

HOUSE OF REPRESENTATIVES

Wednesday, July 31, 2019

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, I have received communication from Mr. Barry Padarath, MP, Member for Princes Town; Mr. Prakash Ramadhar, MP, Member for St. Augustine; and from Dr. Lackram Bodoie, MP, Member for Fyzabad, who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

BAIL (AMDT.) BILL, 2019

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. I do not think I have ever gotten to a Bill's second reading that quickly on the start of a position.

Madam Speaker, I beg to move that a Bill entitled an Act to amend the Bail Act, Chap. 4:60, be now read a second time.

Madam Speaker, I come to pilot today, whilst we are intended on being, during the regular vacation period pursuant to the Standing Orders, a Bill of most important measure. This Bill has been brought in this particular period in this session pursuant to the options available to us as a House, because the Commissioner of Police, after having engaged in a very serious exercise of preparation and in need of an aid to enforcement of the law, approached the Government and said that the time to bring the amendments to the bail law as passed in the Senate with the entire bench, Independent Bench, supporting the law

brought by the Government, that the time to bring this Bill to the House is immediately. A Government and an Opposition sit in the House of Representatives and pursuant to section 53 of the Constitution we are here to make law for the peace, order and good government of our society.

This is one of the most sincere privileges that people can have in relation to law, the ability to make the law, and only the Parliament can make the law, and therefore, notwithstanding the Standing Orders which permit a vacation period, it is incumbent upon a Government, having received a request from a Commissioner of Police, as we have, to bring the legislation as we do now.

The Bill before us, Madam Speaker, is seven clauses long. The first clause is simple; it is the short title. The second clause very importantly requires that we consider the application of a section 13(2) provision of the Constitution. That is where we acknowledge that the law to be debated infringes or abridges or treats with sections 4 and 5 rights in the Constitution. Certainly, in the Constitution, there is a right to bail. In the Constitution there is the underpinning of the right to due process, of the right to a fair trial, and all of the basic rights contained in our Preamble even. Therefore it is incumbent upon us to put in clause 2, which treats with when a Bill is deemed to be inconsistent with sections 4 and 5 that we call in the aid of section 13(2) of the Constitution. And I will spend some time on section 13(2) in a while.

Clause 3, of course, simply says that the Act that we are amending is the Bail Act, and clause 4 improves a very important provision. In the definition of a court we now add in the concept of a master. Why? Because we have amended our administration of justice. Pursuant to the Criminal Division law, we have now the introduction of criminal masters, and therefore a court, in considering the issue

of bail, it is now much more than just a magistrate and a judge of the High Court or the Court of Appeal, it must now also include a master.

Clause 5 is really the heart and soul of the amendments that actually trips the sections 4 and 5 rights. And clause 5, which would require a considerable amount of detail in piloting, is one which effectively seeks to simplify the approach to treat with bail amendments. Secondly, to put in certain considerations for the court to consider. Thirdly, it treats with a reversal of burden of proof in a manner which is consistent to laws in the Commonwealth, elsewhere, and, Madam Speaker, it dives to the heart of treating with the factual context of Trinidad and Tobago.

Madam Speaker, clause 6 is another very important clause which seeks to schedule a very tight schedule of offences. Clauses 5 and 6 are the manner in which the Parliament is invited to introduce constitutionality and proportionality in a way that has not featured in our laws previously.

Clause 7 is equally tied into constitutional preservation because it is in clause 7 that we introduce a sunset period of three years.

So, Madam Speaker, let us turn, very quickly, to what the law proposes; then we will jump to why we bring these proposals, what is the factual matrix situation in Trinidad and Tobago. And I wish, for the benefit of the Privy Council—let me repeat that—I wish, for the benefit of the Privy Council, to attach myself immediately to the statistical information and reasons that the Minister of National Security will bring to the Parliament today because in the Commonwealth there has never been a test, a judicial analysis, certainly up to Privy Council level, of the section 13(2) equivalent that this law will come into effect. We are confident that this matter will go to court. We are prepared for it to go to court, and for the benefit of the Privy Council, I ask, under the rule in *Pepper v Hart*, to tie myself

and the mover of this Bill, the presenter of this Bill, to the contribution of the Minister of National Security and the Minister in the Ministry of the Attorney General, the Member for Laventille West.

Madam Speaker, the Bill proposes, in clause 5, the Bill proposes that we bring our bail amendment laws into keeping with what is the currency of bail restrictions and bail considerations in the Commonwealth. To do this, Madam Speaker, we come now and we say in the law that we effectively wish to consider the situation of a restriction on bail in effectively two circumstances. The first circumstance is if you have a conviction for a very serious type of offence listed in the second part to the Schedule, which is contained in the Schedule to this Bill. If you have a conviction for a serious offence there and you have a charge for that same type of offence in the Schedule you ought not to be considered for bail unless the court treats with it in a particular way, and I will come to that in a moment.

The second circumstance that this clause 5 treats with is what we call a charge-charge basis. If you have a charge for a serious offence listed in the Schedule and you are out on bail and you come before the court with another charge for that same category of offences in the Schedule, in that circumstance, therefore, lightning has struck twice. Conviction charge or charge-charge, lightning has struck you twice. The court ought to treat with you by taking a presumption that you ought not to have bail, but listening to you in exceptional circumstances if you wish to approach the court.

Now, Madam Speaker, let us, in effect immediately, therefore go to what the specified offences are. The specified offences contained at clause 6 of the Bill, which proposes an introduction of a second part to the Schedule of the Bail Act says—the specified offences are:

“an offence committed by a person over the age of eighteen years under the Anti-Gang Act which is punishable by imprisonment for a term of ten years or more;
 an offence under the Offences Against the Person Act...ten years or more...”

—must be the conviction.

Offences Against the Person Act includes matters such as rape, Madam Speaker. Third:

“an offence under the Dangerous Drugs Act...”

—again with the 10-year prescription.

“an offence under the Kidnapping Act which is punishable by...ten years or more;”

Now, specifically, under the Sexual Offences Act as the fifth reason:

“a sexual offence in which the alleged victim is a child, including a sexual offence under the Sexual Offences Act or the Children Act...”

Next:

“an offence under the Sexual Offences Act... punishable by imprisonment for a term of ten years or more;”

Then:

“an offence under the Anti-Terrorism Act”

—where the offence is again with a 10-year prescription or above.

“an offence under the Trafficking in Persons Act...punishable by...ten years or more;

Importantly next:

“an offence under the Firearms Act, other than...”

—the possession offences in section 6(1) or 6(2) where the imprisonment is for 10 years or more.

Lastly:

“an attempt to commit an offence listed in this Part...”

Now, Madam Speaker, that must be immediately put against what the current law says and, importantly, the journey as to how we progressed as a society from 1994 to today's date. Let me just simply say, the law as it presently stands, courtesy the United National Congress, the law as it presently stands, when the law collapsed in 2016 when we were not given support to extend the bail amendments that had happened in the entire period, 1994 straight up to 2015, that law collapsed all of those amendments and what we were left with is a three-strike rule with a nonsensical provision where you had to count convictions only within a 15-year period, where you could have been incarcerated for 10 years, you come out and then you are trying somehow to magically carve out two more strikes with a 15-year chain. It made no sense. But what we were left with is the offence of buggery, sexual intercourse with a female under 14, shooting or wounding; but listen to this one, receiving stolen goods, larceny of a motor vehicle. That is what the current law is courtesy the Opposition's failure to support the extension of the bail amendment laws.

Now, for the benefit of a constitutional challenge, permit me, Madam Speaker, to go into the rationale for the country's specific context for this bail amendment law. Why do we want to put away people where lightning has struck them twice? Why do we want that? Why do we want it for a category of offences that are by far more serious than larceny or motor vehicle offences? Why do we wish to harmonize the Schedule? That is because, Madam Speaker, today we are

in the 16th sojourn, 16th attempt at amending the bail laws.

Madam Speaker—1994, Attorney General Keith Sobion came to the Parliament and encapsulated the common law perspectives on bail amendments, put into effect the 1994 Bail Act, and after that, Madam Speaker, we took 14 other legislative stabs and amended as a society the bail laws. Importantly, Madam Speaker, in the period 2005 to 2015, as a country we amended the bail laws; number one, we moved from three strikes to two strikes to one strike. We moved to two strikes and one strike under the UNC Government in the period 2010 to 2015. Secondly, we introduced no-bail provisions by statutory consideration for anti-kidnapping measures.

In the period 2005 to 2008, the PNM Government battled with the UNC Opposition, introduced a restriction for bail that said you could not have liberty for 60 days if you were charged with a kidnapping offence, especially kidnapping for ransom. That law went into effect with very short sunset periods, three months, six months, one year until in 2008 the law was extended for five years. In 2011, a then UNC Government came to the Parliament and said, “Listen, even though kidnapping for ransom was reduced to zero in the period prior to our operation by the deployment of two successful measures, the Special Anti-Crime Unit which took the rapid, hard response against criminals and the cool-off provisions of no bail where you were liberty restricted for 60 days with certain conditions, the UNC Government came and said, “Let us change the 60 days to 120 days”. It received the PNM’s support in Opposition. We introduced no-bail provisions for 120 days and the sunset period went to five years from 2011.

Very importantly, in 2011 we introduced no-bail provisions for anti-gang law to work alongside it, and the anti-gang law was introduced in 2011. Again,

there was unanimity by a PNM Opposition and a UNC Government where you were not permitted bail by virtue of the bail amendments for a period of 120 days. Now, all of those provisions had a very similar type of measure.

You were not permitted bail pursuant to the amendments to section 5 of the Bail Act for 120 days, but if your trial had not started in that 120 days, or previously 60 days, you could approach the court and ask for consideration of bail. Secondly, if your matter had started but up to one year later the matter had not been concluded, you could approach the court and ask for consideration of bail. So, Madam Speaker, let me put it very simply, for 14 full years of operation, 14 years of operation, the bail law in Trinidad and Tobago was set out crystal clear to say no bail for kidnapping matters for ransom, 60 days changed to 120 days; the one-year consideration was there, and the Parliament expressly used the word “shall” in the context of telling, Parliament to the Judiciary, you shall not grant bail in these circumstances. That is the law.

What happened in 2015, there was a change of Government and in the change of Government the PNM took the particular Government offices under Prime Minister Rowley. And, Madam Speaker, in 2016, when the sunset was coming into its final days we came to the Parliament with anti-gang legislation. We did not receive the extension for a two-year period which we asked for, for the anti-gang law or for the bail amendments. The Anti-Gang Act collapsed, the bail amendments cascaded back to 1994 as there was only a small savings for the 2005 amendments.

So our law reversed by 25 years as we stand on today's date, 25 years of legal reform in bail law was swiped out by an Opposition sitting opposite us now telling us, “You cannot have the law”. Fourteen years of operation of that law for

no-bail considerations and today we come now specifically to treat with a phenomenon. And let me put that phenomenon on the record, this law admittedly infringing upon section 4 and section 5 rights of the Constitution certainly does intrude upon the concept of not being deprived from reasonable bail other than by way of just circumstances. Section 5 of the Constitution says that you have the right to approach a court and be considered for the grant of bail if it is reasonable and the court effectively allows that. That is what section 5 permits. Why would this country want to deprive bail? Section 13 of the Constitution says Trinidad and Tobago acknowledges, in a very unique way, we are the only country with a law of this type. Our Constitution says you can abridge the rights to freedom, you can abridge any right in section 4 or section 5. You may abrogate, abridge or treat with those laws provided that it is done with a requisite majority support.

Two areas of the Constitution tell you what the majority support looks like. Section 13 says if you want to treat with a section 4 and section 5 right, pass it with a three-fifths majority, and section 54 of the Constitution says if you want to amend the majority measures, pass it with two-thirds or three-quarters support. In section 13(2) you can have a three-fifths support but there is a caveat to that, the law must be reasonably justifiable in a society such as Trinidad and Tobago. I have confirmed with Senior Counsel Fyard Hosein, who is in my mind certainly one of the best constitutional lawyers in the Caribbean, that there has never been a test as to a three-fifths constitutional saving for a law which abridges sections 4 and 5. That test, Madam Speaker, will actually come by virtue of appeals which are now moving to the Privy Council. And those appeals, Madam Speaker, are in the cases of *Danielle St. Omer v The Attorney General*, CV No. 2015-03475 and *The Attorney General v Justin Stuart Charles*, CV 2016-00074. Those two matters

will go to the court, which is our highest court of appeal, the Privy Council, and there for the first time will we consider the four-corner parameters of a section 13 consideration.

So what is justifiable in a society such as Trinidad and Tobago? Accept for a moment that proportionality must be had. The law must have a legitimate aim. The law must be rationally connected to that legitimate aim. The law must have the least intrusive measure of treating with that legitimate aim and the law must effectively be reasonably proportionate in a society such as ours. What does our society look like, Madam Speaker? Our society—and here is where I tag on to Minister Young's upcoming contribution—has seen an exponential growth in criminality, coupled with an exponential success rate from the TTPS. But the TTPS, in arresting more people while crime is growing, effectively the society is continuing to battle with the same issue. So what do the statistics tell us, Madam Speaker? Commissioner of Police Gary Griffith came to the public domain, and in today's papers under the byline of Anna Ramdass, the 30th of July, 2019, there appears—sorry, yesterday, “Criminal linked to 47 murders”. The Commissioner of Police said:

“One criminal was linked to some 47 murders in the Trinidad and Tobago and if the Bail Bill was in effect these killings could have been prevented.”

Madam Speaker, I am sure Minister Young will go into better detail on that, but let us look to—and could you, please, let me know what time I must end in full time, Madam Speaker?

Madam Speaker: Attorney General, 2.17.

Hon. F. Al-Rawi: Thank you very much. Reported gang murders for the period 2015 to 2019. Madam Speaker, we have gone as follows: 2015, 141; 2016, 127;

Bail (Amdt.) Bill, 2019 (cont'd)
 Hon. F. Al-Rawi (cont'd)

2019.07.31

2017, 118; 2018, 183; take the figure in 2019, which is at 69, we have 638. Reported firearm-related murders, 2015 to 2019: 2015, 340; 2016, 351; 2017, 377; 2018, 416; 2019, at present, 195—a total of 1,679. Reported gang-related murders committed with firearms, we take 2015 to 2019: 2015, 139; 2016, 121; 2017, 117; 2018, 182; 2019, 69 and counting—a total of 628. Persons charged for the period 2009 to 2019 for firearms found and seized, Madam Speaker, in that period 2009 to 2019 we have had 6,387 firearms found and seized. The figures, Madam Speaker, demonstrate, in particular that in 2017, 2018 and 2019, for the first time in Trinidad's history we have submachine guns. The number was zero for every year until 2017 when there were 23, then 2018, 14; 2019, six. Madam Speaker, revolvers, every year up, homemade shotguns, machine guns, Madam Speaker: 2015, 23; 2016, 16.

Madam Speaker, when we look to reports of firearm-related offences in the period 2009 to 2019, 17,271, and even though that figure, Madam Speaker, sees a dip in certain years we saw the greatest dip in the period—listen to this—2009, 2,557; 2010, 2,327; 2011, 1,620; 2012, 2,100; 2013, 1,482; 2015, 1,059; 2016, 1,179; 2017, 1,577; 2018, 1,552. Now, I had focused upon the period prior to 2015, Madam Speaker, because there is a nexus to the law that we are asking for today. Arrest for possession of firearms, 2009 there were 360; in 2018 there were 804, and whilst the arrests go up, Madam Speaker, clearly we have a phenomenon to deal with. Arrests under the Anti-Gang Act—listen to this one—in 2011 we had 177 persons arrested: 2013, three; 2014, nine; 2015, including both tenures, 16; 2016, two; 2018, one; 2019, five. Of course the law collapsed in 2016 so you had legacy items there. But I want to repeat, 2011, 177 arrests, and so the figures go, Madam Speaker. If you disaggregate under larceny, under dangerous drugs, under

the Anti-Terrorism Act we have had arrests. We have had a spike of arrests under our tenure under the Trafficking in Persons Act and under the kidnapping phenomenon, Madam Speaker.

Look at this, in 2009 we went 93, in 2019, 16, that is kidnapping generally, not kidnapping for ransom. But, Madam Speaker, I want to now tag in the submission at 2011, 177 persons arrested under the Anti-Gang Act. When those persons were arrested my friends opposite had the benefit of the bail restriction provisions. They were able, and this country witnessed, the lock-up of 177 people, albeit the vast majority of them were released afterwards, albeit the state of emergency had 7,000 arrests with people being let loose, albeit this Government had to pay the damages for that position, but you know what my friends opposite had, and I ask Couva North in particular as I hear her frequent utterances these days to remember this, the Opposition, then Government, the UNC had “draconianly” strong anti-bail laws. It is a fact operated with the full knowledge that they could put people away for 120 days or up to one year safely using that law. There was never a cry from a PNM—then Opposition—or Government that that law was unconstitutional.

Permit me to say this, I will refer to three cases, Ryan Reno Mahabir, Danielle St. Omer, Justin Stuart Charles, these cases in 2015—Madam Speaker, you know when the challenge to bail law started to happen? The challenge to bail law happened when the UNC said, we are now out of Government, so no bail law extension for you, but, secondly, the lawyers in these matters challenging the law which the UNC passed in 2015, the lawyers were Anand Ramlogan and Gerald Ramdeen. They won in the High Court, they lost in the Court of Appeal and there is an appeal to the Privy Council. Madam Speaker, I am trying to demonstrate that

my friends had the benefit of anti-gang, anti-bail provisions where they could successfully deploy 177 people being incarcerated under the very strong bail laws that existed then, but now, Madam Speaker, now that they are in Opposition we, all of a sudden, have a problem.

2.00 p.m.

As soon as they came into Opposition, their two lead attorneys, lead in every sense of the word, some not so generous or kind—those two lawyers, Gerald Ramdeen and Anand Ramlogan, find themselves in the court to tackle the same law that their Government passed to say it is unconstitutional, Madam Speaker. Madam Speaker, I am putting it on the record so that the Privy Council will understand the factual matrix of Trinidad and Tobago.

But Madam Speaker, let us go a little further. Let us go in apart from statistics on the side there. There is a very important measure here. The Trinidad and Tobago Police Service has been able to say this: The total number of suspected gang members, I repeat, suspected gang members charged, pending matters for one offence which would be the offences listed in this Bill, the Part II in clause 6 which we put in now, we have scrubbed the data against gang members right now and we know for a fact in 2016, 71 gang members for 2016 would have one charge already. We know for 2017, 35 gang members would already have a charge. We know for 2018, 76 gang members will already have a charge and be out on bail. We know for 2019, 23 gang members will already have a charge and be out on bail.

Madam Speaker, 2016, of people who have two or more charges and out on bail, 2016, 14 people—suspected gang members; 2017, three; 2018, 24; 2019, four. So we have taken the data of suspected gang members, we have applied it against

the formula which we bring now and we know for sure, Madam Speaker, 71 plus 35 plus 76 plus 23; 14 plus three plus 24 plus four. Madam Speaker, when my friends opposite want to know if the Bail Act should work with the Anti-Gang Act and why the Anti-Gang Act needs to bring results, the results can happen here now. Because put it in the context of what Commissioner Gary Griffith told the nation yesterday, that one man, I just called a hundred people here, plus 200, 300 people plus, one man and according to the Commissioner of Police is suspected to be the perpetrator of 47 murders; 47 murders. I am saying these words to the Privy Council today. When we add the hundreds of people that we know the police could have interest in, all that we are telling these people, Madam Speaker, is you better be afraid, you better be afraid that you are caught with a firearm, if you are caught with a firearm, you are subjected to this law, because you are being caught for a second time. If you are caught raping a child, you are caught for a second time. If you are caught in grievous assault for over 10 years, you need to be afraid.

Madam Speaker, what can be more “common-sensical” than returning the balance of power to the citizens of Trinidad and Tobago, because after all, the concept of a utilitarian society is part of our democracy. The concept of the greater good prevailing in the circumstances is part of our Constitution. The concept of the greater good is rooted in section 13(2) of the Constitution which says, a society such as Trinidad and Tobago, being such as Trinidad and Tobago, having regard for the rule of law, having regard to the Constitution, needs to treat with this.

Now, Madam Speaker, we know from De Freitas, Bank Mellat, Suratt, Northern Construction, Francis, Hinds, we know from all of that case law, that not every 4 and 5 right of the Constitution necessarily requires majority support, but where you know you will be challenged by Anand Ramlogan and Gerald Ramdeen

when they not in Government, when you know that you would likely have a broadside challenge, let us take the three fifths majority clause. But, Madam Speaker, let us jump to the legislation. The Bill, Madam Speaker, has a very important safeguard. Madam Speaker, I turn to clause 5, I go to page 4 of the Bill and I read clause 7A:

“Notwithstanding subsections (3) and (7), a person to whom those subsections apply may, in exceptional circumstances, make an application to a Court for bail.”

Let me put this into simple words. This subsection 7A says, even though you may be caught with lightning twice, striking you in the scheduled offences, you can still approach the court in exceptional circumstances. But what this does, is that it effectively says, let us reverse the burden of proof, let the defendant, let the accused come to court and show cause why the balance should be shifted in his favour, let it be only in exceptional circumstances.

And, Madam Speaker, I want to say something. I noticed a most curious publication coming from the Law Association. The Law Association wrote to me after I provided the Bill telling me that their view is that this law was subject to constitutional issues. Yes, that is why we have a 4 and 5 declaration. Yes, that is why we have section 13(2) treatment. And then the Law Association goes on to say that they do not know what “exceptional circumstances” means. But, Madam Speaker, I invite the Law Association to read the Criminal Justice and Public Order Act 1994 of the United Kingdom, which has been the subject of the European Court of Human Rights decisions. Certainly, Madam Speaker, in two instances, in the case of *Caballero v UK* appeal number 32819 of 1996, it is a 1999 matter and in the case of *SBC v UK* appeal number 39636098 of 2001 and I want them to add

it to the *State of Mauritius v Khoyratty*; 2006 UK Privy Council, the case of *R v Morales*, the case of *R v Pearson* and the Canadian charter as well as the judgment of Court of Appeal in *St. Omer* and in *Charles*. And let me explain that now in simple language.

Madam Speaker, section 25 of the Criminal Justice and Order Act by the UK Parliament after the European Court of Human Rights said, look, the court being denied the discretion to consider bail is not constitutional. In that instance as we are treating with the law, the section 7A that I just read out. The court caused an amendment by the UK Parliament and the amendment effectively says this, section 25, part two Bail.

A person who in any proceedings has been charged with or convicted of an offence, to which this section applies in circumstances to which it applies shall not be granted bail in those proceedings.

And then it goes on to set out what that is. But, Madam Speaker, what it effectively did was to put in the further subsections, the burden upon the excuse of exceptional circumstances to be considered. And Madam Speaker, I want to jump to the Canadian jurisprudence.

In particular, Her Majesty, *the Queen v Maximo Morales*, where the Canadian court held that the reverse onus provisions of their law, section 5(15)(6a) and 5(15)(6d) are constitutionally valid. And the expression “exceptional circumstances” was left open for consideration by court. And, Madam Speaker, for that, I wish to read into record that one can find no greater comfort, Madam Speaker, than in the dicta which was adopted by the European Court of Human Rights in *Lord Sumption*. And, Madam Speaker, I also want to put onto the record that the United Kingdom Parliament put onto the record in the *Caballero* decision,

the words of Lord Falconer and this is what Lord Falconer had to say. This is when they were amending the law similar to what we are doing now, Bill in House of Lords:

We consider that in the exceptional cases at which section 25 is targeted it is right to reverse the general presumption in favour of bail and shift the onus onto the defence to provide good and sufficient reason why bail should not be denied. We do not envisage that this new burden on the defence would be easily overcome in most cases, but to rule out the possibility of granting bail cannot be justified. We see this new provision as allowing some flexibility to prevent injustice while ensuring that the protection of the public remains the primary concern and providing a tough additional safeguard against bad bail decisions, in these particularly serious circumstances.

So, let me put it in summary. It is good enough for the United Kingdom, it is not good enough for Trinidad and Tobago according to the submissions that I heard in the Senate coming from the UNC Bench. Madam Speaker, let me treat with a very important position—is it 17 I end or 13?

Madam Speaker: 17.

Hon. F. Al-Rawi: 17. Madam Speaker, I acknowledge immediately for the record, that we have in clause 5(b) a new subsection (2):

A court shall not grant bail to a person who on or before the commencement of this Act is charged with an offence listed in Part II of the First Schedule and has been previously convicted of an offence which is punishable by imprisonment for a term for ten years or more.

Let me put onto the record. Nowhere in these amendments are we amending section 5(1) of the Bail Act. Section 5(1) of the Bail Act as the law stands now

says this:

Subject to subsection (2), a court may grant bail to any person charged with an offence, other than an offence listed in Part I of the First Schedule.

In other words, Madam Speaker, we fall to the aid of the Court of Appeal, Madam Speaker. The Court of Appeal in the same case that Anand Ramlogan lost in the Court of Appeal, in the same case that Gerald Ramdeen lost in the Court of Appeal, where the Court of Appeal upheld the law that they were tackling. They were tackling their own law, the Court of Appeal said you are wrong and the Court of Appeal said, because you have section 5(1) of the Bail Act unamended, you are safe in constitutionality, Madam Speaker.

So, Madam Speaker, if my friends opposite are coming to invite us to amend the new section 5(2) as it appears in clause 5, go and check the Court of Appeal, go and check why Ramlogan and Ramdeen lost the matter. Go and check the fact that the law needs to be settled by the Privy Council, for the first time ever on what section 13(2) means. But, Madam Speaker, go and check the following as well; our amendments included in the new section 7A say that notwithstanding the fact that you will not be granted bail for the charge-charge in the serious offences, if you trip lightning twice, notwithstanding that fact, in exceptional circumstances, you can knock on the door of the court. I have read Lord Falconer who says that this is the type of legislation to avoid bad bail decisions.

I am addressing Commissioner Gary Griffith's concern, who said that one man suspected by intelligence agencies to be the man who committed 47 murders, is out walking free on the streets under bail and, Madam Speaker, when our society says that they want relief, how can an Opposition say to the country it was good enough for me for the full five years and three months, I was in Opposition, in

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Al-Rawi (cont'd)

2019.07.31

Government sorry. The UNC is good enough when we in power, but now we have concerns about constitutionality.

Morally speaking it is vacuous, it is unintelligible, it is unreasonable, it is obstructive and, Madam Speaker, it is important that the country through its representatives express odium to any restriction to passing this law. And why is that? Madam Speaker, this law did not start here today, this law started in the Senate and in the Senate, we had the support of all voices yes, on the Independent Bench, including Senior Counsel Sophia Chote, a reputed practitioner of high repute in the criminal arena.

2.15 p.m.

Madam Speaker, we had Sen. John Heath. We had criminologists. We had psychologists. We had the comfort of Sen. Vieira. We had the comfort of common sense. We had the comfort of precedence, precedence in 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2014, 2015, full precedence. We come today with a law that is eminently more balanced and more constitutional, anticipating that the criminals have the right to innocence until proven guilty. They have the right to approach the court, but we have the right to protect the citizens too. [*Desk thumping*] We have the right to fight back.

