

SENATE*Thursday, July 05, 2018*

The Senate met at 2.00 p.m.

PRAYERS[MADAM PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Madam President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Franklin Khan and the Sen. The Hon. Dennis Moses, both of whom are out of the country; and to Sen. H.R. Ian Roach, who is ill.

SENATORS' APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from Her Excellency The President Paula-Mae Weekes:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND
TOBAGO

By Her Excellency PAULA-MAE
WEEKES, President of the Republic
of Trinidad and Tobago and
Commander-in-Chief of the Armed
Forces.

/s/ Paula-Mae Weekes

President.

TO: MS. AYANNA LEEBA LEWIS

WHEREAS Senator Franklin Khan is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

UNREVISED

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the acting Prime Minister, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, AYANNA LEEBA LEWIS, to be temporarily a member of the Senate, with effect from 5th July, 2018 and continuing during the absence out of the country of Senator Franklin Khan.

Given under my Hand and the Seal of the
President of the Republic of Trinidad
and Tobago at the Office of the
President, St. Ann's, this 4th day of
July, 2018.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND
TOBAGO

By Her Excellency PAULA-MAE
WEEKES, President of the Republic
of Trinidad and Tobago and
Commander-in-Chief of the Armed
Forces.

/s/ Paula-Mae Weekes

President.

TO: GARVIN SIMONETTE

WHEREAS Senator Dennis Moses is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

UNREVISED

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the acting Prime Minister, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, GARVIN SIMONETTE, to be temporarily a member of the Senate, with effect from 5th July, 2018 and continuing during the absence out of the country of Senator Dennis Moses.

Given under my Hand and the Seal of the
President of the Republic of Trinidad
and Tobago at the Office of the
President, St. Ann's, this 4th day of
July, 2018.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND
TOBAGO

By Her Excellency PAULA-MAE
WEEKES, President of the Republic
of Trinidad and Tobago and
Commander-in-Chief of the Armed
Forces.

/s/ Paula-Mae Weekes

President.

TO: MS. ZOLA L. PHILLIPS

WHEREAS Senator Ian Roach is incapable of performing his duties as a Senator by reason of illness:

UNREVISED

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, MS. ZOLA L. PHILLIPS, to be temporarily a member of the Senate, with effect from 5th July, 2018 and continuing during the absence of Senator Ian Roach by reason of illness.

Given under my Hand and the Seal of the
President of the Republic of Trinidad
and Tobago at the Office of the
President, St. Ann's, this 4th day of
July, 2018."

OATH OF ALLEGIANCE

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

Ayanna Leeba Lewis, Garvin Simonette and Zola L. Phillips.

ANTI-TERRORISM (AMDT.) BILL, 2018

Bill to amend the Anti-Terrorism Act, Chap. 12:07, brought from the House of Representatives [*The Attorney General*]; read the first time.

Motion made: That the next stage be taken later in the proceedings.
[*Hon. F. Al-Rawi*]

Question put and agreed to.

PAPERS LAID

1. Ministerial Response of the Ministry of Finance to the Eleventh Report of the Public Accounts (Enterprises) Committee, Third Session (2017/2018), Eleventh Parliament on the Examination of the Audited

- Financial Statements of the National Maintenance, Training and Security Company Limited for the financial years 2008 to 2016. [*The Minister in the Ministry of Finance (Sen. The Hon. Allyson West)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Development Bank of Trinidad and Tobago for the year ended September 30, 2014. [*Sen. The Hon. A. West*]
 3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Development Bank of Trinidad and Tobago for the year ended September 30, 2015. [*Sen. The Hon. A. West*]
 4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Children's Authority of Trinidad and Tobago, Children Authority Fund for the year ended September 30, 2016. [*Sen. The Hon. A. West*]

URGENT QUESTIONS

New Students in Private Schools

(Accommodation of)

Sen. Wade Mark: Thank you, Madam President. To the hon. Minister of Education: In light of reports that approximately two thousand students enrolled in private schools will need new accommodations if the issue with the Trinidad & Tobago Association of Private Secondary Schools is not addressed, what is being done to resolve this issue?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam President. Nineteen thousand, one hundred students wrote the 2018 SEA exam. I am pleased to say that all 19,100 students have been

placed. Thank you very much.

Sen. Mark: Can I ask the hon. Minister, through you, whether the conflict or the controversy surrounding this matter involving the school, that is the Private Secondary School Association, has been resolved? Madam President, may I, through you?

Hon. A. Garcia: Thank you very much, Madam President. As far as the Minister and the Ministry of Education are concerned, there is no conflict. The situation is simply that the private secondary schools principals have asked the Ministry for an increase in the stipend that is paid per students who occupy their schools. That matter has engaged the attention of the Ministry, first of all through discussions with the principals of the private secondary schools, and secondly through discussions at our level. Only today, the Permanent Secretary gave me a copy of our position which we will discuss further at our strategic executive team meeting. When that is done a Note will be taken to Cabinet and Cabinet would decide, and we will get back to the association of principals of the private secondary schools. Let me reiterate, as far as we are concerned there is no controversy, there is no conflict. Thank you very much.

Sen. Mark: Can the hon. Minister indicate to this honourable Senate whether the resolution to this matter involving whatever new change is required in terms of payments, would be resolved before the beginning of the new term in September where all the students would have to be placed, the 2,000, at the level of the private secondary schools?

Hon. A. Garcia: I am still at wits to understand Sen. Mark because I have just stated that all 19,100 students have been placed, and they have been placed in Government schools, in Government assisted schools, at three

private secondary schools and at Servol Life Centres. On the other hand, we are working feverishly to ensure that the private principals would get an increase in their stipend as soon as possible. I want to give the assurance that before the end of this month a Note will be taken to Cabinet, and Cabinet being the final arbiter where this is concerned, will decide.

Students Scoring below 30 Per Cent

(Assistance to)

Sen. Wade Mark: To the hon. Minister of Education: In light of the SEA results which revealed that some 2,500 students scored below 30 per cent, can the Minister advise as to what will be done to help these students?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam President. Madam President, it is a fact that 2,597 students have scored under 30 per cent in the SEA 2018 exam. Of that amount, 932 who were under 13 years old would benefit from an additional year in the primary schools and, therefore, they are required to re-sit the examination in 2019. These students have been identified and specific support will be provided in literacy and numeracy. Support for teachers and the students will also be provided by school supervisors, Student Support Services, and the curriculum officers through clinical supervision and the teaching and learning strategies for students who may have challenges to learning.

