council are binding. They are binding on Member States. So we are bound to decisions taken and Resolutions passed at the UN Security Council.

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Resolution 1566—and I am talking about this in the context of the fact that this legislation is crafted bearing in mind the policy framework and the guidance that is given to us by this international body. Resolution 1566—

Mr. Deputy Speaker: Member, I do not only want you to say what you are going to do, but I want you to ensure that—*[Interruption]* Members, please. But I want you to tie it in. I know you made mention that you only got the report—the time you got the report and so on, but it is the report that we are debating and I would like you all to tie it in with regard to reference to whatever is in the report, please. Thank you.

Mr. R. Charles: Thank you, Mr. Deputy Speaker. I am told that it is in clause 2 and section 2 of the report before us. And thanks very much again, Member for San Fernando West, for drawing that to my attention.

In earlier discussions on this Bill there was the idea that we should concentrate also on bringing communities together and not letting groups, for example our Islamic community who was here earlier today, feel that, for whatever reason, they are targeted by this legislation. I know they made presentations to the committee and I know that some of their inputs were taken on board, but I am just reminding those of us who are crafting our legislation that Resolution 1566 of the Security Council tells us that we need to emphasize that enhancing dialogue and broadening understanding among civilizations, and religions, and cultures, is necessary in an effort to prevent indiscriminate targeting of different religions and cultures and addressing unresolved regional conflicts, and full range of global issues including developmental issues, will contribute to international cooperation which by itself is necessary to sustain the broadest possible fight against terrorism.

And I note in the report where references to two international Islamic terrorist

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bodies have been deleted and instead there is an insertion that the bodies so identified by the United Nations will be listed as entities that we need to be mindful of in our war on global terror. So, there are a number of Security Council Resolutions and there is another—and this one was 2178. I happened to be at the UN at that time and that was when we co-sponsored the Resolution adopted by the Security Council at its 7,272 meeting on the 24th September, 2014, and I was proud as a citizen of Trinidad to see my political leader, the then hon. Kamla Persad-Bissessar, instructing us to co-sponsor the legislation. And she spoke. She was among 50 Heads of State and Government who spoke, who addressed the UN Assembly when that resolution was adopted. [*Desk thumping*] There were Heads of Government from Nigeria, from France, from Chad, from Lithuania, Jordan, Chile, UK, Australia, among others, and proudly listed among those speaking was the Prime Minister of Trinidad and Tobago.

We recalled that that co-sponsorship led to some criticisms and that were dealt with by my colleague from Oropouche East, about our Prime Minister telling us, in essence, in our dialect, “we have”—what? Cockroach has no business in fowl activities, something to that effect. Cockroach has no place in fowl—[*Interruption*] Thanks again, Member for San Fernando West. You are very, very cooperative.

Hon. Member: Very nice today. Very nice today, I must say. Very nice.

Mr. Al-Rawi: I wonder why.

Mr. R. Charles: I wonder why.

Hon. Member: The two Prime Ministers are not here. Very nice.

Mr. Deputy Speaker: Okay, Members.

Mr. R. Charles: This speaks to the development of cooperation and consensuality in this Parliament. And may I recall that the founding Father of this Nation, Prime

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Minister Eric Williams, when he addressed the nation on the night of Independence, 31st of August, 1962, he mentioned in his address that he looked forward, and he cautioned the country that it was important for the Opposition and the Government to work harmoniously, notwithstanding we exist in an adversarial relationship. We need to work harmoniously to ensure that we deliver the best legislation for the people and Government of Trinidad and Tobago.

7.05 p.m.

So we have a context at the United Nations in which our legislation is developed, but we also on this side, we are patriots and we want to play our part. And that is why I was saying if we had more time we could have caucused, we could have exchanged ideas, we could have sought inputs from others, notwithstanding the fact that the Joint Select Committee did speak to the Law Association and other institutions. But we could have done our homework all in the interest of better legislation, and we personally on this side have been drawing to the attention of the Government the need for us to deal with this issue of terrorism.

Mr. Deputy Speaker, I refer to—this is Radio 98.9, and this is a summary of a report they have and the headline is “Charles to Government”—What is your position on returning ISIS fighters? We have been pleading with them. We have been pleading with them to be cognizant of this problem. It is good to see this legislation. I am a little bit late, a little bit and needing a proposed legislation that needs fine-tuning, but nevertheless we have been a catalyst asking for the Government to look at this issue. And, I am reading from this report and it says—the call came from the Member of Parliament and I do not want to take credit—Naparima—following reports that nine nationals were detained in Turkey whilst travelling to Syria to join ISIS. [*Desk thumping*] This is more than a year ago—

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Charles in a release issued on Tuesday said the Prime Minister must say what the Government intended to do regarding re-entry into the country. He also criticized the timing of a vacation, but I do not want to bring that into this debate here today. It will be recalled in this Parliament, on diverse occasions, we raised the issue of our brothers and sisters, some of whom were unwittingly involved in the war on terror. There were wives and children who had to accompany their husbands, who—in fact, there is one instance where a wife was told that she was going on a vacation and she and her daughter and son ended up in Iraq and Syria, et cetera. And I was raising the question, and you will recall, it was on the 10th of the 10th month, 2017—

Mr. Lee: The 10th of October, 2017.

Mr. R. Charles: The 10th of October, 2017. Thanks very much.

Mr. Karim: Double 10.

Mr. R. Charles: Double 10, and I am reading from the *Hansard* and it says:

“Mr. Deputy Speaker:”—

You were there, Mr. Deputy Speaker.

“Hon. Members”—you said—“in accordance with Standing Order...I am giving Member for Naparima the opportunity to be heard again to offer an explanation for a material part of his speech which he claims”—was—
 “misrepresented.”

And I got up and I said:

“...thank you”—Mr. Deputy Speaker—“When I spoke this morning, I indicated that there were citizens, Trinidad and Tobago citizens, including children and women who were recently captured in Iraq.”

And I was told:

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“Hon. Member: ‘That is not true’.”

There were interruptions and you had to give me the opportunity—please proceed—and I went on to say that there was a report by Bill Van Esveld and he says that there were a number of people who were detained in Iraq and they were included, women and the international agency and, they quote:

“that is Human Rights Watch” “‘said they included’”—these are the people detained—“Afghan, Azerbaijani, Chinese, Chechen, Iranian, Russian, Syrian, Tajik, Trinidadian, and Turkish nationals’.”

So we were drawing attention. Whenever we got the reports and we raised it in Parliament and we were vilified, but nevertheless we are patriots. We have to do our job and [*Desk thumping*] notwithstanding the vilification, notwithstanding the pejorative comments, we will do our duty because we have a responsibility to the people of Trinidad and Tobago. I recall on another occasion—I am just drawing this to your attention to show our interest—how incessantly we raised it in this Parliament, the question about terrorism and the need for us to be focused as this report has done to focus on our international obligations and to obligations to our citizens.

So, Madam Speaker—I am sorry, Mr. Deputy Speaker—this is the 15th of the 12th, 2017; 15th of December, 2017, I am reading, and this was made by the hon. Terrence Deyalsingh, the Member for St. Joseph, and he was saying:

“Madam Speaker, when hon. Members make statements going after the Judiciary, the judges and the magistrates, we have to remember that your comments are carried worldwide.” That—“reckless comments are made about ISIS and Trinidad and Tobago”—and—“they are carried worldwide.”

So we were blamed, and he continued:

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“When reckless statements are made attacking the Judiciary”—et cetera, and the Opposition talks about ISIS, we are being unpatriotic.

Now, Trinidad and Tobago, the citizens who are listening will understand that we were doing our patriot duty and we will continue to do so, notwithstanding the vilification as I said from the other side. We raised it again on the 12th of the 1st, 2018—I asked the question to the Minister of National Security:

“Could the Minister state whether the Ministry has sought to investigate reports that citizens of Trinidad and Tobago are currently being held at an Iraqi detention camp?”

Mr. Deputy Speaker, who asked me to be “farse and outa place” to ask that question because I was told in no uncertain terms—I will just read:

“Madam Speaker, I will say again, the Government of Trinidad and Tobago through diplomatic channels and other channels are investigating to confirm whether there are Trinidad and Tobago citizens in...detention camp in Iraq.”

On another occasion I was literally told, go on the international website and see whether you will get the information. Do not come here and ask.

On the 6th of the 6th, 2018—

Mr. Lee: 6th of June?

Mr. R. Charles: 6th of June, 2018:

“...Rodney Charles (*Naparima*) asked the hon. Minister of National Security: Further to the response to House of Representatives Question No. 56 on January 12, 2018, could the hon. Minister provide an update on the status of Trinidad and Tobago citizens detained in Iraq?”

So I got an answer, but at the end the hon. Member for Point Fortin says:

“Madam Speaker, that information”—and there was a little discussion

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before—"I am sure the Member is aware, can be seen on the Internet. I am sure he can do a search and see that was published on the Internet with respect to those who were charged and the situation dealt with and"—what—"was in fact in our media. I am sure he can get the information."

So, what am I told? I am told after we asked. We plead, we say to them we want to be part of this process, we want to help you, and when we ask questions it is not to embarrass you. It is to get you to think about what needs to be done and what could be done to help our citizens.

So we could look at this report, but as the UN Security Council Resolution tells us, it is holistic. We have to look at bringing civilizations together, we have to look at the broader impact of returning ISIS fighters to our country and what we are doing in that regard.

This is the last one I will give, an example, but I think it is important to highlight to the national community the plethora of requests that we have been doing on this ISIS matter, on this terrorism matter, because we are aware that Trinidad and Tobago is getting a reputation for being a country that is crime-ridden and a country that is infested with terrorist fighters. I was told on the 12th of the 10th, 2017, and this is the Prime Minister speaking. I quote:

"If someone is interested in doing something in Trinidad and Tobago to make an investment, to create investment and have jobs for people, they want to talk to the Government, we talk to them nice and we put on our charm and try to get them to come here. Not go and tell them how we are the heart of ISIS in the country and the country is an ISIS nest and do not come here. That is treason!"

Mr. Deputy Speaker, it is not easy, the insults that—I could go on and on. I think

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the point has been made. The point has been made.

Mr. Deputy Speaker: Member, insults? I do not understand the word “insults”. Where does it fit in?

Mr. R. Charles: Well, if you wish, I could rephrase it. That the fact, notwithstanding the rebuke and the way we are chastised and vilified—[*Crosstalk*]

Mr. Deputy Speaker: Please, please!

Mr. R. Charles:—we will continue to do our patriot duty [*Desk thumping*] to the people of Trinidad and Tobago.

So with respect to this legislation I am talking broadly. I could go into the comma and the specifics and I will do some of that, but I need to talk broadly in the context of what is happening, what this legislation could have done, and what we need to do to address this issue because this is not only a question of passing laws and hoping that the global community will take note that we have passed these laws and, therefore, we get out of blacklist, or as some people say “white list” or whatever. It is more about dealing with the issues of Trinidad and Tobago and ensuring that this is a place where we all can live together in peace, and where we can achieve our goals, and where we can raise our children, but it pains us when we hear internationally—because we are not responsible. In the United States they have their own serious intelligence agencies in terms of getting information about our country.

So that, it pains us that when we see the Ambassador designate to Trinidad and Tobago, Joseph Mondello, and he was interviewed—he was screened for the position to confirm him as the US Ambassador—the questions that were asked about Trinidad and Tobago, in the context of the problems we have with ISIS and our fighters, suggest to us that we have work to do, and I want to suggest to the

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Ministry of Foreign and Caricom Affairs, the Minister of National Security, and the Attorney General, that some serious significant effort be paid towards what others think of us. It is going to affect our country [*Desk thumping*] in terms of investments, it is going to affect tourist arrivals, it is going to affect us in terms of the respect we get in the international community. And the questions that they asked Sen. Mondello on ISIS recruitment in Trinidad and Tobago. Sen. Rubio from Florida, he said—

Mr. Karim: Marco.