We have the obligation to empower the Commissioner of Police. The man who we said yes to and they said no to has asked for this law, knowing full well that he could speak to the precedence because he was part of a Cabinet that passed the same law. He was part of a UNC Cabinet. When everybody said yes to the law in a more draconian form, that Commissioner of Police, this Commissioner of Police, knows full well the minds of his colleagues. He must know it.

Mr. Indarsingh: Seven families murdered.

Hon. F. Al-Rawi: Seven families murdered, yes. Seven families experiencing murder of their people, but what would happen if those people were allowed to have the perpetrators who are perhaps under investigation now, and they were at two strikes? They would be behind bars. [*Desk thumping*] And it is obscene to bring death and tragedy, Madam Speaker, as the sole excuse. [*Crosstalk*]

Hon. Member: You cannot shout across here.

Madam Speaker: Member for Couva South. Member for Couva South, do not let me have to caution you again, please.

Hon. F. Al-Rawi: Madam Speaker, this law deserves support. It is immediately required. It would be infra dig to recant on position, and I beg to move.

Question proposed.

Mr. Rodney Charles (Naparima): Thank you, Madam Speaker. We have circulated our amendments to the Clerk of the House and a copy of them to the Attorney General, and I understand it has been circulated to the membership.

Madam Speaker, we on this side, as I begin, would wish at this time to extend condolences to all the families and loved ones who have been recent victims of the spate of murders, violence and mayhem experienced by our citizens. We especially remember the seven fishermen who met their untimely deaths on the high seas while trying to earn a living and take care of their families. May they find the inner strength to overcome their challenges and their tragedies.

Madam Speaker, we have been called from recess to debate the Bail (Amdt.) Bill, 2019. I would not have minded, and we on this side would not have minded, if, as we celebrate Emancipation Day, we were called out to Parliament to discuss plans to help inner city at-risk males to gain employment, to be encouraged to acquire employable skills, to learn discipline, to have a sense of belonging now offered only by gang leaders, and instead to make them more civic-minded. I

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Charles (cont'd)

2019.07.31

would have relished sharing ideas on how to rehabilitate prisoners. This would have been a most profitable and spiritual use of the Opposition's time. [*Desk thumping*] It would at the same time be a most fitting response to the Prime Minister's lamentation about a critical demographic group in our country.

But at last we are here, not to honour but to jail them, to deny them bail so they can be incarcerated in overcrowded prisons, to be educated by seasoned criminals, some from accredited US prisons who have been deported, and to defecate in buckets and perhaps be sodomized. That, Madam Speaker, and what we are discussing here today is the PNM's way of dealing with a most disadvantaged group in our country.

We are not here to discuss the Legal Aid department. [*Interruption*]

Mr. Al-Rawi: Madam Speaker, what on earth is that?

Madam Speaker: Member for Naparima, I think you could find another way just to recraft that please.

Mr. R. Charles: To withdraw what—"defecate"? Recraft?

Madam Speaker: You would have said something, I do not want to repeat it, with respect to that was the way the PNM intended. So you said certain things that you tied it to the PNM doing it. That is what I am asking you to withdraw and recraft.

Mr. R. Charles: I withdraw and I rephrase. This is the way, given the legislation today, that we are discussing about dealing with the situation. We are not discussing about the Legal Aid department, is there a board in place so that we could help these inner city at-risk youth to make a good presentation before courts. We are not doing that. The Bail (Amdt.) Bill, 2019 operates on assumption, and the assumption is that once we lock them away in jail that they would not be able to perpetrate and carry out crimes. But we know that shots are called as we speak,

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Charles (cont'd)

2019.07.31

from the prisons. So that all it does, unless we do what should have been done instead of this legislation in terms of the rehabilitation of our prison service, all we are doing is changing the location from which the shots are called.

Madam Speaker, before I continue I would like to deal with a bit of misinformation that comes repeatedly from that side. It is that they readily supported legislation proposed by us during the period 2010 to 2015. The truth is that during the period the People's Partnership was in government, we had a constitutional majority of 29 seats in the Lower House when only 24 were required for a three-fifths majority. Despite having a constitutional majority, the People's Partnership Government repeatedly took on board many of the concerns expressed by the then Opposition, sending many a Bill to be reviewed by the Joint Select Committee. [*Desk thumping*]

Madam Speaker, this Bill deals with a number of very troubling human rights and constitutional issues. It was this Finance Minister speaking in Parliament on the Bail (Amdt.) Bill on Friday 13 March, 2015, the Member for Diego Martin North/East, the Finance Minister, he said and I quote:

“...the constitutionality of these series of amendments to the Bail Act is very questionable...”

All it would take is one aggrieved prisoner to take this matter all the way to the Privy Council to get a determination as to whether all these amendments to the Bail Act are in fact allowable under a three-fifths majority.”

So when you give the impression that when we were in Government that they did not present a proposal, did not object, did not deal with the constitutionality of the Bills, that is not true. They rigorously—and that was their right to do, as is our right now, to question the Bill. [*Desk thumping*]

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Charles (cont'd)

2019.07.31

But, Madam Speaker, the Law Association, and I think the Member for San Fernando West alluded to the constitutionality of this Bill. I would like to read into the records a letter written by the Law Association, the 1st of April 2015, about a then Bail (Amdt.) Bill, and we would see that many of the concerns raised by the Law Association, not the Opposition, are valid today and valid with respect to this Bill. So I will quote:

“The Law Association of Trinidad and Tobago...has advised the Honourable Attorney General...”—that was the previous Attorney General, Anand Ramlogan—“that it does not agree with, nor support the Bail (Amendment) Bill 2015 which was yesterday tabled in Parliament.”

It continues.

“It is the duty of the Executive to ensure that the criminal justice system is modernized and outfitted to a reasonable standard to deal effectively and efficiently with the scourge of crime. The answer does not lie in chipping away incrementally at our constitutional rights and freedoms.”

[*Desk thumping*] It continues:

“The present system is overburdened, and it may take as many as three years for the prosecution to be ready to proceed with trial. The 120 days has no relation to the time it takes the state to get expert reports...ready”

—to be presented in the courts.

“In this regard, all that will be achieved is the pre-trial detention of civilians in violation of the presumption of innocence and the protective constitutional provisions.”

And it continues, and I will just briefly:

“This legislation purports to restrict the granting of bail to an accused person

by not permitting that person's access to a Court of Law to hear an application for bail for as long a period as one hundred and twenty (120) days..."—and that is relevant to this Bill—"from the reading of the charge.

This amounts to the denial of a person's Constitutional Rights. Given the constitutional guarantees of reasonable bail coupled with the presumption of innocence and the right to be brought promptly before an appropriate judicial authority, even in the face of firearms and firearm related offences, LATT considers the proposed amendments a disproportionate response."

Madam Speaker, they followed it up a year later, and they said that they still would not support the legislation, and it is further stated that there were significant deficiencies in the forensic system, resulting in unreasonable delays in forensic testing, which resulted in the fact that people were unlikely to have matters involving the use of firearms heard within at least a minimum of two to three years. This is with reference to clause 4 as proposed in this Bill.

This legislation is also troubling, since it brings to the fore important legal principles. The Privy Council in the ruling in the Supreme Court of Mauritius on December 15, 2005, concerning the separations and the critical role of the Judiciary in granting bail, the Privy Council noted, and I quote and this is valid, that

"...decisions on bail were intrinsically within the domain of the Judiciary."

That is the thinking of the Privy Council.

Madam Speaker, the European Court of Human Rights ruled on February 08, 2000, and I am quoting here:

The European Council of Human Rights accepted, in a unanimous judgment, the UK Government's concession that the automatic denial of bail pending

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Charles (cont'd)

2019.07.31

trial was a breach of Article 5.3 and 5.5 of the European Convention on Human Rights.

Mr. Al-Rawi: May I ask the cases please?

Mr. R. Charles: I will present that later. This issue of bail denial and the curtailment of the Judiciary in granting or the denial of bail—[*Interruption*]

Mr. Al-Rawi: Point of order. Just on general privilege, I am unable to respond. If there is a quote from the Privy Council I do not know which case, then I cannot establish the veracity of what the Member is saying.

Madam Speaker: Attorney General, I believe the Member did give a citation.

Mr. Al-Rawi: No.

Madam Speaker: He gave a citation with respect to a case from Mauritius. I am also of the view that unless it is a quotation from *Hansard*, a Member is not required to give a citation.

Mr. R. Charles: Thank you very much, Madam Speaker.

The issue of bail denial and the curtailment of the Judiciary in granting or denial of bail raises many troubling considerations. We, as a responsible Opposition, and recognizing that we are part of the legislative process, and maintaining our commitment to the passage of good legislation, and our interest in dealing with the scourge of crime, would like to say up front that we have significant reservations about this Bill in its current form. Accordingly, we will be providing amendments which we would put forward, and we have already done so. But, Madam Speaker, I am not hopeful, because given the Government's past approach to suggestions from this side, I am almost 100 per cent sure that they will not be entertained.

Madam Speaker, the fundamental question we need to ask is: Why are we

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Charles (cont'd)

2019.07.31

looking at this Bill today at this time? In 2011, the Member for Diego Martin West, speaking as Opposition Leader on January 12th on the Prevention of Corruption Act, and I quote:

I would advise the Government to pay some more attention to the support structures for the existing legislation package and in that way...get more effect against the criminal element than just throwing out legislation, coming to Parliament and passing more and more laws while the existing ones that are doing about the same thing are in themselves not...fully utilized.”

The Prime Minister, the Opposition Leader then, now Prime Minister, went on to say:

“The number of laws is not what is going to turn the crime rate around.”

Madam Speaker, we already have a suite of laws existing or proposed by this Attorney General, which are supposed to act as deterrents to crime. These all have draconian penalties. In the absence of empirical data, and we got data, but not the relevant data that is cogent to the arguments and to issues raised in the Bail (Amdt.) Bill. In the absence of empirical data we have heavy penalties, and we wish to say that heavy penalties do not equate to crime reduction.

There are already heavy penalties against criminals in section 7 of the Anti-Gang Act, and I am quoting:

“A person who coerces, encourages, entices, aids or abets another person to be a gang leader or gang member commits an offence and is liable on conviction on indictment to imprisonment for twenty-five years.”

Indictment, as I take it, means no bail and he is entitled to imprisonment for 25 years. Furthermore, in section 8(2) it states:

“A person who contravenes subsection (1) commits an offence and is liable

on conviction to imprisonment for thirty years.”

So we are just making law: 100 years, 200 years, a lifetime, six lifetimes. What is the empirical data that suggests that the laws of diminishing returns do not kick in with respect to increasingly draconian legislation?

The Firearms Act in section 6(4), an offence carries a penalty of conviction on indictment for 25 years, or life imprisonment if a person has two previous convictions. We have the laws. It was the Prime Minister, former Leader of the Opposition, who said make the existing laws work. Do not come, pull us out of holiday to discuss something—and, Madam Speaker, I will guarantee we will come here in six months and there will be no dent in the murder rate in Trinidad and Tobago as a result of this legislation. [*Desk thumping*]

You see, you know why we have our reservations? The Government has said that this Bill is important in the fight against crime. The Attorney General, Faris Al-Rawi, stressed on the importance of the Bill during a post-Cabinet media briefing on Thursday, 24 July, 2019. He said this law provides a fighting chance for the people of Trinidad and Tobago. But that was said with the anti-gang legislation. And the question is: If this piece of legislation is critical to the Government’s claims, why did they not bring this Bill to Parliament for debate right after it was passed in the Senate in June? Why did they wait until Parliament was closed? Was it that the Government forgot, or did they intentionally bring this Bill during a special sitting to further their PR strategy that they are seriously concerned about crime, and the Opposition’s examining the shortcomings of the Bill and not supporting it will be tagged with the Government’s inspired falsehood that we are not supporting the Government in its fight against crime?

But I want to tell them today that subject to reservations, we will support the

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Charles (cont'd)

2019.07.31

legislation—

Hon. Members: Yay!

Mr. R. Charles:—and then you will have nothing to say when the results are not forthcoming. You cannot not perform, have no plan to deal with crime, murder rates exist unabated and then you turn and blame the Opposition. We will not allow that. It will not happen. [*Desk thumping*]

Madam Speaker, it is clear that they are at sea in the fight against crime, and trying to give the impression that they are on top of the crime situation. “Oh, we willing to work, we willing to come out on our holidays to pass legislation”, and their own leader has said that passing of more and more law will not reduce crime. [*Desk thumping*] Who are they fooling?

The Commissioner of Police has reportedly said that the Bail (Amdt.) Bill is necessary, and quote:

“...would ensure that a criminal is incarcerated for 120 days, allowing victims to come forward, with the knowledge and the sense of safety and protection that the perpetrator is behind bars, which also lessen the opportunity for reprisal.”

He just said that. So we support this Bill in principle, but wish to advise the population that there are shortcomings which we hope this Government would address.

Madam Speaker, I want to stress something. Our track record in supporting this Government is significant and it is admirable. We made over 50 amendments to the Anti-Gang Act, leading to a superior piece of legislation. [*Desk thumping*] We supported the Act after the Government took on board our concerns into consideration, which improved and it strengthened it significantly. We did it with

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Charles (cont'd)

2019.07.31

FATCA and other Bills, and the Civil Asset and Explain Your Wealth. We are a responsible Opposition, so do not come and cry crocodile tears and say that we did not support, and we supported. At that time you supported because you knew we had a constitutional majority.

Reasons why this Bill requires further deliberation and amendments—
Madam Speaker—*[Interruption]* Who is more dotish than you? He used the word on me first.

Madam Speaker: I am certain that the Member for Naparima did not intend me. So, therefore, Attorney General, we are not allowed any personal reflection. I would ask you to withdraw that because I heard it.

Mr. Al-Rawi: I certainly withdraw, Madam Speaker. There must have been some constitutional—

Madam Speaker: Please, please. Member for Naparima, withdraw that, please.

Mr. R. Charles: Madam Speaker, I withdraw it.

Madam Speaker: Do not be led astray. You are speaking to me. Continue.

Mr. R. Charles: Madam Speaker, the reasons why this Bill requires further deliberation and amendments, more needs to be done to stop the pipeline of our youth into a life of crime. This will not be addressed by putting more citizens into jail and enforcing harsher penalties. It will not be done. We could look to the United States. With 2.2 million incarcerated citizens it has the largest prison population in the world, the United States, more than India with a significantly larger population. The United States has a larger prison population than China, Russia and the Philippines, and this was the result of ill-conceived legislation, like this Bail (Amdt.) Bill, of locking up people and putting them behind bars.

Today in the United States' presidential debates, there was one last night and

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Charles (cont'd)

2019.07.31

one tonight, and one a couple of weeks ago, the presidential candidates, the older ones, are apologizing for their involvement in passing harsh legislation which resulted in the United States having a large prison population.

Madam Speaker, with a prison population of 292, we have 300 per 100,000, Trinidad and Tobago will soon be ranking with countries like North Korea, like the Philippines and others with large prison populations. This legislation is about putting people in prison, making it difficult for them to get bail, and the only result of that, the only consequence of that is going to be a larger prison population. I could go on. That the US is now concerned about its prison population of 655 per 100,000, and is actively considering data-driven steps, the United States, legislative and otherwise, to reduce its population. While the United States is looking to reduce, we are looking to increase. So we are not at one with what is going on in best practices in the global village.

Our goal should not simply be to incarcerate people by passing harsher legislation, as we are doing today, with significant limitation on the availability of bail to citizens. We also have to have proper and effective rehabilitative programmes in place to lower recidivism rates in the prisons. Our Attorney General has said during his Senate contribution that the recidivism rate has gone up from 68 per cent in 2009 to 77 per cent in 2019. Something is wrong if we operate on an attitude of jail them, harsher penalties, punish them, knowing that we have an inefficient judicial system, a weak judicial system.

Madam Speaker, the second reason: The Government is yet to give us statistics. Now they give statistics, but not the relevant statistics to this legislation. How will the proposed Bail Bill measurably reduce our murder rate or gang membership or serious crimes, and in what specific period? Tell us. Tell us that it

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Charles (cont'd)

2019.07.31

will reduce the crime rate by 10 per cent, so that in one year—[*Crosstalk*] Madam Speaker, again the Finance Minister, Member for Diego Martin North/East, on 13th of March, 2015 said, and hear the question:

“I want an answer from somebody.”

This is him. I am quoting him.

“How many persons are incarcerated in our prisons who have been denied bail under various amendments to the Bail Act over the last several years?”

That is the question we want. We do not want to know that one person is suspected of killing 47 persons. That cannot stand up to the Privy Council. It is a suspicion, it is not a fact. This is the Minister of Finance:

“How many people are in prison now who have been denied bail?

That is what we want to—so we get a sense:

“And how many of them had their trial begin within the 60 days or the 120 days as the case may be? How many of them applied for bail and received it or were denied it as the case may be? And how many of them have been stuck in prison for a year waiting for their matter to be concluded?”

“...how many of them had their trial begin within the 60 days or the 120 days as the case may be?”

The Minister of Finance:

“How many of them applied for bail and received it or were denied...

And how many of them have been stuck in prison for a year waiting for their matter to be concluded?”

Madam Speaker, these are questions, because we want to have faith in the system, and when we get to the question of proportionality that data has to be provided.

“Yuh cyar fool de Privy Council.” They would see whether the information you

have provided is relevant to the case you are making for denying bail to citizens.

We have the case of the A&V Drilling matter, which took greater than six months to be pursued, and the DPP said that he received the file only a few weeks ago, Madam Speaker.

The third reason we have, the first concern, is you cannot pass legislation without considering the inefficiencies of the support structures, the same point raised by the Prime Minister. For example, the issues we raised within the DPP's office are endless, we know it. In 2018 a Joint Select Committee on National Security meeting highlighted that there is space crisis at the DPP's office. As a result they cannot fill 56 per cent of the staff. So "we just passing laws", locking up more people, putting them to a system that is 56 per cent understaffed. Now, that is the kind of logic that would not exist in Singapore. They do not like that.

Their poorly functioning air-condition systems in the DPP, fix that. Call us out. If you call us out to do whatever is necessary to have an efficient and effective DPP office, we will readily come. But when we come to pass legislation, which we know will not measurably—because you cannot tell us—reduce crime, murders by 10 per cent, then you are wasting our time. Madam Speaker, I am reading section 4:

"Subject to subsection (5), where a person is charged with an offence mentioned in subsections (2) or (3) and brought before the Court but no evidence has been taken within one hundred and twenty of the reading of the charge, that person is entitled to make an application to a Judge for bail."

The question we ask is: Why 120 days? What is the data for that? All the police have to do is present a picture of a gun at the end of—just before the 120 days, and that is evidence. So you lose the ability to get bail before a judge.

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Charles (cont'd)

2019.07.31

2.45 p.m.

Madam Speaker, again, the Minister of Finance in a previous debate on a Bail (Amdt.) Bill said,

“In India—”

Madam Speaker: So, if you are going to quote the *Hansard*, you have to give the reference.

Mr. R. Charles: The reference is page 221, *Hansard*, March 13, 2015. Madam Speaker, he said, the Minister of Finance, and I quote:

“In India if you are being denied bail for a non-bailable offence, if the trial is not concluded within two months, you are entitled to go and apply to a magistrate to be released on bail.”

Madam Speaker, and he made the point, India is less resourced than Trinidad and Tobago, larger population than Trinidad and Tobago on a per capita basis. And he is saying if India can do it in two months, why are we giving 120 days for a bail appeal? Madam Speaker, so you see, a lot of things do not make sense. We have situations where we talk about our support structures not working. We have situations where the Media Association, criticizing an institution, and I quote:

“The discharging of these men is, at best, a shocking example of negligence by institutions responsible for criminal prosecution”

So who are we fooling? And I want to tell the Attorney General, the passage of more and more laws will not solve the crime situation in Trinidad and Tobago. *[Desk thumping]* Do not fool us. If you come and you say this law will reduce crime by this percentage point in this time frame, we can now come a year after and judge you, whether you performed or not, and then we could analyze what were the reasons for not achieving the targets.

Madam Speaker, we have a system of the Forensic Science Centre—they do not like to hear about Singapore, but Singapore's forensic science centre is globally accredited. Madam Speaker, they could give ballistic reports in 24 hours if necessary. In Trinidad and Tobago, we had in *Newsday*, 06 June 2019, the Commissioner of Police, Gary Griffith, claimed that ballistics testing on weapons fired on a May shooting incident at Carenage, that killed 14-year-old Naomi Nelson could take up to six years. They forget that before this law kicks in you have to catch the person, and to catch the person you must have ballistic tests and all these sorts of things to present before the court. So, you if you cannot catch the person because our detection rate is less than 20 per cent, Madam Speaker—

Madam Speaker: Member for Naparima, your original 30 minutes are now spent, you are entitled to 15 more minutes to complete your contribution.

Mr. R. Charles: Madam Speaker, we have a question with the shortage of staff in our courts. We have a backlog of cases. The five criminal courts at the San Fernando Magistrates' Court were relocated since 2017 in order to conduct urgent repairs. It is now on a shift system with the High Court. The *Daily Express* reports on September 26th that the unusual routine of the San Fernando High Court was disrupted and delayed due to the lack of printer paper. That is where we are, you know. It is like passing more and more legislation. It is like putting a rocket engine in a donkey cart, Madam Speaker, and it operating on a road in Barrackpore with holes, potholes, all over the place. It will not work, and this Government has to realize—and this is where I admire my colleague. I mean, I used to give him a rough time, but he is an eminently qualified person. He knew what he was talking about, the former Minister of National Security from Point Fortin, when he spoke about an all-of-government approach. I did not understand it then but I understand

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Charles (cont'd)

2019.07.31

it now what he was talking about. You cannot solve crime by passing laws if you have a Judiciary that is not working. In fact, he is a better Minister of National Security. [*Desk thumping*] What he lacked was support from his colleagues, Madam Speaker.

Madam Speaker, the Princes Town Magistrates' Court, it is now in Mayaro—

Hon. Member: Rio Claro.

Mr. Charles: Rio Claro sorry. Essentially, these organizations have been crippled without a full working force and the lack of resources that resulted in cases being piled up, and we are going to pile it up more, and you could give statistics. If you bring 1,000 more people you are putting them in prisons that are overcrowded. We need to revamp our education system so that people—graduates will not, the majority of our graduates will be civic minded, will feel a sense of responsibility. In my time we had *Students' Companion*, yeah, sometimes I feel they have not read the books, man, “King Cafetera, in Robes and Crowns the King Steps Down”. It would do them better, Madam Speaker, to have had what we call a classical colonial education Trinidad and Tobago. *A New Shillings Arithmetic*, if you read that you would not be making the mistakes you are making today and citing wrong statistics.

What is the law of gangs, Madam Speaker? A young inner city at-risk youth, no job opportunities, laying off people left right and centre, he has no job. He has no father figure, he has no hope in this society, and another thing this Government has to realize, you cannot lay off 50,000 workers in their four years and expect young people to have a sense of purpose in this society. You cannot lay off 5,000 in Petrotrin and not expect it to have an impact on the line in Marabella.

We are seeing it, Madam Speaker. What is the law? When the little fella sees, the young male sees the fella with the gold chain—and I am trying to figure out what is the lure of the gold chain—and he sees him with a BMW and a Mercedes Benz and a wad of \$100 bills, that is an enticement, and the question is: What are we doing for that person to redirect him? What we are doing, coming and passing bail to lock him up and the less bail he gets the better. That is our thinking, something is wrong.

Our prisons are overcrowded and overburdened. Remand Yard, and this is the Attorney General in 2016 on the state of our prisons and he gave information that showed our remand prison was 157 per cent—an overcapacity of 157 per cent. Port of Spain prison 290 per cent. “Oh Lawd”, there is no space where these people that you are going to deny bail, where are you going put them, Madam Speaker? And we forget that the prisons are now the Harvard for training criminals. So you take a little fellow, perhaps, and I am not saying all police would do this, but I have heard stories where something is planted on the fella, and we cannot deny. I want statistics on how many rogue police there are, how many are investigated, how many have been put out, and therefore we could say that our police service is—we can put trust in our prisons. But, Madam Speaker, I have heard serious citizens in our country say if they see a murder they are not going to tell the police. And I am shocked because these are what we would call pillars of society; they are scared.

Madam Speaker, in Tobago the convict prison is 170 per cent overcrowded. That is not a solution to just lock up people and put them into prison. Remand Yard is a breeding ground for criminals. It becomes a playground for criminals to learn, develop and entice other males in a life of crime. We have people who are

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Charles (cont'd)

2019.07.31

forced to side with a gang for protection and survival. It is a recruitment ground for gangs. Madam Speaker, the only thing lacking for people going into prison is a GATE programme—not so?—a GATE programme to go into prison.

Madam Speaker, we have in terms of the crime Venezuelans under the radar, we not dealing with that. Legal Aid is not fully functioning at the time. That is the only recourse that these little guys have that Legal Aid will provide a lawyer for them, and right now my understanding is that the board is not fully functional. It is under-resourced. So we are leaving these little guys, and I do not want to say “black young males”, we are leaving them to flounder in our system. Madam Speaker, that is the truth.

Madam Speaker, we have submitted some amendments, and one, that the State provide information to Parliament, and through Parliament to the population on the performance of its legislation and its impact on reducing crime, gang activity, and murders in our country on a six month basis. My colleague will be dealing with it later on. Madam Speaker, we are saying that given the important constitutional issues raised, especially the usurpation of the role of the Judiciary in the granting of bail, and a fact that according to LATT that there are no safeguards against malfeasance by police officers, especially where the mere mention by a police complainant of suspicion of a firearm, or something resembling it invokes bail provisions.

Madam Speaker, we are calling for a sunset clause which will be reduced to one year. We are suggesting a time frame such as mandated by *Pratt and Morgan* with murder cases, and as exists in India where there is a two-month time frame for bringing conclusion to trials. We are suggesting that time frames should be mandated for the conclusion of trials before a citizen can apply to be released on

bail. It cannot be we lock up a young fellow in the prison system indefinitely, and pass all kinds of systems to make it difficult for him to come out. No wonder there is frustration. When you are passing San Fernando and there are the vans and you hear the fellas talking and you get a sense, you know, we lack that sense of empathy. If it were as Pierre Elliott Trudeau said in the Canadian Parliament some years ago, I was present when he said:

“There, but for the grace of God goes I.”

There but for the grace of God.

If I were in a system where I was in Remand Yard for three, four, five, years, and I am consistently denied bail because there are systems that they could put in place to incur a continuation after 120 days, they could come and bring all kinds of evidence, evidence to ensure that you cannot apply for bail. That is unfair, and you know sometimes I think we in Parliament ought to experience what the country is experiencing. If I had the say, Madam Speaker, all of us would go to the general hospital for medical treatment. All of us would use the systems, the bus—available in Trinidad and Tobago. Then we will feel it, and then we will have a sense of how others feel, Madam Speaker.

Madam Speaker, the last thing I would like to raise is that the clause 6, what is meant by:

“...materially similar offence as listed in Part II of the First Schedule...”