The remaining 1,665 students have been placed in Servol Junior Life Centres and government secondary schools where an adapted Form 1 curriculum will be implemented with a focus on numeracy, literacy, visual and performing arts, and technology education. Support for teachers and students will also be provided by school supervisors, Student Support Services, curriculum officers through training of teachers and remedial

strategies. Thank you very much.

Sen. Mark: Madam President, through you, to the hon. Minister: Can the Minister indicate whether the Ministry has done a socioeconomic/psychological analysis of those students who have scored below 30 per cent to determine what really would have caused this particular development having regard to the fact that it is the first time in the last few years we have gone so low with so many students?

Hon. A. Garcia: Madam President, the question that has been asked by Sen. Mark is a bit premature. The results have just been issued. Those students who have scored below 30 per cent, they will have the assistance of officers from our Student Support Services Division who will be doing all the required analyses and, therefore, I must say that this question is premature.

Sen. Mark: Madam President, can I ask through you, to the hon. Minister: Can you clear with us, given the experience that we have now had, whether the Ministry has begun to think through this situation carefully with a view to putting in place the necessary systems to avoid a repeat of same as we approached the 2019 SEA Programme; whether he can share with us what system may be contemplated?

Hon. A. Garcia: Madam President, at long last Sen. Mark is asking a question that make sense. At long last.

Sen. Mark: Why is this?

Hon. A. Garcia: What we have done at the level of the Ministry is to put things in place so that those students will be able to benefit from the education that we have to offer. For example, we have put in place what we refer to as a student monitoring system where we are looking at the students

from Infant 1 right on to Standard 5 in the primary schools, and in the secondary schools from Form 1 to Form 3 where we are looking carefully. In addition to that, as I have been saying over and over, we have been supplying resources in terms of experts in education who have been assisting the teachers in the classroom at ensuring that they are able to deal effectively with the curriculum. In addition to that, we have mandated that school supervisors should visit the schools on a more regular basis so that they can lend the necessary support to the principal and the students and, of course, our curriculum officers have been visiting the schools, meeting with teachers, discussing with the teachers how best they can implement the curriculum and strategies that can be used.

And finally, we have embarked on a system that is referred to as parenting in education where we are engaging the active assistance of our parents in education, so that first of all they will help the teachers in identifying any deficiencies or any challenges that those students can come up with; and in the case of that identification, first of all the Student Support Services Division, which is staffed with competent professionals, they will be able to provide the necessary support. If it is beyond them, then they will be referred to the Ministry of Health, and I have the Minister of Health here who has been working together with the Ministry of Education at ensuring that our students receive the necessary support. Thank you very much.

ORAL ANSWERS TO QUESTIONS

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I am pleased to advise that the Government will respond to all four questions which are due for response today. Those are 152, 164, 165 and 166. Thank you.

**Chronic Shortage of Health Care Professionals
(Steps Taken to Address)**

152. Sen. Wade Mark asked the hon. Minister of Health:

In light of reports concerning the chronic shortage of nurses and other health care professionals in the public health sector, can the Minister indicate what steps are being taken to address this shortage?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam President. There are specific nursing shortages in the areas of: midwife, licensed midwife, registered mental nurse, district health visitor, district nurse, ICU nurse, oncology nurse, paediatric nurse and psychiatric nurse. The following steps are being taken to reduce these shortages:

1. Short-term measures: Increase collaboration with key stakeholders such as the Tertiary Education and Skills Training Division, Ministry of Education, on the implementation of required training programmes for nursing specializations such as midwifery, trauma and emergency, neonatal, renal, and theatre.

Recruitment of foreign health care professionals by December 2018 from Cuba to fill critical areas of shortage for nursing specialists such as ICU and midwifery. This is being facilitated under the new technical cooperation agreement between the Government of the Republic of Trinidad and Tobago and the Government of the Republic of Cuba that was signed in April 2018 for the recruitment of health care professionals from Cuba during an official visit to that country.

Conduct of a training needs assessment to identify core training needs and competencies as required under key areas of nursing

- specializations, and the utilization and expansion of in-service development programmes on the virtual campus for public health to allow for in-service training, curricula enhancements and online skills development. It is expected that this will be expanded into a regional approach which allows for the standardization of skills development and foster greater cooperation across the Caribbean region in addressing the human resources for health challenges.
2. Medium-term: Finalization of memoranda of understanding between the Ministry of Health, the Regional Health Authorities, and tertiary education institutions namely UWI, COSTAATT and UTT to facilitate the use of RHA facilities for internships, projects and preservice and specialization training.
 3. Medium and long-term measures: Discussions with the local tertiary education institutions to expand their range of programmes to include courses not currently offered, but are needed by the health sector, example, training for the advanced practice nurse, medical physicist, and community health nurses. This will be less expensive than foreign-based training, and where there is an absence of training at local tertiary education institutions scholarships will be used to train locals in specific areas of need including cardiologist and neurologist.
- Madam President, I thank you.

Sen. Mark: Madam President, can I ask through you, to the hon. Minister: What is the current number of personnel outlined by the hon. Minister that are needed to ensure that the health care system is smoothly or is allowed to smoothly function in Trinidad and Tobago?

Hon. T. Deyalsingh: Thank you, Madam President. According to the

nursing specialities we have about 517 vacant posts, and the nursing specialities vacancies from the RHAs as of May 2018, 326. But, Madam President, these vacancies, notwithstanding, it has not prevented the health care system, for the first time in the history of this country to go six calendar months without a maternal death. That is the first time this country has achieved that [*Desk thumping*] and we as a nation owe a debt of gratitude to our obstetricians, our midwives and nurses, that we are now ranked among the advanced countries after two and a half years as far as maternal mortality rates are concerned. That is a phenomenal achievement. Another [*Desk thumping*] phenomenal achievement we are making—and I will disclose these figures very soon—is our advances in infant mortality rates. For the past two years we had been focusing on these shortages and filling them, and because of filling those shortages our infant mortality rates are coming down in tandem with our maternal mortality rates.

Also, Madam President, under our friends there—because I know Sen. Ameen has a particular interest in cardiology at Eric Williams—when we came into office there was a five-year waiting time for echocardiograms. You had 3,500 persons under the UNC who could not get an echocardiogram. I wonder how many of those died and went to heaven and could not get the results of their echocardiogram. We have now treated with that. Madam President, under my friends, cardiac clinics had 250 people in one clinic and they had to wait six months for an appointment. I want to tell Sen. Ameen, through you, because she has a particular interest in this, we have reduced those clinics from 250 to 70. That is what we are doing. As Sen. Mark will say, to make it smoother, to oil it.