Mr. R. Charles: Marco Rubio said:

Trinidad and Tobago ““produces more ISIS fighters per capita than any other country in the western hemisphere.’

He said ISIS is trying to rebuild an insurgency instead of controlling large swathes of territory”—and he gave a figure of 135.

“Mondello said...ISIS had recruited 135 members”—of Trinidad and Tobago’s—“small Muslim community to fight elsewhere...”

And he also spoke about the problems of the returning ISIS fighters, which tells me that when I look in this legislation and if it is to deal comprehensively with the issues—and I am talking here as someone who was not on the committee. I am talking as someone who spent sleepless nights in my old age, as a senior citizen, reading 451 pages. I know they—sorry, some do not like me, but I would not die for lack of sleep, but it was rough. It was rough reading this document and trying to make sense.

So the question I would like to ask is: How is it I know—Rodney Charles, Member for Naparima—what all the Governments and the rest of the world are doing with respect to returning residents? I am not seeing it in the legislation. In fact, when I

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read this legislation I see lock up, jail, who we could do, what we could do to do this, geographic area, and whether you are a director of a company, and I am seeing a lock-up mentality. I am not seeing a humanistic all-embracing Christian, Islamic, Hindu input into the legislation, a humanizing of the legislation to let us know that all citizens matter, and we could profess to the end of the earth how we are not targeting Muslims. Mr. Deputy Speaker, about 25 per cent of my constituents belong to the Islamic faith.

7.20 p.m.

I understand that there are 18 mosques in the constituency of Naparima. And I could tell you, in fact the most in the country. I am told by my colleague the most mosques in any constituency exist in Naparima. Not only was I not able to speak to them in the four days that I had to prepare for this, I could not go. But I could tell you that there is a fear and a concern, unstated, because they still believe that Trinidad and Tobago is fair and that in the end things will work out. But I could tell you there is concern among the members of the Islamic faith in the constituency of Naparima, and no doubt throughout Trinidad and Tobago.

So when I talk about the humanistic approach and I look in respect of the Australian Government and I quote from mail online and they say:

“The Australian government has planned for the return for at least 70”—
citizens—“of ISIS fighters and will give them counselling, welfare and
citizenship.”

Because some of those who are returning were born in Iraq, albeit of Australian parents. So they are giving them an all-embracing, comprehensive approach to reintegrating them into the society. How could I know this about Australia and I cannot get an inkling of information from the other side? If I were to ask, I would

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be told I am unpatriotic, I am giving trouble, keep quiet, the thing will die away. But it is difficult.

Justin Trudeau tells Hamilton town hall Canadians can feel safe despite returning ISIS fighters. So the Canadians in their legislation, in their policies, are seeking to deal with this issue of returning ISIS fighters. The US Senate, Sen. Marco Rubio is asking questions about it. And I, as a shadow Member on this side for crime, with the “biggest amount of mosques”, I cannot tell. I cannot ask. I cannot help my citizens. I cannot give them the information to tell them “Well, the Government has plan A, B and C. The children will be given guidance counselling. They will be put in special schools. They will be linked to mosques that are conservative, so that you could have imams who are knowledgeable about the Qur’an.” They are able to re-educate them into the greatness of the Islamic faith. So he is Canadian. They have comfort.

The Swedish city to offer returning ISIS fighters housing and benefits in reintegration programmes. So while sophisticated societies are reintegrating, “We locking up. We passing law. Section dis tuh lock yuh up. Dah one tuh jail yuh. Dah one tuh send yuh prison, \$28 million and 20 years.” [*Interruption*] “What 20 years? We locking up. We is de best lock up in de world. De whole world going into reintegration, sophistication. We talking about giving dem housing.” It is, you know, “Cry my beloved country”. I love this country.

And, you know, I raised the question about Singapore and I get “push back, blows”.

Mr. Deputy Speaker: Members, before we get to that. Your initial 30 minutes have expired. Hold on. You have an additional 15 minutes. You care to avail yourself?

Mr. R. Charles: Thank you, Sir.

Mr. Deputy Speaker: Proceed.

Mr. R. Charles: Yeah, I get blows. Look I mentioned the word “Singapore”, I “get frighten”, Sir, when you got up, [*Laughter*] cause I say yuh stopping meh.”

But you know, and the Member for Port of Spain North/St. Ann's West, he was speaking to the diaspora in London—and he could tell me if I am wrong—and a professor from Birmingham University addressed the audience, including the Prime Minister and the Member for Port of Spain North/St. Ann's West, and he said, and I am quoting, I am paraphrasing: “I do not want to sound like Rodney Charles but I just came off a plane from Singapore and I could tell their diversification strategy. And as a senior professor in Economics, I cannot tell you what is Trinidad's diversification policy.” And I was getting texts: your name calling. It gave me comfort, notwithstanding the vilification, people outside are listening. They are learning and they are trying to come to terms to help this country. So the Swedish city to offer returning ISIS fighters housing and benefits in a reintegration programme.

“Today in New York foreign minister Bert Koenders said that stronger international cooperation is needed with regard to the returning...ISIS fighters. The Netherlands and the United States plan to take the lead on this issue in the Global Counterterrorism Forum...”

Why can we not? Why can we not develop best practices? My friend from Toco/Sangre Grande spoke about best practices. Why can we not? We have a negative, the highest percentage per capita of ISIS fighters. Why can we not turn that into a positive and come up with best practices that we could export to these countries? Come and learn from us.

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Mr. Deputy Speaker, years ago when I was in Teachers' College and teaching the primary school, the English Government sent teachers to Trinidad to learn how they could handle problems and issues and challenges with inner city West Indian children. Some came and lived among us in Trinidad and they taught for periods, I think for three months or six months. It just strikes me that here is a golden opportunity for the Minister of National Security to develop best practices in reintegrating. So we could tell the United States or tell the world: If you want to learn about terrorism, you could look at our laws but you can also look at our best practices and you can learn from it. So it is interesting.

Now issues. I have some issues getting down to the details. And the first thing I talked about, it says nothing about what we are going to do with returnees. And I gave some examples of what other countries are doing and I said I would like my country to be starring among those, best practices; teaching the world. Lecturers in the university, we are sending out to tell them about what we are doing.

The second thing—and others who come after me would address these issues—vesting the AG with too much investigatory powers. The details, I do not want to go in details on page 426, section 22B. There are sections that that give him power, page 426, section 22B, in my view too much power. But others will speak to that in more detail. I am not speaking about you, right, the office. It could be somebody else, not as good as this Attorney General and who wants to exercise dictatorial tendencies and he would have this mechanism available to him.

There is another section from the FIU. That is section 22AA, Mr. Deputy Speaker, on page 425. And it says the FIU has to pass information to him. In our view, it will give him access to intricate financial information about citizens of our country. And we think there is a problem with that. There is an issue, but I would not raise

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that. The issue—no I would not raise that.

The Minister means Minister of National Security. On page 406, the Minister means Minister of National Security. On page 416 it says:

“The Minister may for the purposes of this section, by Order, designate a geographical area in a foreign country as a ‘declared geographical area’ if he is satisfied that a listed entity is engaging in terrorist acts in that geographical area of the foreign country.”

My only question to that is I hope that he has the capability, the intelligence, whether it is the SSA or whether it is the SIA, or whichever intelligence agency, to provide him with that information so that he could operationalize this part of his responsibility and his remit professionally and in a timely manner.

I know that in some instances he will get information from UN bodies but there may be times when we have to generate that kind of information, based on intelligence. May I just say that my suspicion is that the SSA does not have this capability at this time? I could be wrong. I hope that actions are taken in that regard.

Just in the context of the SSA and its providing intelligence to the Minister of National Security, who is given a suite of responsibilities in the proposed legislation in this report, I just ask a couple of questions that he may wish to think about. How many citizens have left TT to fight on the frontlines of global terror? We have heard 400, 130 in the US Senate. We have heard 100 elsewhere and in Parliament we have heard a number. We need, a First World country needs to be assured. We need that data. We must not rely on others to tell us.

Secondly, who or which institutions did the recruiting? We need to know that. People cannot come in our country, recruit 130 terrorists and we fold our arms and

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say, “We hope that things work out”. We need to know. I would not to say Singapore would have known. I would not say that.

The third point— *[Interruption]* He needs to talk to his intelligence people and find out. Sorry, the Member for Point Fortin—find out whether Raqqa is a city in which TT families were detained. Is it (a) Jordan; (b) Iraq; (c) Syria; (d) Turkey; or none of the above? They need to know because if they are going to designate areas and if we are going to get into this First World interaction, cooperate with other countries in terms of providing information. When talk to them we must sound like if we know what we are talking about.

What methods did foreign recruiters use to attract our citizens? Who financed the travel arrangements for local fighters? A person cannot leave Trinidad with his wife, three children, go to London. I am going to London shortly and when I got the bill I could not sleep, because it was significant. *[Interruption]* We are probably talking about \$50,000, because you have to go to London. Trinidad to London, London to Turkey, Turkey to Syria. *[Interruption]* That is \$50,000/\$60,000. Who financed that? We need to know.

Mr. Deputy Speaker: Silence.

Mr. R. Charles: The Member for Arouca, I could say things. The Member for Arouca I could say things about money.

Mr. Deputy Speaker: Member, direct the Chair, please. Okay, Members. Proceed.

Mr. R. Charles: How many males, wives and children were listed? No, she is my friend. She is going to take care of me.

I have issues with the definition of terrorism. It is on page 123 of the report. It says in this report, in one of the presentations that:

“There are 13 conventions that deal with terrorist related activities.

However, none of them contain a consistent definition of terrorism.”

Right? And they go on to say because part of the problem is some of the countries in the UN would have what we call “freedom fighters” and some people will want to tag or name/brand freedom fighters who are pursuing legitimate national aims, they will want to tag them as terrorists. So there are problems.

On page 104, the Law Association raised that issue, and I do not think it was addressed. It says:

“The definition criminalises conduct which is intended to cause, creates the likelihood of causing, or is likely to cause, inter alia, a serious risk to the health or safety of the public or a section of the public...”

And they go on to say:

“For example, any strike”—for example, if you define terrorism in a certain way—“or other industrial action by the Banking, Insurance and General Workers Union in relation to those banks where they hold recognised majority union status will disrupt services directly related to banking and financial...”—sector.

I heard the Member for Laventille West said in the balance of considerations they did not take on board exempting trade unions. But if you read the legislation where this definition is used, one could easily come to the conclusion that the statements made yesterday in Fyzabad, where there is a threat that if certain things were not done by a certain time, that they are going to have a day of rest and relaxation in September. If that happens, that could lead to severe significant disruption of banking, commercial and institutions, infrastructure, et cetera, that are necessary for the running of our society, of our country.

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So that on the balance, looking at it from the outside, I would have gone with the Law Association's view and exempted trade unions. But recognizing that you can deal with that somewhere else, either in the sedition laws or in the Industrial Relations Act.

My other concern deals with the Ministry of Foreign and Caricom Affairs that has a significant role to play, in terms of giving us the data, being the eyes and ears of our interest aboard. For example, if when I was the Ambassador of the United Nations if there was an issue, and there were issues, we would write to our colleagues, and in one instance I wrote the UN representative for Turkey, the Government of Turkey asking him to intervene on a matter, and we got a response in two or three days. So I am suggesting that the Ministry of Foreign and Caricom Affairs be brought more proactively into this process to help us deal with the issues of terrorism.