What does it mean and who makes the determination? Madam Speaker, we have been called out of vacation. We have no problem being called out of vacation, but we have a sense that we must be called out here for something that is purpose driven, [*Desk thumping*] something that is data driven, something that we can see results for so that we can tell our children and grandchildren that we were part of

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Charles (cont'd)

2019.07.31

this legislation that resulted in a measurable improvement in the lives of the citizens of Trinidad and Tobago. But you will not get that from that side. You will never get a commitment that this legislation will reduce the murder rate by five, 10, 15, 20, whatever per cent. You will never get that. You know why, Madam Speaker?—because they fully well know this will have no measurable impact on crime. [*Desk thumping*] It is a thing they are doing to mamaguy us that they are on top of crime and we call out the Opposition and, Madam Speaker, we are going to surprise them, because we will surprise them because their plan is that we will not support. Right? That is their plan so they have a talking point. You see crime is the Opposition's fault, they did not support. Well, when we give you the support understand that you own the crime in the country, and that at some stage you have to tell the citizens of Trinidad and Tobago, “We are incompetent”. You are unable to deal with crime and that you will do the honourable thing and demit office as soon as possible, so that we can return to the good governance of the United National Congress and the leadership of Kamla Persad-Bissessar, the best Prime Minister, the most data-driven Prime Minister, the one that delivered concrete deliverables including 106 schools.

Madam Speaker, with those words I beg to move. [*Desk thumping*].

3.00 p.m.

Madam Speaker: Member for Port of Spain North/St. Ann's West. [*Desk thumping*]

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Madam Speaker, what we are here today to do, called out in our vacation, is to deal with the very serious business that the people elected us to deal with. [*Desk thumping*]

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. S. Young (cont'd)

2019.07.31

Madam Speaker, I am on consistent record and I will repeat it again for the *Hansard* here today and to the public of Trinidad and Tobago and the citizens of Trinidad and Tobago through you, crime is not a political football and it is not something that I am prepared to politicize.

Madam Speaker, we are here today to deal with the Bail (Amdt.) Bill of 2019, and I would like to start by putting on the record that we as a Government have brought this legislation at the express request of the Trinidad and Tobago Police Service. You see, Madam Speaker, after all that is said and done, every sensible person, citizen or otherwise with any element of logic will accept that there is no singular magic wand solution for crime.

The Trinidad and Tobago Police Service is charged with the responsibility of dealing with crime and providing a safer and more secure Trinidad and Tobago for us all. This Government is completely committed, Madam Speaker, citizens of Trinidad and Tobago, to providing the police service with the resources and the tools that they deem necessary within reason in their combat against crime. And it is the police service who has asked us to bring this specific legislation that I remind the population, Madam Speaker, the Senate and all of the Independent Senators appointed by Her Excellency, supported not too long ago. And that is a fitting context, Madam Speaker, to move straight into a release by the Trinidad and Tobago Police Service on the 24th of June, 2019, and with your leave, Madam Speaker, I read the release as follows:

“...Bail Amendment Bill...powerful...”—

This a release from the Trinidad and Tobago Police Service on the 24th June this year.

“Bail amendment Bill...powerful deterrent...”—to suppress shooters in

gangs. “The Intelligence”—

And I quote:

“The Intelligence agencies have revealed that there are over 50 ‘shooters’, linked to various gangs, with most being active in taking out hits on opposing gang members. This has proven to be the root cause of a significant number of homicides in this country via gang activity.

These individuals walk around with their firearms, knowing quite well that if held, it is usually a simple case of going to court next day, acquiring bail, and being issued with another firearm, to carry out their trade; which involves killing persons in cold blood.

Police Commissioner Gary Griffith sees the Bail Amendment Bill as a critical tool to providing both a strong deterrent as well as ensuring that if and when such criminal elements are held, they can remain where they belong.”

That is the Commissioner of Police of Trinidad and Tobago and I will repeat it:

“Police Commissioner Gary Griffith sees the Bail Amendment Bill...”—

—which we the parliamentarians are here today debating—

“..as a critical tool to providing both a strong deterrent as well as ensuring that if and when such criminal elements are held, they can remain where they belong.”

—“...where they belong”—that is the police service telling us that, the Commissioner of Police.

“In the last decade, over 75% of homicides were carried out by persons with illegal firearms in this country, and most by a select few.

Presently, anyone who is apprehended with a firearm, could be released on

bail and be free to be possibly assassinate the same person who was the informant that caused their initial arrest. This improper system has proven to be a liability in getting law abiding citizens to come forward and pinpoint possible shooters with illegal weapons.

The Commissioner believes that someone who has been arrested for possession of an illegal firearm must not be granted bail.

Further, he believes that possession of an illegal firearm is enough for someone to lose their freedom and have bail restricted for 120 days. The CoP says this approach takes the guns away from criminals and gets potential cold-blooded murderers, off the streets.

The Commissioner explains that those who speak about Constitutional rights being infringed should also be cognizant of the right to life which is, in fact, the ultimate Constitutional right of all citizens.

This right is then taken away by cold-blooded criminal elements, who are armed with the knowledge that they can walk around with a weapon and if arrested, they can be released within 24 hours, if the amendment to this Bill is not granted.

The CoP says amendments to this Bill would ensure that a criminal is incarcerated for 120 days, allowing victims to come forward, with the knowledge and sense of safety and protection that the perpetrator is behind bars, which...also...”—lessens—“...the opportunity for reprisal.

If someone is in possession of a firearm, it means that they have the intent to kill an innocent person in cold blood. The intent must be seen as being as dangerous as the action.

A criminal with an illegal firearm has the capacity and capability to kill

Bail (Amdt.) Bill, 2019 (cont'd)
 Hon. S. Young (cont'd)

2019.07.31

dozens of persons in cold blood with just one magazine. Such individuals should not be incarcerated only when they have committed the act.

When this Law was enforced a few years ago, it proved to be..."—

Madam Speaker: Hon. Member, while you are entitled to quote extracts, I cannot permit you to read an entire article into this, remember it is a debate.

Hon. S. Young: Thank you very much, Madam Speaker. Madam Speaker, that was coming to the end of what the Commissioner of Police said on behalf of the Trinidad and Tobago Police Service.

So, Madam Speaker, putting this debate and this piece of legislation into proper context, we have heard it from the mouth of the Commissioner of Police on behalf of the police service that he leads that they have requested this. This is not the Government passing this legislation or proposing this legislation of its own volition, but rather is the Government partnering with the Trinidad and Tobago Police Service giving them the tool that they have requested in their unenviable fight against crime.

Madam Speaker, this Bill does require a three-fifths majority, and you go directly to section 5 of the Constitution, in particular subsection 2(f) which says that Parliament may not—

“...deprive a person charged with a criminal offence of the right—

(iii) to reasonable bail without just cause;”

What that means, Madam Speaker, is bail is discretionary. The right to bail is a prescribed right, and a prescribed right is as stated here. There may be instances where you can be denied bail with just cause, and that is what we are here doing today, Madam Speaker.

Madam Speaker, to give the population an idea of what this legislation is

Bail (Amdt.) Bill, 2019 (cont'd)
 Hon. S. Young (cont'd)

2019.07.31

designed to combat, and I would like to hear any single parliamentarian on either side stand up and tell the citizens of Trinidad and Tobago that the following crimes listed as “Specified Offences” in Part II are crimes that a repeat offender, someone who is convicted of one of these crimes and then gets charged for it again or charged with being in possession of a firearm should be out on the street, should be in the streets to face any law-abiding citizen, and these are the offences that we are taking the fight to them against and saying that you should be denied bail if you were convicted of one of these offences and charged again or you are out on bail for one of these offences and caught and charged again. These are the following serious offences against citizens and law-abiding citizens:

Any—“...offence committed by a person over the age of eighteen...under the Anti-Gang Act which is punishable by imprisonment for...ten years or more;”

We all know, and I will come to the statistics shortly, that the vast majority of murders being committed out there are being committed by those involved in criminal gang activity.

“...Offences Against the Person...which is punishable by imprisonment for a term of ten years or more...”

—the AG has referred to this. Dangerous drugs, so it is the trafficking of dangerous drugs punishable by imprisonment for over 10 years, kidnapping, any sexual offence—

Mrs. Gayadeen-Gopeesingh: Madam Speaker, Standing Order 55. I believe the AG—

Hon. S. Young: I am reading the Bill.

Mrs. Gayadeen-Gopeesingh: I believe the AG repeated everything and he is just

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. S. Young (cont'd)

2019.07.31

saying the same thing.

Hon. S. Young: Madam Speaker, I am reading the Bill.

Madam Speaker: Member for Port of Spain North/St. Ann's West, you may continue.

Hon. S. Young: Thank you very much. Madam Speaker, I would like the population of Trinidad and Tobago to note that I am reading expressly from the Bill that we are here to debate today, and the Opposition does not even want us to refer to the legislation that we are here debating. And I will continue because they do not want the population to hear how serious the offences are [*Desk thumping*] and what we have come here to deal with.

What it is, Madam Speaker, is we are asking that persons who are charged with a sexual offence where the alleged victim is a child, should not be permitted bail for 120 days; when there are sexual offences punishable by over 10 years, so that is the rape of the women and children in society; anti-terrorism acts, trafficking in persons. So persons who are trafficking in persons should not be allowed bail for 120 days if they have been convicted and they are found again, and then offences under firearms.

So, Madam Speaker, these are the serious elements of crimes against law-abiding citizens that we are here today to deal with by saying that if persons that have already been convicted of any of those crimes and are charged, again, or persons who have been convicted of firearm offences, being in possession of an illegal firearm and are charged again, they should not be allowed bail for 120 days. In that period the prosecution has to lay a charge and begin the processing of the evidence in court; and they are not languishing there forever, they have to complete the case within a year.

And, Madam Speaker, lest there be any attempt to mislead the population of Trinidad and Tobago, coming out of the useful suggestions in the Senate and accepted by this Government through the Attorney General, we are not saying that you cannot apply for bail. There is a proviso in here that allows that in exceptional circumstances you can make an application for bail to court even when you are charged and convicted of these offences.

Madam Speaker, every sensible citizen in Trinidad and Tobago knows that illegal firearms are the biggest threat to the safety and security of all law-abiding citizens. And I would like to take this opportunity, Madam Speaker, to tell the population of Trinidad and Tobago the types of firearms that are being utilized now in committing the most heinous of crimes against our citizens. They are no longer the old revolvers with two rounds or the old home-made shotguns, they are now the use of sophisticated, the most sophisticated types of handguns are in the hands of criminals, as well as now assault weapons, rifles, AR 15s, AK 47s and these types of weapons, and that is what law-abiding citizens are facing. And the Government recognizes, Madam Speaker, that law-abiding citizens have a right to feel safe, and we are prepared to work with the Trinidad and Tobago Police Service who has requested this specific legislation, as I started off by saying.

I also would like to pose this question to all law-abiding citizens, Madam Speaker, through you: Why would any person carry an illegal firearm? A firearm is actually designed to kill, the only and singular purpose of a firearm is to kill someone, there is no other purpose of a firearm. So a person who is caught with an illegal firearm has no right to bear arms, has no right to have a tool in his or her possession that can be used to kill someone. The sole purpose is to kill someone, so what could be wrong with us as a Government giving the police the tool to fight

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. S. Young (cont'd)

2019.07.31

firearms out there? They are putting their lives at risk every single day. [*Desk thumping*]

Hon Member: “‘Duppy’ say it is a disadvantage group to get lock up.”

Hon. S. Young: I “doh” take on what “Duppy” says. Madam Speaker, I would like to refer now to crime statistics. Crime statistics dated the 26th of July, 2019, this is what was produced by the Commissioner of Police and sent to the Minister of National Security, the most recent one I have is from last week Friday:

Coming out of a spate of crime and heinous crimes committed against some of our citizens, where in the space of week we faced over 20 murders, all but one committed through the use of illegal firearms.

And I want any single parliamentarian, Madam Speaker, to go and tell the population that it is okay to carry illegal firearms, and if you are caught with it and you are charged, as has happened and then they get a fine of \$3,000, sometimes as low as \$2,500, back out on the street again, immediately go and pick up another illegal firearm, tell the population, tell every law-abiding citizen who has suffered or a family member who has suffered, that that is okay and you do not want to support this Bail (Amdt.) Bill.

Madam Speaker, the breakdown of murders for 2019 from the 1st of January to the 26th of July last Friday, stood at 312 murders, it was the same in the period of 2018. The number of persons charged for the offence of murder, a total of 50, this is from the 1st of January to the 26 of July, 2019; 50, of which 31 were for murders in 2019.

The next statistic I would like to provide, Madam Speaker, to the population of Trinidad and Tobago is the divisional breakdown of murders because, you see, Madam Speaker, very often persons like to politicize crime and they like to draw

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. S. Young (cont'd)

2019.07.31

all sorts of undertone racial references, and sometimes they do not even—

Hon. Member: Covert.

Hon. S. Young:—go undertone in the most covert of ways. Madam Speaker, for the record and for the citizens of Trinidad and Tobago to understand what it is we are facing, in the northern division, these are statistics of the breakdown of murders from the 1st of January to the 26th July, 2019. In the northern division they recorded the most murders with 25 per cent or 77 of 312, followed by Port of Spain with 55 of 312 which stood at 17.6 per cent. Then the western division with 13 and a half per cent or 42 of 312. Then the north-eastern division at 12.2 per cent or 38 of 312; and central, with 11, which is 34 of 312.

Notably, reductions in the murders for the period in the south-western division, a 30 per cent recording less, followed by the southern division, a 44 per cent recording less, and central, 35.8 per cent recording less.

So you see, Madam Speaker, let the population of Trinidad and Tobago know now via statistics provided by the Trinidad and Tobago Police Service, data-driven—

Mrs. Robinson-Regis: Data-driven.

Hon. S. Young:—that it is a complete fallacy, and untruth and a blatant attempt to mislead the population that certain areas from central to south Trinidad are not being resourced and [*Desk thumping*] utilized, provided with the ability to fight crime, that is untrue and I rest that case here today.

Madam Speaker, to go on with the data provided by the police service, and this is now why we go to firearms and ammunition, illegal firearms and ammunition, and what are being used against our law-abiding citizens. From the 1st of January to the 26th of July, 2018, firearms and ammunition found and seized,

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. S. Young (cont'd)

2019.07.31

a total last year of 606, this year 461; 461 illegal firearms, add those to over 1,000 illegal firearms taken off the streets in the past year.

Ammunition, it used to be in the old days, a criminal held with an illegal firearm would have two rounds in a revolver, now we see extended magazines that can hold up to 33 rounds in a Glock. I spoke about a Glock in the other place. Anyone who knows about firearms will know that a Glock is one of the simplest but most useful and proficient firearms/handguns that exist. You literally pull the trigger, there is no safety, put on the trigger and a round goes off in the direction you point it.

Mr. Al-Rawi: Correct.

Hon. S. Young: A legal licensed firearm holder carries 15 rounds plus one in the chamber of a Glock. Every time now we hold a criminal with an illegal firearm, a Glock, they have an extended magazine that can carry 33 rounds, and very often they have the 33 rounds. In the last year from January to the 26th of July, 2018, 10,211 rounds were taken off the streets; this year, 6,088 rounds. Every single round is designed to kill a person. A person, a shooter or any criminal with an illegal firearm is carrying the ability of 16 rounds, 33 rounds, and think about the damage that that person can cause, and the statistics show, Madam Speaker, that they are repeat offenders.

You heard the Commissioner of Police this week talk about a specific individual, where they believed he committed 47 murders. The Attorney General referred to it a short while ago, each of those murders committed with an illegal firearm. One illegal firearm can pass from hand, to hand, to hand, to hand to be used to commit murders and acts of crime against our law-abiding citizens. And we have come here today, at the request of the police service, on behalf of the

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. S. Young (cont'd)

2019.07.31

people of Trinidad and Tobago, Madam Speaker, to try and keep those persons, those criminal elements who want to commit crime, who are carrying illegal firearms, off of the streets. What is wrong with that? [*Desk thumping and crosstalk*]. I will get to the anti-gang law. It breaks down by division where these firearms are being found. Murders by motive. Murders by motive, Madam Speaker, this is as at the 26th of July, 2019. Let the *Hansard* reflect and record the data provided by the Trinidad and Tobago Police Service and the Commissioner of Police to me.

I said a short while ago that we have over 300 murders as at last week Friday. Out of those 300 murders, 93 classified as “gang related”, 33 classified as “altercation”, and as we know from the facts of the altercations we see being reported in the newspapers on an almost daily basis, the altercations are gang related as well.

The next category, 48, revenge; again, reprisal killings. Revenge means the criminal elements that are moving in herds and packs as gangs; 40 for drugs—it is the gangs that are involved in the drugs. You add those four categories of gang-related, altercations, revenge and drugs, 181 murders, all these are committed by firearms.

There is then now a category of “unknown”, because within recent times, Madam Speaker, we are finding that there are murders being committed and it is almost impossible to figure out what the motive behind it was. A couple killed in a car in a trace where the woman was pregnant with a baby; use of illegal firearms. Use of illegal firearms; the difficulty of the person who committed those 47 murders and convicting them for murder is a lot of these murders are being committed in the dead of night, in a trace or an alley, Mentor Alley, some of these

places that people do not even know or understand.

When I walk in my constituency, Madam Speaker, up in the traces between Belmont, East Port of Spain and lower Laventille, you understand what is going on. You look at some houses and they say the person from that house had to leave and you see the bullet holes all over the house. Those holes were not created by a slingshot, it is by use of illegal firearms, Madam Speaker, and that is what we are here today, to keep the persons who want to walk around with illegal firearms off of the streets. [*Desk thumping*]

Weapons used in the commission of murders from the 1st of January, 2019, to the 26th of July, 2019. Madam Speaker, this is the most telling statistic and why we are putting it on the *Hansard* and in records here today. So for this year up to last week Friday, out of 312 murders, 257 were committed using firearms. Let me repeat that, Madam Speaker. Out of 312 murders as at last week Friday, 257 were committed using firearms, therefore firearms were used to commit 82.4 per cent of the murders to date. So 82 per cent of the murders to date, illegal firearms. The police are begging for this legislation to keep the repeat offenders—the shooters, it is no longer in our society where one had to have any fighting skills, be brawn or anything like that. It is the most obscure, skinny-type people walking around, but you just have to pull a trigger; and we want to keep them off of the street.

Mr. Singh: “What yuh have against skinny people?”

Hon. S. Young: Murders, wounding and shooting, and they provide the time analysis, this is another important statistic, Madam Speaker—115 out of 312 or 37 per cent of the murders occurred during the hours of 8.00 p.m. and 12 midnight; 47 out of 312 or 15.1 per cent occurred between 8.00 a.m. and 12 midday; 166 out of 460 murders, or woundings and shootings, sorry, committed between those same

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. S. Young (cont'd)

2019.07.31

hours. Serious crimes, 1st of January to the 20th of July, the murders for this year, Madam Speaker, as I said before, but the woundings, so not everyone is murdered with the use of an illegal firearm, but the woundings with firearms and other weapons and shooting with firearms. Last year same time, 460, this year, 402. So, 402 citizens or persons were affected by shooting and wounding with illegal firearms not including murders, Madam Speaker.

Possession of firearm and ammunition, last year this time, 774, this year 578. Persons arrested and charged, so let the population not believe or not think for a moment that the Trinidad and Tobago Police Service is not doing its best and fighting against these illegal firearms.

Number of persons arrested from the 1st of January to the 20th of July this year for murder, 30, but the number for wounding and shooting, 140. So 140 criminals were arrested this year for wounding and shooting persons, and those are the people we want to keep off the streets.

And I heard it being suggested that you want to put them in jail and remand and they will be taught about criminality there; so I follow that to the logical conclusion. Madam Speaker, is it being suggested that it is better to have persons who want to carry illegal firearms who are using them against law-abiding citizens, out among society walking next to us, than in a prison? Is that the submission that is being made? That could never be. The Member for Naparima is saying, fix remand; remand is being fixed. [*Desk thumping*] For the first time in decades it is this Government that took the decision to spend \$56 million to fix remand; it is being fixed.

Mr. Al-Rawi: Not \$80 million on a fence.

Hon. S. Young: Let us not go to the \$80 million with a fence because that is just

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. S. Young (cont'd)

2019.07.31

upsetting; a fence built around nothing.

Possession of firearms and ammunition. Madam Speaker, I would like to get full attention of the citizens on this one because this is what we are here today to deal with. Possession of firearms and ammunition. Number of persons arrested and charged as at the 20th of July, 2019 for the year, 704 persons; 704 persons. Add that to the wounding and shooting of 140, that is 844 persons arrested and charged this year for being in possession of illegal firearms, wounding and shooting people or just having possession of illegal firearms and ammunition.

Is it that we want these 800 people to be sitting next to us on the bus, to be sitting next to us on the water taxi, to be waiting for us as we talk to our vehicle at night to get into our vehicle or entering our house? Well, we the Government say no. We the Government say, you are caught with an illegal firearm, go to prison spend 120 days at the taxpayers' expense, and the prison service is ready for it.

In discussions with the Commissioner of Prisons, we will make the facilities available, but it is better that persons with illegal firearms who want to snuff out our lives, Madam Speaker, the Government's position is, it is better that they are in prison than they are outside. I cannot understand a submission that it is okay to have someone who is a known shooter, who is out on bail caught with illegal firearm, again, and you say, "Okay, give him bail, him or her, give bail again". We say spend your time in prison. Let the police within 120 days prosecute the charge, complete it in the space of a year, but if you have exceptional circumstances, you can apply to a judge or a master of the High Court for bail.

So, you want to talk about proportionality, they want to talk about proportionality, Madam Speaker, that argument is completely defeated because you provide the back door. Let them go and convince, this is the criminal element,

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. S. Young (cont'd)

2019.07.31

a judge or a master that they have exceptional circumstances, and they should be allowed bail, even though they have been convicted and charged once again, for one of these heinous crimes that I have referred to.

Madam Speaker, repeat offenders. It is a fact, a known fact that the persons, the criminal elements who are carrying the firearms—

Madam Speaker: Member for Port of Spain North/St. Ann's West, your original 30 minutes are now spent. You are entitled to 15 more minutes to wind up your contribution.

Hon. S. Young: Thank you very much, Madam Speaker. Madam Speaker, these shooters and the repeat offenders, this legislation here today along with legislation that will come to deal with firearms is designed to keep the repeat offenders off of the streets and outside of mingling with law-abiding citizens, but worse yet, threatening the liberty and the life of law-abiding citizens.

I heard it being suggested that this is not a deterrent. How could this be a deterrent? As I started off my contribution, the Commissioner of Police has said this will be a deterrent because, you see, at the end of the day, no criminal wants his or her liberty constrained, but if they know they are going to be imprisoned if caught with that illegal firearm, if even it keeps two of them from picking up an illegal firearm, we on this side say that is a victory for the citizens of Trinidad and Tobago. [*Desk thumping*]

3.30 p.m.

We hear about the anti-gang legislation, Madam Speaker. And what is the anti-gang legislation? The Attorney General touched on some statistics. Anti-gang legislation as all of us in this Parliament should know, because we all debated it, not once under this term, but more than once, is not only about the

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. S. Young (cont'd)

2019.07.31

charges under the anti-gang legislation. The anti-gang legislation is another tool for the Trinidad and Tobago Police Service and our intelligence services. It allows them to monitor, it allows them an express number of crimes, also extra powers of search of premises and forfeiture. If you are found to be encouraging someone to enter a gang; if someone wants to leave a gang and you are trying to stop them you can be charged. I tell the population of Trinidad and Tobago here again, without fear of contradiction, the anti-gang legislation is currently being utilized by the Trinidad and Tobago Police Service. [*Desk thumping*] There have been a number of successful charges under the anti-gang legislation and there are more to come.

I have also heard it being suggested, Madam Speaker, and I find it a most weak and even dishonest argument, that this legislation will be open to abuse by police officers, that somehow now police officers, and we heard it suggested a short while ago by the Member for Naparima, they will trump up charges and offences to keep criminals, to incarcerate them and then they are denied their ability for bail. Two answers to that. Every single criminal charged on the books and in common law is subjected to that. If a police officer wants to trump up a charge that you are driving without a driver's permit, you are using obscene language, you are resisting arrest, it is open to them to do that. [*Crosstalk*] So you cannot say with any sense of decency or any sense of sensibility or logic that you should not put—

Mr. Hinds: Liar.

Hon. S. Young:—that you should not have a further criminal charge, because it is open—

Mr. Indarsingh: Laventille.

Hon. Member: “Shhhh”.

Mr. Hinds: Sorry about that, Madam Speaker. I wish to apologize. [*Crosstalk*]

Madam Speaker: Member for Couva South he has already dealt with it. Please let us continue.

Hon. S. Young: Thank you very much, Madam Speaker. Madam Speaker, I was making the point that you cannot say do not pass this legislation because it is open to abuse by the police, because every single criminal charge, common law or statutory, that argument falls within that domain as well.

However, Madam Speaker, the second part of that argument is that what you are doing is that you are giving the police service a tool that they have requested in their fight against these serious offences, but as we see it, also a fight against the repeat offenders who want to carry illegal firearms. Give them the tool, let them use it. The Commissioner of Police who was then the Minister of National Security is on public record now as Commissioner of Police as saying that when he was Minister of National Security, the then Government gave this tool to the police service and they saw the drop. You want to go back to statistics, go back to those statistics. Why would anyone want to prevent the police service from having this tool? It could only be, Madam Speaker, that they want to see crime flourish. And I know that my friends on the other side do not want to see crime flourish in Trinidad and Tobago.

I have listened carefully to some of them in the public domain saying that they want to fight crime and saying that they want to support every fight against crime. Well, I ask all of you all here this afternoon, Members of the Opposition, with the greatest of respect, and as a Member, as a citizen of Trinidad and Tobago, I ask you to give the police service the ability to fight crime, give them a fighting chance and the citizens out there a fighting chance against the illegal firearms. As a citizen I make that request of you here today.

Illegal firearms are not produced in Trinidad and Tobago. We are aware that they come across our borders, but they did not start yesterday. They started some time ago and I am not here today to throw any blame or cast any aspersions on anyone and any administration, because you see, Madam Speaker, it is the citizens today who are asking for our help; it is the police service today who are asking for our assistance to fight crime and it is incumbent on all of us here this afternoon, those who have come out here today in the middle of their vacations to give the police that fighting chance. And I can tell you as the Minister of National Security, Madam Speaker, through you to the citizens, we are doing all that we can with the limited resources that we have on the borders to prevent this stem and systematic flow of illegal firearms into Trinidad and Tobago.

Contrary to what I have heard suggested in the past two weeks, our radar system is working. Our radar system is fully operational. Madam Speaker, I personally went and saw the functionality of the radar system the day after—a few days after the registration of the Venezuelans ended. We are upgrading the radar system but it does not mean that what is there is not working and I am proud of the Cabinet that I serve at as a Member of. Last week they took a decision—Cabinet took a decision to further upgrade the radar system with technology that will further give us a better than fighting chance.

And to the fishermen and the families of the fishermen that the Member for Couva North represents, I have already expressed my sincerest sympathy and condolences to them and I do it here again today and I tell them that this technology we are investing in is going to help us to fight against those reoccurrences and I ask them to encourage all of the other fishermen who must go out, install the GPS devices in, work with us at national security and we will do all

that we can. We have also been having on-land operations on our borders, because when the illegal firearms are coming in, we are stopping them at the borders. You saw the results last weekend with some persons who ran away. That was not by chance, it is intelligence-driven operations, and I am not going to tell the population how it is being done, because we would lose the advantage that we have. But when we picked up those two AR-15s and AK-47 and a TEC-9 on the beach in south that is because we are manning the borders.