So, Madam President, we have done all of these things without

building a new facility in Couva. We have [*Desk thumping*] fixed the existing structures, we have empowered people, we have the leadership, and we have the political commitment to do things in the health sector which were never done before in the history of this country. I thank you again, Madam President. [*Desk thumping*]

Sen. Mark: Madam President, through you, can I ask the hon. Minister what time frame is he anticipating for the filling of the 843 vacancies in the health care system?

Hon. T. Deyalsingh: We are working assiduously. As I said, we will be recruiting from Cuba. In some instances we have put short-term measures in place, but I will tell you under OBS and GYNS through the four RHAs we have already hired nine consultants in SMOs; in radiology we have hired five; in paediatrics we have hired six, three registrars, two SMOs, one consultant; in emergency medicine we have hired six registrars, two SMOs, and all of this in the past year. It could not have been done under the UNC. So we are doing it. Under neurosurgery we have hired two SMOs; oncology, two SMOs; dermatology, two SMOs; general surgery, three SMOs, two registrars, one consultant; ophthalmology, one SMO; cardiology, two registrars. That is why we could have attended to the 3,500 patients waiting under the UNC for an echocardiogram that many of them went to heaven without knowing their status. Internal medicine we have hired five registrars; psychiatry, one SMO; gastroenterology, one SMO. We have done all of this in the past year. So we are moving to fill as many vacancies as possible that were left empty, that were left vacant by those that went before us.

I thank you very much, Madam President. [*Desk thumping*]

Sen. Mark: Madam President, after all those areas that the hon. Minister has mentioned in terms of filling, we still have 800 vacancies still left to be filled. I am asking the hon. Minister, given the road map he has set himself, what time frame does the Minister anticipate for these 800 vacancies to be filled under his stewardship which is two years from now before you are removed from office?

Madam President: Sen. Mark, you just asked that question to the Minister.

Sen. Mark: But he did not answer it.

Madam President: Sen. Mark, you can pose another question. You have one more.

Sen. Mark: Can I ask, Madam President, through you, whether the Minister can advise this Parliament as to the status of the nursing training academy, which is essential for executing training activities for the nurses and other health care professional in the system; what is the status?

2.30 p.m.

Madam President: Minister.

Hon. T. Deyalsingh: Madam President, it is unfortunate that Sen. Mark missed my substantive answer. It is rather unfortunate. There is something called Cerumol ear drops which I recommend. I said plainly and clearly, increase collaboration with key stakeholders—I will have to repeat it—such as tertiary education and skills training division. I have said clearly, I have said clearly, the utilization and expansion of in-service development programmes on the virtual campus for public health. I have said clearly of finalization of the memoranda of understanding between the Ministry of Health, the regional RHAs, the tertiary education institutions namely UWI, COSTAATT and UTT to facilitate the use of RHA facilities for nursing

training.

Madam President, I may also add, for the first time in the history of this country, we are rationalizing the curricula across the nursing schools. Because what you have are about four or five nursing schools using different curricula but all of these students have to sit the same exam and that gives you a false high-failure rate. So what we are doing is working with the Ministry of Education to standardize the curricula across all the nursing schools, the University of the West Indies, the same entity Sen. Mark spoke about. Because unless you have the adequate number of nurses coming through, you cannot hire them.

And one of the reasons for the high failure rate of nursing is that you have five schools using five curricula but the students have to write the same exam. So we are working with the Ministry of Education and have been for the past year and a half to standardize the curriculum so nurses stand a better chance of studying a standardized course and writing the same exam and you have a higher chance of passing so that you could have more nurses and so that we could hire more nurses in the shortest possible time.

Again, Madam President, I thank you very much.

Kay Donna Drive-In
(Details of Acquisition)

164. Sen. Wade Mark asked the hon. Minister of Works and Transport:

Can the Minister inform the Senate of the following:

- i. whether the Government has formally acquired the Kay Donna Drive-In at Curepe; and
- ii. if the answer to (i) is in the affirmative, what was the total cost to the taxpayers?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):

Thank you, Madam President. The answer is no. The Government has not yet acquired the Kay Donna Drive-In in Curepe. At present, the relevant state agencies, namely the Office of the Commissioner of State Lands and the Office of the Commissioner of Valuations are in negotiations with Valsayn Resource Limited which has an interest in the property. These negotiations have not yet completed. As such, part (ii) of the question is not applicable. Thank you.

Sen. Mark: Madam President, can the Minister indicate what time frame is being set for the various stakeholders to conclude negotiations having regard to the importance of the interchange that you are to build for that particular part of the island? Any particular time frame that you have decided upon for concluding these negotiations so that work could progress on this construction exercise involving the Curepe Interchange.

Madam President: Minister.

Sen. The Hon. R. Sinanan: Thank you. Madam President, work is going on at the Curepe Interchange while the land acquisition process is under way. If I am just to draw a reference of the land acquisition in the San Fernando to Point Fortin highway which started, I think, in 2011, land acquisition process is still ongoing in that area. Because of the system that this Government is using, which is compulsory acquisition, I do not expect it to take that long. I thank you.

Sen. Mark: Can the Minister share with us on what basis is the work progressing or proceeding at this particular location involving the Curepe Interchange? Because there is work going on there at this time and can you advise this honourable House on what basis and under what conditions this

work is being proceeded with?

Madam President: Sen. Mark, that question does not arise. Next question.

Sen. Mark: Can I ask the hon. Minister to outline for our edification, the personnel involved in the Valsayn Resource Limited. He mentioned Valsayn Resource.

Madam President: Yes, but that question also does not arise. You have one more.

Sen. Mark: Well, the only question that I would like to ask the hon. Minister is whether the Government intends to approach the negotiations only from under the land acquisition perspective or whether there would be a combination of land acquisition and private treaty arrangement as it relates to speeding up this process?

Madam President: Minister.

Sen. The Hon. R. Sinanan: Madam President, at this point in time, Cabinet has approved the compulsory acquisition. However, a subsequent Note will be taken to Cabinet as the negotiation continues in order to bring a speedy settlement to the relevant parties. But as we speak, the process that is being used is compulsory acquisition. Thank you.