And the last point I have, is the capacity of law enforcement and our Judiciary to handle this legislation. This was a matter raised by the Law Association on page 110. Mr. Deputy Speaker, and it says and I quote page 110, and I will just quote this part because there is a preamble but I would not detain us on the preamble and I quote:

“As it is and as is well known, the High Court is struggling with long list of pending cases and adding to the number of offences which must be tried on indictment may increase that burden.

The Law Association's recommendation is that consideration be given to singling out the less serious offences and making some of the offences in that sub-category triable summarily and others triable either way.”

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Mr. Deputy Speaker, as I close I wish to remind those opposite that we on this side, the Opposition, we are patriots. We want to [*Desk thumping*] help this country because our children and grandchildren will be living here. None of us on this side have dual citizenship. All of our children will be growing up in this society, and if they make bad law, if they make bad law, it does not work ultimately for the good of all of us because our children will not prosper. So [*Desk thumping*] we want to remind them of the use of the Joint Select Committee. Give us more time so that we can make a proper contribution, and also to be respectful in the views that we present in this honourable House and to not instinctively run to the conclusion that we are being unpatriotic and that we do not like Trinidad and Tobago. Nothing could be further from the truth.

We have a leader, Kamla Persad-Bissessar from Siparia—[*Crosstalk*]—who instructs us—[*Interruption*]—that we have to be patriots. So we will continue our sacred duty. I thank you very much. [*Desk thumping*]

Mr. Deputy Speaker: Before I acknowledge the next Member, I would like to call on the Leader of the House to take the procedural motion.

PROCEDURAL MOTION

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very kindly, Mr. Deputy Speaker. Mr. Deputy Speaker, in accordance with Standing Order 15(5), I beg to move that this House do sit until the conclusion of the matters before it.

Question put and agreed to.

JOINT SELECT COMMITTEE REPORT

ANTI-TERRORISM (AMDT.) BILL, 2018

(ADOPTION)

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Mr. Deputy Speaker: As we continue the Motion, I recognize the Member for Princes Town.

Mr. Barry Padarath (*Princes Town*): Thank you, Mr. Deputy Speaker, for the opportunity to be able to contribute to the Bill before the House today. There has been much public discussion on this particular Bill by many sections of our society. Those who have taken a personal interest with respect to their own ideologies, their own beliefs, but also those that speak about the freedom and liberties that are at stake with respect to sections 4 and 5 of the Constitution of Trinidad and Tobago.

Mr. Deputy Speaker, I was particularly concerned by some of the comments made by the Member for Toco/Sangre Grande in her contribution, together with those when piloted by the hon. Attorney General. First, I will deal with the issues that I found startling. Those issues that were espoused by the Member for Toco/Sangre Grande when the Member said, in developing an approach based on best practice. And, Mr. Deputy Speaker, if we look at the report in itself under recommendations, you will notice that there are many issues that surround best practice in countries where we share similar jurisprudence such as Australia, Canada, now we are seeing it happening in New Zealand, that have been totally ignored in terms of the reflections of the issues in the clauses of the Bill.

And, Mr. Deputy Speaker, I will go on a little bit further in my contribution to show how it is not reflected, those international best practices that have been adopted by Commonwealth countries that we share similar jurisprudence with, that we could have actually learned and advanced this piece of legislation here today.

Mr. Deputy Speaker, the hon. Member for Toco/Sangre Grande was quick to say that they would support the recommendations in the report. But again, Mr. Deputy

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Speaker, the Member when speaking, it was almost as if the Member did not read the report because the Member could not identify one specific recommendation that was included in the clauses of the new Bill that is before us emanating out of this Joint Select Committee.

Mr. Deputy Speaker, I found it rather unfortunate that it appeared that Members opposite were totally unprepared, could not identify clauses in the Bill. [*Crosstalk*] I found it startling that these are Ministers of Government—

Mr. Deputy Speaker: Members, please.

Mr. B. Padarath:—especially in the Ministry of National Security, charged with the responsibility of the affairs of national security of Trinidad and Tobago, and could not point out what were the international best practices that were identified in the report that is reflected in the clauses of the Bill here today. I find that to be rather unfortunate.

Mr. Deputy Speaker, today we find ourselves passing this legislation in the context of what has happened, especially since the 9/11 attacks in the United States. We understand the global context, we have seen those attacks take place in places like Ireland, in London, et cetera, and this has created a necessity by those countries that have been specifically attacked through terrorism to increase the legislation internationally across the board that will give us a sense of cohesion in terms of the approach that we will adopt.

Mr. Deputy Speaker, the realization that terrorism was a global problem and could take root in most places across the world is not surprising. We have heard of some of the issues identified by some of those who have provided evidence that also provided their own comments to the Joint Select Committee, whether they were representing themselves as individuals or as groups. And let me say this, when I go

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through the report, I found it rather instructive that a lot of the work, the substantive work that changed the original Bill that went before the JSC to what we have here today, were in no short measure, in terms of a holistic approach of providing additional information, backed up by comparative legislation, but also backed up by statistics and data.

And I really wanted to pay tribute to Members of the Opposition, and also Independents, and also in some ways, the AG for taking on board these recommendations. Because I have heard time and time again in other Joint Select Committees the hon. Attorney General making the point, a point that I do not necessarily subscribe to, but something the AG said today which I agree, we do not offer our personal reflections on matters of State [*Desk thumping*] because at the end of the day, our personal reflections do not matter, it is the collective will of the society.

But then I also remembered something else we have heard time and time again from the hon. Attorney General, and as I said it is not something I agree with, but the hon. Attorney General is often quoted as saying, in order to effect legislation it may not be the perfect legislation we come to in terms of at the end of the process, but it is a start. And Mr. Deputy Speaker, while I agree that we start the process, I do not agree that we pass wishy-washy legislation, where many persons do not do their homework in terms of especially comparative laws, other international best practices, but also taking into consideration the context in which we find ourselves as an island state that needs that sort of innovation in terms of passing the laws. And I will go through some of those.

Mr. Deputy Speaker, off the cuff, I would like to deal with some of the clauses that we are particularly concerned about, that we were particularly concerned about

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going into this Joint Select Committee.

Mr. Deputy Speaker, we also shared with several of those who came before the Joint Select Committee some of their views and the clauses that we were particularly concerned about going to the JSC were clause 5, clause 8, clause 18, clause 22, clause 27, clause 28, clause 35, clause 36 and clause 34.

Mr. Deputy Speaker, with your permission I would like to go into some of the specific areas of the report that we saw some changes in, at the end of the process, but we also left wanting in many respects with respect to the recommendations of this Joint Select Committee Report.

Mr. Deputy Speaker, number one, the designation of specific geographical areas. Several colleagues have spoken about this. This continues even though it has been fleshed out in this version of the Bill that is before us, there are still several areas that have not been addressed, and hopefully the hon. Attorney General will provide some clarity. I know the Leader of the Opposition intends on speaking on some of these other matters together with other colleagues, and they will go into fleshing out those areas.

The other issue was the restriction of movement as it relates to places of worship that have already been stigmatized as war zones and terrorist camps and centres.

Two, the proposed power for the State and additional powers given to the police without proper checks and balances, giving power to the Minister of National Security to designate and name zones.

Four, NGOs, companies, well-wishers and donors could become liable unknowingly for funding terrorist activity, once director or company owner is found to be involved in terrorist activity.

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The issue of separation of powers was raised specifically with respect to the office of the AG as well as the office of the Commissioner of Police accepting instructions from the office of the Attorney General.

Six, some organizations also felt that the fines imposed were burdensome and onerous.

Seven, there were no international benchmarks utilized to create a transparent system which would give comfort that there is a greater degree or measure of redress, for instance, similar to the Australian model where a joint select committee of the Parliament has oversight of the process and working of the operationalization of the legislation. Or, similar to the system in the United Kingdom where there is a process for an internal—inspector, sorry, or special advocates which is also being recommended by the Australian Government monitor, Queen's Counsel Giles, on anti-terrorism as a means of overseeing evidence under secret order.

Mr. Deputy Speaker, this Bill that is before us in many ways is a replica of the Australian legislation and time and time again we have seen in this Parliament, where we look to other countries that have the experience, the technicality and the know how in terms of addressing some of these serious matters.

But, Mr. Deputy Speaker, we saw a pattern again emerging where the Member for San Fernando West, the hon. Attorney General, has cherry-picked which parts of the Australian legislation that the hon. Member wishes to utilize. And therefore, while you have strengthened the power of political offices, while you have strengthened the power of the State, I do not know whether the hon. Member purposely cherry-picked those and left out in the Australia model, where there are ambits that are avenues that are available to secure areas where you will have

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greater amount of protection of the interest, the freedoms, the liberties of citizens of Trinidad and Tobago. And Mr. Deputy Speaker, I will go on to deal a lot more with those issues.

7.50 p.m.

In Australia, where this legislation is fashioned after, they created an office called an advisor on anti-terrorism measures to the Government of Australia. There is a total absence of that. There is no mention of that in this report. But while we are utilizing that model, again, this is one of the avenues that could have been utilized to ensure that there is no abuse of process or abuse of office. And, more importantly, while abuse of process is important, what I did not see here contained with respect to the advisor to the Government, which is a position that is appointed—[*Interruption*]

Mr. Deputy Speaker: Member for Laventille West, I need to hear the Member, please.

Mr. B. Padarath: Mr. Deputy Speaker, while I noticed that the position of the advisor, which is appointed by the Government in consultation with the Opposition MPs and Leader of the Opposition in Australia, what essentially it would do, it will also give recommendations of how the legislation is working and how the legislation could be strengthened. There is a total absence of that in this report.

Mr. Deputy Speaker, again, if we are looking at this Australian model, you would notice that the law council—and the Law Council of Australia has been mentioned many times in this report—but, Mr. Deputy Speaker, with the recommendation of the Law Council of Australia, when they spoke about that independent office, we saw that recommendation coming as early as the year 2015, 2016, and then after when it was actualized in law, we saw some of the challenges, because it was not

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through the lens of the Government or the Opposition, it was through the lens of those responsible for the operationalizing of the legislation which is important, Mr. Deputy Speaker.

Mr. Deputy Speaker, there are two areas in terms of recommendations that I believe coming out of the report, there was very little substance going into these, but where we have seen it work—actually work in other parts of the world, as I said, that we share our jurisprudence with. Let us take for instance, the Internal Inspector in Australia. Let us also look at it in the context of the United Kingdom. Let us look at it in the context of Canada, a country that is evolving with respect to their anti-terrorism laws, is now looking to institute an Internal Inspector as well as self-advocates in the process.

Mr. Deputy Speaker, if we turn to page 230 to 231 of the actual report, you will see that there was an attorney who provided some recommendations on behalf of the group, Concern Muslims of Trinidad and Tobago. When you look at the arguments put forward with respect to—when we look towards the issue identified by Mr. Criston Williams, who was the lawyer representing Concern Muslims of Trinidad and Tobago, one of the main recommendations coming out, Mr. Deputy Speaker, was that we look at the issue of self-advocates; that we look at the issue of how did the United Kingdom and other countries balance justice and human rights on anti-terrorism and what was the approach in their legislation.