We are using all of the Trinidad and Tobago Coast Guard vessels in the fight against crime. We are also using all of our resources to get more interceptors on the water. The Commissioner of Police at a meeting with me this morning at 7.30 a.m. as we met with the business community told them that within the space of two months he should have his marine branch up and running. That is to complement the coast guard. [*Desk thumping*] We are gathering the intelligence, both human intelligence as well as via technology, all of this being done to stem the illegal flow of firearms into the country. The two Austal Cape-class vessels—I cannot do anything to change the past, no one in here can, but that is the decision that we took to supplement and to increase the border proficiency, the border patrol ability of Trinidad and Tobago. Those vessels are still on time and we are going to take delivery of them next year.

In the meantime I give the citizens of Trinidad and Tobago, Madam Speaker, through you, the assurance that I will not sleep day and night in the fight against crime. But you see this Bill that we have come here today, colleagues, to debate, Madam Speaker, this Bill is an important element, an important tool in the real fight against crime. Take the politics out of crime for a second. This is what we need to support. And I ask that we all give our support to this. Let us give the

police a fighting chance against that criminal element. You saw last week, just in two occurrences, two out of the 312 murders committed for the year, the barbaric ways that the criminal element are prepared to take the lives of our law-abiding citizens and even the non-law abiding citizens. For example, on the north coast, those were all done with the use of illegal firearms. We are also saying through this legislation, keep our children safe, keep our children who are the subject by the most heinous beasts of predators to sexual offences, keep them in jail, we do not want them out in society amongst our young children. [*Desk thumping*] Support this piece of legislation colleagues and it will make a difference.

I have heard what has been said about the Forensic Science Centre. I would like to assure the population or to give them this piece of news. For the first time we have finally managed to get four forensic pathologists in place with the full complement. [*Desk thumping*] I thank my predecessor, Minister Dillon from Point Fortin who began the work, we managed to complete it, and for the first time in decades we have four forensic pathologists. [*Desk thumping*] I have gotten the assurance of our ballistic officers at forensics that any case that the Commissioner of Police and his men and women want expedited they will drop what they are doing to expedite that case to help—and that is their contribution in the fight against crime.

The SERU Unit is back up and running efficiently and functioning. [*Desk thumping*] That too helps. The Trinidad and Tobago police armorer is also assisting. So all of these false calls and dog whistles sometimes about nothing is working is not true, but it is disheartening to those who are involved in law enforcement and involved in intelligence, putting their lives on the line every single day in the fight against crime to sometimes hear us as politicians put the

blame on them. Where there should be blame, put the blame, but do not just make these broad-brush statements and say nobody is working and nobody is doing what they should.

So, Madam Speaker, those are my contributions and I would like to end, if you would permit me, by sincerely thanking, as a citizen of Trinidad and Tobago and as the representative for Port of Spain North/St. Ann's West, thanking those men and women in our police service, our defence force, even immigration, our fire services, the prison services and all of those that fall within the sphere of national security, for waking up on a daily basis, putting their best foot forward, sometimes their lives at risk in this fight against crime; and we will not rest. I want the criminal element to know, that despite all of the noise out there and all of the distractions, we are focused, we will continue with our commitment in the fight against crime and I ask for full support for this Bill to give us that fighting chance to protect our law abiding citizens. Thank you, Madam Speaker. [*Desk thumping*]

Ms. Ramona Ramdial (*Couva North*): Thank you, Madam Speaker, for the opportunity to contribute. And, Madam Speaker, before I get into my contribution, let me again as the Member of Parliament for Couva North express deepest condolences to the seven families of the dead and missing fishermen of the community of Orange Valley within the constituency of Couva North. And I want to publicly thank all of my colleagues for rallying around me and everybody else, throughout Trinidad and Tobago. This was a national and continues to be a national issue where it is persons are coming forth to help, private citizens coming forth to help. I also want to publicly thank Commissioner of Police Gary Griffith for assisting [*Desk thumping*] through the Trinidad and Tobago Police Service, assisting with respect to the suspects held and the ongoing investigations.

So let me get to the Minister of National Security who mentioned a couple of things and I want to ask him, he has talked about the anti-gang legislation working for us, but what is being done about government contracts still being given to gang leaders? What is happening there? Can we have an update on that? What is going on there, Madam Speaker? So, we say one thing, we are trying something with the pieces of legislation that are brought to Parliament where you get support, but on the other hand, there are other factors that influence and feed the criminals in Trinidad and Tobago. And we have investigative reports being done by different media houses, open letters to Trinidad and Tobago and all that sort of thing, and this Government refuses to take responsibility for doing what is right on behalf of the people of Trinidad and Tobago.

So you cannot say, Minister of National Security, that the anti-gang legislation is working and we are dealing with gangs, but at the same time, on the other hand, you have your own Ministries feeding gangs with government contracts. [*Desk thumping*]. Moruga/Tableland—

Mrs. Robinson-Regis: Madam Speaker, 48(6).

Madam Speaker: So, what I would ask, Member for Couva North, if you withdraw that and rephrase what you would like to say.

Ms. R. Ramdial: Thank you, Madam Speaker, I withdraw that, but based on reports in the media, it has been noted and identified and evidence is there to show that gang leaders are still receiving contracts from Government, from this current Government. [*Crosstalk*] And I am asking the Minister of National Security, what they are doing about that? Give us an update about that. [*Crosstalk*] What about Burkie? “You talking.” [*Crosstalk*]

Madam Speaker: All right. Member for Port of Spain South and all Members. I

Bail (Amdt.) Bill, 2019 (cont'd)
Madam Speaker (cont'd)

2019.07.31

know sometimes we get very excited to speak, but I assure every Member, including you also, Member for Couva South, that when the right time comes and you catch my eye, you can speak. But other than that, Members know how they make an intervention. Okay? Please continue.

Ms. R. Ramdial: Thank you, Madam Speaker. So we wait for an update from the Government with respect to that, [*Crosstalk*] because—Madam Speaker, I will not engage Port of Spain South this afternoon, I will not. Did you go to the funeral Port of Spain South?

Madam Speaker: Member for Port of Spain South. Member for Port of Spain South, I assure you, you will have your turn. Member for Couva North.

Ms. R. Ramdial: Madam Speaker, somebody is clearly rattled in the House, clearly. So, Madam Speaker, as I continue, we have our very own parliamentary colleagues, the Member of Parliament for Moruga/Tableland complaining to the media and crying to the media about gangs in his constituency terrorizing contractors and that he is also under threat. Tell us what you are doing about those scenarios and those persons.

Dr. Francis: I will tell you.

Ms. R. Ramdial: So, Madam Speaker, I think it is hypocrisy on the part of the Government to come here today and to pull us out of our vacation and whatever else we are doing, many of us are grounded here, serving our constituents, you see what is going on, and this is what they bring us out for. It is a big show. This afternoon before Parliament started we had a protest out there. The fishermen of Orange Valley and their families came out as part of this protest action because, Madam Speaker, I am going to expose the inadequacies of this Government when it comes to resources for the police, the coast guards, the army and the air guard.

Bail (Amdt.) Bill, 2019 (cont'd)
Ms. Ramdial (cont'd)

2019.07.31

And the Minister of National Security, poor guy, is not even aware of what is happening within his own Ministry. And I do not blame him, Madam Speaker. I do not blame him. You know, it is very confusing and somewhat—the process somewhat I would say that the Minister of National Security may not be aware of all that is happening and may accept information given to him without investigating to say whether or not it is true. But I want to say, Madam Speaker—

Mr. Al-Rawi: 48(1), Madam Speaker.

Madam Speaker: I give you a little leeway. Please continue.

Ms. R. Ramdial: Thank you, thank you, Madam Speaker. So, this is a crime debate and we are talking about crime in general.

Madam Speaker: Well, it is not really a crime debate, okay. It is a debate on the Bail (Amdt.) Bill. Whilst I give you a little leeway, is to tie where I think you have telegraphed that you are going into this debate.

Ms. R. Ramdial: Thank you, Madam Speaker. Now, Madam Speaker, I want to focus on a couple of things because the previous speakers spoke about it, about stemming the crime rate, the increased murders that we have had over the past couple of weeks and how this Bail (Amdt.) Bill is going to assist. [*Desk thumping*] But what I want to draw reference to, Madam Speaker, before we reach this stage of legislation there are other stages that need to be crossed in terms of holding the criminals, detection rates, resourcing the police, the army, the coast guard with the necessary equipment that they need so that they can bring the criminal to justice before this legislation can be implemented.

Mr. Al-Rawi: I rise on Standing Order 55(1)(b).

Ms. R. Ramdial: Another rattled individual.

Mr. Al-Rawi: And 48(1).

Madam Speaker: Okay, and again, I remind Members that any Member is entitled to stand on a point of order and I hope we will all respect that right and repose some confidence in me to determine whether it is something I would uphold or not uphold, okay? I will again allow you to continue, Member for Couva North.

Ms. R. Ramdial: Thank you, Madam Speaker. So our Minister of National Security spoke about, you know, and very impassioned about all citizens getting on board to help the Government fight crime. But, Madam Speaker, what do you make of a junior Minister of National Security who twice in one week says to the population of Trinidad and Tobago, if a quiet request is made then we will visit the victims and the families of Orange Valley. So you are an elected Member of Government—

Mr. Al-Rawi: I rise on Standing Order—

Ms. R. Ramdial:—an elected Member of Government, Madam Speaker—

Mr. Al-Rawi: Standing Order! 48(1), please.

Hon. Member: “A-a, a-a”. [*Crosstalk*]

Mr. Al-Rawi: She must give way.

Madam Speaker: You know it is a pity we have so many Speakers in here and no Members. Member for Couva South, on this occasion—North, sorry, on this occasion—I am so accustomed, Couva South, [*Laughter*] once there is a certain sort of disruption, I am so accustomed having to call you, but Member for Couva North I uphold the objection of the Attorney General on Standing Order 48(1).

Ms. R. Ramdial: Thank you, Madam Speaker. So let us go to the murders of seven men within the community of Orange Valley and what happened after. Madam Speaker, on Monday last at three o'clock in the morning, three survivors from a fishing expedition swam to shore. They alerted their families within the community and other fishermen about what took place. They were robbed, they

Bail (Amdt.) Bill, 2019 (cont'd)
Ms. Ramdial (cont'd)

2019.07.31

were beaten, they were thrown overboard without any life jackets. A call was made to the coast guard at that time and if at this time, you know, others will say that my information may be wrong, I want to see ship logs and I want to see flight logs, because [*Desk thumping*] on behalf the constituents of Couva North, I will not allow this country to be hoodwinked, Madam Speaker.

Mr. Al-Rawi: 48(1) please, Madam Speaker.

Madam Speaker: And I will give you a little leeway to tie what you are going to relate—

Ms. R. Ramdial: Please.

Madam Speaker:—into the nature of this debate, okay?

Ms R. Ramdial: Thank you. Madam Speaker, the Minister of National Security spoke about the reintroduction of the police marine branch just today to complement the coast guard and that is what I am commenting on. So this scenario, this tragic incident took place. So they came and they called the coast guard at three o'clock. The coast guard told them that they had no fuel, that they were unable to come out. They begged for one hour. The father of one of the missing fishermen. He said, "Listen, come out, give us one hour immediately. Time is of the essence". Once you come out and you make a sweep of the coast there is a possibility that we may find our children alive. They said—one of the wives of the fishermen said when she called the coast guard told her, no fuel, and did not come out until five o'clock Tuesday evening to do that particular sweep.

Mr. Al-Rawi: Madam Speaker—

Ms. R. Ramdial: I am drawing it to the amendment Bill and what the Minister of National Security said.

Madam Speaker: We know two people cannot speak at one time, we know that,

Bail (Amdt.) Bill, 2019 (cont'd)
Ms. Ramdial (cont'd)

2019.07.31

okay. So thank you for sitting Member for Couva North. Yes, Attorney General, what is the objection?

Mr. Al-Rawi: Yes, Madam Speaker, I rise on 48(1) respectfully, we are 10 minutes into the contribution and I am bound to raise the Standing Order.

Madam Speaker: And I agree that you are bound to raise the Standing Order and the Member for Couva North will be patient while you raise it. Please continue and as I say I have given you and please tie it in to what this debate is about, quickly.

Ms. R. Ramdial: Thank you, thank you, Madam Speaker. I will not be deterred by the Attorney General. Madam Speaker, yes, so calls were made to the coast guard, they did not respond, they said they had no fuel; calls were made to the air guard. A call went out to the air guard, the air guard said, they had no fuel for the helicopters and they too were grounded. So the fishermen, Mr. Kissoon from Mc Bean said, “I have \$20,000 on me, is that going to be enough to purchase fuel for the helicopter for you all to come out? Is that going to be enough?” And they said, we will call you back. So I am just drawing reference—you know the Minister of National Security speaks about the apparatus and funding and maintaining the apparatus to fight crime but that is not in fact so. [*Desk thumping*] So we passed the legislation, we are passing legislation but we are not resourcing, we are not resourcing the police service adequately. [*Desk thumping*]

Not too long ago Commissioner Gary Griffith and the Minister of Finance had a little tiff for funding. Just two days ago there was another article about shortages of resources. The coast guard now, Madam Speaker, and the search and rescue and retrieval operations, what happened? The fishermen of Orange Valley and their families pooled together their resources to purchase fuel to go out there

Bail (Amdt.) Bill, 2019 (cont'd)
Ms. Ramdial (cont'd)

2019.07.31

on the seas to look for their loved ones. It was not the coast guard who found the bodies. [*Desk thumping*] It was the fishermen who found the bodies. And the Minister of National Security has a video that I sent him, but out of respect for the families we did not make it public, but I sent it to him to indicate to him that he was being fed wrong information. [*Desk thumping*] He was being fed wrong information.

And when you hear the testimonies of the fishermen, Madam Speaker, and it ran on media and it is there today, when you hear the testimonies, one of the fathers, they found two bodies and the coast guard refused to take those bodies onto the ship because they say it would have to lie for a number of hours and they could not stand the stench. So they allowed for those two bodies to keep floating in the water. And you tell me as a Member of Parliament I should not be angry about this at this time? [*Desk thumping*]

Madam Speaker: Member for Couva North I understand the passion and the concern, but in terms of where we are going I am certain it is not about this Bill. Okay. So please, unless you can connect what you are saying now with the Bill I will ask you to continue, okay.

Ms. R. Ramdial: Madam Speaker, the Minister of National Security and the Attorney General talk about this Bail (Amdt.) Bill and cleaning up the guns on the street. I want the Attorney General and the Minister of National Security to know that those seven men were beaten, their limbs were broken, they were being held by illegal arms on the high seas. There was no sign of coast guard, no sign of any sort of security forces at that time for the fishermen of Orange Valley to assist them, no sign. And then when distress calls were made they were unable to deploy [*Desk thumping*] the necessary resources to help and to retrieve those men alive.

Bail (Amdt.) Bill, 2019 (cont'd)
Ms. Ramdial (cont'd)

2019.07.31

And, Madam Speaker, the country must know the truth. This is what we are faced with as Members of Parliament. [*Desk thumping*]

The Minister of Finance surprisingly is not here today. So if you are not sending the necessary level of funding to the various Ministries so that they can do their jobs effectively, how are we supposed to co-exist as law abiding citizens? How are we supposed to do this? And, Madam Speaker, I must say that the people and the families and every single citizen within Trinidad and Tobago who rallied around the community of Orange Valley, I want to say a big thanks to them. [*Desk thumping*] A big thanks to them.

Madam Speaker, we have heard this argument about OPVs over and over, if we had purchased the OPVs and our borders were being manned we would not have to deal with that. Hogwash, Madam Speaker, hogwash, about stemming the influx of arms and ammunitions because, you know, the OPVs are not there and we cannot do it. Madam Speaker, there are boats parked up at Staubles Bay [*Desk thumping*] parked up, no resources to get out.

Mr. Al-Rawi: Madam Speaker, Standing Order 48(1), I really and most respectfully, Madam Speaker, I have not heard a clause on the Bill yet. [*Crosstalk*]

Ms. R. Ramdial: “It touching a nerve, eh?”

Madam Speaker: So Attorney General I believe the Member is talking about resources which was something that has been said in this debate, all right? So I will allow you to continue, Member for Couva North.

Ms. R. Ramdial: Thank you very much, Madam Speaker. Madam Speaker, and I just want to draw a reference and I want to identify some of the resources that are lacking with respect to the—and, you know, an individual not too long ago said that we were politicizing this, but I am the elected Member of Parliament for my

Bail (Amdt.) Bill, 2019 (cont'd)
Ms. Ramdial (cont'd)

2019.07.31

constituency and if my fishermen are telling me, MP, there were no resources deployed or little or no resources—

Mr. Indarsingh: None.

Ms. R. Ramdial: All right, how am I supposed to represent, how are they supposed to get some level of comfort in this time of need? [*Desk thumping*] And then you have Government Ministers saying if a silent request is made then we will visit. Okay, we do not want the Ministers there then, let us just say that the Ministers are too busy in their Ministries to visit. Send a Ministry official or a representative, “nah”.

Madam Speaker: Okay, but I already rule on the point about the Minister and the Ministry coming and so on, all right?

Ms. R. Ramdial: Yes, Ma'am.

Madam Speaker: You were on the point of resources, I allow that; so it is either you continue—

Ms. R. Ramdial: I will continue.

Madam Speaker: Or you go on to another point, please.

Ms. R. Ramdial: Thank you, Madam Speaker. I want to reiterate to the Government that this Bail (Amdt.) Bill cannot work if there are no resources to make it workable. [*Desk thumping*] So I was talking about resources. Madam Speaker, just to identify, when these fishermen were on the sea searching for their loved ones and they asked for help from the coast guard and there were one or two boats there, but all the coast guard did was transport the bodies back to land. There was no fuel to begin with, so there was one boat in and out. Secondly, delayed response. Thirdly, the life boats on the coast guard ship could not be deployed because they told the fishermen the winch to bring the boat down onto the sea was

Bail (Amdt.) Bill, 2019 (cont'd)
Ms. Ramdial (cont'd)

2019.07.31

stuck, it was not working, right? So the life boats could not be launched. No body bags for the dead men and this is what we are faced with.

Madam Speaker: So I would ask you to connect the lack of resources in the instance you are talking about to this Bill.

4.00 p.m.

Ms. Ramdial: Madam Speaker, and as my colleagues are telling me, how is bail going to help these families and these victims? [*Desk thumping*] How is no bail going to assist?

Hon. Member: They have to bail out.

Ms. Ramdial: You see, it is a fundamental problem, eh. We come to Parliament; we go onto media; we talk about this legislation will help us fight crime and it will bring in the criminals and all of that, all well and good, but the reality on the ground is not what our Government is saying to the people of Trinidad and Tobago, the reality is totally different. There is lack of funding to Ministries, especially the Ministry of National Security, which is supposed to be the most, or one of the most important Ministries at this time in our country, functioning to capacity to protect the citizens of this country, and it is not happening. And that is why I beg to differ, and that is why I agree with my colleague from Naparima, no amount of legislation laid in this House to deal with crime is going to help effectively bring in crime, or stem the murder rate, or stem the guns and arms and ammunition when you do not have resources to equip our men and women of the protective services to do so. [*Desk thumping*] It is not going to happen. It is pie in the sky.

Hon. Member: Bail out.

Ms. Ramdial: Madam Speaker, in addition to that, I want to say that at this time I

Bail (Amdt.) Bill, 2019 (cont'd)
Ms. Ramdial (cont'd)

2019.07.31

want to acknowledge the efforts of the Minister of Social Development and Family Services. We communicated [*Desk thumping*] and we have been able to assist the families with the funeral grants. So I want to thank her for that publicly, and we will be coming to her—because, Madam Speaker, I also want to suggest something, and I think it could be a good initiative under the Ministry of National Security and it can probably also help with this Bill, in that we need a programme of victim support, because you are hearing rumours swirling all over the place about, you know, fishermen being involved in illegal activities and all of that—

Madam Speaker: Member, again, I mean, I am totally sympathetic—totally—

Ms. Ramdial: I thank you for that.

Madam Speaker:—but I do not believe that this is for this debate. Okay? The assistance for the funeral grants, I really do not believe it is for this debate, but I am sympathetic. But we are all here bound by the Standing Orders, and I hope that you will be guided by that and your constituents will be guided by that. Please continue.

Ms. Ramdial: Madam Speaker, thank you. So let us look at crime. To me, Madam Speaker, crime is a social ill. It is because I think young people in certain geographical areas are not being given opportunities. [*Crosstalk*] Yes, even in my constituency of Couva North. There are certain areas within my constituency of Couva North that they are not being given opportunities. And for whatever reason, the authorities, together with the Members of Parliament, we need to find ways to get to our young people early so they do not involve themselves in a life of crime and then have to end up in jail with no bail—young men and women, because there are a lot of women now, young girls, involved in crime, and we do not have to come to the stage where we are coming to pass legislation for no bail for our young

Bail (Amdt.) Bill, 2019 (cont'd)
Ms. Ramdial (cont'd)

2019.07.31

men and women.

I think that we need to continue—I am not saying that there are no programmes to tackle youth and at-risk youth. I am not saying that. We have had many programmes over the years. But it needs to be a holistic effort by the entire country, and we need to stop, you know, fighting like this, and we need the resources. We need the funding. The Ministry of Education needs to come up with proper programmes to target at-risk youth.

Madam Speaker: So I am not going to allow that. Please continue.

Ms. Ramdial: Thank you, Madam Speaker. Now, the Attorney General spoke a little bit earlier about the Bail Bill being something that will really have a dent on crime and he made reference to the Commissioner of Police also calling for this Bill to be passed today. But, Madam Speaker, at the end of the day—and all of the statistics were given to us with respect to the offences under which no bail will be given for the 120-day period and all of that. So I want to make reference to those offences.

According to clause 6, Part II, the “Specified Offences”: Anti-Gang Act. Now, the Minister of National Security made reference to the Anti-Gang Act, Offences Against the Person Act. The AG mentioned rape as a serious offence where there would be no bail, or imprisonment for a term of 10 years or more; the Dangerous Drugs Act, and again we come back to that—Dangerous Drugs Act. How are you going to detect criminals under this particular Act in terms of catching the perpetrators and bringing them to justice where this particular Bill can be implemented?

Madam Speaker, we all know about the drug lords in this country and who they are and where they live and all of that, and how they operate, and you have

Bail (Amdt.) Bill, 2019 (cont'd)
Ms. Ramdial (cont'd)

2019.07.31

hits being taken out there on certain drug lords, and all of that. But the intelligence lies also within the police service. It lies with the army; it lies with the coast guard. Why is it that this is not being acted upon effectively? And why I say that is that I make reference to the rogue element within our protective services. We need to deal with that rogue element. It is common knowledge. It is just not the police service. Rogue elements within the coast guard; rogue elements within the army and other protective services, we need to deal with that. We need an update. When the AG is winding up, I do not know if he will be able to tell us what is happening to that particular initiative to weed out the rogue elements within our protective services.

Madam Speaker, in addition to that, the other offences, sexual offence under the Sexual Offences Act or the Children Act, that is also a non-bailable offence within this particular legislation; the Anti-Terrorism Act. Madam Speaker, not too long ago we had a scenario that played out just before Carnival. You know, it was described as a terrorist risk or attack. Again, detection is most important. Again, resourcing our protective services is most important. The Chief of Prisons, in an article in today's newspaper talked about the overcrowding issue. And I know that the Minister of National Security spoke about that, saying they are spending \$56 million to upgrade the jail and all of that. But, Madam Speaker, it is a real issue. It is a serious issue.

Whilst you upgrade the jails, what about the prison officers? Are you going to expand the complement and hire additional prison officers to deal with the influx of criminals that you are now going to hold or send to jail? We heard nothing about that. That is the human resource capital that would be necessary. You cannot be going on the streets now and implementing this legislation knowing

Bail (Amdt.) Bill, 2019 (cont'd)
Ms. Ramdial (cont'd)

2019.07.31

that you are going to have an influx of criminals in for a long period of time and you have the same number of prison officers operating. That does not make sense. Are they going to be working double time, overtime? You are going to be paying them overtime now? How are they going to be working? So you need to deal with these issues and you need to communicate to the national public and the citizenry in order to let us know what is happening. It is our taxpayers' dollars that are being spent.

So that is just something I want the Attorney General to address. An offence under the Firearms Act with illegal firearms, well, I totally agree with that. I think that we have a serious problem with illegal guns coming in into our country and, therefore, I support this initiative with respect to the—no bail for the Firearms Act. I agree with that.

So, Madam Speaker, again, as the Member for Naparima mentioned, it is that we are being brought out here today to create some sort of stir within the public in terms of this Bill, but I agree with the Member of Parliament for Naparima where, again, I would say no amount of legislation will curb the crime rate or bring down the murders if we do not resource our Ministries adequately, especially the Ministry of National Security. We want the Minister of National Security to be a little more aggressive in getting funding—necessary funding. And we need the Government to be a little more compassionate and caring towards our citizens of Trinidad and Tobago. I think that element of compassion and care is missing. They are not a Government who cares. They are a Government who believes in silent requests will get them everywhere. So after, Madam Speaker, if they want me to whisper in their ears, I will—

Hon. Member: That is what they want.

Bail (Amdt.) Bill, 2019 (cont'd)

2019.07.31

Ms. Ramdial:—because the people of Orange Valley still want to see government representatives come to their community. [*Desk thumping*] And I thank you, Madam Speaker. [*Desk thumping*]

Madam Speaker: Member for Laventille West. [*Desk thumping*]

The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): I thank you very warmly for recognizing me, Madam Speaker. Madam Speaker, it behoves of me to treat with a few matters raised by the Member for Couva North en passant. I should not be long, I assure you. No need to be. Madam Speaker, the Member for Couva North just told us about rogue elements in the police service and we admit—we accept as citizens of this Republic that there are, but I hope she would accept that this country has seen rogue elements in a Cabinet—in Cabinet government in this country. [*Desk thumping and crosstalk*]

Mr. Karim: “Nah, nah. Doh come wit dat.”

Hon. Member: Well said.

Mr. Karim: 48(4)

Madam Speaker: Member for Chaguanas East, I believe you stood to raise a Standing Order? Please.

Mr. Karim: Yes. Standing Order 48(4), Madam Speaker.

Mr. Charles: And 48(6).

Mr. Karim: And 48(6).

Madam Speaker: So Member for Laventille West, I will ask you to withdraw that and I am sure you could find a way to say what you wish in another way.

Hon. F. Hinds: Madam Speaker, “ah throw meh corn. Ah didn’ call no fowl.” [*Laughter and desk thumping*] But if you want me to withdraw it, Madam Speaker, for your sake only and in respect and deference to this honourable House, I should withdraw it. “But de fowl cock an dem know who ah talking bout.” [*Laughter and*

Bail (Amdt.) Bill, 2019 (cont'd)
 Hon. F. Hinds (cont'd)

2019.07.31

desk thumping]

Mr. Charles: Standing Orders 48(4) and 48(6)—in a false English accent.

[*Laughter and crosstalk*]

Madam Speaker: I am sure if I look in an Oxford English Dictionary I will find each of those words.

Hon. Member: “Fowl” and “cock”.

Madam Speaker: Please continue.