T&T Spirit and T&T Express

(Cost of Repairs)

165. Sen. Wade Mark asked the hon. Minister of Works and Transport:

Can the Minister provide this Senate with a detailed breakdown of the amount spent as at April 30, 2018 on repairs to the *T&T Spirit* and the *T&T Express* respectively?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam President. In relation to the inter-island ferries, the

Trinidad and Tobago Spirit and the *Trinidad and Tobago Express*, the total amount spent on repairs to the vessels as at April 30, 2018 is as follows:

T&T Express, dry docking, May 2017 to April 2018: US \$10,199,698.50;

T&T Express, repairs and maintenance for May 17, 2017 to March 12, 2018: US \$807,117.60.

A detailed breakdown of these repairs is being circulated to the honourable House now.

Sen. Mark: Whilst it is being circulated, Madam President, which I have yet to see, I am happy for that detailed breakdown. Can the Minister share with us some of the key elements that constituted the breakdown of repairs in terms of cost for the *T&T Spirit*, some of the key elements you consider to be crucial?

Madam President: Minister.

Sen. The Hon. R. Sinanan: Madam President, my information is once you are dealing with vessels, every element is a key element if these vessels have to work on the ocean, and unless the approvals from the relevant authorities—meaning the maritime organizations, the Lloyd's inspectors—are fulfilled, every element is a key element. And I can say there are almost 100 different areas that were looked at. That is why the information is being circulated. I thank you.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the Minister indicate to this Senate whether the projected value attached to the repair of this vessel exceeded what the Government had budgeted for when that vessel went onto the dry dock or went to dry dock? Can you tell us what was the projected estimated

figure for that particular exercise?

Madam President: Minister.

Sen. The Hon. R. Sinanan: Thank you. Madam President, one can recall that this vessel was taken out of service for its annual dry-docking. However, subsequent to that event, several things like the shaft of the vessel failed, so the dry-docking, which was expected to just last about three months, ended up lasting close to 11 months because of the intense repairs that the vessel had to undergo. I must put on the record that a vessel like this, brand new, is in excess of \$1 billion. I thank you.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the hon. Minister indicate whether the shaft that he talked about that cost a couple hundreds of thousands of dollars, can you clarify that for us—what was the value of that particular part for the vessel the *T&T Spirit*?

Madam President: Sen. Mark, the particulars have been circulated so I do not—

Sen. Mark: Well, can I ask another question, Madam President?

Madam President: Yes, you have one more.

Sen. Mark: Can I ask the hon. Minister whether the *T&T Spirit* ran aground? Are you aware of that vessel running aground and subsequently, critical parts of that vessel may have been damaged? Are you aware of this?

Madam President: No, well, Sen. Mark, I would not allow that question. Next question, Sen. Mark.

Children Court in Fyzabad

(Cost of Monthly Rental)

166. Sen. Wade Mark asked the hon. Attorney General:

What is the monthly rental of the building being used as a Children Court in Fyzabad?

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam President. The rental of the Children Court at Fyzabad is to the sum of \$150,000 VAT exclusive per month.

Sen. Mark: Is this TT or US?

Hon. F. Al-Rawi: The currency of the Republic of Trinidad and Tobago is known to everybody since our independence. Is that a serious question?

Sen. Mark: No, well I am going to clarify certainly. Can you share with this House who are the owners, the landlord of this building?

Hon. F. Al-Rawi: Sure. For the umpteenth time driving to the umpteenth question as to whether the Minister of Energy and Energy Industries, Mr. Franklin's relative is involved, yes, it is his wife for the hundredth time in answer to you, Sen. Mark, that was secured the building by the Judiciary, in the period prior to this Government coming into office for the hundredth time, Sen. Mark. And there is no shame or difficulty in somebody conducting arm's length distance with the State. The building was secured by the Judiciary, rented in accordance with the work started by the UNC, and for the millionth time, Mrs. Franklin Khan is involved. There is nothing wrong with that.

Madam President: Next question, Sen. Mark.

Sen. Mark: I do not understand why he is upset. I did not say anything was wrong. [*Crosstalk*]

Madam President: Sen. Mark, next question.

Sen. Mark: Madam President, may I continue?

Madam President: You have two more questions, if you wish.

Sen. Mark: I do not know why he is getting hot under the collar. Madam President, through you, I am just asking the hon. Minister, can the Attorney General tell this Parliament when the contract involving the landlord and the Judiciary was formally signed? Could you tell us the date that agreement was executed for the rental of that particular property?

Hon. F. Al-Rawi: I believe the Judiciary has just recently, pursuant to the manner in which this works and I will explain. Once premises are identified, they then follow a process of inspection and approvals by the Ministry of Public Admin. The premises were identified by the Judiciary in the period 2015 prior to the general election. It was known then that Mrs. Khan was the owner of the building, as it is now known that she is, in fact, the owner of the building via her shareholding in the limited liability company that owns the premises. After that happens, the Cabinet Notes proceed and then eventually—in fact, it takes up to a year after these things for the lease arrangements to be put on. I could not give a specific date for that.

But I want to state, Madam President, because these things get twisted out of shape. The question is: Is there value for money? Was there a recusal by Minister Khan in the process? Yes, there was. Was it selected by the Judiciary? Yes, it was. Does it have all planning permission, consents, et cetera? Yes, it does. One need not hide behind the allegation that somebody is related to someone when the business is done at arm's length and is for value for money. No citizen in this country should be deprived a genuine right of value for money transactions done at arm's length, and in this case particularly so where the Judiciary is the entity that secured the premises.

I am pleased to say that this Children Court is up and running, successfully so, with hundreds of cases going to the effect of the relief of our

citizens of this country who are the most vulnerable. I hope I have answered my learned colleague's itching enquiries that he has made for a hundred times on umpteenth occasions. There is nothing to hide.

Sen. Mark: I do not know about itching and I do not know about overwhelming. This is the first time I am asking.

Hon. F. Al-Rawi: First time?

Sen. Mark: I am asking in this Senate. [*Laughter*] Madam President, may I ask, through you: Can the hon. Attorney General indicate whether he is aware that the Auditor General has indicated that those—a number of contracts that have been entered into between the Judiciary and other parties could not have been presented when the Auditor General visited the compound of the Judiciary? Are you aware of this?

Madam President: Sen. Mark, no. Attorney General. That question does not arise.

Sen. Mark: And do I have a final?

Madam President: No, that is it.

Sen. Mark: Madam President, may I address you? [*Crosstalk*] No, no, listen, I am addressing the President.