Mr. Deputy Speaker, if we look at the United Kingdom Parliament, and on their website, you will see that there is a Constitutional Affairs Committee that dealt a lot with this issue, and we could have taken some pattern from some of these issues. Mr. Deputy Speaker, if you would allow me, I would like to share, before going into the self-advocates, the Internal Inspector as well as the IGIS, which is

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an organization responsible for intelligence and intelligence gathering and how the anti-terrorism laws are strengthened with these agencies, I would like to first go into how did the United Kingdom, a country that has some sort of diversity similar to Trinidad and Tobago in terms of the cosmopolitan nature, of how they were able to deal with the human rights and the anti-terrorism, which I think is a fundamental pillar upon which this piece of legislation is built on, but which informed a lot of the concerns raised by a lot of these organizations, not only Muslim organizations, but civil society as well.

Mr. Deputy Speaker, what was the argument being put forward in the Constitutional Affairs Committee of the United Kingdom, is that there was more a balance that was typical at the time which allowed the perspective of government officials and Ministers to be represented without losing any independence or critical rigour. Their effect was to ensure that Government thinking on terrorism was less insular and to inform and improve government decision-making, including having an impact on the content of the Counter-Terrorism Act, 2008, which was being formulated.

Mr. Deputy Speaker, what was the problem at that time when this report was commissioned on human rights and anti-terrorism in the Constitutional Affairs Committee? They looked at what was the problem and the problem, essentially, was that you saw several countries under attack with respect to terrorist attack. And, therefore, what was the counterstrategy to deal with this? They thought that they should look at the principles of criminal justice extended to such individuals who were engaged in terrorist activity. They, for instance, said that they must become more aware and be allowed to respond to all charges against them, meaning those who had been identified as being participants. They said that should

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their guilt have to be proved beyond a reasonable doubt. Those were some of the questions that were raised and I noticed that these were also some of the questions that were raised in the JSC, Mr. Deputy Speaker. They also asked, should the law treat them as presumed enemies of the State with lesser human rights than ordinary citizens? Should anti-terrorism activities aimed at protecting safety and security of the citizenry be viewed as a lesser evil than the potential violation for any specific individual human rights?

So, after identifying what were the questions, what were the burning issues, very similar, again, to what we saw delivered before the Joint Select Committee—and you heard, Mr. Deputy Speaker, the cries—the Member for Naparima spoke about it—the cries of men, women and children who had been caught up, and the hon. Attorney General dealt, in part, with some of these areas of law which really remain very ambiguous where there are secret concerns, where there are secret dealings.

And while the advocate, as part of the recommendations, does speak about some of these secret dealings and so on, Mr. Deputy Speaker, what it gives you, it gives you an opportunity for those that are accused to have a greater degree of being heard, of understanding what they are being accused of and also having a lot more transparency in the process. And I would deal with that in the context of the representation that was provided by the Concern Muslims of Trinidad and Tobago through their attorney.

I really want to congratulate that young attorney and the Concern Muslims of Trinidad and Tobago as well, because it specifically dealt with many concerns, especially those from the Islamic community who have faced that brutality from the State and others. It addresses how the use of these self-advocates, the internal

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inspector and others—other ambits of the law—can create avenues for greater degrees of transparency.

Mr. Deputy Speaker, let me just turn for a minute to see what did they do with respect to the Constitutional Affairs Committee on Human Rights and Anti-Terrorism Law in the United Kingdom. And, Mr. Deputy Speaker, when they looked at the period 2005 and 2008, they put together the Human Rights and Terrorism Project funded by the Economic and Social Research Council, and during that period they were led by Prof. Conor Gearty. The central objective of the project was to develop an innovative, inclusive and just approach to the drafting of the UK counter-terrorism legislation. It invited the involvement of lawyers, politicians, civil servants, members of the security forces and the experts in foreign affairs, and engaged them in efforts to strike an appropriate balance between respect for human rights and interest of national security.

Mr. Deputy Speaker, coming out of that seminar and that report that was provided to the UK Parliament, their primary impact was to align the Counter-Terrorism Act of 2008 with the traditional human rights oriented model of criminal law ensuring fair treatment for anyone charged under the Act. The research that emerged, Mr. Deputy Speaker, took as its central premise to proposition that counter-terrorist activities such as interrogation and detention procedures and the gathering of intercept evidence, should be governed by the rules of criminal procedure just as they would be in a non-terrorism context.

Mr. Deputy Speaker, while looking at this 2018 report that has been emanated from the Joint Select Committee, what I found to be absent, Mr. Deputy Speaker, were some of the considerations that took place in the Constitutional Affairs Committee, and that is why I raised it, because while a lot of work has gone into

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refashioning and remodelling the legislation, there are a number of recommendations that were not taken into consideration. And, Mr. Deputy Speaker, you know, if you turn to pages 230 and 231, I often say that sometimes Government takes an approach and it cannot be that Government imposes their will and they say it is my way or the highway, and this is reflected on pages 230 and 231 of the report.

Mr. Deputy Speaker, on page 230 of the report, when Mr. Williams speaks about the tribunals in terms of the reversal of burden, in terms of burden of proof, and speaks about this independent office of the internal inspector and speaks about the self-advocates, et cetera, the hon. Attorney General said, well listen, this is not how we operate here. And when justified by the position that they took on behalf of the group, Concern Muslims of Trinidad and Tobago, what did the hon. Attorney General respond with?—which I found to be quite amusing. Because the attorneys representing that organization with this particular interest of the inspector and the self-advocate, when the attorney debunked every argument put forward by the hon. Attorney General, Mr. Deputy Speaker, if you look at page 231, the hon. Attorney General was forced to go off on a tangent of his own because he had no argument to counter those that were put forward, and I would put forward what were the arguments.

You know, Mr. Deputy Speaker, what was so funny? The hon. Attorney General broke at that point at 5.00 p.m and he said: “All yuh could tell me what time we breaking for salat” and went on to a tangent about salat and Ramadan and so on, without dealing with the substantive issues. And, again, this is a pattern of this Government. It is about distraction. [*Desk thumping*] It is not about dealing with the substantive issues.

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And, Mr. Deputy Speaker, let me turn to how we believe that if taken on board, how some of the these offices that will give greater oversight to the work of the Anti-Terrorism Unit and those involved, would be able to function more cohesively, but also with a greater degree of transparency and a greater degree of comfort to the citizens of Trinidad and Tobago and a greater degree of comfort to communities who feel they are being specifically targetted by this piece of legislation.

And, Mr. Deputy Speaker, the independent reviewers' role in the United Kingdom legislation, in the Australian legislation—now Canada is looking at implementing it; New Zealand is looking at implementing it—let us see how it has worked in their legislation. The independent reviewers' role is to inform the public and political debate on anti-terrorism law in the United Kingdom, and there are regular reports that are prepared for the Home Secretary or Treasury. It is then laid before the Parliament. Mr. Deputy Speaker, the uniqueness of the role lies in its complete independence from Government, coupled with access based on a very high degree of clearance to secret and sensitive national security information and personnel.

Mr. Deputy Speaker, I repeat, this comes from the website of the Home Secretary of the United Kingdom. It tells you about the role of the independent reviewer and it says, it specifies it is completely independent from Government, coupled with access based and a very high degree of clearance to secret and sensitive national security information and personnel.

And, Mr. Deputy Speaker, any government that is passing anti-terrorism laws and has the concerns like that of the citizens of Trinidad and Tobago, will grasp any opportunity to further enhance the areas that deal with the freedoms, liberties and the transparency in which issues of terrorism are dealt with, Mr. Deputy Speaker,

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to give that greater degree of comfort and that greater degree of oversight in terms of checks and balances.

You know, Mr. Deputy Speaker, in Australia they have a joint select committee where these matters continuously go back and forth and it provides the actual Parliament itself with recommendations. You have the areas of judicial review, and yes judicial review is in this piece of legislation, but is it enough? Why is it that we are not adding additional voices, additional institutions that would be able to give us a greater degree of transparency, but also a greater degree of being able to have checks and balances?

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So, Mr. Deputy Speaker, judicial review, yes. There is, like in Australia, they have the independent reviewer, they have the self-advocates. They have the Joint Select Committee, as we have indicated. Mr. Deputy Speaker, do you know they are adding a fifth limb? I will tell you why in Australia they are adding a fifth limb. They have something called the IGIS, which is very similar to what we have like the Special Branch and the Anti-Terrorism Unit, and so on, that gathers intelligence on terrorism. But the new unit that they are adding, Mr. Deputy Speaker, it will have the responsibility of liaising with international agencies, international organizations, as well as the Joint Select Committee set up to deal with these matters. So it gives them a greater degree of cohesion, because what they were seeing happening is that there were cases that were slipping through the cracks, and that in some instances people were losing faith in the IGIS, and that is part of the process where we must continuously be reviewing.

I saw in the UK, in particular, with their independent reviewer, you know what they have done, Mr. Deputy Speaker, the independent reviewer in the United

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Kingdom is on contract for three years. But in the three years what they do is—and they send recommendations to the Parliament on whether or not the legislation, the existing legislation on the statute should be reviewed, should be dealt with; does not necessarily apply to the context of the everyday society. Because they understand well very, Mr. Deputy Speaker, that the independent reviewer's role as well tells us that there is an evolution—there is an evolution of anti-terrorism laws. There is an evolution of anti-terrorism laws as it relates to definitions, et cetera, which is dealt with in the report.

Mr. Deputy Speaker, page 230 and page 231 of the report—

[Interruption]

Mrs. Robinson-Regis: Mr. Deputy Speaker, Standing Order 48(1), please. *[Desk thumping]*

Mr. Deputy Speaker: Again, Member, you are making reference to different jurisdictions, but tie it in quickly and bring it into report. I think if it is that you are able to quote—*[Crosstalk]* Member for Siparia, just one sec, please.

Mrs. Persad-Bissessar SC: Sure. Sorry.

Mr. Deputy Speaker: Yeah. Right. Once you are able to tie it in, I think the Leader of Government Business would not be able to stand on the particular Standing Order. So once you tie it in and you make reference to the point, please.

Mr. B. Padarath: Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, that is why I am specifically referring to pages 230 and 231 of the report. I am not sure if Members have taken the time to read the report, *[Desk thumping]* but the report is fashioned after the Australian model, and that is why I keep coming back to the Australian model and what they propose with respect to their independent reviewer, which is in their law, and which, admittedly by the hon. Attorney

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General and Members opposite, that it is fashioned after the Australian model. So, Mr. Deputy Speaker, if the Member for Laventille West did not spend all his time outside of the Committee instead of being inside the Committee—

Mr. Deputy Speaker: Member. Member, one sec. One sec, Member, and, again, I am just saying tie it in, make your reference, and again I will decide accordingly. All right.

Mr. B. Padarath: Sure, Mr. Deputy Speaker.

Mr. Deputy Speaker: So proceed.

Mr. B. Padarath: Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, you see, I was not part of the Committee but I read their report and it seems that there are those Members who have not read the report, so I will go through what the report says in tying in my point. The point is that in the Australia model they have the independent reviewer. In the UK model where we share the same jurisprudence we have the independent reviewer. And what is the role and functions that could be used to strengthen this legislation, because it was a recommendation in this report?
[*Desk thumping*]

This Joint Select Committee Report, Mr. Deputy Speaker, the Anti-Terrorism (Amdt.) Bill , 2018, the Members there were: the Member for San Fernando West, the Member for Port of Spain South, the Member for Arouca/Maloney who got up, who should have known better that this is contained in the report; [*Desk thumping*] the Member for Laventille West, who should have known better that this issue is contained in the report. But if they spend their times golfing and partying, and those kinds of things, Mr. Deputy Speaker, and sleeping—[*Interruption*]

Mrs. Robinson-Regis: Mr. Deputy Speaker, Standing Order 48(6). You are out of

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place.