Hon. F. Hinds: And they have “scaly white foot too”. [*Laughter*] Madam Speaker, the Member for Couva North—[*Interruption*]

Madam Speaker: I just want to remind the Member for Oropouche East that you are here and I hope you will not disturb the proceedings. Thank you very much. Member for Laventille West.

Hon. F. Hinds: Thank you very much. Madam Speaker, just very, very quickly, the Member spoke about resources, money, and that takes us to the question of management of the economy of this country. I just want the Member to know that the World Bank, the IMF, Moody’s, Standard & Poor’s, have all given us very favourable findings for the—[*Desk thumping*] And I want to say, in passing, that as we speak today, our savings, notwithstanding the brutality that they put on the economy for the last five years, but our savings in the Heritage and Stabilisation Fund are now at US \$6.1 million—

Hon. Member: Billion.

Hon. F. Hinds: Billion US dollars, sorry, up from US \$5.6 billion after two withdrawals to service this country during our term. That is our record, Madam Speaker. [*Desk thumping*] That is our record, and all of that with no governmental pilfering and interfering.

Hon. Member: No gas—

Hon. F. Hinds: None. So, Madam Speaker, let me press on. The Member also spoke about youth programmes, and so on. The one thing she cannot mention is LifeSport because they implemented the LifeSport Programme and rather than bring relief to young men at-risk, that saw deaths upon deaths and murder and mayhem at the hands of the UNC, and right now investigations are taking place for people to go to court, the same people at risk—

Ms. Ramdial: Madam Speaker, 48(6), please—48(6), murder and mayhem at the hands of the UNC. What is that about? They cannot even buy fuel for the coast guard. [*Crosstalk*]

Hon. Member: A former participant is locked up in a non-bailable offence.

Madam Speaker: Please continue.

Hon. F. Hinds: Thank you, Madam Speaker. And, Madam Speaker, just briefly, in respect of the families from Carli Bay and Orange Valley, I would take this opportunity, again, as a parliamentarian—

Mr. Indarsingh: Madam Speaker, we “doh” want any hypocritical apology here.

Hon. F. Hinds: Again, I will take this opportunity—

Mr. Indarsingh: We “doh” want any hypocritical apology here.

Madam Speaker: Member for Couva South, I think the action you just showed there, by throwing the book, means that you are a bit frustrated and, you know, I always suggest what helps frustration. But I am not going to allow you to sit there and—

Mr. Indarsingh: Madam Speaker, I just laid my book down on the table.

Hon. Member: “Aye, Aye.”

Madam Speaker: Member for Couva South—

Hon. Member: “Take ah walk. Take ah walk.” [*Crosstalk*]

Madam Speaker: I am just saying, Member for Couva South, that I would ask you to please restrain yourself. There is always another voluntary method that you can use. Member for Laventille West.

Hon. F. Hinds: Thank you very much—

Mr. Charles: Madam Speaker, 48(4). Where is the legal evidence, the conviction to prove the mayhem and murder by the UNC?

Madam Speaker: Member for Naparima, while we are in a Chamber, I think what you are asking me is another kind of chamber, a court of law. This is not that. [Laughter] Member for Laventille West.

Hon. F. Hinds: Maybe a chamber pot, yes. Madam Speaker, I would like to join the national community, those right-thinking members of the national community, in extending very sincere condolences to all of the families of those seven men who lost their lives in very horrific circumstances. I did so prior to coming to this House on at least three occasions, and in trying to bring some solemnity and sobriety to that situation when mayhem was being created by the Member for Couva North, accusing the Government of all manners of wrong—

Ms. Ramdial: 48(6), Madam Speaker—48(6)

Mr. Singh: You have to sit. You have to sit.

Ms. Ramdial: 48(6), Madam Speaker. [Crosstalk]

Madam Speaker: Please continue.

Hon. F. Hinds: Thank you. I tried to say so and to clarify the issue, and arising out of that as a parliamentarian—and I heard her talk about junior Minister. No junior Minister. I am full-fledged Cabinet Minister in the Republic—[Desk thumping]

Madam Speaker: “Hon. Member.”

Hon. F. Hinds: The Hon. Member for Couva North. I was at the time acting as Minister of National Security and I reached out in terms. On the other hand, I made

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Hinds (cont'd)

2019.07.31

a statement to TV6 and the Member for Couva North led, in my view, a host of headless chickens. [*Crosstalk*] By that I meant that they did not take time to listen to what I said. At the end of the day I was accused of saying that because Couva North did not have a PNM MP, no government official should go there. I never said that.

Hon. Member: And they know that.

Hon. F. Hinds: I never said that. I was also responding to a question—because the Member for Couva North told the media, and I listened to her, that she wanted to have a meeting with the fishermen with the Minister of National Security—

Mrs. Newallo-Hosein: 48(1), Madam Speaker. [*Interruption*]

Hon. F. Hinds: She mentioned it.

Madam Speaker: I would say to all Members, that very tragic incident last week is something I think would have touched every member of the national community, and while some of us may be closer to it and therefore be, you know, less controlled about it, I think to have to pay proper respect as representatives of the national community in dealing with this issue, I would like all Members to be respectful and contained. Member for Laventille West.

Hon. F. Hinds: Thank you so warmly, Madam Speaker. And as I was saying, the Member for Couva North said—and I listened to her speaking to TV6—that she would like to have a meeting with the Minister of National Security, meaning Minister Young, and the fishermen, to ensure that there is no re-occurrence of that kind of event again. It was in response to that, that I said, in those circumstances, rather than scandalize on the television, if she had a quiet word with the very dignified and hard-working Minister, he would have responded. Those statements are on the record in TV6 and anyone can access them. On the other hand, the

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Hinds (cont'd)

2019.07.31

Member for Couva North led a charge, giving false impressions of what I said and it followed up with a slew of hate and obscenities on social media—

Ms. Ramdial: Madam Speaker, 48(6)—

Hon. F. Hinds:—which I lay at her foot.

Ms. Ramdial: 48(6).

Madam Speaker: So, all right. Member for Laventille West, up to that insensitive—[*Interruption*] You know, I want to say on our collective behalf to the members of the family of the seven, extend our apologies and regrets for how this is being handled. Member for Laventille West, that last statement that you were “laying at her foot”, I will ask you to withdraw that and continue.

Hon. F. Hinds: I withdraw that. So let me press on from there, except to say, again, in conclusion on the matter— [*Crosstalk*]

Madam Speaker: All the speakers who want to expunge, there is no expunging. Continue.

Hon. F. Hinds: Thank you. Just let me say again, my condolences to the family. And I did not engage the Member because I wanted to maintain some dignity around the trauma of those families, and I content myself with that. Suffice it to say, the things and the statements that were described as callous and insensitive on day one, and unpatriotic by my friend, the Member for Couva South on day two, I saw yesterday it turned to being racist by a certain Capil Bissoon writing. That is where we are. I said no such thing. I need to say no more because the records at TV6 are there and I dare anyone to find in those comments, anything sounding like that, which was perpetrated by the UNC and their friends. [*Desk thumping*] We deal with dignity and we understand that, and there are some levels below which we will never go. So let me continue.

Bail (Amdt.) Bill, 2019 (cont'd)
 Hon. F. Hinds (cont'd)

2019.07.31

The Member for Couva North spoke about contracts to gang leaders. The anti-gang law says where two or more persons come together to perpetrate an illegal act—and they are specified—that is a gang. We saw in this country where, not an ordinary building, but a police station on Duncan Street in Port of Spain was built—it was all in public—by a man who is known to be associated or reported to be associated with a gang. And when I was attacked on the 14th of August last year on the Beetham, Madam Speaker, and had dirty water kicked upon me, I heard Members of the Opposition say that they have some soldiers on the Beetham, and that is how they respond. And every single day we come here, I hear the Member for Naparima making comments and celebrating that fact. But I tell them in the old colloquial saying—

Hon. Member: Madam Speaker—

Hon. F. Hinds: “—the knife that stick de sheep does sometimes kill de goat”.

Mr. Charles: Madam Speaker, 48(6). I never said that. And tell me the date.

Madam Speaker: Member for Naparima, 48(6) and 48(4) do not apply in those circumstances. I overrule. Please continue.

Hon. F. Hinds: And the behaviour that I experienced that day is the same mentality and the same behaviour you hear them complaining about and talking about criminal today. And the records will show, it is not only to be found in the Beetham, it is to be found everywhere. Sometimes it leaks everywhere in Trinidad and Tobago. So I want to tell them, the same mind and the same mentality that attacked me on that day, it can come around to them in different ways, different places, a thousand times. “The knife that stick de sheep sometimes kill de goat.” And how are you going to feel if the knife ends up at your throat?

Hon. Member: What!

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Hinds (cont'd)

2019.07.31

Hon. F. Hinds: That is what I want to say to them in metaphor. So when we come here today with the measures—

Madam Speaker: So—

Hon. F. Hinds: I hear you, Madam Speaker and I—

Hon. Member: Sit down. Sit down.

Madam Speaker: Member for Laventille West, while I know lyrics like that are very popular in song, and so on, I really would not like us to incorporate such type of lyrics in this Chamber. And remember, whatever you say, even if it comes from somewhere else, it is really attributable to you. So I will ask you, you see those lyrics, to withdraw those lyrics and you can say, as eloquent as you are in your own words, your thoughts in an appropriate manner.

Hon. F. Hinds: I withdraw those, Madam Speaker, and I press on. Madam Speaker, we are here today proposing to amend the Bail Act to deal with certain behaviours, behaviours that we call crimes based on the laws we passed in this Parliament, some dating back as far as prior to 1925: the Offences Against the Person Act. A society has the right to defend itself just as a man does, and the law recognizes that in the concept of self-defence, and a society has the right to protect itself against external and internal intrusion and aggression.

There is no doubt—and I could list a thousand cases, and every Member here, because we are all living in this space that is Trinidad and Tobago—we have all been touched by the scourge of crime and we could all list hundreds of cases of criminality and crime that made us cringe. The Member for Couva North spoke about contracts to criminals. This is a matter that the Government recently treated with and continues to treat with. You would have heard the Member for Moruga/Tableland speaking on behalf of the Government, as a Minister himself,

complaining about the behaviour of some. In that case, it was not the gangsters who had the contract, but it was the gangsters imposing themselves on legitimate contractors demanding taxes.

I was told up to last week, in the city of Port of Spain on Charlotte Street, many an ordinary citizen, poor people selling on the streets, are sometimes forced to give up money that they earn in so-called taxation. So when we come here today, we come with all of that as a backdrop in our thinking, in our knowledge, in our understanding, and all we could do as parliamentarians is to put our heads together and to speak up and to work cooperatively together on behalf of the society to protect all of them from the vagaries of that kind of experience.

The Member for Couva North mentioned OPVs and treated it as though it was just a matter of flippancy that we always talk about OPVs. Yes, we must, because we do not manufacture any guns in here. We are not known for producing coca plants and cocaine in here, but they reach into our communities. They got into the Carli Bay area, the Gulf, in the hands of criminals who took the lives of seven men, or caused their lives to be taken. So as a consequence of that, we must consider border security and it is in that context that the OPVs were critical. [*Desk thumping and crosstalk*] But they cancelled those. They retrieved the money—\$1 billion—and they sent it up in smoke. And today when I listen to them talk about no gas and no resources, I say but when we had it and you had the responsibility for managing it, what did you do with it? You cannot talk about giving out, because we have records in this country of a UNC contractor friend who received a \$1 billion waste-water contract through NGC. The project is a white elephant, incomplete down on the Beetham. We are talking about resources, Madam Speaker.

Mr. Lee: Madam Speaker, 48(1), please.

Madam Speaker: Member for Laventille West, I will give you some leeway. Please tie it up very quickly.

Hon. F. Hinds: A big contract like that issued in two and a half months. The man who got the contract got it at \$400 million more than the lowest bidder. So today, when I am hearing about no gas, I think of NGC which had \$16 billion which they smothered, and today we still have to be hearing talk about no resources and all of the crime problems that exist. But that is our responsibility. We are the Government and we are dealing with it and that is why we are here today. [*Desk thumping*] That is why we are here today.

As for the Member for Naparima, he expressed confidence, and I might say, joyful and anticipatory confidence, that he knows in anticipation that in another six months the situation with the murders will not improve. Well, he has a crystal ball, a Ouija board too. That is why they call him “Duppy”.

Hon. Member: What? Nah. [*Crosstalk*]

Hon. F. Hinds: That is a home name. That is his nickname. That is a nickname.

Madam Speaker: Member for Laventille West, in here, according to the Standing Orders, we refer to Members either by their portfolios or their constituencies. I will not allow that. Please withdraw it—

Hon. F. Hinds: Withdrawn.

Madam Speaker: And if you are referring to any Member here—please sit. If you are referring to any Member here, I will ask you to be respectful. Leave home names at home and please refer to any Member here in the manner, according to the Standing Orders, as you know it. Thank you.

Hon. F. Hinds: Thank you very much. It is withdrawn and I speak of the Member for Naparima.

Madam Speaker: And Member for Laventille West—Hon. Members, it is now 4.30:25. I suggest we take the suspension now. We shall resume at five o'clock.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker: As we resume, I will recognize the Member for Laventille West and you have nine minutes, 17 seconds of your initial speaking time. Proceed.

Hon. F. Hinds: Thank you very much. [*Desk thumping*] Mr. Deputy Speaker, the Member for Naparima told us correctly, perhaps for the only time, that this law alone would not do the business for Trinidad and Tobago; and we agree with that. No one law could. We cannot expect that. This is why we have been working hard to quicken the criminal justice system: new judges, new courts, more resources. In terms of the DPP, he spoke of that. The DPP now has three new offices between Tobago, San Fernando and Port of Spain, created more space for them and I am aware personally more attorneys have been hired in that department. But that is only the Office of the DPP which deals largely with criminal matters. But we have Family Court Division established, we have now set up the specialized Criminal Court Division and action is being taken. We did a manpower police audit to see how many police officers we need, what kinds of skill sets we need.

And I am happy in respect of this Bail Bill, part of which touches the Firearms Act and in particular which says that if you are charged for a firearm offence and you find yourself being charged again, that is one of the ways in which your bail would be restricted under this amendment. And, Mr. Deputy Speaker, I am happy to report in my conversation with certain elements of the police service

in the course of my work, I am told that they now in a position—most of these matters, a magistrate could give up to 10 years as a sentence and most of these firearm matters can be done summarily in the Magistrates' Court. So once a date is fixed for trial, the Inter Agency Task Force has given the assurance, because the police armourer who we used to certify that the thing is a firearm, we had stopped that some years ago and now the court is accepting the certificate of the police armourer, and of course SERU which is the department that looks for DNA elements and connecting with other crimes and so on around that particular firearm. Once a date for a trial is set then the IATF and other elements of the police service should be able to be ready within two or three weeks of that date and be able to advance evidence in this matter.

So these provisions say that when you are charged—anyway I will come to that. But when you are charged for a firearm offence in particular, and you meet another charge, charge-charge for a firearm offence, then your bail will be restricted for 120 days unless, of course—it will be restricted for 120 days where no evidence—and when no evidence has begun to be heard in your matter, within that 120 days, you can apply to the judge for bail.

Accountability is another issue. Well I have already touched on the question of border security; that is important. This law is not for us. It is not for the Government. It is not for the PNM. It is for the people of Trinidad and Tobago who elected 41 of us to represent them here as indeed I represent Laventille West, as my friend from Pointe-a-Pierre represents Pointe-a-Pierre. We speak on their behalf. They cry out to us.

So every time I hear one of my colleagues, particularly on the other side, highlight the heinous crimes that are taking place and the trauma that the society is

suffering as a consequence, including the issue of the seven fishermen and then I had a death last week, a gentleman, let me just say Anthony, he was killed, not because he was involved—the police will tell you, the community tells you, his wife will tell you tearfully, he was not involved in anything. He walked across borderlines in the area, the empty foolishness of borderlines, because he was confident. He did no wrong, he was expecting nothing but he was killed, only because—it is alleged that his brother was involved in certain behaviours.

And, Mr. Deputy Speaker, I take the opportunity to say to the young men and the few women who we are addressing in this bail amendment today and who we addressed in the anti-gang law which interlinks with this bail amendment, desist from walking that way. The evidence is clear. It only ends in the cemetery or in the jail. There is no future. I have seen many a young man die and when you go to their homes, the circumstances are spartan, very bleak. You cannot see any evidence of profit from their criminal activity. In fact, they leave their families with the burden of funeral expenses sometimes and they leave two and three children sometimes for society to take up the tab, “ah grandmother, ah aunt”, sometimes children. Young Tecia Henry. I went into the John John area last week and I saw a big picture of little Tecia Henry. I remember when that ten-year-old was murdered and found up under a house. I am sorry to have to repeat the facts but it goes no place.

So we understand that and I am asking the young men to desist from this because “jail eh nice” and your liberty will be taken away from you. Time that you could have spent in the Laventille Technology and Continuation Education Centre, time that you could have spent in UTT, in COSTAATT, in any school anywhere in this country, if you are now a schoolboy, time that you could have spent focusing

on your work for your personal development so you can become independent in this life. You could support your mother, you could support your father, you could support your siblings and you will make a contribution to the welfare of our country. These measures are not for us. It is to guide and to protect these youngsters. They are under the influence of other people, movies, all kinds of things, and we therefore have to take action to protect them and to protect us, and it is in this way I see this. [*Desk thumping*]

On this side, we are guided by nobility and principle and truth and if you want any proof of that, in 2011 when they came to us for special majority support around the Anti-Gang Bill and an amendment to the Bail Act, which said that if you were charged under the anti-gang law, your bail would have been restricted for 120 days. We gave them that support and, Mr. Deputy Speaker, the police reported to us that the gangsters were virtually saying “charge meh fuh de gun”, when they caught them. “Charge meh fuh de robbery, charge meh fuh de larceny but for God’s sake, doh charge me under the anti-gang”, because the worst experience they had is to not be able to get any bail for 120 days. Because they were accustomed to the revolving door. They get lock up and they come out tomorrow.

And you know what that does? People in the community see and they know. They may not tell the police because they live in fear. Sometimes they tell the police. They know that this man is committing crime, “rape somebody, burn down somebody house, shoot somebody”. They know that. They know this man walking up and down the block with “ah gun”. The police, after painstaking enquiries, come, arrest the culprit, carry him down the road, and hear what happens. Two days later, he shows up in the community again. The law is brought

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Hinds (cont'd)

2019.07.31

into disrepute. The community loses confidence in the law because they are saying, “Buh wait, this man—and if I talk to the police, look the man in meh face here again”. “He geh lock up again for something else, he gone in. In two days, he back outside”.

And finally, when his day finally comes, the police officer either retire or did not show up in court or the witness does not want to come anymore because so much time has elapsed. The matter is dismissed. You see them in the front of the courthouse celebrating a big victory. And then if they get convicted, Mr. Deputy Speaker, the magistrate, in some unfortunate cases, after spending months and years doing intelligence work, putting in resources, undercover work, getting information, people tipping off the police, the magistrate fines the man \$2,500 for “ah whole firearm”, 20 rounds of ammunition or as the Minister of National Security said, with a long 33-clip magazine.

Mr. Deputy Speaker: Member, at this time, your initial speaking time has elapsed, you have an additional 15 minutes. Care to avail yourself?

Hon. F. Hinds: Yes, indeed, Mr. Deputy Speaker.

Mr. Deputy Speaker: Proceed.

Hon. F. Hinds: Thank you. [*Desk thumping*] So these amendments here are particularly critical. The Constitution of the Republic of Trinidad and Tobago, in section 5(2)(f) tells us that, among other things, and I would not take time to go into it, but it tells us that a person is entitled:

“(iii) to reasonable bail without just cause;”

That is written as a fundamental right in section 5(2)(f) of the Constitution. So today, as we come here to amend the Bail Act and that amendment will infringe on that clearly stated constitutional right, it requires a special majority. We require

the votes of my colleagues on the other side only for that reason. Had I more time, I would have read the provisions of this Constitution but it is not necessary. Suffice it to say, Mr. Deputy Speaker, that the very Constitution authorizes amendments to it, an amendment to laws that infringe on these constitutional rights as written in sections 4 and 5 of the Constitution.

And as the Attorney General and I do not have to spend time reading the matter myself, Lord Falconer in a case that went before him and them at the Privy Council told us—well in fact, they upheld restrictive provisions in bail law. So the restrictive provisions that we are trying to amend to go back to, we have been here before. We were here with the anti-gang law and the bail law which we gave them support for but they refused to endorse it in 2016 when the sunset clause fell upon it and it expired. That went along the anti-gang law with the Bail Act, as I said, and they refused to support us now that we were in Government with all of it and it fell by the wayside and it had the effect of taking us back, all the 15 amendments to the Bail Act since 1994 when it was passed and I watched the debate in this Parliament. I was not a parliamentarian then. Mr. Sobion was the AG. But since he did the Bail Act because the Bail Act before that was a matter of common law and all kinds of things, some statute too, but he codified it in a Bail Act in 1994. We had 15 amendments since then.

But when they refused in 2016, it took us right back to 1994, all the benefits of the restrictions that we had for the 15 amendments disappeared and today we do not have those. So what we do here today is to bring back something we already had. We had it when they proposed it to this House, we had it when we supported them in having it, to give the police that extra equipment to fight the criminals so that the citizens do not have to see the revolving door that I told you about and lose

confidence in the law and lose confidence in the ability of the society to protect them. So the Constitution allows it and that is what we are here to look after today. The Attorney General was very profuse and equally profound in his analysis of the clauses and I think that should suffice. I do not think my colleagues in this House need any further persuasion.

Suffice it to say that the UNC—not the UNC, my colleagues on the other side, they circulated a list of amendments. I had a read of them. It was, I suspect, politically motivated. I suspect that they will support these measures here today but they do not want to just say “Yes, we agree” because they may lose face after they took the strident position, “We not supporting that, we not supporting that”. Maybe that is their—and I understand that, I am a compassionate man. [*Laughter and crosstalk*] So they want to come with some frivolous amendments so that they could tell their supporters, “Well yeah, we push some amendments and because we put amendments dais why we support it”. I understand that too but compassion is my middle name, you know that. Gentle. [*Desk thumping*]

But having looked at the amendments, some of them are quite frankly, Mr. Deputy—[*Crosstalk*] Mr. Deputy Speaker, I am hearing a raspy, croaky voice that I am accustomed to hearing in the bars around Trinidad and Tobago. [*Laughter*] I hope that I am protected from it.

Mr. Deputy Speaker: Proceed.

Hon. F. Hinds: Too much sugar cane. [*Laughter*] Energy. Mr. Deputy Speaker, one of the amendments proposed by my friends on the other side is that we amend clause 5(b)(2). Now, clause 5(b)(2) in the Bill that we have before us, and clause 5 is where we do most of the amendments but they want to propose another amendment. 5(b)(2) says:

“A Court shall not...”

And I am reading it:

“A Court shall not grant bail to a person who on or after the commencement of this Act is charged with an offence listed in the Part II of the First Schedule...”

And those are the serious offences against the person. That includes murder of course, but murder is already non-bailable. That was saved since 1925 and that is in Part I. But we listed a number of offences; I do not have to go through them in the interest of time, but it continues:

“...and has been previously convicted of an offence which is punishable by imprisonment for a term of ten years or more.”

The UNC is proposing that we insert after the words “previously convicted”, we insert the words “and has been”—sorry, and insert the words “within the last twenty years”. Now, the effect of that is rather than leave it open for once the person was already convicted, a person who is already charged or—sorry, the person who was already convicted, we leave it open. So if he had the conviction 25 years ago, it stands against him today. The UNC is proposing that we put a 20-year limit. They are limiting it.

But I want to point out to them, I will not support that amendment because we are not here dealing with the sentence, we are not dealing with—and they also propose in that that we insert the words “and has been sentenced to a term of imprisonment for five years” where, of course, we have “ten”. I will not support that amendment and the reason is because we do not have—it is not within our domain to issue sentences. That is not our business. As legislators, we are concerned with creating offences and we are dealing with serious offences and

restricting bail on account of those. So on the question of what is the sentence the court stipulates, that is not a matter that I will say concerns us except to say that we would like to see more severe sentences as the law prescribed when dealing with firearms and other such matters.

The UNC as well is proposing, because we are saying as we amend section 5 of the Act, we will be putting in a new subsection (2), subsection (3), subsection (4), subsections (5), (6), (7), and we are putting in a new (7A) and subsection (8). So they are proposing in the list that was circulated which has come to my attention, a number of things. But, Mr. Deputy Speaker, one of the things they proposed is to remove subsection (3)(c). We will deal with that more fully in the committee stage except to say that any offence—see because this subsection (3)(c) talks about any offence:

“...listed in Part II of the First Schedule, except an offence under section 6 of the Firearms Act, where the prosecution informs the Court that the person or any other person involved in the commission of the offence used or had in his possession a firearm...”

So you have an offence and, Mr. Deputy Speaker, the prosecution is telling the court that a firearm was involved. In those circumstances, we are proposing that bail is restricted.

In England, I might tell you quickly in passing, Mr. Deputy Speaker, when I was a law student in England, there were about eight police killings and that matter generated some public discussion in England and it became clear from the outpourings of that interrogation, if I may call it so, that although the British Bobby typically at that time did not go around with firearms, because you would see police with a baton and a whistle in England, and a radio, you would never see

a gun. But today, you will see more guns because they have had terrorist incidents and police cars that are specially marked, if you know them, carry weapons. But in those days, it was not so, that I am talking about 1989, 1990 thereabout.

But, Mr. Deputy Speaker, in those eight cases, what came out of the discussions from that is that once the police get a report that a robbery or some abduction or kidnapping is taking place, if they only hear that a firearm is in the atmosphere, they do not only send the regular police, they send their special operations team, akin to our SORT, and they will take up positions and they will use all their tactical manoeuvres and they will get a bullseye shot aimed at your head or something because you with a firearm pose a risk to other people in a serious way.

I am not saying that that is what we do in Trinidad or that is what we should do but I am only using that as an example to demonstrate how being armed with a firearm to cause intimidation and fear as you rob or you rape or you do what you do is a serious thing in England as indeed it is a serious thing in Trinidad and on that basis, I believe we should maintain the provision as we have it drafted. So if you are charged for an offence, a specified offence and you find yourself facing another charge for one and a firearm is involved, then your bail should be restricted, suffice it to say, and I do not need to elucidate upon that anymore. We will leave that for the committee stage when they elucidate upon it themselves.

So, Mr. Deputy Speaker, clause 7 of this Bill speaks about this sunset clause because our clause 7 says:

“This Act shall continue in force for a period of three years from the date of its commencement.”

We are putting in a sunset clause. In other words, all that we do today should

Bail (Amdt.) Bill, 2019 (cont'd)
 Hon. F. Hinds (cont'd)

2019.07.31

expire in three years and we must come back, whichever—well we will come to Parliament. [*Crosstalk*] Yes. [*Desk thumping*] To ask our friends again to give us support. [*Crosstalk*] Yes, I am confident. “We going to whip them in the east, north, west, south, central”—[*Desk thumping*]—“in the next election because they not making sense.” [*Crosstalk*] “We gonna beat you. We go beat you” and we know that. But I am saying this has a sunset clause. [*Crosstalk*] “Ah doh want to hear the Member for Couva North.” You see, I told you I want to discuss the Bill. Right.