Madam President: Yes, Sen. Mark.

Sen. Mark: I am being interrupted.

Madam President: No, ask me.

Sen. Mark: Madam President, can you advise this honourable House what is the status of Question 121 that has been languishing for a long, long time on the Order Paper and also the status of Question 13 for written response in the Appendix? Can you advise us?

Madam President: Acting Leader of Government Business.

Sen. The Hon. C. Rambharat: Madam President, I recall that the Standing Order was invoked in relation to 121 and the Government has not complied as yet. Thank you.

Sen. Mark: Madam President, can you advise this House when Standing Order 27, I think (9), is invoked and there is a particular period for the Government to respond and that would have been a long period of time and the Government has failed, what are the sanctions available to the Senate?

Madam President: Sen Mark, those issues, I think the—please have a seat. The Standing Order has been invoked, the Acting Leader of Government Business has given an update but I would ask him to get a further update for the next occasion.

Sen. Mark: Madam President, the written one, I did not get a response to that one, in the Appendix.

Madam President: Yes, to both.

Sen. Mark: To both, okay. Thank you.

ANTI-TERRORISM (AMDT.) BILL, 2018

The Attorney General (Hon. Faris Al-Rawi): Madam President, without procedure, I will go from memory. I beg to move:

That a Bill to amend the Anti-Terrorism Act, Chap. 12:07, be now read a second time.

Madam President, I am very pleased to approach this honourable Senate to ask for its consideration for the second reading in this House of the Bill which has already been passed through the House of Representatives. Permit me to explain exactly what we have; what the legislative purpose standing behind this is; what the satisfaction that the Bill is intended to deliver is specifically; what the consequences of passage or lack of passage

of this legislation will result in; and what some of the finer issues coming into the public domain have been.

Madam President, the scourge of terrorism in the world is something which is not new. Terrorism has existed for perhaps as long as humanity has. Terrorism has been defined on a number of occasions. There was terror committed during the Spanish Inquisition. There was terror committed during slavery. There was terror committed, perhaps, during indentureship. There was terror committed in the wars that have been fought in our country. There was certainly a significant amount of terror which came to focal point really when the United Nations gathered together after the savagery of World War II in particular.

When the United Nations was born, the world took note of a need to have an international matrix to treat with what resembles atrocities to humanity. In particular, we have seen the concept of terrorism evolve over the years and the litmus test for that is perhaps best examined in the United Nations Security Council Resolutions. We have seen the conventions move year after year from what was then known as acts of savagery to humanity. We are all familiar with hijacking as it prevailed in the 1960s. We are familiar with the use of chemical weapons as it then came into vogue, if you want to put it that way in terms of the manner in which things happen. We are familiar with the acts of the IRA. We are familiar with bombings. We are familiar with the threat of what chemical weapons look like in terms of distribution worldwide, even in things like packaging and postal services. It was really when we started to come into the 1990s that the modern concepts of terrorism became known and when we passed through the reflections in

the year 1999, we see that the United Nations began to be very specific as to what terror involved.

United Nations Security Council Resolution 1267 came about on the 15th of October, 1999. It took all of a matter of minutes for the United Nations to treat with it and I will remind that at the 15th of October, 1999, the big topic of conversation then was a man named Osama bin Laden. Osama bin Laden and Al Qaida, which was just a simple Arabic word which means “the base” literally in Arabic. Al Qaida was then very much in gear and the United Nations came together and said that a sanctions regime had to be implemented and it consolidated lists and entities. That is where we first really started this modern trot.

In the year 2001, the United Nations came together again. UNSCR 1373 came about on the 28th of September, 2001, just after September 11, 2001 had happened. It took the United Nations all of five minutes precisely between 9.55 p.m. and 10.00 p.m. for the United Nations to say that they would criminalize terrorism and ask every member of the UN to criminalize terrorism in domestic law—every member of the UN—and that there would be a sharing of information and intelligence. That was 2001.

We are at UNSCR 1998 which came about in 2011 on the 17th of June, 2011, and what the United Nations did then was to split its 1267 list, that is the bin Laden list, into two lists; and in 2011, focal point came about to seizing and freezing assets, designation of individuals, prevention of in-transit travel. We then came to 2015 where UNSCR 2253 was born, where an expression of sanctions and framework was further put into particulars. The two targets of attack then was ISIL, the Islamic State of Iraq and the

Levant and we had Al Qaida (Da'esh). Again, just simple references to Arabic words which have now become synonymous with terrorism. In that 2253, we also saw the 1267 and 1989 committees established and the UN established named committees: the Al Qaida Sanction Committee and the ISIL (Da'esh) Al Qaida Sanction Committee. Those committees came about.

Madam President, I have taken time to put out what the United Nations has said because our laws, as they became known to us, really flow from our international obligations as is now very relevantly confined to our domestic circumstance. Let me explain that. Does terrorism exist in Trinidad and Tobago? Are we at risk of terrorism? Is there a potential effect to our economy? Yes. How do we know that? We have had named individuals of our country step forward into the international arena and say to the world "I am from Trinidad and Tobago; I call upon Muslims globally and Muslims in my country to step forward and support the ideology of ISIS or ISIL and that blood must spill on the streets". Who are these people? Shane Crawford stands number one on that list. Shane Crawford in the *Dabiq* magazine went to the world and put Trinidad and Tobago on the map of terrorism.

Shane Crawford even went so far as to rechristen himself Sa'ad al-Trinidad. You know what "sa'ad" means in Arabic? It means "happiness". Happiness from Trinidad and Tobago became born to the world. That is the distinction we have in the global world. Shane Crawford was not alone. Shane Crawford was dealt with by a number of accomplices. Algernon is one of them; Glasgow known to us. Then we had Kareem Ibrahim

convicted in the United States of America in a terror plot to blow up JFK airport. These are Trinidadians and Tobagonians well known to the country. In fact, my learned colleagues opposite arrested Shane Crawford, arrested Glasgow, arrested Algernon in the state of emergency that the Leader of the Opposition, when as Prime Minister, called. But where do we stand? Does our economy have a risk?