Mr. Deputy Speaker: Okay, Member, again. Member, all right, I think you are seasoned enough now, please. Right, let us do not go down that road, right? So move on to your other point, please.

Mr. B. Padarath: Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I heard the Member for St. Joseph wants to talk about the issue of drunkenness. It is as though an entire Government is conflicted with drunkenness, [*Desk thumping*] and very soon the people of Trinidad and Tobago will deal with you on that.

Mr. Deputy Speaker: Member for Princes Town. Right. Hon. Member, your speaking time; you have just two more minutes of your discourse, you have an additional 15 minutes. You care to avail yourself?

Mr. B. Padarath: Yes, I thank you.

Mr. Deputy Speaker: And, again, as Speaker of the Chair, I would like you to make your point, reference it to the report, and, again, the statements with regard to the point you are trying to make, I am not tolerating it. Point taken?

Mr. B. Padarath: Sure. Thank you.

Mr. Deputy Speaker: Proceed.

Mr. B. Padarath: Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I would just like to share, with respect to the office of the independent reviewer, what the roles and responsibilities cover which could add a greater value to the work that will be instituted as it relates to the Anti-Terrorism Bill that is before us, and it deals with organizations, terrorist properties, terrorist investigations, arrests and detention, stop and search orders. It also deals with port and border controls and terrorist offences. Mr. Deputy Speaker, it also looks at the area of asset freezing. I know the hon. Attorney General spoke about FATF and CFATF which also deals

with issues that fall under the FIU, and other pieces of legislation.

Mr. Deputy Speaker, it also speaks about other statutory functions, non-statutory functions, and what is most important about the role of the independent reviewer is that the report that is provided on an annual basis goes to the Parliament and that takes place both in Australia and the United Kingdom. And I am recommending that is something that we look at in the context of advancing our own legislation, because, as I said, it is a piece of legislation that is continuously evolving, and therefore we must be able to put specific mechanisms, specific institutions and organs that deal with counter-terrorism measures in place in order to effectively deal with many of the statistics.

I know the Member for Naparima went into the congressional hearing of the Ambassador designate to Trinidad and Tobago, and the US themselves have already identified that there is a deep concern in the Western Hemisphere with respect to Trinidad and Tobago and the churning out of persons going to international terrorist organizations. And, therefore, Mr. Deputy Speaker, with the independent reviewer being an independent office, of course, what it does, it properly informs the representatives of the people through the Parliament of those two countries of what are the real issues and how the operationalizing limb of the legislation is working. Mr. Deputy Speaker, with respect to the working arrangements of the independent reviewer, it says that the independent reviewer is often appointed for a three-year term. The appointment is reviewed by both Government and Opposition, and therefore a decision is made on that. It speaks about the application process, and so on. But what I find is instructive also, Mr. Deputy Speaker, is the administrative assistance that it provides to ambits of the law enforcement, and I am sure the Member for Point Fortin will be happy to hear

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this, that it also informs a lot of the work being done by international organizations, and also foreign countries. You know, Mr. Deputy Speaker, when we relate it not only to terrorism measures, but in terms of crime measures in our own country, just recently in this very Parliament I had cause to ask the hon. Member for Point Fortin about the issues being raised by several countries at an ambassadorial and ministerial level with respect to technical cooperation and assistance in terms of bringing down homicides and murders, and, also, I am sure now we will also add terrorism to that as well.

Mr. Deyalsingh: Mr. Deputy Speaker, if you please, Standing Order 48(1). Thank you.

Mr. Deputy Speaker: Again, Member, relevance, tie it in quickly to the report. Right.

Mr. B. Padarath: Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, it specifically deals with the roles and responsibilities charged with the office of the independent reviewer. Mr. Deputy Speaker, there are also some areas that I know are sensitive matters, as indicated by the hon. Attorney General on page 232 of the actual report itself. And, Mr. Deputy Speaker, every point that I have made I can actually show you what the report says. I can actually point you and show you what the issue was, so therefore I am not sure if persons are being bored because of the fact that they are not informed and they do not wish to do the work of the people of Trinidad and Tobago, [*Desk thumping*] but when I sit down and do my research, Mr. Deputy Speaker, I am very relevant because I know what are the issues that were contained and raised in the JSC. [*Desk thumping*] I do not sleep inside the Parliament or in any other institutions. What I look at, Mr. Deputy Speaker—

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Mr. Deputy Speaker: Member, Member, Member, I ruled on irrelevance, right, the idea that you are bring it back up, I do not appreciate it in terms of what I said. So move on to your next point. I have ruled on that.

Mr. B. Padarath: Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I would like to spend a few minutes on the issue of the self-advocates. Now, the Member for Arouca/Maloney across the floor, you see you have no other point, and the thing about it there are so many points to go through in this piece of legislation, Madam, that you had several Members—[*Crosstalk*]

Mr. Deputy Speaker: Silence.

Mr. B. Padarath:—who could not even stand up in this Parliament and speak on behalf of their constituents for 45 minutes. But, Mr. Deputy Speaker, I will go on to the issue of self-advocates under this, while the issue—[*Crosstalk*]

Mr. Deputy Speaker: Leader of the House, please.

Mr. B. Padarath:—the issue of self-advocates has been raised by the organizations representing several of the Islamic communities in Trinidad and Tobago. We understand the challenges as it deals with the issues of secrecy and the issues of evidence. Mr. Deputy Speaker, one of the main challenges of the self-advocate issue that was being proposed and suggested—

Mr. Deyalsingh: Mr. Deputy Speaker, may I invite you to look at Standing Order 55(1)(b), that has been already debated several times.

Mr. B. Padarath: By who? Nobody even mentioned the word “self-advocates”.

Mr. Deputy Speaker: Members, Members, Member, please. [*Crosstalk*]
 Overruled, proceed.

Mr. B. Padarath: Thank you, Mr. Deputy Speaker. [*Desk thumping*] Mr. Deputy Speaker, I will not be distracted because I know exactly what the issues are

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contained in here, and the issue that had been raised under the independent reviewer also dealt with the issue of self-advocates even if it was inferred. Mr. Deputy Speaker, while I understand the challenges faced with that particular issue in terms of evidence, burden of proof, secret meetings, et cetera—while I understand those challenges where also there are parts of it we could look at in terms of criminal liability that would be able to inform, again, the operationalizing of this piece of legislation.

So, Mr. Deputy Speaker, I really want to take the opportunity to thank you for the opportunity to contribute in a meaningful way by actually dealing with the recommendations of the report. There are other recommendations that have been provided in the report, and I know colleagues will flesh out some of these areas. But, Mr. Deputy Speaker, I think the greatest challenge with this piece of legislation in terms of having it passed today is the checks and balances, and what I have sought to do is to identify areas, like the Australia model, like the UK model, and now where Canada is reviewing their legislation to add other institutions, other ambits of the law that will provide for these checks and balances. One, yes, we do have the judicial review; two, we do not have the Joint Select Committee; three, we do not have the office of the independent reviewer; four, we do not have the advisor to the Government appointed by both Government and Opposition having consulted each other with respect to that particular application, as well as the Intelligence Unit, similar to that of the IGIS, and also being put forward by the Canadian Parliament in terms of creating new avenues to bring greater awareness to some of the challenges.

So, Mr. Deputy Speaker, I implore Members opposite to take a comprehensive look at what the legislation says, to take a comprehensive look, even though when

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you look through the attendance records you see half of them have not even attended the meetings, Mr. Deputy Speaker, you will actually see that what I spoke about today and the contribution that I have made is in no way to be adversarial, but to work upon the recommendations of the Joint Select Committee.

And I agree with the Member for Naparima, should we send more controversial pieces of this legislation to joint select committees, we get a greater degree of participation, [*Desk thumping*] not only from organizations, but all of civil society of Trinidad and Tobago. I will tell you this, Mr. Deputy Speaker, while I saw reflected in this Joint Select Committee Report many views for organizations, and so on, what the main challenge—and I have hearing it from Members like the Member for Laventille West, Members like the Member Arouca/Maloney—is that the reason why these issues of recommendations do not resonate with them, why they do not want to hear it, why the Member for St. Joseph will jump up every minute, is that they have gone tone-deaf to the people of Trinidad and Tobago. [*Desk thumping*] They have gone tone-deaf to listening to what really affects people and how this legislation will impact on organizations and the lives of many people in this country. Mr. Deputy Speaker, any time you go tone-deaf to the real issues that affect people, as identified in the Joint Select Committee Report, which have not been dealt with in any comprehensive way in terms of the recommendations, then, Mr. Deputy Speaker, what you are really telling the people, it is my way or the highway.

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Mr. Deputy Speaker, I implore the Government to change that approach. I like the approach that the hon. Member for San Fernando West took today in terms of consultation, in terms of showing how Government and Opposition can work

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together to pass a greater degree of law. [*Crosstalk*]

Hon. Member: “Faris, he like yuh.”

Mr. Deputy Speaker: Members, please.

Mr. B. Padarath: Mr. Deputy Speaker, at the end of the day, it is about what is good for Trinidad and Tobago, and no amount of insults about who like the Member—

Mr. Deputy Speaker: Member, Member—

Mr. B. Padarath:—for San Fernando West—

Mr. Deputy Speaker: Member for Princes Town.

Mr. B. Padarath:—from the Member for Laventille West and the Member for St. Joseph will deter me from standing up on behalf of the people of Trinidad and Tobago. [*Desk thumping*] That sort of nasty rhetoric I will not accept in this House—

Mr. Deputy Speaker: Member, Member—

Mr. B. Padarath:—and I will not be bullied—

Mr. Deputy Speaker:—one second.

Mr. B. Padarath:—to stand up in defence of the people of Trinidad and Tobago.

Mr. Deputy Speaker: Member—

Mr. B. Padarath:—which I am doing here today. Mr. Deputy Speaker, I thank you. [*Desk thumping*]

Mr. Deputy Speaker: Once I am on my legs, Member, you need to respect that. You need to respect that. Thank you. [*Desk thumping*] I recognize the Member for Siparia.

Mrs. Kamla Persad-Bissessar SC (Siparia): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, we are being asked to approve a Motion, Motion

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No. 1 under Committee Business:

“Be it resolved that this House adopt the Report of the Joint Select Committee appointed to consider and report on the Anti-Terrorism (Amdt.) Bill, 2018.”

Mr. Deputy Speaker, out of an abundance of caution, I would like to move that this Motion be amended by inserting after the words “2018”, “subject to committal of the Anti-Terrorism (Amdt.) Bill, 2018 to a committee of the whole”. Subject to—
[*Interruption*—sure go ahead.

Mr. Al-Rawi: Hon. Member—

Mr. Deputy Speaker: AG.

Mr. Al-Rawi: Thank you. If you would permit me, I understand what the hon. Member is driving at, something which I myself welcome. The procedure that I have before me includes that it goes to a committee of the whole so that we will discuss clause by clause as a committee of the whole. In those circumstances, I am not sure if you want to pursue that, but I certainly give the undertaking that we will go into a committee of the whole.

Mrs. K. Persad-Bissessar SC: Sure. I thank you and I do understand the procedure where this did not go, did not first—

Mr. Deputy Speaker: Member for Siparia.

Mrs. K. Persad-Bissessar SC: I am sorry, Sir.

Mr. Deputy Speaker: I will like to also confirm that the document before me also has where it has to go to a committee of the whole.

Mrs. K. Persad-Bissessar SC: Sure.

Mr. Deputy Speaker: Proceed.