When we gave support back in 2011, when we, MP Deyalsingh, MP Faris Al-Rawi, myself and others who were here, when we gave support, we gave them a five-year sunset clause.

Mr. Deyalsingh: That is right.

Hon. F. Hinds: Five years. The last time we came with the anti-gang law, we were hearing one month, two months, three months, six months. “All kinda months.”

Mr. Deputy Speaker: Member, you have four minutes.

Hon. F. Hinds: “Ah coming to it.” [*Laughter and crosstalk*] I am sorry, Mr. Deputy Speaker. But as I told you, as I conclude, Mr. Deputy Speaker, the one thing that resonates in my spirit is that we are really afflicted by serious crimes in Trinidad and Tobago and as one Christian reading his Bible told me, part of the reason for that is because we are failing to keep the biblical laws which says that you must deal with it and there must be justice and sanctions with promptitude. We are working on those matters. There is no doubt about that.

We also know that this revolving door of which I spoke, it really reduces public confidence in the justice system and since they know that we make laws,

Bail (Amdt.) Bill, 2019 (cont'd)
 Hon. F. Hinds (cont'd)

2019.07.31

they look at us as being less than effective as we should be. And I call on my colleagues, the Member for Caroni Central. [*Crosstalk*] Cannot talk. [*Laughter*] The Member for Pointe-a-Pierre. I call on even my friend who distanced herself for the last 48 hours from the truth, the Member for Couva North. [*Laughter and crosstalk*] I call on her to find it in her little not-so-warm heart. [*Interruption*] Yeah, I asked her—

Mr. Deputy Speaker: Member, please, one second. Again, Member, direct to the Chair and again, Member for Couva North, please, you had your opportunity.

Ms. Ramdial: Sorry, Chair.

Mr. Deputy Speaker: Not at this time. Proceed.

Hon. F. Hinds: Thank you, Mr. Deputy Speaker. As I conclude, I call on my friends really seriously, do not think that you are doing this for us, this is not for us. This is for your constituents, the people that you quarrel about even deceptively on a regular basis. Mr. Deputy Speaker, I thank you. [*Desk thumping*]

Mr. Deputy Speaker: Thank you, Member. I recognize the Member for Pointe-a-Pierre.

Mr. David Lee (Pointe-a-Pierre): Thank you, Mr. Deputy Speaker. As I rise to give my contribution on the Bail (Amdt.) Bill this afternoon, I want to start off by saying: Why are we here? And I mean that in full respect to all of us here, Mr. Deputy Speaker. We are here this afternoon because we were told that Parliament will reconvene and I want to say that I got a message from my good friend Arouca/Maloney around 11.00 p.m., last Wednesday I think, asking us to—she would be reconvening Parliament to debate the Bail Bill. And in preparing since then to now, Mr. Deputy Speaker, I had to refer back when the Bail Bill was debated in the Senate and passed in the Senate on the 11th. It started on the 11th

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

and it was concluded on the 12th of June. That is some, in my calculations, about seven weeks ago. Today is July 31st.

So I listened both to the Attorney General and the Minister of National Security, Port of Spain North/St Ann's West and even my friend who is the Chair on a JSC that I sit, Minister Hinds, Laventille West.

Mr. Indarsingh: You must not repose too much of confidence in him.

Mr. D. Lee: Nah, I am not reposing any confidence, I am just saying we sit together on a JSC. And when I listened to them—

Mr. Deputy Speaker: Member for Oropouche East, I would not like you disturbing the session please. Proceed, Pointe-a-Pierre.

Mr. D. Lee: My colleague Oropouche East could disturb me anytime he wants, Mr. Deputy Speaker. But when I listened to Port of Spain North/St Ann's West, especially, in his debate this afternoon, he told this story that the reason we are here is really due to the Commissioner of Police Gary Griffith—that is what he said—because this Bail Bill is what Commissioner Gary Griffith has told this Government that he needs this piece of tool, this legislative tool, in aiding him to fight crime and by extension to get illegal guns off the street and that is a valid, valid reason. No one is disputing that.

And I will go so far to say, Mr. Deputy Speaker, that if anyone knows the history of the People's Partnership and the UNC in fighting and eradicating crime, is no other than Commissioner Gary Griffith because he was part of our tenure between 2010 to 2015 in helping the PP's Government in eradicating crime. He did such a good job that this Government hired him as Commissioner of Police to help them in fighting crime, [*Desk thumping*] did such a tremendous job, and we want to compliment Commissioner Gary Griffith. I know him personally, just like

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

my friend from San Fernando West. So, Mr. Deputy Speaker, I listened here this afternoon about Diego Martin East saying that the reason why we are here is because Commissioner Gary wants it.

Now, I want to go back to that. In preparing for this debate—*[Interruption]*—sorry, Port of Spain North/St Ann's West. I want to go back when I was preparing for this debate, Mr. Deputy Speaker. Because when I go to the *Hansard* in the Senate, when the hon. Minister of National Security was debating on the 11th of June, he started off his debate by reading into the *Hansard* a media release from the Commissioner of Police Gary Griffith on the 11th of June and it stated basically what he said today, that Commissioner Griffith is calling for this Bill. He then today, this afternoon, read out another release or mentioned another release that Commissioner Gary Griffith and the police service had put out on June 24th, another press release calling for this Bail Bill. June 24th.

5.30 p.m.

So 11th of June, Commissioner Gary Griffith is pleading with this Government to get the Bail Bill passed; 24th of June, pleading with this Government via press release to get this Bail Bill passed, and even yesterday he was also pleading to the House to pass this Bail Bill here.

Now, it is interesting, Mr. Deputy Speaker, that on the 12th of June this piece of legislation was passed by the Senate. The Opposition, it is on record, voted against it, and we will explain that later on. But if—and when you review the debates on the 11th and 12th and you review the debates of the Attorney General piloting and the winding-up and the committee stage of that Bill, you would have seen the Attorney General imploring the Independent Senators with the Opposition to support this Bill because we need this tool. So I was of the opinion, Mr. Deputy

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

Speaker, as Chief Whip, when I saw that back then on the 12th of June, I issued a statement to my colleagues, start to prepare for this Bail Bill because it has to come. It has to come before the Parliament session goes off on vacation in the first week of July, since the 12th of June.

Today is the 31st of July. If that piece of legislation was so important to this Government, why did they not debate that piece of legislation before Parliament ended and we went off on recess, and we have to be corralled back in here? And if it was so urgent and wanted to assist Commissioner Gary Griffith, they should have helped him back on June the 13th, June the 14th and brought the legislation to the House to debate. Why were they holding it in their back pocket, Mr. Deputy Speaker?

Hon. Member: Correct.

Mr. D. Lee: Were they waiting for some crime issue to escalate in this country to bring that piece of legislation to hoodwink the population that the Opposition does not want to support that legislation. [*Desk thumping*]

So, Mr. Deputy Speaker, I also want to say for the *Hansard* record—and I am glad the Minister of National Security is here—I, Member of Parliament for Pointe-a-Pierre, I am not a firearm holder, I do not own a firearm and I want to say that because I am not too sure when this Bill is passed, what would happen.

Hon. Member: What does that mean?

Mr. D. Lee: So, Mr. Deputy Speaker, I am fearful of guns, okay, so I put that on the record. I want to get into my amendments that I presented here this afternoon and the Government has a copy of it and my colleagues have a copy of it. Because you see, I listened to the Member for Laventille West, it is “damned if you do or do if you are damned”. Because the Attorney General, and I do not think—expect

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

anything different when we get to the committee stage or even in his wind-up because I am trying to give a very measured debate and sobering one just like the Minister of National Security, which he gave a very sobering and measured debate.

We brought amendments here this afternoon. We told the population we have amendments and we are prepared to work with this Government today to make a better piece of legislation for the good of the country, for the good of the country. [*Desk thumping*] I have said, and it is there in the media, that the door is never closed by this Opposition. It is never closed. [*Desk thumping*]

Hon. Member: Yes.

Mr. D. Lee: So it is not—I am not playing the politics, I am not playing the politics. But, Mr. Deputy Speaker, it is interesting that the Attorney General when he was piloting the Bill this afternoon, he referred to a comment from the Law Association. Now, I have a copy of the Law Association comment on this Bail (Amdt.) Bill, No. 4 of 2019, and it is a document that has—from the Law Association of—12 points and I will not refer to all 12, but I will refer to maybe start off the one that the Attorney General mentioned in his debate. And it talked about and I quote here. This is the Law Association:

The Association is unable to discern exactly what this means, the phrase “in exceptional circumstances”. It is not defined so it will be left to the Judiciary to flesh out the circumstances in which it may depart from the prohibition against granting bail.

So that particular comment when the Attorney General was moving the Bill, piloting the Bill, mentioned that in his debate. And he gave an answer I presume, because I am not too clear what the answer was, but he gave an answer to the Law Association, the same Law Association that they seem to be having problems with

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

of late.

Now, the same document, I want to—before I get into my amendments. And I want to refer to the comment of the Member for Laventille West when he looked at the Opposition's amendments in clause 5(b)(2), and one of the amendments that we had proposed here this afternoon and the Member for Laventille West had mentioned it, in clause 5(b)(2):

“Insert after the words ‘previously convicted’, the words, ‘, within the last 20 years,’

Delete the words ‘which is punishable by imprisonment for a term of ten’

Insert the words ‘and has been sentenced to a term of imprisonment of five years’.”

So that is one of our eight amendments that we have proposed today for this Bail Bill. Now, it is interesting that the Law Association in their comment, comment No. 8, and I quote:

A person—
—which is kinda very similar to our amendment.

A person in category one who is deprived of his liberty for at least 120 days and for a maximum of one year because he is charged with a listed offence and had been previously convicted of another offence carrying a 10-year sentence or more, is in effect punished with imprisonment once again for the offence for which he was already convicted and presumably served his time. But for the fact of his previous conviction, he would not have been denied bail.

So his previous conviction, the law—you would not have been denied bail because of this charge for a listed offence.

The provision therefore vests power in the police by laying a charge to

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

deprive a man of his liberty and to punish him twice over for an offence for which he has already been punished.

So, Mr. Deputy Speaker, the Law Association is saying to the Attorney General to consider a man who was already convicted, served his sentence and do not punish him twice for serving his sentence. That is technically what the Law Association is saying.

We are saying in our amendment, Mr. Deputy Speaker, our proposal is that this amendment which is to clause 5(b)(2), our amendment is proposed because the denial of bail is a matter of grave consequence for someone who is charged with a criminal offence and enjoys the constitutional guarantee of the presumption of innocence in our legal system. Therefore, there is a presumption that a person charged with a criminal offence is prima facie presumed to be entitled to bail. The provision of “a proposed” in the Bill seeks to deny bail to a person who is charged with a schedule offence, but has a conviction of an offence that is punishable by a term of imprisonment of 10 years or more. So that is what is in the substantive form by the Attorney General.

The provision as proposed in the Bill suffers from the flaw that the consideration of the first conviction is not limited to a period of time retrospectively; this has the potential to reap serious hardship on someone who has already been punished by law for the offence he has been convicted for and is now charged for his second offence. The same theory and thought that the Law Association had put out, we have asked in an amendment. The provision does not take into consideration that there may be persons who have been rehabilitated. Right? So they have changed their ways and this provision is one that will allow a person’s past to haunt their future conduct. So we are saying to the Attorney

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

General, consider the individual's past. He had a charge, he was convicted and he may have been rehabilitated. Just like the Law Association, Mr. Deputy Speaker.

So, we are saying to the Attorney General, if he has difficulty, because we propose a 20-year limit, if there is difficulty with a fixed period of time because this could open the door, we are saying to a person serving a long sentence having some kind of benefit from the proposed provision. We are prepared and we are asking him to meet us halfway and say that in considering the period of time since the last conviction, any period of time that the applicant has spent in prison is not taken into account. So we are asking, we are saying let us be flexible here this evening, Mr. Deputy Speaker.

Now, in the same clause 5(b)(2), we are asking to consider changing some wording and adding something. The second part of the amendment in clause 5(b)(2) is a very serious amendment that demonstrates how much, you know, I would say—I would not use the words “how much little thought”. But in considering the denial of bail for the first conviction, the consideration of the conviction is premised on a sentence, by the sentence that could be imposed but for a breach of law. And we are saying in the original form that the Attorney General has here, he has “punishable by imprisonment for a term of ten years or more”. We are saying to the Attorney General, consider and it might be more powerful, because you are now capturing a greater group of individuals by looking at the—a term of imprisonment and the sentencing of five years, Mr. Deputy Speaker. So we have put together something here for the Attorney General to consider.

When we look at the second amendment which is clause 5(3) of the Bill. We are saying delete that clause. The Member for Laventille West went through it and he said he would not consider it. But why we are saying delete clause 5(3),

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

because we feel that clause 5(3) is already captured in the first two parts of that clause. Right? So you have 5(3)(a) and (b). But what we are saying, the mischief that could go on in that clause 5(3)(c) is where, you know, the Commissioner of Police is doing all he can to stamp out the cancer that pervades the police service. And you know how he is doing that, Mr. Deputy Speaker? So, they will say that we are again against the police service. We are not against the police service, we compliment the police service.

The Commissioner of Police, right now, in trying to stamp out the cancer that is within the police service, he is asking the policemen to take a polygraph test. It is not we asking them to do that, he is asking his policemen to take a polygraph test because he feels that there are some issues with certain policemen in certain locations throughout Trinidad and Tobago. I noticed today in the newspapers the Commissioner of Police even took a drug test, and there was a—in the papers, where he was the first one up to take a drug test and the record shows that he passed. So it shows good leadership by the Commissioner Gary Griffith. So if he did not feel that there was some cancer within the police service, why would he want to subject the men to a polygraph test? And I am sure if my friend from Laventille West would—and would and should agree with me with that statement. He is not here but we have had discussions before.

So, when I look at our third amendment, Mr. Deputy Speaker, our third amendment is really a sort of a fixing a mischief in that clause. And it is really clause 5(4) of the Bill, Mr. Deputy Speaker, and we are saying:

“Delete the word ‘mention in’ and replace by the words ‘being subject of’.”
And the Attorney General could look at it at committee stage and we are saying there is a mischief in that clause with the wording.

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

Mr. Deputy Speaker, amendment 4. Amendment 4 is clause 5(6) of this Bill. Now, we are saying there needs to be a definition, as my colleague from—MP for Naparima had mentioned in his debate. He referred to clause 5(6):

“There needs to be a definition for ‘similar’ and ‘materially similar’.”

So we need some clarity because it cannot be left up to the Judiciary to determine “similar” and “materially similar”.

Mr. Al-Rawi: Really?

Mr. D. Lee: That is what we are here today. We are here about passing legislation, making it substantive in nature so that where we can tighten the loopholes, because, you know, I heard the Attorney General say “really”. So we are saying, if—why are we here then? Are we here because we do not feel we cannot trust the Judiciary? Because the powers of the Judiciary right now can grant bail.

Hon. Member: Correct.

Mr. D. Lee: The magistrate can grant bail, the judges can—or they cannot—they can deny bail also, Mr. Deputy Speaker. Why are we taking away, why are we taking away that right from them? Are we saying to the Judiciary that we do not trust them? So all I ask the Attorney General is to consider our amendment 4.

Mr. Deputy Speaker, our fifth amendment is really subsection (7A) and that is where it is really the proportionality clause and it sorts—and the Attorney General mentioned that in his debate. And he felt good about subsection (7A). But subsection (7A) in the proportionality of the aspect is only restricted to subsections (3) and (7) of the Bill. And we are saying, because we are here, and I would not use the word “tampering”, but we are now trying to bring a piece of legislation for the goodness or the good of the country and it requires a three-fifths

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

vote and it requires our votes.

So you are saying that, yes we know we are tampering with the constitutionality and you are trying to find a balance and that is what the Attorney General has said, it is a balance, and he found that bringing in (7A), there is a proportionality in the Bill. But we are saying do not only restrict it to (3) and (7), bring it for all the subsections, from subsections (1) to (7) and it will really give a true proportionality of the Bill, seeing that we are using our three-fifths here to change and to bring a piece of legislation that requires a constitutionality change.

Mr. Deputy Speaker, I get down to amendment 6, clause 7, which is the sunset clause. Now, when you go back to the Bill in the Senate, the original form that the Attorney General brought in the Senate was for five years, was a sunset clause for five years. He is giving the impression that this Government in the Senate on their own goodness and volition changed it to three years. In the debate, Mr. Deputy Speaker, it was Sen. Thompson-Ahye when they were at committee stage, had advocated a two-year sunset clause. And the Attorney General at that point in time, really to be honest with him, did not see any problem with a two-year sunset clause. And he mentioned well, let us look at three because of the statistical data issues that you would not be able to get proper statistics. So he felt that a three-year sunset clause or cooling-off period would have been better.

So, they agreed on a three-year sunset clause, from five years with the Independents and the Government they came up with three years. So it is not that the Government in its first incarnation of the Bill in the Senate—it was for five years. The first incarnation of the Bill in the Senate, everybody was going to get no bail one way or the other in its first incarnation of the Bill in the Senate. It was because of the contribution by Sen. Chote, Sen. Heath, Sen. Vieira where they

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

talked about the rights of innocent people could be affected—because it was not based on a second offence, it was based on the first offence—that everyone would have been denied bail. And Sen. Chote and Sen. Heath had serious problems with that, and the Government gave in for the better of the country. So I applaud the Attorney General because innocent people could have been caught up and that is what the Opposition was saying.

So when we look at this sunset clause we are asking—so I want to deal with our amendment 7 and a new clause 8. In clause 7 in our amendments we are asking for a sunset clause of one year and our new clause 8, we are asking to add—and I want to read it in:

“The Minister responsible for National Security shall within six months from the commencement of this Act, and at six-monthly intervals thereafter, lay in Parliament a report detailing”—Mr. Deputy Speaker—“detailing the number of applications for bail made by persons subject of this Act, the number of applications granted, the offences for which such persons have been charged and the number of applications refused.”

I think that is very fair, a request from this Opposition to ask this Government, ask the Minister of National Security to come back. If we give you the support here tonight, come back to Parliament on a six-month basis, lay a report so that the Opposition could review it, the Parliament could review it, the Government Members could review it to see how effective this Bail Bill has been. And that is a very reasonable request, you do not think so colleagues?

Hon. Member: Yes.

Mr. D. Lee: And I do not see anything with that. Because if you are asking that this Bail Bill is the be-all and end-all, or one of the tools along with the anti-gang

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

legislation in eradicating illegal guns off the street, and we are prepared to meet you, tell the population in Parliament after six months what has been happening with the Bill.

Now, the Attorney General in his winding-up might say well, you can ask those same questions in the JSC under the Ministry of National Security and you could bring the Commissioner of Police in front of you. That is all well said, Mr. Deputy Speaker. But we all know in a JSC in the Ministry of National Security is led—the Chairman is a Government representative and the Government outnumbers the Independents and the Opposition and it is really up to the Government to decide who they bring forward in front of them, Mr. Deputy Speaker. Then you can say, well, you can file a question and that might be so. But we all understand that if the Government does not want to answer the question, they can delay it and delay it until it reaches a point in the Standing Orders, they have to answer it.

So we are saying in the fairness and accountability that this Government talks about, come back in Parliament after six months and report how this Bail Bill is doing and I think that is fair. And what it also does, Mr. Deputy Speaker, I will tell you what it also does. It is like a performance appraisal on the Commissioner of Police. It is like a performance appraisal. So that if the Commissioner of Police is asking us to give him this tool, legislative tool, in eradicating crime and we are saying we might be prepared to do that, then the Commissioner of Police not only works for the Government, he works for all the people of Trinidad and Tobago. And we are saying come back to Parliament and account, because this Government is saying you requested this legislation. So we tie in this new clause 8, and with clause 7 with the sunset clause it is basically the same thing, the rationale behind it.

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

Mr. Deputy Speaker, we have my last amendment, it is a new clause 9. I think if I am not mistaken, I want to believe the Attorney General might be thinking along our lines:

“Where...”

—and I read into the *Hansard* this new clause:

“Where any application...”

—we are asking for a new clause, it is a catch-all clause—

“Where any application for bail is made under the provisions of this Act the burden of proof shall be on the Applicant to satisfy the Court on a balance of probability why bail should not be refused.”

You understand? I see you—Mr. Deputy Speaker, it is a groundbreaking piece of clause here, because the burden of proof is on the applicant. So if the Attorney General is saying they need—and I listened to the Attorney General, I listened to the Member for Laventille West, I even listened to the Minister of National Security, the Member for Port of Spain North/St. Ann’s West, they say draconian measures—

Mr. Deputy Speaker: Hon. Member, your initial speaking time has elapsed. You have an additional 15 minutes; care to avail?

Mr. D. Lee: Yes, Sir.

Mr. Deputy Speaker: Proceed.

Mr. D. Lee: Thank you, Sir. So, they talk about in times that we are in sometimes draconian measures are required. And we are saying look at this new clause. So we want to show the population that we are willing to institute a clause that really can deal and put the burden of the proof on the applicant. So if you want bail, come and tell the Judiciary why you should not get bail or why you should get bail.

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

So the burden of proof is on the individual. That is a groundbreaking piece of clause, right, Mr. Deputy Speaker? Now, they might say we do not know what we are talking about. But we know what we are talking about.

So, Mr. Deputy Speaker, those are the eight amendments that we have put forward to this Government. We have asked them to look at it in—very respectfully. We have asked them to take it on board, reach us somewhere because this is not only a one-way street, it takes two hands to clap, Mr. Deputy Speaker. And it is not only about this Government bringing legislation, blaming the Opposition if we do not take it *carte blanche* for what they put forward, right, it is something that the—so what they are saying, only the PNM Government could pass legislation. Is that what they are telling this country, Mr. Deputy Speaker? I do not think so, I do not think so.

So, Mr. Deputy Speaker, I have gone through our amendments that we have proposed and I know other speakers on my side would enlighten a bit, but before I end I want to go back to something that the Minister of National Security had mentioned in his debate and I would just ask questions to the Minister of National Security. He mentioned about the radar system. And the radar system—is based on the Minister of National Security—is technically a tool in helping us protect our borders. So I listened to him and I went back to his *Hansard*, Mr. Deputy Speaker, right here in this House on June 28, 2019, and the Minister was talking on the Immigration (Amdt.) Regulations, 2019. So page 135 of the *Hansard* on June 28, 2019, Minister Young:

“I will have the population...”

—and I am quoting just a short paragraph:

“I will have the population know this, our radar system is working. [*Desk*

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

thumping]"—on their side—"Our radar system is being upgraded."

So they are improving—the Minister of National Security is saying we are improving the radar system, but the radar system is working:

"And I went to the radar system..."

—this is the Minister of National Security and I am quoting:

"...after the registration process,"—which is after the Venezuelan migrant process—"because we have been monitoring all before, and what I had said even before, after"—the—"consultation with Minister Dillon, I said, you know what? Let us use the intelligence and the data we get from the radar system. Because you see, Madam Speaker, boats take certain pathways even in the sea. So we looked at it over months."

—I am just quoting exactly what is in the *Hansard*.

"This was starting over a year ago, and we began analyzing the data to see where marine vessels...marine resources..."—and—"...the coast guard."

6.00 p.m.

So, Mr. Deputy Speaker, the whole issue about this Bail Bill that the Minister of National Security had talked about and he is right—taking illegal guns off the street, prevent them from coming into our country, and he is correct. I was kind of taken aback because I really did not know where our radar system—what is the status of our radar system. So the Minister of National Security, right here, just a couple—a month ago had said the radar system for over a year has been operational, and he has been reviewing the radar system and he can see—I have never seen the radar, but I am assuming—I fairly understand what a radar system does—where the boats are coming in. And I am asking a question to the Minister of National Security: If you know the boats are coming and you keep saying that

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

illegal guns are coming via vessels, why did you not do something about it? [*Desk thumping*]

There are vessels that are—I would not say parked up, but are at Staubles Bay. We, the PP Government, purchased Damen vessels for the coast guard. They talked about the Chinese vessels that we purchased, but you know what is the funny thing about that? Commissioner Gary Griffith, who was our Minister of National Security, played a great hand in the procurement of those Chinese vessels, the Damen too, and when I talked to him, those vessels that are there—because he is a genuine fella—those vessels can do the patrols that are required to protect our borders.

The OPVs are not the be-all and end-all of patrolling borders, and this Government tries to paint a picture—without the OPVs, the borders are unsecured; it is open. But you have a radar system is working, you see the vessels coming in, you have vessels in Staubles Bay, and one of the issues I am told, is a manning problem. It is really a staffing problem by the coast guard. They do not have enough manpower to do the critical shifts that are required to keep the vessels that they have out at sea. And we are saying to this Government, give the resources to the defence force, financial resources; give the manpower to the police service, give the financial clout that is required to the Commissioner of Police to do his job properly.

Hon. Member: Correct.

Mr. D. Lee: We are saying that. [*Desk thumping*] So, it is not about legislation alone, Mr. Deputy Speaker. It is a holistic approach in fighting crime, because legislation alone cannot, cannot eradicate the guns off the street, because we need to give the police service vehicles. So, you have a lot of vehicles that are parked

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Lee (cont'd)

2019.07.31

up because of lack of payment for maintaining the vehicles, Mr. Deputy Speaker, so, you go around everywhere. I mean, I do not want to make it sound trivial, but just a couple of days ago, I read in the newspapers that the police station could not even supply ink for photocopying. Something as basic as that, Mr. Deputy Speaker. So if something as basic as copy ink, the police stations cannot get, what is this Government really trying to tell the Commissioner of Police, that this piece of legislation that we pass here today, you take that piece of legislation, do not come back to me and get all the guns off the street. Is that what they are telling the Commissioner of Police? It cannot be.

So, Mr. Deputy Speaker, I know my time has ended. I did not think I would have taken so long—

Hon. Member: You did well.

Mr. D. Lee: I want to thank you and I want to thank this country. [*Desk thumping*] Thank you, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Member for Chaguanas West.

Mr. Ganga Singh (Chaguanas West): Thank you. Thank you very much, Mr. Deputy Speaker. It is not my intention to take the 45 minutes allotted to me, Mr. Deputy Speaker. Mr. Deputy Speaker, I thank you for recognizing me and for this opportunity to make a short contribution on this bail amendment debate. Mr. Deputy Speaker, the first product that any Government has to provide to its people is safety and security. That is the first product, and this Government has been in office since September 2015 to date. So it is almost four years, and we are at this stage. And in my contribution, I will say that we have reached a crisis in this society at this stage. It is a crisis that really deals with the very existence of the State of Trinidad and Tobago.

Hon. Members: Correct.

Mr. G. Singh: So there is an existential crisis for this State called Trinidad and Tobago because of crime, narcotics and gangs. And that therefore, the very existence of this State is threatened, because of the dominance of crime on the social agenda.

Mr. Deputy Speaker, the matter now is that when you look in terms of political theory, you look at Jean-Jacques Rousseau in the social contract theory, man is free but everywhere he is in chains. There is despair, there is hopelessness and there is a kind of apathy that has set in and a resignation because of what is happening, and that is why we were called out, I think, to deal with this piece of legislation.