Trinidad and Tobago, having raised its flag in the international arena, having a population of 1.4 million-odd people with approximately 10 per cent of that population residing in the Islamic support and background, has now become known as the subject of conversation globally. News media, cameras, reporters, photographers have arrived in Trinidad and Tobago to talk about a skewed statistic where they say that we have the highest per capita contribution for the phenomenon now known as foreign terrorist fighters in the world. What does that mean? It is alleged that there are approximately 135 persons, including women and children, who left Trinidad and Tobago in pursuit of ISIS ideology and found themselves as foreign terrorist fighters. One hundred and thirty-five is a minuscule number from the tens of thousands of ISIS foreign terrorist fighters, the large majority of whom, the thousands of whom, have come from North America, from Europe, from Asia and from countries that have contributed significantly to this dynamic. But are they being extrapolated in the manner that Trinidad and Tobago is? No, they are not. So internationally now, we have this phenomenon and this infamy of having foreign terrorist fighters.

But, Madam President, the submission to the hon. Members of the Senate is that one person identified as a supporter of ISIS ideology is one too

many for us. Number one, we do not want that infamy. Number two, there is a risk to our economy for events like this. People do not know that as an oil and gas exploration country and producing country, the British Petroleum Company, bp, as a global producer, having its stock exchange pegged to its trading globally, that 17 per cent of bp global production is made right here in Trinidad and Tobago. Right here, 17 per cent of the global economy. If one terrorist were to find himself inside of here and rock our platforms that produce oil and gas, the world economy is affected. So the international obligations upon Trinidad and Tobago coincide with our domestic position.

Madam President, it is not by mistake that we got here. Trinidad and Tobago, being a member of the United Nations, participating in the UNSCRs that I have just read out, in particular, those coming from the year 1999 straight up to today's date, we have had a history of obligations because we joined the Financial Action Task Force methodology in 1999, when in 1998, we comprised something called the Caribbean Financial Action Task Force. Let me explain that. One hundred and ninety countries from around the world have signed on to a methodology called the Financial Action Task Force methodology. They produced 40 Recommendations and they have 10 immediate outcomes; and of those 190 countries, nine FATF-style regional bodies or FSRBs as they are called, were comprised.

In our neck of the woods, there is something called the Caribbean Financial Action Task Force which now comprises 25 countries which had 27 countries. There are others around the world like GAFILAT and MENAFATF, et cetera—the APG, the Asia Pacific, the Middle-Eastern countries, the South American countries, but they all follow the same

methodology.

And, Madam President, in 1995, before the formation of the Caribbean Financial Action Task Force, is when Trinidad and Tobago underwent its first mutual evaluation.

We have had mutual evaluation No. 1, No. 2, No. 3, No. 4; and No. 4, the Fourth Round Mutual Evaluation, is the one that brings us to this Parliament today.

3.00 p.m.

Madam President, in 2007 to 2008, there was a lot of discussion as to what really ought to happen in our country, but it flowed right back to the year 2005. Let me put onto the record, in 2005, Trinidad and Tobago birthed anti-terrorism legislation. It has now stood on the books of Trinidad and Tobago for over 13 years.

In 2005, we anchored that bedrock. In 2010, we came to amend the laws for anti-terrorism. In 2011, we amended the laws. In 2012, we amended the laws. In 2014 and 2015, we amended the laws. And, Madam President, in 2005, the legislation which came to the Parliament then, a simple majority legislation, really dealt with the UNSCR 1267 and 1373.

In 2010, the PNM government as it stood then, came with very important amendments to the Anti-Terrorism Act, putting into effect the whole requirement for the financial side of it, designated entities, treating with the financing of terrorism as a very important part, bringing to life the FIU's operability in what is section 22A, the listing phenomenon in section 22B. In 2010, that came, the amendments to the Anti-Terrorism Act, together with the Financial Obligations Regulations, the Financial

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Intelligence Unit Act, and with amendments to the Proceeds of Crime Act. In 2010, that legislation was special majority legislation, fully supported by the then Parliament that sat.

In 2011, Madam President, we saw amendments to the Anti-Terrorism Act, done with simple majority. In that Bill, we specifically—under the hand of a UNC Minister of National Security, Brigadier John Sandy—saw amendments to section 22AA, that is the section which treats with the FIU, and the interrelationship between the FIU and the Attorney General in particular. It dealt with amendments to section 22B, which deal with the interaction between the Attorney General and the High Court for the listing of terrorist entities.

In 2012, under then Sen. Anand Ramlogan as Attorney General, special majority legislation was brought, unanimously passed, no joint select committees in any of these three Bills that I have mentioned. We again fattened the powers of the Attorney General under section 22AA, where the FIU and the Attorney General have relationship. We fattened the powers in 22AB. We fattened the powers in 22E. We fattened the powers in section 34, in section 42. We caused amendments by way of reflection to section 22B, all treating with the Attorney General's role, under the 2012 UNC Bill.

I will skip and come up now to Act No. 15 of 2014, where Sen. Howai, the UNC Minister of Finance, came with special majority legislation, everybody voting yes, no joint select committee, where we expand definition of “terrorist property”; we fattened the section 22AA features and 22A features of the Attorney General; we fattened 22C, 24B. We again treat with reflections to 22B.

Madam President, we then come to the fact that Trinidad and Tobago was invited to go into the Fourth Round Mutual Evaluation at CFATF. May I ask precisely what time I must end in full time?

Madam President: You end at 3.32.

Hon. F. Al Rawi: Thank you. You see, the time is nowhere near sufficient to really treat with the full subject matter. So I will do my best. But in 2015, January 2015, Trinidad and Tobago underwent its Fourth Round Mutual Evaluation by CFATF, and in that Fourth Round Mutual Evaluation, Trinidad and Tobago presented itself for analysis as to whether we have technical compliance. Do we have laws to treat with what FATF says we must? It also underwent an analysis as to how effective our laws are; are your laws working?

We were committed to being first in the CFATF pot, and one of the first countries in the world to undergo Fourth Round Mutual Evaluation by the Deputy Chairman of CFATF, Sen. Anand Ramlogan. That is, the UNC Attorney General put us first in the pack. Coming out of that mutual evaluation, which was presented to the world in September 2015, when I had become Attorney General, Trinidad and Tobago was given a checklist of amendments that we must make to our legislation.

We were obliged to undertake a work programme, identify what was to be done, and that work programme saw us having to speak to specific deficiencies identified by the Financial Action Task Force through the FSRB, that is, the Caribbean Financial Action Task Force. And specifically, they found that we were deficient in Recommendation 5, which relates to terrorist financing offences, and also Recommendation 6, which treats with

targeted financial sanctions related to terrorism and terrorism financing. And that, of course, had a reflection upon our immediate outcome No. 10, which is our efficiency matrix.