Mrs. K. Persad-Bissessar SC: Yes, I understand that. I know where a Bill goes to

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a Joint Select Committee under Standing Order 68, when it comes back we can amend and in the way we had done for FATCA, but we had already started the debate, we had gone into committee, so we had asked for it to be recommitted.

Now, in this case we did not have the second reading and, therefore, we will have to proceed to the second reading and then the Government will move accordingly that through the committee of the whole, but you see, I am being asked to support this now, to adopt this Report. And I am saying, in spite of going to the committee and you are giving assurance that you will follow the Standing Orders, when we vote here, are we voting to adopt that Report and the entirety of the Report and the recommendations from that Report?

So, I am saying, out of an abundance of caution, we will be happy to adopt the Report. I want to say, yes, to the adoption of the Report, but I do not want to tie my hands to the amendments therein contained, made by the JSC, and that we want to be given the opportunity. So when I say yes today, it is subject to—this is what I am saying—subject to any amendments which may come out of the committee of the whole.

So, I beg to move that this Motion be amended, so I want to vote, we want to vote on it. We want to vote, yes, but if we vote we are adopting everything in that Report which contains all these amendments. *[Interruption]* Sure.

Mr. Al-Rawi: Thank you very kindly for giving way yet again, hon. Leader. You are perfectly correct that in FATCA, for example, we had started the second reading. If this committee adopts the Report albeit with amendments, et cetera, it will then go to second reading, and after second reading without debate, it will then go to a committee of the whole where any amendment can be put to any clause for the whole scope of the Bill. And I give the commitment that that is not only our

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understanding, but that is what we will put onto the record—that the entire Bill, as adopted, go to a committee of the whole where we can open every clause again.

Mrs. K. Persad-Bissessar SC: Certainly. Thank you for the clarification. I am saying that you are handcuffing us to approve a report, parts of which we may have concerns about which can only be raised at the committee stage. So on the record this is what I am saying, in terms of our support for this, it is subject to whatever process takes place thereafter.

Further, from the Attorney General: Attorney General is saying that we will come to the Bill, we will come to the second reading of the Bill and go to committee without debate. And what does that mean? If you go—where is it normal? It is not normal, it is normal with the other process; that is the other process.

Mr. Deputy Speaker: Hon. Member for Siparia—

Mrs. K. Persad-Bissessar SC: Yes, Sir.

Mr. Deputy Speaker:—again, the House will have the opportunity in order to make the necessary amendments when we go to the committee as a whole.

Mr. Al-Rawi: Thank you, hon. Leader, again. Just to give you an example and by which we can be guided, we did it for the Insurance Bill just a couple of weeks ago where we took the report, we went past the second reading and straight to the committee stage, and it would have been open to go to committee of the whole, but the House decided that it did not wish to do that.

Mrs. K. Persad-Bissessar SC: I thank you. But, again, I am guided by the Standing Orders and will seek guidance from the Deputy Speaker. That may have happened by consent that we did not wish to debate the Bill, the second reading, but if you look at what happens in the Standing Orders, the House considers the Bill as adopted by the Motion moved to adopt the report, that is where we are now.

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Mr. Al-Rawi: Yes.

Mrs. K. Persad-Bissessar SC: Then you go to second reading. At the second reading stage, if we follow the Standing Orders, second reading does not mean, I beg to move, I beg to go to a committee. A second reading is, you pilot your Bill, if you wish to cut it short because you have spoken, fine. If I wish not to speak, I do not speak, but the second reading allows an opportunity for speakers. So, I will seek guidance from Deputy Speaker. [*Crosstalk*]

Mr. Deputy Speaker: Hon. Members, according to Standing Order 66(4):

“The Member in charge of the Bill may then move that the Second Reading of the Bill, as adopted by the House, on report, be taken on such day as the Member may appoint or forthwith; such motion shall put without amendment or debate.”

Right? That is according—and then when we follow on with regard to Standing Order No. 67, second reading of the Bill:

“On the second reading of a Bill a debate may arise covering the general merits and principles of the Bill subject to Standing Order 66(4)”.

Right? So, hon. Members, according to the procedure that I have before me, once we read the second reading of the Bill forthwith, we then go to committee stage and then you all will be able to have the necessary amendments.

Mrs. K. Persad-Bissessar SC: I thank you for the clarification. Yes. My understanding from what you have read for us, hon. Deputy Speaker, is that 66(4), the Member will move that the reading of the Bill be taken forthwith or at a later date, a date to be named or forthwith, but that does not curtail what is the second reading. All the Member is moving in that Motion is, let us deal with the second reading now. What happens in a second reading, hon. Deputy Speaker? The second

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reading is that you pilot the Bill and there is a debate, and then the Member in charge of the Bill will move for it to go. It says, “Committal...After Second Reading” 68(1), committal after the second reading, so it is not—[*Interruption*]—there has been no second reading.

Mr. Deputy Speaker: Hon. Members, again, the Attorney General would put forward the reading of the Bill a second time, the Procedural Clerk would then read accordingly in terms of the Bill going forward, and then as the Speaker we will commit it to the committee as a whole and then proceed. There is no debate taking place after the second reading.

Mrs. K. Persad-Bissessar SC: I am guided, hon. Deputy Speaker. With the greatest of respect, I do not agree. There has been no second reading in this House. In every Bill that we ever do in this Parliament, there is a first reading, there is a second reading. FATCA was different because FATCA, we had already gone into the committee stage, we were already committed, the Bill had already been committed to a committee, so it was different thereafter. So, I am guided by your remarks, and therefore, we are being asked to approve and adopt the Report of the—well, I will get injury time for all of this; I am losing time, I have not started.

Mr. Lee: No. No. You have not started yet.

Dr. Moonilal: Stop the clock, stop the clock.

Mr. Lee: We stop the clock.

Mrs. K. Persad-Bissessar SC: You think it is football?

Mr. Deputy Speaker: Right. So, hon. Members, we will continue with the Motion before us. I recognize the Member for Siparia. I have made my ruling and we shall proceed.

Mrs. K. Persad-Bissessar SC: I thank you very much, hon. Deputy Speaker.

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Mr. Deputy Speaker: So, again, Member for Siparia—

Mrs. K. Persad-Bissessar SC: Yes, Sir.

Mr. Deputy Speaker:—as mentioned earlier, the whole House will have the opportunity at the committee of the whole in order to go through it clause by clause.

Mrs. K. Persad-Bissessar SC: Certainly.

Mr. Deputy Speaker: Kindly proceed.

Mrs. K. Persad-Bissessar SC: Thank you.

Mr. Lee: Deputy Speaker, can I ask how much time my Member has, whether left or now starting?

Mr. Deputy Speaker: Again, injury time will be allocated accordingly. Kindly proceed.

Mrs. K. Persad-Bissessar SC: All I am asking is how much time left?

Mr. Deputy Speaker: Members, I have ruled. Proceed, Member for Siparia.

Mrs. K. Persad-Bissessar SC: Thank you very much, hon. Deputy Speaker. So, we are being asked to adopt the Report. Other Members have already pointed out this Report has 451 pages, and this Report has proposed amendments to the anti-terrorism law, the Anti-Terrorism Act, and that Act, Mr. Deputy Speaker, passed in a 2004 Bill and the assent came in 2005.

What is interesting about that Act which we are seeking to amend is that it does not contain any preamble nor any requirement for the certificate of the Clerk to say that a three-fifths majority has been obtained. This is the parent law that we are seeking to amend by the 2018 Bill. So that parent law was initially passed without a special majority—without a special majority—and the purpose of this was to:

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“An Act to criminalise terrorism and the financing of terrorism, to provide for the detection, prevention, prosecution, conviction and punishment of terrorist activities and the confiscation, forfeiture and seizure of terrorists’ assets and of those involved in the financing of terrorism and for related matters.”

—parent law.

Thereafter, amendments to this law came several times to the Parliament. In 2010, the Anti-Terrorism (Amdt.) Bill, 2010, lapsed. Thereafter the Anti-Terrorism (Amdt.) (No. 2) Bill, 2010, that was assented to; then the Anti-Terrorism (Amdt.) Bill, 2011, that was assented to, became law; Anti-Terrorism (Amdt.) Bill, 2017, this lapsed within this Eleventh Parliament; and then the present one which deals with the various amendments and became the subject of a Joint Select Committee Report.

8.35 p.m.

So, Mr. Deputy Speaker, the rationale being given in this Parliament, and some of it was contained in the remarks of the hon. Attorney General, some of it was actually contained within the body of the report, has to do with making of deficiencies in the FATF Recommendation 6 recommendations, and they have six targeted financial sanctions related to terrorism and terrorist financing. So, in effect, we want to comply with our international obligations, yes, but on the other hand we also want to protect our citizens, and that is the balance we must find.

Now, I was a little startled in listening to the hon. Attorney General earlier, when he said that he had been advised, that this amendment Bill does not require a special majority. I was startled because I did not see anywhere in the—and the AG said that he got advice, that it did not require it, but he was putting it in anyhow.

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Now, I am saying the parent law did not have a three-fifths majority or any majority, just a simple majority it was passed by. But, in looking at the amendment Bill that we are here today, I want to disabuse our minds from the notion that a Bill such as this, which is so invasive, which in effect breaches, or violates, or trespasses upon every one of the rights contained in section 4 of the Constitution, the Bill of Rights in the Constitution, almost every one.

So, I was very startled to hear the AG say that it does not require a special majority. So, I am a little concerned about that, if it is we will find something like the Marriage Bill, where, initially, it required a special majority and then it was removed and passed with a special majority. And therefore I want to make it very clear, I am convinced that this amendment Bill, in every way, violates the Constitution of Trinidad and Tobago, [*Desk thumping*] and any attempt to remove such a clause or to go for a simple majority, would render what we are doing here today null and void and will be struck down. It will be struck down when it becomes law by the Supreme Court of Trinidad and Tobago.

So, section 4 talks to us about your rights to property, your rights to freedom of expression, your rights in every way, and this Bill comes to deal with money. Money, that is privacy rights, but information about your money, about where you are travelling—it is preventing your freedom of movement, because you have, what is it called?—a prior restraint. That is, before you travel you have to notify. And there are some issues there because with respect to a parent travelling, an adult travelling, you can notify, and when you come back you will have 30 days, if you did not do it before, the commissioner gives you 30 days to send in your notice and so on. But, for the child, there is no such follow up for the provision dealing with travel by a child, a parent taking a child, an adult taking a child. If you do not

notify, there is no provision giving you that opportunity for when you come back, to explain.

There is no provision where it is that you were there, and while the person is abroad, wherever it is, in whichever country, the Minister of National Security says, listen, that is a geographic zone. That is a dead zone. That is a deadly zone, and designates it under this proposed law—and you are over there. You are stuck there. You may have no Internet. You may have all these nice little devices we have here, fine, there may be no such access and you do not know. What happens when you come back? AG, maybe it is in there and you can tell me. What happens when such a person comes back? Do they have a 30-day period to explain why they did not leave? This one is not just only notification. In the clauses here it is saying that when you are there you have to leave. Once there is a notification, a designation, you have to leave. But if you did not leave?

Hon. Member: Lawful excuse.

Mrs. K. Persad-Bissessar SC: Lawful excuse? Well, I will out of an abundance of caution, you will want to insert similarly like what you have for the other clauses, “adult travel” and “child travel”. So we can do that at the committee stage because I have serious concerns. You know, where there is ambiguity there is always room for mischief, and therefore we can clear up that ambiguity. We will make our citizens feel safer. [*Desk thumping*] So, I am in Hajj, I have gone off wherever, and this happens. Do not look so surprised, Member for Port of Spain North, my daughter-in-law is from a Muslim family. [*Interruption*] That is what—no, you look up at me, “Oh”. Anyhow, do not get distracted.