And I want to congratulate my colleagues, the hon. Member for Naparima, the hon. Member for Couva North for their contribution in this debate. But I also want to, Mr. Deputy Speaker, congratulate the Member for Port of Spain North/St. Ann's West. You know, Mr. Deputy Speaker, he indicated that he is not here to cast blame or aspersions, incumbent on all of us this afternoon to give the police that fighting chance and so, Mr. Deputy Speaker—that crime is not a political football and he is not prepared to make it that. And they all reiterated the express request of the Commissioner of Police for this piece of legislation.

Mr. Deputy Speaker, I want to commend the Member for Port of Spain North/St. Ann's West on his contribution. [*Desk thumping*] Like the Member for Pointe-a-Pierre who spoke about the amendments, and in the political arena it is necessary for collaboration and compromise in the interest of the country. I always believe in that, Mr. Deputy Speaker, because you see, in my reading, Mr. Deputy Speaker, in the book *Skin in the Game* by Taleb, there is an expression called “motive attribution asymmetry” and it deals with the fact that on your side,

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Singh (cont'd)

2019.07.31

everything is loved and you love everybody on your side, and on the other side you hate everything and you hate everybody. [*Crosstalk*]

Now, the fact of the matter is that in that kind of situation there is no room for compromise, that there is a kind of ideological barrier because of the blindness of that position, Mr. Deputy Speaker. And that is why I was a bit surprised at my very experienced colleague, the Member for Laventille West, in his approach in the first part of his contribution. I thought that if you want to bring about compromise and you want to bring about collaboration, you must nurture and you must lay the bed for that kind of collaboration, and that therefore in your early period—[*Crosstalk*] I understand clearly the gallery you were playing to. I understand the gallery you were playing to, but I think notwithstanding your experience, you must take the newly found maturity of the Member for Port of Spain North/St. Ann's West in his contribution.

Mr. Hinds: Are you suggesting that I should have cuddled in the proverbial bed with the Member for Couva North?

Ms. Ramdial: What?

Mr. Hinds: In the proverbial, yes.

Ms. Ramdial: 48(6).

Mr. G. Singh: You see, what I am saying is that you are even incapable of understanding what I am talking about [*Desk thumping*] and cuddling with a vibrant, vital woman like the Member for Couva North will not do. [*Laughter*]

Mr. Hinds: It is a metaphor.

Mr. G. Singh: Mr. Deputy Speaker, so that—and the hon. Member for Port of Spain North/St. Ann's West—but before I proceed, Mr. Deputy Speaker, I want to suggest to the hon. Member for Laventille West, that he reads an article by a

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Singh (cont'd)

2019.07.31

Trinidadian who lives away, a very well-written and experienced author, Niala Maharaj, and the article is entitled, “The soul of the Congaree”. You should read it for your benefit, and it deals—and in his contribution, Mr. Deputy Speaker, he dealt from a perspective in which he saw things, but the reality is that the way people see things from your statements, was quite different from the manner in which you saw it. So, let us take a broader view of these matters.

So, Mr. Deputy Speaker, what we have in this country today is that when we recounted the statistics that the hon. Attorney General provided us with, together with the statistics of the hon. Member for Port of Spain North/St. Ann’s West, what we have is a hail of bullets, a pile-up of bodies by the thousands and we have, effectively, in this society, a harvest of lead, not the kind of lead that the Member for Oropouche East spoke about. That was speculative lead. This is a real harvest of lead [*Desk thumping*] that is taking place in this society, Mr. Deputy Speaker and that, therefore, what do we do? What do we do as legislators? What do we do to our oath if we remain committed to our oath? What do we do? How is our duty to our country? It means that we have to look at the legislation, look the legislation and we must take into consideration the legislation and the amendments put forward by the Member for Pointe-a-Pierre and that, therefore, you have to—our duty as legislators is do what is the best for the country.

Mr. Deputy Speaker, so how do we deal with the tangible despair that is outside there? Mr. Deputy Speaker, I came in last night and I spoke to several of my colleagues over the last few days and including this morning, and there is fear which is tangible, there is hopelessness. There is no institution that is giving them that kind of hope that this country will move forward, and it appears that the despair that they feel is that we are like treading, treading water and not moving

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Singh (cont'd)

2019.07.31

forward, and that we are in a regime of despair and hopelessness, and the only beacon is Gary Griffith leading the Police Service of Trinidad and Tobago.

Now, when you look at what—I looked at a video, Mr. Deputy Speaker, and I saw the Commissioner of Police in the midst of a crowd in which he is, in fact, there dealing with it and this video is taken from a vantage point. So he has skin in the game. He is putting his life and that of his fellow colleagues on the line every day. What do we do here now as parliamentarians? So there is an—I am coming back to my original point—existential threat to this society as we know it and that the need for intervention by this Parliament is necessary.

We are not saying that the Bail Bill is the silver bullet. I think that was echoed by the Member for Port of Spain North/St. Ann's West. He indicated that, that there is no magic wand. So this not “no Lone Ranger and Tonto” and the silver bullet will cure all the ills. What we are saying is that from the perspective as a parliamentarian that this is part of the tool in the armoury against criminal activity. This is not the be-all and the end-all.

So, Mr. Deputy Speaker, so the despair, because of institutional failure, the Judiciary is glacial in its approach—now with climate change, glaciers may be melting faster than the Judiciary moves in this country. There is a whole imbroglio, a whole comes emerging out of the Judiciary. So that therefore the criminal activity and the criminals know this, you know, Mr. Deputy Speaker. They know. They are aware of this. They are aware of this. So that therefore you cannot—the institutional failure in that area. So in every area, every area of life in this country, we have to reboot, rethink our approach if we want to carry this country forward. We cannot even provide water for the people whilst the whole world is moving forward into artificial intelligence and robotics, and we in this

Bail (Amdt.) Bill, 2019 (cont'd)
Mr. Singh (cont'd)

2019.07.31

Parliament, we have an obligation to create the compromise, to create the collaboration in order to move this country forward.

[MADAM SPEAKER *in the Chair*]

And, Madam Speaker, it is my intention that to bring about the change required, we must first begin to change the way we approach the atmosphere between both sides of this parliamentary sitting and House. The whole agenda here must be one in which you move away the asymmetry and we bring about symmetry and a level of commonality. So with these few words, Madam Speaker, I thank you. [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker, and I thank my learned colleagues for the compromise in managing. Madam Speaker, may I be permitted to say that—I have said this publicly for years—there are few people in this Parliament in its history that could equal Chaguanas West's eloquence and temperament, and I have learnt a whole lot from him as a parliamentarian, certainly in my days in the Senate and also sitting this House. So I thank my learned colleague for encouraging us to move to the symmetry as opposed to asymmetry of a debate.

Madam Speaker, I can in like mind also equally compliment the Member for Pointe-a-Pierre on perhaps, I think, the most poignant debate today in terms of a clinical analysis of what recommendations are on the part of the Opposition and certainly what the Government can consider.

Madam Speaker, it would be disingenuous if I were to have complimented my two colleagues opposite, and then take the bait to respond to Naparima. So I would just simply say in respect of Naparima's contribution so that we can dive to the punch quickly, that I reject all of his submissions. I do not wish to go into the

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Al-Rawi (cont'd)

2019.07.31

nitty-gritty of it, but suffice it to say that for the record, I reject the submissions of the hon. Member and I will focus instead upon a few of the matters that have come about in terms of a precision point.

Madam Speaker, the hon. Member for Chaguanas West said, quite correctly, echoing Port of Spain North/St. Ann's West and echoing Laventille West, he said quite properly, he put it in a question, he asked why are we here? And, obviously, we are here pursuant to section 53 of the Constitution to pass laws for the peace, order and good government of our country.

Madam Speaker, we do that in the context of the Minister of National Security, and I wish to compliment him for this, putting on record the statistical information which is required to consider the constitutionality of the law which we are debating right now. That statistical information feeds into a court's view of section 13(2) of the Constitution. Section 13(2) of the Constitution says that if you intend to abrogate or abridge or interfere with a section 4 or 5 right, that you must have a three-fifths majority and that it must be reasonably within the parameters of proportionality. It must be such that a democracy of Trinidad and Tobago's type in its fact context ought to foster. And, Madam Speaker, permit me therefore to speak to a few of the issues. There is one statistic I think that is yet to be put onto the record and permit me to do that now in feeding the need for this law.

The Trinidad and Tobago Prison Service administrative offices wrote to me on July 29, 2019. At my request, I had asked for further statistical information, and I am able to say now that there are two tables provided: one, the number of convicted males; secondly, the reoffender rate and this fits into part of the amendments suggested by the Member for Pointe-a-Pierre in looking for a chain towards a 20-year limitation and for convictions to be counted at that point. The

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Al-Rawi (cont'd)

2019.07.31

prison service has confirmed across the following categories: firearm, gang activity, sexual offences against children, sexual offences, offences against the person, dangerous drugs, anti-terrorism, trafficking in persons, kidnapping, those being offences which are in the Schedule that we introduced by clause 6 of this Bill, that we have, Madam Speaker, in the period 2009 to 2019, the following reoffender percentages. Let me put it on the record.

For 2009, the reoffender percentage was 68 per cent. Going through straight up to 2019, the percentages are as follows: 69 per cent, 68 per cent, 69 per cent, 68 per cent, 67 per cent, 69 per cent, 67 per cent, 75 per cent, 70 per cent and 78 per cent as at 2019. That is an important statistic, because in this law in clause 5 of the Bill, we are proposing to introduce a one-strike provision, and that one-strike provision is with respect to coming before the court having had a conviction for a scheduled offence and coming with a charge for a scheduled offence.

Now, the submission coming from Pointe-a-Pierre in the amendments that were circulated that he spoke to, the hon. Member has suggested that we ought to say, firstly, put a time frame, say that the convictions are chained to a length of time—in this instance 20 years—and the hon. Member suggests to us that that is necessary to treat with proportionality. The answer to that, Madam Speaker, as to why that suggestion ought not to be accepted, is that we have over the years, certainly from 1994 straight through till 2015, we have toyed with and implemented three-strike, two-strike, one-strike, taking it through 15 years and 15 years with a different method of calculation, then to 10 years with a different method of calculation.

But I have just read out the reoffender rates between the period 2009 to 2019, and what is consistent in that statistical information pot is that the reoffender

rate at 78 per cent or at 70 per cent is fairly consistent for a 10-year period. And, therefore, what is really required to change the needle point, to move the needle in the right direction, is to eliminate the reference to a period of time, because we have had it since 1994; 1994 was 25 years ago. 2005, when we started these amendments with a different calculation of the 15-year period, the needle did not move. I just read the figures: 68 to 70 per cent consistently. Therefore, statistically and scientifically, it is open to us now to adjust that metric, because we have the data now to demonstrate that there is a problem to be treated with differently. If we apply the same methodology, we are going to get the same result. We have the statistical information that demonstrates that the reoffender rate makes that argument fall—that argument for a chain to the number of years of conviction.

Secondly, we ought to resist that application of amendment, because Madam Speaker, the legitimate aim in this Bill is to cause panic in the mind of the criminal. The Member for Naparima suggested that this Bill was going to cause more people to be incarcerated, that that situation needed to be dealt with, but this Bill treats with people in possession of unlawful firearms, unlawfully in possession of firearms. This Bill does not treat with people who are not in unlawful possession, meaning people who lawfully have under section 6 of the Firearms Acts.

Under section 6 of the Firearms Act, when you look to the manner in which the law is applied, if you have a lawful excuse for being in possession of a firearm—in other words then, if you do not have a licence but you have a lawful reason for having it, you are not deemed to be in law in unlawful possession. So if we were to accept Naparima's argument that somehow you are putting people who

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Al-Rawi (cont'd)

2019.07.31

should not be in jail in a pot, then, Madam Speaker, most respectfully, that argument falls flat on its face because we do want in our legitimate aim to target people with unlawful possession. Why?

Again, we turn to the statistical information. And what does the statistical information tell us? The statistical information tells us in the 10-year period between 2009 to 2019, we have had 17,908 reports of firearm related offences with the figure going up every year. Arrests for possession of firearms in that same 10-year period 2009 to 2019, 5,900 people have been arrested with the figure going up every year. Look, in 2009, there were 360 people arrested for an unlawful firearm. In 2019, and we are only halfway into the year, 649, double the figure, more arrests. And, therefore, there is a legitimacy in the aim of this law and a legitimacy in saying if you have a conviction for a scheduled offence, then you really ought not to find yourself in possession of a firearm unlawfully.

And, Madam Speaker, Chaguanas West and Pointe-a-Pierre asked a sensible question. They asked the question—Pointe-a-Pierre put it quite plainly—whether this law is to treat with a lack of trust in the Judiciary. The law at present is the 1994 law as it cascaded back with certain amendments which were preserved in 2008 and 2005, none of which treat with the number of strikes or the type of offences in the Schedule. The law as it currently stands is that you have to have three strikes. The law as it currently stands is that you stand a greater chance of getting out. The law as it currently stands is not the number of amendments we had—2004, 2005, 2006, three in 2007, one in 2008, then again in 2011, then again in 2014, then again in 2015. That is not the law.

Members may be mistaking what they remember the law to be because many of the hon. Members here piloted or participated in that law. Chaguanas

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Al-Rawi (cont'd)

2019.07.31

West was in Government for the 2011, 2014 and 2015 amendments. I am not criticizing him if there is some confusion in remembering the law that way, but that is not the law. The law is the 1994 law, and the mere fact that the law needs to be amended is evidenced by the fact that the law was in fact amended so many times.

So, Madam Speaker, my learned colleague for Pointe-a-Pierre, in his first amendment suggested that clause 5 of the Bill, that we should delete the words— after the words “previously convicted” the hon. Member says that we should look at modifying the word “convicted”. The hon. Member puts out in his amendments:

“Insert after the words ‘previously convicted’ the words ‘, within the last 20 years,’”

I have just dealt with that. The hon. Member says:

“Delete the words ‘which is punishable by imprisonment for a term of ten’”—years.

Let me explain that one. We have put in the reference to “punishable by ten years”, Madam Speaker, not by whim or fancy but by reference to the following laws: Act No. 18 of 1994, Act No. 32 of 2005, Act No. 10 of 2007, Act No. 15 of 2007, Act No. 25 of 2007, Act No. 9 of 2011, Act No. 1 of 2014, Act No. 7 of 2015. All of those laws, all had reference to the 10-year prescription.

6.30 p.m.

Why? Because that is how, from a parliamentary perspective, in the separation of powers construct, you give the Judiciary the parameters under section 53 where only this Parliament has the power to make law for the peace, order and good governance. A court cannot do that. A court can construe the law. A court can strike down law as offending the Constitution, but a court does not make law in a statutory form. It may evolve the common law, and therefore in these eight

pieces of law, and in particular, Act No. 7 of 2015 where the UNC brought the amendments. In Act No. 1 of 2014, in Act No. 9 of 2011 where the UNC Government brought the law, they all had the 10-year period to indicate the type of offences because you want to make sure that you are doing it in the legitimacy of the aim in reference to serious offences, [*Desk thumping*] and that is why we cannot accept a retrograde step in the law.

I do not mean that pejoratively but it will take us past even what was the common law prior to 1994. That, respectfully, does not make sense. And for the benefit of hon. Members, the offences captured under the Bail (Amdt.) Act, Madam Speaker, are: section 6(1)(a), 6(1)(b), section 6(1)(c), section 6(1)(d), section 6(4), 6(5), 7, 8, 9, 10, 11, 12, 13, 14(1), 14(2) 14(3) and 15 of the Anti-Gang Act. What are those? Gang leader, 25 years; gang member, 10 years, et cetera. I am putting it on the record as to how serious these matters are.

Under the Firearms Act, section 6(1), 6(2), 6(4), 6(5), 9(1), 9(2), 10, 12, 13, 15(3)(a), 15(3)(b), 31(2)(a), 32(b), 32(c), 33, 34. Sexual Offences Act, all sexual offences under Chap. 11:28. All sexual offences under the Children Act. Under the Sexual Offences Act, we then list them out. What are they? Rape, grievous sexual assault, incest, sexual assault with a mentally subnormal person, buggery, indecent assault, serious indecency. I think you catch my drift. These are the most bloody of crimes, the most vicious and heinous of crimes and if we do not legislatively indicate the odium that we have for these offences then we will unwittingly capture people who we do not want to catch. [*Desk thumping*]

Let me give you an example. Under the Sexual Offences Act, people who fail to mandatorily report a rape—a nurse, a teacher, a pastor—that person will be caught here. We do not want to catch the mandatory reporting doctor who may

have been afraid for life. We do not want to catch, necessarily, the person who was associated with living off of the income of a prostitute in the circumstance where that person is a victim. We want to catch the people referred to as the benefactors or persons who benefit, the pimps. We want to catch them. The only way we can do that is by specifying the 10-year limitation.

So respectfully to the hon. Member for Pointe-a-Pierre, that amendment proposed just does not make sense in the context of the proportionality of the law because the first limb of proportionality is that the law must have a legitimate aim. If we take away the legitimacy of the 10-year prescription then the aim falls flat on its face as a matter of law.

Madam Speaker, my learned colleague, the Member for Pointe-a-Pierre, then suggested in his second amendment that we delete clause 3(c). Madam Speaker, clause 3(c) is to be found—sorry, the hon. Member suggested that we delete subclause 3(c) in clause 5(3). At 5(3), Madam Speaker, (c), (c) as listed at page three of the Bill, the hon. Member suggested that we delete this; and let me put on to the record where this 3(c) came from in clause 5. This is where you can find yourself subjected to the provisions if you are charged and charged—double charge. You have an existing charge, you are out on bail, you come back with a charge:

“(c) listed in Part II of the First Schedule, except an offence under section 6 of the Firearms Act, where the prosecution informs the Court that the person or any other person involved in the commission of the offence used or had in his possession a firearm or imitation firearm during the commission of the offence.”

Madam Speaker, if we delete that how do we explain that that was introduced into

law for the first time by Act No. 7 of 2015?

The UNC introduced that provision into law by Act No. 7 of 2015. But further, forget the fact that they introduced it, was it constitutional? That is where the cases that I referred to earlier come in. The Court of Appeal in the Republic of Trinidad and Tobago in CV 2015-03229, *Ryan Reno Mahabir v The Attorney General*. In CV 2015-0345, *Danielle St. Omer v The Attorney General*. In CV 2016-00074, *The Attorney General v Justin Stuart Charles*. In the latter two cases the Court of Appeal upheld the constitutionality of that same clause. The lawyers who were seeking to strike out that clause, one is a fella named Anand Ramlogan and the next one is a fella named Gerald Ramdeen. So the UNC passed the law. The two UNC lawyers, one in the Senate, one as Attorney General, tried to strike down the law and the Court of Appeal upheld the law and today we are being invited by Pointe-a-Pierre to strike out that section.

Madam Speaker, look, let me be very fair to my learned friend, the Member for Pointe-a-Pierre. I know he is not an attorney-at-law, and the only Senior Counsel on that Bench is absent today, as the Member for Siparia neither has leave to be absent and is just simply not here as far as I am aware. So, Madam Speaker, I do not make any criticism of my learned friend for that proposal because Senior Counsel for Siparia is not here. Madam Speaker, I do not know if that was a note from Senior Counsel but, anyway, I think I have addressed it. Madam Speaker, my learned friend then asks for an amendment to clause 5(4):

Delete the word “mentioned in” and replace with the words, “being the subject of”.

Madam Speaker, I do not know if that is a “Duppy” amendment, God forbid. In 5(4), quite simply put, 5(4) at page three which is clause 5 of the Bill:

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Al-Rawi (cont'd)

2019.07.31

“Subject to subsection (5), where a person is charged with an offence mentioned in subsections (2) or (3)...”

A person cannot be, respectfully—where a person is charged with an offence being the subject of subsections (2) or (3), a person in a drafting sense cannot be the subject of subsections (2) or (3). They have to be the subject of the thing which is in subsections (2) or (3) and that thing is the charge. So, Madam Speaker, I just do not know where that amendment comes from. It makes absolutely no sense linguistically or in law and therefore I respectfully disagree with that proposal.

Madam Speaker, the next amendment is that we amend clause 5(6), and the hon. Member says there needs to be a definition for “similar” and “materially similar”. And, just to put on the record, clause 5(6) comes directly out of Act No. 7 of 2014. It is to be found at page four of that law, subsection (11), and if there was no need to define it in 2014, in 2015, in 2016 when the law applied, as it was brought into life by the UNC, for heaven’s sake, I cannot understand why it needs to be defined now.

But let me not rest my laurels there, let me go further. Can it be improved? Has a court looked at it? The courts have looked at this section and have found no difficulty in the application of the law. So why interfere with something now, (a), that had no need for definition for the full time that it was in existence, and (b), that the courts have sought to leave undisturbed because the role of the court is to interpret the law and to apply it? It allows a living flexibility. It is like a heart having the capacity to move by contraction and expansion to pump lifeblood. So too does the law have the ability as a living entity to breathe and move.

Madam Speaker, my learned friend then says, and this one is the most serious of the amendments, the hon. Member proposes that subsection (7A) be

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Al-Rawi (cont'd)

2019.07.31

omitted, deleted, and (7A), for the record, the Government has brought (7A) to match up with the Canadian case law. The Canadian case law appearing in *Her Majesty The Queen v Maximo Morales*, in *The Attorney General of Quebec v Edwin Pearson*, Supreme Court, 1992; in the decision as well coming out of *R. v Antic*, SSC, 2017. You see, Madam Speaker, we do not arrive here without having done the law and the research. These Canadian laws, these Canadian cases on the Canadian laws find very good reference for us because the Canadian Bill of Rights, their charter, is the most similar to Trinidad and Tobago. It is not exact, we have a very unique law. We have a law that no other Caricom island has. All of the other islands have the ability to have an exception to constitutional support if it is in the need of national interest. We are the only ones hamstrung by a three-fifths majority or two-thirds or three-quarters majority, we, Trinidad and Tobago. And so, Madam Speaker, not only do we meet Canadian muster but we meet the muster prescribed in the amendments that caused the UK Parliament, as I read the dicta of Lord Falconer in piloting the amendments to the criminal justice and protection Act.

I read that into the record and that comes directly out of the reference to the European Court of Human Rights in *Caballero v The UK Government*, Appeal No. 32819 of 1996. It was decided in 1999 and it springs from the *State of Mauritius v Khoyratty*, 2006, UK, Privy Council matter. And, yes, Madam Speaker, that reversal of burden in (7A) is a unique architectural feature which matches up with the old section 5(2) in the 1994 Act. It matches up with the Canadian jurisprudence. It matches up with section 25 of the Criminal Justice and Public Order Act 1994 as amended. So, Madam Speaker, to delete (7A) is to create a gross unconstitutionality.

But let me go further, because the hon. Member may quite correctly point me to the introduction of (7B), and in (7B)—sorry, in (7A) the hon. Member is suggesting delete the references to subsections (3) and (7), and (3) and (7) are the exceptions to the position. But the hon. Member says that what we should do is to make reference to all of section 5—5(1) to (7). But, Madam Speaker, may I urge my learned friend, not being an attorney at law—and I mean no disrespect by that, there are many noble professions. The Prime Minister has a particular view of lawyers which I cannot repeat right now, but he is married to one, his daughter is one, his son-in-law is one, et cetera, many members of the family. All that I will say, if we make the mistake of, I should say, legislatively interfering with section 5(1) we would be in deep trouble. Why? Because, Madam Speaker, the Court of Appeal in *Danielle St. Omer v The Attorney General* and *The Attorney General v Justin Stuart Charles*, the Court of Appeal said, “Do not touch section 5(1). Section 5(1) is the thing that is allowing you constitutionality.” Those two matters have been given leave to appeal to the Privy Council. Caution dictates as Attorney General that I invite the honourable Parliament to studiously avoid interfering with section 5(1), and therefore the amendment proposed by my learned friend for Pointe-a-Pierre would make a mockery of that caution.

Let the Privy Council decide upon the four corners constitutionality of that law even though it is an academic exercise. Why? The UNC allowed the law to collapse. So it is an academic exercise but that academic exercise becomes real because section 5(1) still exists. Secondly, it would be the first case in the Commonwealth, and certainly in Trinidad and Tobago, to test the four corners of what section 13(2) means. Let me explain that for a moment. Section 13(2) of the Constitution is of a higher standard. Section 13(2) is rooted to issues like your

national security. Section 13(2) is not to be treated with in the same fashion as section 4 and section 5 because it is a different test that has yet to be tested. So we have to leave that alone and we therefore cannot accept my learned friend's suggestions.

My learned friend asks us to remove the three-year sunset clause to one year. I must respectfully, on behalf of the Government, decline that. Why? Madam Speaker, we need to have space to operationalize the law, and let me prove it this way. In 2007, Madam Speaker, we had the following Acts; in 2007 we had a series of Acts. We first of all had Act—I should go to 2006—we had No. 30 of 2006, No. 10 of 2007, No. 15 of 2007 and No. 25 of 2007. You notice there were three Acts in 2007? Why? The UNC then knew that a special majority was required. All of these Acts are bail amendments, three months, six months, one year. What did that prove? What did that actual exercise bring to the table? Nothing. Nothing happened by coming back to Parliament, three months, six months, one year, nothing. Realistically, will we get the Privy Council's decision in St. Omer and Stuart Charles in one year? No, Madam Speaker, we will not. Why not allow for common sense to prevail, keep the three-year period, let us get through that position, have the benefit of the Privy Council's decision, have the benefit of the statistical information—

Madam Speaker: Attorney General, your original 30 minutes are now spent, you are entitled to 15 more minutes to complete your contribution.

Hon. F. Al-Rawi: Should it please you.

Madam Speaker: You may continue.

Hon. F. Al-Rawi: Yes, Madam Speaker, from a commonsensical point of view, fact number one, the three amendments, the three laws in 2007 made not a hoot of

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Al-Rawi (cont'd)

2019.07.31

difference. We tried that. Fact number two, the Privy Council's decision in the two cases for which there is leave to appeal will not be heard inside of one year. Fact number three, let us be real, we are in a run-up to an end of government's term. Parliamentary wise, parliamentary time is scarce. The last thing we want to do is to have the fight against criminality interrupted by a sunset which comes in one year. It just does not make sense. If there is, to borrow Chaguanas West's quotation, skin in the game, and a return to symmetry as opposed to asymmetry then the symmetrical approach, the logical approach to this is that we go for the three years. Yes, the Government went with a five-year period. Why? We wanted to test the appetite. Was five years unreasonable? No.

The UNC Government asked for a five-year sunset clause in the bail amendments that accompanied the anti-gang and which accompanied anti-kidnapping. So if it was good enough in 2011 for five years what is the difference, hon. Members, in the symmetrical skin in the game approach to now say three years? Madam Speaker, it is why I find my learned colleague from Chaguanas West a persuasive speaker. The ideas can cross the divide, quite respectfully, Madam Speaker. I wish it could cross the backbench and the front bench of the UNC, but it certainly can cross this divide. Madam Speaker, the hon. Member asks for—Pointe-a-Pierre—a new clause 8 effectively that the Minister comes every six months with a report. My response to that, quite respectfully, number one, yes, you do have a joint select committee on National Security; yes, it is currently chaired by the Member for Laventille West. However, there is another joint select committee. It is chaired by Sen. Sophia Chote. That committee is the subject of equal call for this material. It is why we have the ability to have committees go to work. The Westminster system of Parliament is built upon the

strength of its back room committees, its front room committees, not only the benches of Parliament.