Specifically, we were told in our Mutual Evaluation Report that: we have no specific provisions for proposals to the UNSCR for the 1267 and 1989 Committees; that we have no mechanisms for identifying targets for designation as required by the UN Security Council resolutions; that we had no specific measures provided to facilitate the collection or solicitation of information to identify persons and entities who meet the criteria for designation pursuant to the UNSCRs; that we have no provision to facilitate the 1373 UNSCR listings upon requests from other countries; that all of the requirements and procedures for freezing funds or assets were not covered in our Anti-Terrorism Act; that no provision expressly prohibiting nationals, persons, entities, from Trinidad and Tobago, making funds, assets, or financial services available for the benefit of designated persons or entities existed; that the rights of bona fide third parties were not fully covered; and lastly, that there were no measures for resubmitting delisting requests in respect of the UNSCR committees. Those were the eight specific identified markers. The last eight being in reference to Recommendation 6.

And in relation to Recommendation 5, specifically, we were obliged to criminalize terrorist financing in a very specific way, and we were also obliged by Recommendation 5.2 BIS—as it is referred to—that terrorist financing offences should include financing the travel of individuals who travel to a state other than their states, et cetera. In other words then, targeting foreign terrorist fighters.

It was that in mind, that the Government brought a Bill in 2017, specifically to treat with the recommendations of the FATF and CFATF. We brought Bill No. 9 of 2017. It came on to the Order Paper. We had deep consultation in respect of it. As a result of commentary coming out of that, we allowed that Bill to lapse and then we introduced Bill No. 1 of 2018, which was the Bill which was then referred to a Joint Select Committee of the Parliament pursuant to resolutions in both the House and in the Senate.

Madam President, those resolutions came about in January 26, 2018, where the House of Representatives passed the resolution to the JSC, Friday, January 26, 2018, and in the Senate it was passed on Tuesday, January 30, 2018, and a committee comprising 12 persons: yours truly, MP McDonald, MP Hinds, MP Robinson-Regis, Dr. Moonilal, Mr. Prakash Ramadhar, the hon. Sophia Chote SC, the hon. Nigel De Freitas, the hon. Clarence Rambharat, the hon. Foster Cummings, the hon. Mr. Saddam Hosein, the hon. Mr. Stephen Creese. That was the 12-member team put together.

I am very pleased to say that the Committee worked with diligence. We sat on 12 occasions. We engaged in meetings as set out in the JSC's report: February 16, 2018; March 9th; March 16th; March 29th; April 10th; April 18th; April 23rd; April 27th; May 16th; May 18th; May 22nd; and very importantly, on June 1st. But between May 22nd and June 1st, we received written communication under the hand of Sen. Saddam Hosein, asking us to consider certain matters. He was then out of the jurisdiction and wrote on behalf of the Opposition team. We specifically reconvened the Joint Select Committee on June 1st to treat with those observations. The committee went through clause by clause, every single one of the provisions of the Bill and

we did that against a wide array of stakeholder commentary that we received by way of work that we called for. And I am pleased to say that we received stakeholder submissions from the Law Association, the FIU, the Muslim Round Table, the Trinidad and Tobago Police Service, Concern Muslims of Trinidad and Tobago, the ASJA and the National Council of Orisha Elders.

We were also, Madam President, wider in our approach. There were several other entities that we wrote to, who did not bother to reply to us. We then held, at our seventh meeting and eighth meeting, live on camera stakeholder submissions, in particular with the Muslim Round group, the Trinidad and Tobago Police Service, Concern Muslims of Trinidad and Tobago, the FIU, again with the TTPS. Madam President, that came on the back of the Government itself, firstly in the Office of the Attorney General, having stakeholder sessions in gear and commentary received and then also, in hostings done under the hand of the hon. Prime Minister, Dr. Rowley, at the Diplomatic Centre and elsewhere.

Madam President, it was in that circumstance that your committee produced what I thought was an excellent report, and on June 05, 2018, every single member of the Joint Select Committee, Opposition, Government and representatives from the Independent Bench signed on to the anti-terrorism unanimously, that Report of the JSC established to consider the Anti-Terrorism Bill, 2018, and the committee, in its unanimous report, asked for certain amendments to be made to the Bill, which was tabled appropriately as a new Bill which was then considered in the House of Representatives as it was on several days.

Madam President, on July 20, 2018, the House of Representatives sat;

on June 29, 2018, the House of Representatives sat; on July 03, 2018, the House of Representatives sat. And it is now a matter of public record, that quite to our surprise as a Government, we received indication from the Leader of the Opposition that there was a requirement that the Government reconsider the legislation. There were some very serious observations which were put onto the record. But very importantly, there was one core recommendation which came as a deep surprise to the Government and people of Trinidad and Tobago, and that was the insistence by the Leader of the Opposition that the role of the Attorney General in relation to the listing requirement under section 22B of the parent Act be redefined, and that the Director of Public Prosecutions replace the Attorney General.

The Government was taken aback because the truth and fact is that the Opposition, as I have read into the record, operated with the system of an Attorney General applying this listing requirement, for a full five years and three months with their Attorneys General, Ramlogan and Nicholas. They in fact, added more power to their two Attorneys General, Ramlogan and Nicholas, in 2011, 2012, 2014 and 2015. And to say that we were alarmed by the recommendations coming from the Opposition, is to put it mildly. *[Desk thumping]*

Fortunately, as a result of further discussions in the House of Representatives, we dealt with the Opposition resiling from that position. We agreed to do some surgery to the Bill, removing things which—respectfully there was a unanimous view by the Joint Select Committee—would not cause harm to the Bill. We can come to that in the due course of this debate. But suffice it to say, that law of the Attorney General's

involvement standing as it did—with the beginning of the Anti-Terrorism Act in 2005, passing through 2010, where the listing became very significant and onward—was preserved and the Government is grateful that that common sense to our Constitution survived. Because it is constitutionally the case that the Attorney General conducts civil litigation on behalf of the Government, under section 76(2) of the Constitution and that the DPP has a very different role in the criminal jurisdiction, under section 90 of the Constitution.

Madam President, this Bill is a very interesting one. The Bill itself is not a very long Bill. The Bill involves the consideration of, if we look at the Bill brought as amended in the House of Representatives, the Bill contains 45 clauses. The 45 clauses are specifically well thought-out. It is important to note that clause 5 of the Bill treats with a concern as to definitions, and permit me to say, in that definition clause we harmonized a number of definitions which we amended as a Senate, in respect of the miscellaneous provisions, for instance, in treating with matters ancillary to cash, the prohibitions against bearer negotiable instruments and cash itself.