Hon. Member: His mother is Muslim.

Mrs. K. Persad-Bissessar SC: All right. So, you see that is a Trini family, you

know. You have everybody in Trinidad. That is a true Trini family. You will get everyone—a contact with.

So, I am saying, you go to Hajj. My daughter-in-law goes to Hajj. Okay? She is there, no access to anything, declared zone. She comes back. What happens when she comes back? She is liable, and I have it here, but there is a penalty for this. There is a sanction that you did not leave in the 30 days. You are already there, that is the point. But there is a provision, I am asking, and we will do it in committee, to clear that up, that if you did not know, you have lawful excuse you are saying. So, let us say that not knowing is a lawful excuse, to avoid the confusion, not knowing will—a lawful excuse including not having knowledge of this designation. That is why you did not leave. And then when you come back you need to put a second provision, you have the 30 days within which to put in your notice.

So, several aspects of this that we are concerned with, and I made it very clear, breach of rights, we need to have it properly done. In terms of specific provisions in the law, I have serious concerns with clause 22, which is section 15B. Let me just get that amendment here. Okay, so here we have the amendment Bill and we are looking at clause 22, which seeks to deal with 15B. AG, you know there is one overall amendment I really would like to propose, and perhaps your draftsmen can help us. Can we have one blanket amendment which says, please renumber all these numbers in a consecutive manner? Can that be done? Because it is so difficult, you have 15A, 15(a), and then we go 15A, small (a), (b), (c), (d), it is just crazy. You have 15A(a), 15B(b), is that possible?

Mr. Al-Rawi: You have to repeal and replace the whole Act.

Mrs. K. Persad-Bissessar SC: Wow. This will give the lawyers a lot of trouble,

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and the judges. So, we have 22. We have:

“A person who, without lawful excuse, knowingly”—which is what you have inserted—“travels for the purpose of—

- (a) planning a terrorist act;
- (b) committing a terrorist act;”

Mr. Deputy Speaker: Member for Siparia, sorry please. Just, 22, which one specifically, so I can follow?

Mrs. K. Persad-Bissessar SC: It will not be clause 22.

Mr. Deputy Speaker: All right, go ahead. I just wanted to follow.

Mrs. K. Persad-Bissessar SC: Section 22.

Mr. Deputy Speaker: Okay.

Mrs. K. Persad-Bissessar SC: [*Crosstalk*] The consolidated Act?

Mr. Deputy Speaker: Yes, go ahead. Yes, proceed.

Mrs. K. Persad-Bissessar SC: Thank you. Yes, 15A:

“A person who”—and the amendment Bill is now saying—“...travels for the purpose of—

- (a) planning terrorist act;
- (b) committing a terrorist act;
- (c) supporting terrorist act;
- (d) facilitating...”—that—

“commits an offence and shall on conviction on indictment be liable to a fine of twenty-five million dollars”—that is the maximum—“and to imprisonment for twenty five years.”

So, these are very serious matters. Exceedingly serious matters, as they should be, and I am sure the judge will have the discretion according to severity of the

commission of these offences.

Now, when we come to section 22, clause 22, that is my difference. It is clause 22 I am looking at. That is why I need to go back to the original Bill hon. Attorney General. Clause 22 of the 2018 amendment Bill. [*Interruption*] Page 18?—no, that is of that report. The actual Bill, yes. All right, clause 18, on page 12 of the Anti-Terrorism (Amdt.) Bill, 2018:

“Section 13 of the Act is amended—

by renumbering the section as subsection (1);

in the renumbered subsection (1)—

...inserting after the word ‘who’, the words ‘, without lawful excuse’; and

by inserting the words ‘be liable to’ the words ‘a fine of twenty-five million...’;”—by which I just read.

“and

Any person without lawful excuse...”

So, this clause 22, I say 18 again. Clause 22 on page 14 of the Bill before amendments, the Act is amended by inserting after section 15, new sections. Again, the person who is travelling, lawful excuse, knowingly travels for the purpose of planning and so on, is liable, Again, a person who commits an offence shall be deemed to be a foreign terrorist fighter, and the Minister may for the purposes of this section, 15B, hon. AG, for the purpose of this section designate a geographic area.

Now, that may seem far away from us and not important. Some of the comments from the stakeholders who came before your committee did have concerns about this. Because, some us may have no interest in the zones that could be designated,

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but some people do have genuine—your good self, perhaps, and maybe the Member for Port of Spain North, for journey into these places. And I want to suggest that there is no oversight here with respect to the Order. So, in 15B:

“The Minister may for the purposes of this section, by Order,”—subject to negative resolution of the House of Representatives.

Let us understand if there is a negative resolution—it brings it to the attention of the Parliament if an area is designated, and really places a burden on people each time that you have to give these notices, when they come back, file other notices and so on. If it is subject to this negative resolution, John Public is aware, everybody is aware, but it does not stop you. Because the Interpretation Act clearly tells us, once you make the Order it goes into effect. And even if the Order is thereafter negated, anything done under it will have been valid. But it will give the Parliament—if issues arise—as representative of the people, an opportunity to speak on it. [*Desk thumping*]

So, I would say “subject to negative resolution of Parliament”. And that gives us a kind of scrutiny, and will allow, of course, alternative government that we are, or you may be at the time, to have a voice and to be heard with respect to foreign policy as it affects other States. Because that is what you are doing. There is a whole foreign policy, when you designate a zone, designate a geographic area and so on, it affects not just safety and security, but also foreign policy relations.

The other clause I have a concern with is clause 27, which is on—I am sorry. [*Interruption*] No, I think in committee they—the suggestion was an affirmative resolution, but the affirmative does not allow you to do what a negative does. The affirmative is that you have to come to Parliament to have it—you must come to Parliament, so if an emergency arises you will be a stop by any delay.

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Mr. Deputy Speaker: Again, members—[*Interruption*] Members. [*Crosstalk*] Members. Siparia, please, address the Chair. I know—

Mrs. K. Persad-Bissessar SC: Why is the Member getting so upset, if you are tired go home and sleep.

Mr. Al-Rawi: You did not read the report. [*Crosstalk*]

Mr. Deputy Speaker: No, Members.

Hon. Member: You were asleep in the committee.

Mrs. K. Persad-Bissessar SC: You did not read the report. These are matters contained in the report, contained in the Bill [*Desk thumping*] and according to the MP for Naparima—I spent all night reading this, you know.

Mr. Padarath: You need to stop sleeping.

Mr. Deputy Speaker: One second. Member for Siparia, one sec. One sec.

Mrs. K. Persad-Bissessar SC: Sir, the grumbling.

Mr. Deputy Speaker: One sec. Member for Princes Town, the outburst, please! The outburst. The loud outburst, please. Member for Siparia, kindly proceed, but remember address the Chair, and let us ensure that we maintain that decorum. Thank you.

Mrs. K. Persad-Bissessar SC: Yes, Sir. Thank you, Sir. 27, now, the hon. AG did make some reference to keeping the Attorney General as the person who will be involved in this matter. Clause 27—I am still trying to find it, all this paper, AG. Okay, clause 27. [*Interruption*] Too many papers. I am sorry, clause 22 first, and then we will come to 27. Clause 22—hon. Deputy Speaker, how much time do I have, please?

Mr. Deputy Speaker: 8.54 will be your initial 30 minutes. 8.54 will be your initial, and then you will have your additional 15. You care to avail yourself “one

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time”? So, you can proceed.

8.50 p.m.

Mrs. K. Persad-Bissessar SC: Clause 22, 15B. So we insert this negative resolution and I want to suggest that we put a new subsection: Where a Joint Select Committee on National Security which we have, may review a declaration—and I will give you copies of these, but just to get the concept. The issue of a Joint of Select Committee of parliamentary oversight to review a declaration before the end of the period during which the declaration made under subsection (1) may lapse or be revoked.

So I am asking for an insertion of this, please consider a JSC. Again, parliamentary—and it will be a JSC chaired by your very good Member—Member for Laventille West—that that review, any declarations that may be made.

Clause 26. Now this 26, I really, I heard my colleague the Member for Naparima mentioned it, but I really want to go into a little more detail with respect to clause 26. And this is where furnishing the Attorney General, yeah, paragraph (d) here. This is something that is now being inserted. This was not there before. And what is being inserted is that the FIU will furnish:

“...the Attorney General with information required to facilitate an application under section 22B and section 37 spontaneously or upon request...”

Now, what was there before was that the FIU would supply the AG with information but only with respect to designated entities. And in the Act, a designated entity was one who has been so designated by a foreign—so you would have had documentation and information through a central authority about that.

But now it is for everyone, you see, now it is for everybody and I am exceedingly

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fearful, not necessarily the Member for San Fernando West, but it could be any AG, now, or in the future, to be given the opportunity to be furnished with people's private accounts from the FIU, private business. This is a serious, serious, breach of privacy. How do we cure it?—because I understand where we want to go and I would suggest how we cure it by way of amendment when I go now to clause 27, because those would also have to be changed where the name of the Attorney General is inserted.

So, we are now seeking to amend the parent Act and so on and we have in it:

“(1) Where the Attorney General receives information...”

Clause 27, page 380 of the report if you are looking at that:

“(1) Where the Attorney General receives information...”

What information? Who is giving this information?

Now, I saw in one of the verbatim notes something from a Mr. Dalip. I am not sure who is Mr. Dalip. [*Interruption*] Okay. Mr. Dalip said:

“Practically speaking there are different sources of information which may trigger an investigation towards a listing, Special Branch...the Financial Investigations Branch or any other unit of the”—TTPS—“in the course of their investigation, refer a matter to the AG for consideration. Similarly, 22AA(d) requires the”—FIU—“to furnish the”—AG—“with information to facilitate a listing application.

In such a case where matters referred by the FIU, further investigation may be required for the”—AG—“to be in a position to determine whether or not the criteria satisfy sufficiently to apply to the...Court for an Order.”

Here we have now the insertion of the Attorney General in several activities. One, a receiver of information. I do not know from whom in the first place, as a

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receiver. Is it that the Member for Tunapuna will whisper in his ear, “hey, listen, yuh see dat fella from Oropouche, he is a very deadly person, yes, Oropouche East”. Could it be that John Public says the Member for Tabaquite and whatever and whatever.

Then it is, where did you get the information, where, from whom? That is the first issue I have. There is one set of information which legally may come to you but that is only with respect to the designated ones from abroad. And again it is not through the person or the Attorney General but through the Central Authority, in effect, it is the Attorney General, but that whole thing is crafted into a structure, a statutory structure of how you receive information, how you give information under the mutual legal assistance Act.

Mr. Al-Rawi: Mutual Assistance in Criminal Matters Act.

Mrs. K. Persad-Bissessar SC: Yes. So, you would get information through that. Fine, and that information that you may get will then have to go somewhere. I see that an amendment is being proposed to your amendments, JSC is saying, let us get the Commissioner of Police involved. In my respectful view that becomes even more dangerous. But when you refer matters to him then he has to send you the results of the investigation. But what are the—so you say, “Oh, no, it is not the investigation, it is the results”. But he has to provide you with sufficient evidence to go on affidavit to apply to the court for an Order to list a person or an organization and/or an Order to freeze that person’s assets.

You see this whole—hon. Attorney General, through the Speaker—that whole structuring there in that 27, and it is also tied up as I said with the other one, it is very, very dangerous. And not only is it dangerous, it is also in my view unconstitutional.