Secondly, it is a fact that reports come to Parliament late. We have all seen the idiocy of reports coming, some dated 2002, 2008, being laid in 2015 or in 2019. Reports are habitually late. What are you going to do, go to court and get a mandamus to compel you to produce the report? What is that going to achieve? It is by far more prudent to utilize the joint select committee approach to access and test and call for evidence on those matters, and therefore this recent idea of bringing reports every six months to talk about bail and how many applications, et cetera, you could ask CAPA. You can ask the Trinidad and Tobago Police Service for that statistical information. Anybody could ask them and they will give it to you. Joint select committee number one, joint select committee number two, Trinidad and Tobago Police Service which can anonymize the applications; it is option number three. But you also have the Freedom of Information Act of the TTPS. You also have questions in Parliament. So you have five bites of the cherry which are by far more efficient than laying a report on the table of this Parliament. So really it does not advance the constitutionality or depth of the Bill to consider an amendment of that type.

The last one:

Where any application for bail is made under the provisions of this Act the burden of proof shall be on the applicant to satisfy the court on a balance of probabilities why bail should not be refused.

Madam Speaker, whilst this is a commendable approach it is limited. Number one, there are points in time where the burden will shift in certain circumstances. They will return and then not return depending upon who has the obligation to discharge.

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Al-Rawi (cont'd)

2019.07.31

Secondly, the amendment which we have caused to subsection (7A), which is in clause 5 of the Bill, takes care of that burden of proof issue on an implied basis. There is no need to be expressed because it is strike law that where a defendant in criminal proceedings has a burden to discharge which is constitutionally recognized as well in section 5 of the Constitution that that is on a balance of probabilities. It then returns to the prosecution on a proof beyond reasonable doubt basis. So there is no need to interfere with that law, most respectfully, Madam Speaker.

Madam Speaker, there is one provision that I have not addressed in the hon. Member's submissions. The hon. Member suggests in a new (7B) at clause 5:

Where an application for bail is made under this subsection no subsequent application shall be made unless there is a material change of circumstances. I just cannot advise as a legal advisor to this Government that we accept that clause. That will be to introduce what the Americans call a bogey into the situation. It is unprecedented. It skirts on unconstitutionality of a type which I have no precedent for in terms of Canadian jurisprudence or English jurisprudence or European Court of Human Rights jurisprudence, and I cannot, at this point, advise the Government to accept that amendment. It would be to court danger, Madam Speaker, particularly when the St. Omer and Charles decisions are outstanding from the Court of Appeal.

Madam Speaker, I will now begin to just wrap up one very important point. We have heard a lot about operationalization, and I would like to tell hon. Members, listen to Pointe-a-Pierre at times. The Member for Pointe-a-Pierre, almost in a Freudian sort of way said in relation to a previous debate that they were not going to support something because they finally understood the pieces of the

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Al-Rawi (cont'd)

2019.07.31

puzzle coming together from the Office of the Attorney General. I recall that vividly. I recall seeing Siparia hit him an elbow at that point, and what happened, Madam Speaker, is that the Member was referring to what the Government has done. The population has not yet seen it in its full context because there are a few moving pieces to unveil shortly, but I am confident this Government, this Office of the Attorney General, this Ministry of National Security, under this chairman, the hon. Prime Minister, as chairman of the National Security Council has birthed the following. Number one, the introduction for the first time of Criminal Procedure Rules. Number two, the introduction of two divisions of court, the Family and Children Division and the Criminal Division with road traffic aspects. Number three, we have raised the judicial capacity legislatively from 36 High Court judges to 64, from 12 Court of Appeal to 15. We have gone further to introduce a suite of legislation and subsidiary rules to treat with how you manage the children's criminality.

We will be birthing, by September/October, the removal of 104,000 cases in the Magistracy per year out of a total of 146,000 where we remove road traffic offences and convert them to violations. We would be coming to Parliament on commonsensical matters such as the decriminalization of marijuana. Madam Speaker, the Judiciary has completed their advertisement process for the implementation of an expansion of the Judiciary. The Cabinet approved and underwrote, and the Judiciary already hired a 5:1 ratio—let me repeat that, 5:1 ratio for judicial support for criminal judges. They now have, for the first time, judicial research assistants, judicial support officers.

Madam Speaker, it goes better than that. The Government has approved and the building has been rented, the expansion of the Legal Aid and Advisory

Bail (Amdt.) Bill, 2019 (cont'd)
Hon. F. Al-Rawi (cont'd)

2019.07.31

Authority, and, by the way, the board is in place for the launch of the public defenders system. [*Desk thumping*] That building is already in the course of being rented and the outfitting is on deck now. The job interviews were completed, people are to be brought in. The office of the DPP opened its Tobago office under us, took receipt of their Park Street offices under us which are being outfitted now. But most importantly, Madam Speaker, because we passed the Court Pay legislation and the criminal division legislation, what did we acquire? We acquired the ability for the Magistracy in September as it starts to be computerized for the first time ever. Court mail and court filing electronically will go live in September.

The legal profession has already seen it. The software is built up, and, Madam Speaker, the Office of the Director of Public Prosecutions has agreed to accept the software into the DPP's office. That software shows you the status of every matter, the next steps to be done and who is required to do it; there is a dashboard. That never happened before in the history of Trinidad.

Dr. Rowley: And Tobago.

Hon. F. Al-Rawi: And Tobago, certainly, hon. Prime Minister. But, Madam Speaker, let us talk even more. The Trinidad and Tobago Police Service has, for the first time in their history, a Special Prosecution Unit with forensic auditors, forensic accountants, specialist lawyers from the United Kingdom and local lawyers. That came out of a manpower audit commissioned by the Prime Minister. That came under a Commissioner of Police brought to this House by the hon. Prime Minister. And when I hear all the accolades from Pointe-a-Pierre about Gary Griffith, why pray tell could the Opposition not then be symmetrical and vote for Commissioner Griffith?

Mrs. Robinson-Regis: They did not have skin in the game.

Hon. F. Al-Rawi: There was no skin in the game then, Madam Speaker. But, Madam Speaker, I have just pointed out to some nuclear changes that never existed before. The Member for Point Fortin, now with the Member for Port of Spain North/St. Ann's West, the management of the remand facilities is now being perfected by putting a court at the jail, Madam Speaker. That takes \$80 million in transportation costs out the system.

So, Madam Speaker, we will not only speak this in the Parliament, we will go public very shortly. I am confident the hon. Prime Minister will also speak to certain very important announcements to be had in this system at the appropriate time, but, suffice it to say, we are on the right track. [*Desk thumping*] For the first time in the history of this country—it took generations to get there, let me not belittle the efforts of all Members who have served in Government, but, Madam Speaker, I will end by saying, Pointe-a-Pierre said of Commissioner Griffith that he is a straightforward man, and the hon. Member was talking about, stop talking about the OPVs, but I could tell you Commissioner Griffith is on record as saying that he begged his own Government to keep one OPV, begged them. And I can say now, as Attorney General having taken over the portfolio that our attorneys, Messrs Charles Russell Speechlys, our UK lawyers who conducted that matter, begged Attorney General Anand Ramlogan to not rescind the contracts, begged him. Literally begged him.

So, Madam Speaker, we have looked at the amendments suggested by the hon. Members. I will end by saying, they are different from what came in the Senate, but, Madam Speaker, the entire Independent Bench supported this law, and the Members on that Independent Bench are what gave the special majority. Naparima said that they did not need any special majority, the hon. Member was

Bail (Amdt.) Bill, 2019 (cont'd)
 Hon. F. Al-Rawi (cont'd)

2019.07.31

referring to the period when the UNC was in Government, but the hon. Member perhaps does not know that we have a bicameral system. You might have a special majority in the House but you never have a special majority in the Senate. [*Desk thumping*]

7.00 p.m.

It did not matter what you wanted to do, when I sat in Senate with Sen. Deyalsingh, Sen. Young, Sen. Hinds, et cetera, Sen. Camille Robinson-Regis as our Leader, when we supported those Bills, it was only then that the laws passed, and on those occasions, sometimes we did it even when every Independent Senator said no, like the Children Act. They all said no, it was the UNC Government and the PNM Opposition that said yes to the Children Act, No. 12 of 2012.

Madam Speaker, I look forward to committee stage, and I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

PROCEDURAL MOTION

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

Madam Speaker, I beg to move that this House continue to sit until the conclusion of the matters before it.

Question put and agreed to.

BAIL (AMDT.) BILL, 2019

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 4 ordered to stand part of the Bill.

Clause 5.

Question proposed: That clause 5 stand part of the Bill.

Mr. Lee: We had proposed in clause 5(b)(2), in the clause:

Insert after the words “previously convicted” the words, “within the last 20 years,”

Delete the words “which is punishable by imprisonment for a term of ten”.

The reason for this, Madam Chair, is basically that we are saying that somebody who has had a first conviction would have been rehabilitated, and we should at least consider the time served and he or she would have rehabilitated themselves, and for somewhat unfortunate circumstances they might have gotten caught up in the wrong end of the law. So, for example, a 20-year-old individual might have served a 10-year sentence, he would have gotten out at age 30, and then at age 55 we are saying consider him as a first offender and taking into consideration his time served. That is the reason why we put forward this argument, Attorney General, also in consideration with what the Law Association has said about the consideration in that format that I just described.

Mr. Al-Rawi: Madam Chair, I thank my learned friend for the explanations. In the course of my wrap-up I indicated the reasons why we are reluctant on this occasion to accept these amendments—(a), for the fact that we have already experimented as a jurisdiction with the chain to a prescriptive period of years, in particular in the three-strike, through two-strike, through one-strike recommendations for 15 years, et cetera, and then in the various amendments between 2005 to 2015, where that was tweaked further in the manner in which you counted the years.

The statistical information presented and actually articulated in the course of this debate, both by the Minister of National Security and in the statistics I put, demonstrate that we have had no material advantage in reducing the number of crimes in respect of which we have scheduled those offences in any meaningful

way by engaging in this. We believe that in the same way that one ought to be exposed to jeopardy for a driving offence where there is a second charge, for drunken driving in this law under the Motor Vehicles and Road Traffic Act, if you go back before the court without a prescriptive period, you are treated with harshly. How can we explain to a bleeding public that we are putting in a limitation for the scheduled offences?

I might remind, the scheduled offences are the most grievous offences in respect of which the conviction would have related to something over 10 years: rape, assault, grievous sexual assault, trafficking in persons, narcotics, attempted murder. All of these things make us safe statistically and logically and reasonably in the zone where we think it is time to adjust this law.

Madam Chair, I have already addressed in the course of the debate, the reason why the reference to 10 years is done. That is specifically to preserve the arguments for constitutionality and proportionality; without it the law would be too wide. We need to indicate that it is not just indictable offences, but it is very serious indictable offences. And it also allows, in the event that those parent laws were amended and let us say a charge was dropped down below 10 years, we need to feature how the law continues to speak, and that is the reason for that. So, in all of the circumstances I respectfully decline the invitation to amend as suggested by my friend.

Madam Chairman: Whip, have you dealt with all your amendments under 5?

Mr. Lee: Not really, Madam Chair.

Madam Chairman: I would kindly ask you to deal with all, so that the Attorney General can answer all, and then I can put the question.

Mr. Lee: The second part of that amendment in the same clause, it is saying:

Insert the words “and has been sentenced to a term of imprisonment of five

years”.

The original in the clause is “a term of ten years or more”. What we are saying, AG, is that you are casting the net wider when you bring it down to the five-year as opposed to the 10-year and more, and that was the rationale for us trying to give it some beef, some strength, of casting the web a little wider.

Mr. Al-Rawi: Madam Chair, the jurisprudence tells us that when you go too wide you become unconstitutional. So the argument in relation to separation of powers and the section 13(2) is that this must be reasonably justified in a society such as ours. The courts do not look too lightly on liberty. Remember this Bill is not intended to punish, it is intended to balance the bail issue. Bail is not intended to incarcerate people, it is intended to be denied in just circumstances.

The Constitution recognizes that, the UK Parliament in its debates by Lord Falconer equally recognized that. What this is, is to try and adjust the statistics that we are seeing here. So, if we were to drop it from 10 to five years we would be falling into the trap of an argument of unconstitutionality, because it is too wide, particularly where we have not referenced, as we do now, a reference to a 15-year or a 20-year limitation. So keeping it at 10, having the Schedule very tight—remember, Madam Chair, we removed things like larceny, receiving stolen goods. All of those things were in the existing law. We have taken those out and kept it to the most bloody of crimes.

Madam Chairman: Okay, you have dealt with all of clause 5?

Mr. Lee: Yes.

Mr. Al-Rawi: Well, go through 5(3), 5(4)—

Madam Chairman: Just one minute, please. All of it is clause 5 and therefore, Whip, I have invited you to deal with the whole of clause 5, because I believe the AG would have dealt with them in his wind-up. So that if you can deal with all so

the AG can repeat what he said in his wind-up and then we could press on, rather than dealing “piecemeally, piecemeally”, and breaking it. I do not think that is a really very efficient use of our time.

Mr. Lee: Sure. So the other amendment, the second amendment, is in clause 5(3):

Delete clause 3(c)

And the rationale there, Madam Chair, through you to the Attorney General, when you look at clause 3(c), the mischief in there for us is the “say so” aspect of that clause where literally you are saying based on, not evidence, a “say so”, where the prosecution informs the court that the person or any other person involved in the commission of the offence used. So it is based not on evidence. It is just based on an assumption or a “say so” as we say. We have a concern with that.

In clause 5(4), Madam Chair, we recommend:

Delete the word “mentioned in” and replace by the words “being the subject of”.

In his wind-up, the AG gave his explanation why he would not support the clause. We feel there is some ambiguity in that particular clause 5(4).

In clause 5(6) in the amendments, No. 4, we again ask the AG for the definition for “similar” and “materially similar”. He gave his reasoning for not supporting this amendment in his wind-up. We feel that there is a definition that is required.

In the amendment 5, in (7(A): Delete the words “notwithstanding subsections (3) and (7)”. And we are proposing to include “(1) to (7)”, Madam Chair, for the proportionality of making the entire Bill proportional in our view.

Madam Chairman: Whip, I may have caused you some confusion. I have asked you only to deal with your amendments to clause 5. So I believe you have gone on to (7A), which is item No. 5 on your list.

Mr. Lee: Sorry.

Madam Chairman: So, AG, I will just call on you to address the items 1 to 4 on the Whip's list.

Mr. Al-Rawi: Yes, please. Having already addressed item 1, Madam Chair, I will go to items 2, 3 and 4. In recommendation No. 2, which is the deletion in clause 5(3) of 3(c), the hon. Member explained it as a mischief in the Opposition's mind, that it was based upon the "say so". If I could refer the hon. Member to specifically Act No. 7 of 2015, which was assented to on the 29th of April, 2015, a law brought by the United National Congress. At page 3 of that Bill, (b)(ii), the exact provisions are in essence applied there. But the difference between this law in 2015 and the law which we have now is that the 2015 law was an automatic ouster of the court.

In 2015 you had no access to the court. The court was debarred from having consideration of bail. What saved it was maintaining section 5(1) of the original Act. So the Court of Appeal in the St. Omer matter, in the Charles matter said because you did not amend section 5(1) of the parent law, the 1994 law, that saved what looked like unconstitutionality of this type of "say so" clause. I am just using the hon. Member's words, right?

Second factor: subsection (7A) in this Bill, which we have not yet come to, specifically applies to this subsection (3), and that is where we allow access to the court. Even though you shall not have bail, you can still have bail considered in exceptional circumstances. So the dance between 5(1) of the parent Act and clause 5(7A), that is going to treat us with positions of salvation.

Madam Chair, the hon. Member asked us to consider inserting a definition for "similar" and "materially similar". I refer to the fact that in the previous laws, as they existed on the books of Trinidad and Tobago, we had this already a feature

of the law. That definition is to be found in the laws again passed in the UNC's tenure. That is something which speaks for itself, as I referred to in my debate. In any event, Madam Chair, we fall upon the Interpretation Act, and the Interpretation Act assists us clearly with that.

For the record, in Act No. 7 of 2014 at page 4 in subsection (11), you can find the same wording, "similar or marginally similar offences". There was no need to interpret it then. The courts have in fact considered bail amendment laws and have not sought to disturb themselves on this issue. And then the last issue is of course that the constitutionality is preserved because we have preserved the 5(7). I think, Madam Chair, that the sheet as circulated by the hon. Member has an error.

Madam Chairman: AG, I just want to say that I was just about to tell Member for Pointe-a-Pierre, while I apologize, his sheet is misleading.

Mr. Al-Rawi: Yes, Ma'am. So that clause 5, that is his amendment No. 5 which says "7(A)" is really 5(7A). So if the hon. Member considered it appropriate to address his submissions on item 5, it would fall within clause 5, and I can respond with your leave.

Mr. Lee: Madam Chair, just again in clause 5(7A), we really feel that the proportionality should include all the proposed subsections in the Bill from (1) to (7), not only (3) and (7), because we feel there is a risk for it being struck down by the constitutional court.

Mr. Al-Rawi: Madam Chair, it would be the exact opposite. Because the Court of Appeal has specifically in the St. Omer decision, the Stuart Charles decision, said the constitutionality to be had in this entire series of bail amendments, albeit it collapsed in 2016 when the sunset applied, the court specifically pointed out that clause 5(1) was what preserved constitutionality.

If we were to interfere with clause 5(1) now, by adding it in the fashion suggested now, we would be disturbing, number one, a matter which is yet to be completed in the Privy Council, and number two, we would be disturbing the ruling of the Court of Appeal, which is our highest court right now, on the issue. For that reason I think it prudent to avoid amending clause 5(1) right now, and to not apply the law. So therefore the law as stated in the proposed amendments here is where we will reside.

Madam Chairman: I will now put the question.

Question, on amendment, put and negatived.

Clause 5 ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Clause 7.

Question proposed: That clause 7 stand part of the Bill.

Mr. Lee: Madam Chair, our amendment to clause 7 is the sunset clause. Again, we are saying:

Delete the word “three” and insert the word “one” to a sunset clause.

The arguments have been put forward in the debate.

Mr. Al-Rawi: Madam Chair, I agree that there should be a sunset clause, hence the reason it was proposed. It adds to the constitutionality whilst we are awaiting the Privy Council decisions. It is merely from a practical point of view that I disagree with my learned friend, mainly because the one-year period will not allow us to get to the Privy Council’s final decision in the two cases that are on for leave to appeal. Secondly, it would be impractical in an election year to risk the Parliament not being able to use this law. We ought to allow for that to be completed, get the benefit of some statistical information. We think that a three-year sunset clause is not an unreasonable one. It would allow any incoming

Government the ability to catch its stride and to look at the statistics. Therefore, we respectfully maintain our position on the three-year period.

Question, on amendment, put and negatived.

Clause 7 ordered to stand part of the Bill.

New clause 8.

“The Minister responsible for National Security shall within six months from the commencement of this Act, and at six monthly intervals thereafter, lay in Parliament a report detailing the number of applications for bail made by persons subject of this Act, the number of applications granted, the offences for which such persons have been charged and the number of applications refused.”

New clause 8 read the first time.

Question proposed: That the new clause 8 be read a second time.

Question put and negatived.

New clause 9.

“Where any application for bail is made under the provisions of this Act the burden of proof shall be on the Applicant to satisfy the Court on a balance of probability why bail should not be refused.”

New clause 9 read the first time.

Question proposed: That the new clause 9 be read a second time.

Question put and negatived.

Question put and agreed to: That the Bill be reported to the House.

House resumed. [Interruption]

Committee resumed.

Madam Chairman: I recall this committee meeting for us to do the Preamble.

Question put and agreed to.

Bail (Amdt.) Bill, 2019 (cont'd)

2019.07.31

Preamble approved.

Question put and agreed to: That the Bill be reported to the House.

House resumed.

Bill reported, without amendment.

Question put: That the Bill be now read a third time.

Madam Chairman: This Bill requires a three-fifths special majority.

The House voted: Ayes 32

Al-Rawi, Hon. F.

Rowley, Hon. Dr. K.

Young, Hon. S.

Robinson-Regis, Hon. C.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. C.

Garcia, Hon. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Mc Donald, Hon. M.

Francis, Hon. Dr. L.

Jennings-Smith, Mrs. G.

Olivierre, Ms. N.

Antoine, Brig. Gen. A.

Bail (Amdt.) Bill, 2019 (cont'd)

2019.07.31

Leonce, A.

Smith, D.

Cuffie, M.

Lee, D.

Charles, R.

Rambachan, Dr. S.

Karim, F.

Tewarie, Dr. B.

Newallo-Hosein, Mrs. C.

Gayadeen-Gopeesingh, Mrs. V.

Indarsingh, R.

Ramdial, Ms. R.

Singh, G.

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

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

Thank you very kindly, Madam Speaker. I beg to move that the House do now adjourn to a date to be fixed, and I wish everyone a happy Emancipation tomorrow.

Madam Speaker: May I ask if that is your Emancipation Day greeting?

Hon. C. Robinson-Regis: I was not informed whether you were prepared to do anything else but the Bill today. If you would allow us we would be very happy to bring Emancipation greetings.

Emancipation Day Greetings

Madam Speaker: As we all know, hon. Members, Emancipation Day will be

celebrated tomorrow. Before I put the question on the adjournment of the House, I now invite Members to express their greetings on this occasion.

The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam Speaker, for the opportunity to rise and to bring Emancipation Day greetings to this honourable House.

We have come far in this country. We the descendants of slaves can think back to our ancestors, and can think back to how they must have thought and wished and hoped that one day their progeny would be able to escape the life that they were bound to. [*Desk thumping*]

It is inconceivable to us standing here now, being in control of ourselves, being able to govern ourselves, being able to forge our own path, that any of our children would be subject to that which the slaves were subject to so many years ago. As we enjoy this liberty, as we think about it, and we celebrate this Emancipation Day, and we do the things that our fore-parents were forbidden to do, and we behave in the ways that they were forbidden to behave, and as some of us worship in the way that they were forbidden to worship, we do this with the understanding that we stand on their shoulders.

We do this with the understanding that we owe them a debt of respect, and in everything we do, our very actions, our thoughts, our words, must be underscored by the fact that many of them died for the liberty which we now enjoy. And therefore it is with great awe and great sense of responsibility that we enjoy and think about and reflect on this Emancipation Day experience, and what it means to be free, what it means to have the responsibility of ensuring that not just our physical bodies are free, but our minds are free. Free to love, free to tolerate, free to embrace and free to do the things that would make our ancestors proud of the people we have become today.

Emancipation Day Greetings (cont'd)
Hon. Dr. N. Gadsby-Dolly (cont'd)

2019.07.31

7.30 p.m.

So as I bring greetings to this House and bring greetings to the African community, I bring these greetings understanding that even my fore-parents would be proud of the person that I have become, and I do this understanding that I have a responsibility to create in this world, in my children, people of whom I would be very proud of in the years to come. Madam Speaker, I thank you. [*Desk thumping*]

Madam Speaker: Member for Naparima. [*Desk thumping*]

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. Today is a day of recognition. We show respect for and honour and celebrate the sacrifices and lives of those who faced untold hardships and immense deprivations, and who nevertheless fought for justice and the right to be free men and women, and who bequeathed us this same right centuries later. Today, if we are brutally frank, we Afro-Trinidadians are not well represented in the upper echelons of our society, the top 100 performers. We are comparatively under-represented in business and in the professions. Today, we own few supermarkets, hardware stores or small or medium businesses. But Emancipation Day in Trinidad and Tobago has now evolved to include not only the celebration of the end of slavery, but also the significant contributions made by the African community to the world, the western hemisphere and to our country. Africa has greatly influenced the language, the food, the folklore, the music, the sports and culture, and has left a legacy that has indelibly shaped our unique Trinbagonian culture, our “pelau”, “souse”, “pone”, seasonings, “chilibibi”, “calaloo”, cow heel soup, bake and shark. They are unmistakable reminders of our African heritage.

But, Madam Speaker, when the colonials left in 1962, we were the schoolmasters, the nurses, the teachers, the public servants, the welders, the

Emancipation Day Greetings (cont'd)
Mr. Charles (cont'd)

2019.07.31

plumbers, the masons, the fitters and the tradesmen in TPD, UBOT, Texaco, Shell and BP; and what has happened since?—and we could analyze that. My thesis is the decline of our group accelerated after independence and perhaps studies will relate to the reasons.

The time has come for us, all of Trinidad and Tobago, to ensure that Trinidad and Tobago prospers for all of us. The time has come for us Afro-Trinis to remember the struggles of our ancestors. We must not see ourselves solely as victims of the system and consumers of the latest brands. Our young must resolve to forget the “bling” and persevere in schools. Our females must appreciate that in our present circumstances we have to depend on them to help us recreate our reality to develop a new, more focused, more responsible generation.

Above all, we must never surrender, our ancestors struggled too hard for us to give up on their dreams. I look forward to a time when we can hold our collective heads high and live out the dreams of those who preceded us. The time has come for change. We need to take control again, take control of ourselves and be better citizens of Trinidad and Tobago. Thank you. [*Desk thumping*]

Madam Speaker: Thank you. Hon. Members, I also extend greetings to all citizens of Trinidad and Tobago and in particular those of African ethnicity on the eve of the celebration of Emancipation Day, 2019.

During the transatlantic slave trade lasting from the 16th to 19th Century, it is estimated that over 20 million Africans were captured and/or entrapped and forcibly herded to the Americas and the Caribbean to work as slaves on the lucrative sugar plantations of the white slave master.

History books vividly record the horrific conditions which millions of Africans endured through that Middle Passage journey. With the material comforts

Emancipation Day Greetings (cont'd)
Madam Speaker (cont'd)

2019.07.31

to which we have become accustomed, we may find it unimaginable that any of us, God forbid, if put to that test in present day would survive. Although many millions never made it, many more survived to become the property of plantations owners suffering even greater indignity and cruelty.

The Mighty Sparrow in his calypso “Slave” recorded in song the plight and plea of the African slave.

“I’m a slave from a land so far
I was caught
And I was brought here from Africa...
And den they make me work
Oh yes ah work
Good lord no pay
Ah toil, ah toil
So hard each day
I’m dying...
Yeah I’m crying...
Oh Lord I wanna be free!”

Rights which we accept as basic human rights and fundamental rights which we are guaranteed as citizens under the Constitution of our beloved twin-island republic were unknown to our African slave ancestors. They were legally classified as “property” and required permission to marry, to hold public gatherings and to practise their religions. The penalties for attempting to exercise any of those rights included physical torture and death. They worked from sunrise to sunset seven days per week under inhumane conditions. But although they have been suppressed and repressed, there is many a story of their resistance, their resilience,

Emancipation Day Greetings (cont'd)
Madam Speaker (cont'd)

2019.07.31

their perseverance, their hope that they would overcome, if not in their generation, but their children's or their children's children.

On Emancipation Day we celebrate the dismantling of the slave trade and slavery, but let us not lose sight of the significance of our role in modern-day Trinidad and Tobago to carry out the legacy of emancipation that is to build an inclusive, just, equitable, productive, disciplined and tolerant society.

I therefore take this opportunity on behalf of the Parliament of the Republic of Trinidad and Tobago, and on behalf of my family to wish you, Members, and all of Trinidad and Tobago, an introspective Emancipation Day. [*Desk thumping*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.36 p.m.