Now AG, you may well know where there is a breach of separation of powers no matter what majority we pass it by here, the clerks, certificate, three-fifths majority cannot cure that fundamental separation of powers matter. And it seems to me that these sections are giving the Attorney General an investigative power. The case, of course, is *Mollison v the DPP* from Jamaica, you cannot cure where something is in breach of the separation of powers by the three-fifths majority. It cannot be done, *DPP v Mollison*.

Now, that is the first thing. The second thing—that is the breach of separation of powers I am explaining. The AG is being asked to look at documents, send it to the police, who will then send back a report or results but that must be sufficiently, again, in the person's face, in the person's private business and then the AG has to make a determination to go to court. In a sense, using a discretion that might be quasi-judicial to decide, okay, what has the police sent me back. The result cannot be, yes, or no. As I say it must have sufficient information to go to the court. But when the commissioner sends back, this is the new amendment you are proposing, the commissioner sends it back, well certainly the AG would consider it and then decide, go for an Order or not go for an Order. I do not see that discretion being given to the Office of the AG in the actual section, eh. So that is another problem with it. So:

- “(1) Where the”—AG—“receives information that—
- (a) an individual or entity”—has committed any of these—
 “he shall cause an investigation to be carried out in respect of that allegation and may for that purpose refer...matter to the Commissioner of Police who”—
 may—“cause an investigation to be carried out...”

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So first, somebody whispers, I am just taking the extreme scenario, because it says information. It does not say information about what, who, where, how and what kind of information. Where the Attorney General receives information he says, okay, Commissioner, investigate that. And when you finish send it to me. Where in the law is there anything for an Attorney General to receive a criminal investigation report or result, where in the law, any part; we are very clear on the separation of powers. [*Desk thumping*] The Executive cannot be involved in that process.

By this time all the information is on a platform somewhere, because it is politician you are talking about. Our AG is not like in some other jurisdictions where they are within their administration framework; our Attorney General as we all are here, are politicians. So we cannot have that involvement.

It continues:

“(1A) Where the Commissioner of Police receives a referral...he shall as soon as the results of the investigation are known, provide the”—
 AG—“with the relevant results...”

So I see we are now trying to put in the word “relevant” result. That was not there in the original set of amendments. But even so, what is relevant? Relevant has to be sufficient to say this person should be listed. This is a bad person, they should be listed; listed as a terrorist. And sufficient to say I must freeze all that person’s assets. We cannot do that. Not in our democracy, not in our kind of democracy.

And it says:

“...relevant results”—during—“the investigation required for the purposes of making an application to list an individual...under subsection (1B).”

—to list an individual. So that it will be sufficient.

So it would not be this person is guilty or not guilty—how much time do

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I have, please?

Mr. Lee: You have nine minutes.

Mrs. K. Persad-Bissessar SC: And then:

“(1B) The”—AG—“shall apply to a judge for an order under subsection (3) in respect of—

- (a) a designated entity;
- (b) an entity or individual, where there are reasonable grounds to believe that”—that—“individual or entity—
 - (i) has knowingly committed or participated in...
 - (ii) is knowingly acting on behalf of...
 - (iii) has knowingly committed an indictable offence...with;
 - (A) a terrorist;
 - (B) a terrorist organisation; or
 - (C) a listed entity;”—and so on.

So here we are, reasonable grounds. Again, whose discretion is being used to determine what are the reasonable grounds? Should that be a member of the Executive, should that be the Attorney General to decide if there are reasonable grounds?

Hon. Member: Nine more minutes.

Mrs. K. Persad-Bissessar SC: Sure, nine more minutes. Okay, thanks. So that whole—and there are several other clauses where the words “the Attorney General” are used that if we want to fix this, as I propose in the committee stage, we can fix it and still have the effect that you want, that we need—[*Desk thumping*] that the Government wants and that is needed for this Bill, but cannot be

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as I say respectfully, the Attorney General. And there are other formulae for dealing with all these things you are talking about, applying for the Order, applying for listing. [*Crosstalk*] I just want us to remember—

Mr. Lee: Before you want to talk, you have to go back in your seat.

Mr. Deputy Speaker: Members, Members, please.

Mrs. K. Persad-Bissessar SC: Thank you for the—

Mr. Lee: You cannot talk from—

Mr. Deputy Speaker: Members, Member for Laventille West, I will not entertain any comment from you in that seat please. [*Crosstalk*]

Mrs. K. Persad-Bissessar SC: Eight more minutes.

Mr. Deputy Speaker: Proceed.

Mrs. K. Persad-Bissessar SC: Thank you. Thank you very much. So having the AG in the middle of this, I mean, that is a fundamental breach of the Constitution. But even further, very entrenched separation of powers provisions and we have had a host of cases, I am sure the AG is very well aware of them. The very Harridath Maharaj that I did in the court recently about the Order for a Commissioner of Police goes back and gives the thread that runs through our kind of jurisprudence, separating powers of the Executive, the police and so on, and you will remember the famous Wendell Thomas which is really the locus classicus when it comes to separation of the powers. Remember *Hinds v R*, not my good friend from Laventille, but the case of *Hinds v R*.

Hon. Member: He was guilty? [*Laughter*]

Mrs. K. Persad-Bissessar SC: *Hinds* and the State, *Hinds v R*. Again, the similar thread, the golden thread running through the jurisprudence of separation of powers. And there is another case now, it was Mollison as I said, on that, and the

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thread of these other cases. We can look at Mollison as I say, and there is the case of Dhanraj Singh which I will use when we come to the committee in terms of what I am proposing that we change.

So, Mr. Deputy Speaker, there are several other worrying clauses but I think this 27 is the most worrisome of all and the consequential ones linked up to that. I think that is a serious—and the one dealing with the AG, FIU furnishing the AG with people's privacy. At the moment there is something called the FIB you know. The FIU sends it to the FIB. The FIB is the independent, insulated or supposedly insulated police service. There is and there are as I say other mechanisms that could be listed.

Now, removal of the AG with listing entities to the Central Authority, a new clause, I am suggesting, that given the newness of this and based on some of the things that the Member for Princes Town talked about, in Australia, which is contained in your report, by the way, talked about, you know, reviewing, from time to time, reviewing and so on, even though it may not be like a sunset clause, but I think we should have some kind of oversight as to what is happening with these things. It is evolving, it is a new arena, a new set of criminality that we are seeing and the goalposts are not being moved every day.

9.05 p.m.

So I am suggesting, due to lack of oversight and monitoring in the Bill, coupled with the powers being given to the Government, it must be Government has to account to the population to ensure the powers under the legislation are not being exercised arbitrarily. You see, we are asking for an annual report just as others—*[Desk thumping]* So, the Minister caused to be prepared an annual report—and I have the exact wording which I will offer for consideration. So that is with the

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annual report, and there will be some consequential amendments we can deal with in committee.

So with those words, Sir, I want to thank the Joint Select Committee for the tremendous job they have done. [*Desk thumping*] I want to thank, in particular, our young Senator Saddam Hosein [*Desk thumping*] who has really worked very hard, even when he was out of the country, as the Attorney General has noted. And there are some really good provisions that I am very happy to see, changes made by the Joint Select Committee, and I am seeing key accomplishments of the JSC.

So whilst I have concerns about some, there are some we are very happy to see. The use of the Arabic, I was very happy to see that the comments from the stakeholders—and we must also thank the stakeholders who came forward and gave us the comments. [*Desk thumping*] The comments from the stakeholders objected to using the Arabic word, the names of the committees, so now we have the numbers of the committees, rather than ISIL and Al Qaeda, and so on. Because from the time you read that, which is at the very beginning of this particular piece of law, that is what you would be reading and the stigmatization and the branding and the tarnishing would be there. So I was happy you have removed that.

However, I see that you have retained one of these Arabic words. We can find it when we go in—Taliban. You have said: “In 1988, Taliban”. Do we need to do that? Or can we do it in the same way that you have done for the others where you have just used 1267, 1989 and the 2253 committee? And then when you come to the 1988 one, you put in brackets, “Taliban”. So to be consistent we may want to remove that word from there. So this was a great accomplishment. It really takes the stigma off. As we say, not every terrorist is a Muslim and not every Muslim is a terrorist, and that, I think, will go a long way in giving a greater amount of

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comfort.

The second thing that I was very happy, and we were, as well, was the changing of the mens rea for the provision of services, financial or otherwise, to terrorist organizations. I think in several of these offences you have now put, what is it? With lawful excuse—

Mr. Al-Rawi: We removed “recklessness”.

Mrs. K. Persad-Bissessar SC: You removed “recklessness”. That is right. So that is a great—

Hon. Member: Accomplishment.

Mrs. K. Persad-Bissessar SC: Accomplishment, yes, improvement. There were two mental elements, “intentionally, knowingly and reckless”. It was suggested that the threshold of “reckless” was too wide. It could capture persons who have innocently sent their charity, their zakat to international charities and so that has—

Mr. Deputy Speaker: Two more minutes, Member.

Mrs. K. Persad-Bissessar SC: Thank you, Sir. The other one was the corporate criminality provision. Originally, where a director or office of a body corporate was convicted of an offence of terrorist financing, then it criminalized the entire company, and I think, hon. AG, you mentioned it in your opening remarks. What you have now done—concerns were raised. You have now amended that. Where that director might have been doing this on a frolic of their own, as we say, you have removed that taint, or that criminality from affecting the entire company. Another great one you have done here is declaring the geographical areas. The only thing I have some concerns now is with how it is worded. That new section B gives the Minister the authority to declare any part—

Mrs. Robinson-Regis: Would the Member give way?

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Mrs. K. Persad-Bissessar SC: I just have one minute.

Mrs. Robinson-Regis: I know you have just one minute. I am sure you will get—

Mr. Deputy Speaker: Once you agree, Member for Siparia. Okay.

Mrs. Robinson-Regis: Thank you very much. I just wanted to ask, are you supporting—is your team supporting this Anti-Terrorism (Amdt.) Bill?

Mrs. K. Persad-Bissessar SC: Sure, we—when we get into committee and we have the vote—[*Crosstalk*]

Mrs. Robinson-Regis: I could ask that question.

Mrs. K. Persad-Bissessar SC: Yes, you could ask and I gave way. Okay. I do not need to answer, but you can certainly ask. [*Desk thumping*] I am very happy, as I said, with declaring the geographical areas. I think that is a very good amendment that you have made in the JSC. And there are others, but I thank you very much for this time, and with those words, I thank you. [*Desk thumping*]

Mr. Deputy Speaker: Hon. Members, the sitting is suspended for 10 minutes. We will resume at 9.20 p.m.

9.10 p.m.: *Sitting suspended.*

9.23 p.m.: *Sitting resumed.*

Mr. Deputy Speaker: As we resume, I recognize the Attorney General.

Mrs. Robinson-Regis: No.

Mr. Deputy Speaker: Leader of the House?

Mrs. Robinson-Regis: Yes.

Mr. Deputy Speaker: Okay. Leader of the House.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis):
 Thank you very kindly, Mr. Deputy Speaker. Mr. Deputy Speaker, in light of the

Adjournment (cont'd)

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fact that those opposite us have made some suggestions with regard to amendments, we used that short period to have a brief discussion and, Mr. Deputy Speaker, at this time we would like to adjourn the House.

So, I beg to move that this House do adjourn to Friday the 22nd day of June, 2018, at which time it is Private Members' Day. We are adjourning to 1.30p.m. and I would like to ask the Chief Whip to indicate.

Mr. Lee: Thank you, Mr. Deputy Speaker. On Friday, which is Private Members' Day, we would be debating Motion No. 1 that is on the Order Paper under Private Business, which is moved by the Member for Naparima.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 9.25 p.m.