We treated with the broadening of the definition of “designated entities” to include individuals and entities under the UNSCR listings, et cetera. We introduced the “foreign terrorist fighter” in compliance with the observations of Recommendation 6.5 BIS. We introduced broadening aspects of “property”. We dealt with how we treat with the definition of “terrorist acts” and “terrorist”. But very importantly in the Joint Select Committee, we took note of a concern coming from the Muslim community that this Bill somehow allegedly targets Muslims. And the representation

made by members of the Muslim community, was that the use of Arabic words, which they pointed to, such as “ISIS” or “Al Qaida” or “Da’ish”, somehow meant that Muslims were going to be attacked.

As an individual and not as a government, I can say here as someone who is also from another jurisdiction, being Iraq—as my father is Iraqi—I can say, I do not agree with that submission. That is like telling me that the use of the English words “Ku Klux Klan” or “Nazi” is synonymous with something other than what the terrible scourge of those two entities are. We can, as a nation, agree that “ISIS” and “ISIL” can only be in reference to a self-designation of a terrorist entity. I do not buy the concept that “Al Qaida” and “Da’ish” and that “ISIL” mean anything other than terrorist entities. That, notwithstanding, the Joint Select Committee recommended that we remove the Arabic references and in clause 5, you will see that we have now gone to the description of the committees, the 1988 Committee, et cetera.

At the House of Representatives, the Opposition recommended, and we accepted, that we put in definitions for “Central Authority” meaning the Attorney General, and “the DPP” as defined in the clause itself. We have dealt with the resolutions without reference to the Arabic names, and you will see that under the Resolutions 1267, 1989, et cetera.

Very importantly, permit me to point out that clause 7 of the Bill treats with, what is terrorism? As I was coming into Parliament this afternoon, I met one of the stakeholders from the Concern Muslim groups and his attorney-at-law, Mr. Criston Williams. And in the rush to come up here, I did not have the benefit of a quick conversation, but they expressed to

me that they have some further concerns. And their further concerns were this allegation again that this Bill targets Muslims. So let me put that to bed, because the question that I have to ask them is, “Okay, if that is your submission, then tell me how to draft the law”. Tell the Parliament how to draft the law to not treat with Muslims. And I dare say that that is an impossibility, because this law is only targeted against terrorists. And that is to be found at clause 7 of the Bill, where we define what terrorism is:

- “(1) A person who—
- (a) with the intent to compel a government or an international organisation to do or refrain from doing any act or intimidate the public or a section of the public, for the purpose of advancing a political, ideological or a religious cause does any act which he intends to cause, creates the likelihood of causing, or is likely to cause—
 - (i) loss of human life or serious bodily harm;
 - (ii) substantial damage to property;
 - (iii) the endangerment of a person’s life, other than the life of the person taking the action;
 - (iv) the creation of a serious risk to the health or safety of the public or a section of the public; or
 - (v) prejudice to national security or disruption of public safety including disruption—
 - (A) ...in emergency services;
 - (B) ...electronic system;”

—et cetera, et cetera.

“(b)threatens to commit an act referred to in this Part; or
 (c)takes...preparatory steps for the purpose of committing an
 act...
 coerces, encourages, entices... another to commit...”—
 these offences—
 commits”—an—“offence of”—terrorism.

Nowhere in there can one find specificity to any religion. And I ask this genuinely of our population, stop bringing on to yourselves and ourselves something which is not. This has no reference to Islam and I denounce immediately this constant position of saying that this Bill treats with Muslims.

Timothy McVeigh was not a Muslim. The World Trade Centre was still bombed. The IRA is not a Muslim entity. It was a known terrorist entity. FARC, La FARC, from Latin America in Colombia, is not a Muslim entity. But none of them step forward and say: “this is about me”. Catholics do not step forward. Hindus do not step forward. We have had atrocities in Sri Lanka. We have had atrocities in Canada. We have had atrocities in South America. This Bill is about protecting 100 per cent of the citizens of Trinidad and Tobago and is not targeted to any one grouping.

Madam President, we were very careful in this Bill to cause surgery to a number of areas where we felt that the risk to our citizens was large. We made sure to amend the mental intention aspect of offences, to ensure that you were not caught easily through some innocent infringement of the law. We have included, as a standard clause, “a person who knowingly and without the lawful excuse engages in” what we describe as offences:

financing of terrorism, facilitating a purpose, coercing, receiving training. Because we were very alive to the fact that many people can be caught in difficult circumstances innocently. And it happens especially with respect to the financing of terrorism. Because it is true to say “one man’s freedom fighter may be another man’s terrorist”. It is true.

Nelson Mandela was on a terrorist watch list as a freedom fighter, as the ANC was on a terrorist list and is today a celebrated hero of humanity. Many of our Muslims in this country and many persons who engage in charity beyond Islam, find themselves financing by way of contribution, charitable contribution to many entities, refugees in Syria, refugees in Africa, refugees in South America. And it is true that many states take different views, and in taking different views, for instance—I can tell you of a live case where the Government of the United Kingdom has defined a particular charitable organization as worthy of support from His Royal Highness Prince Charles himself, whereas the Government of the United States of America considers that entity—the same charitable organization—to be a terrorist entity. And, therefore, our people and in particular our Muslims, who fulfill one of the five pillars of Islam in zakat, in charitable donation, found themselves mischaracterized because they are passing through the UK and not through the US.

And, Madam President, I am pleased to say that this Bill allows us to put that to bed. This Bill allows for a very important insertion, and that is for the treating of how we now label foreign terrorist fighters. This phenomenon, where we introduce a new section 15 to the parent Act, which really comes about in the new clause 22, this is essential to meeting the

FATF requirements for Recommendation 6.5 BIS, as I have just put it.

Madam President, we have—and this is the main architecture as to why we need a three-fifths majority, it is this clause. We have said to the world we will look at the Commonwealth experience but we will not go so far. We have looked at the Australian model where there is the characteristic of having a declared geographical zone. A declared geographical zone is only ever going to be a zone declared by the Minister of National Security, after telling the Leader of the Opposition that this is going to be done, and subjecting the Order declaring a zone subject to negative resolution of Parliament. That declared geographical zone can only ever be a part of a country.

Secondly, we have proposed that travel to that country be subjected to the individual or persons who have responsibility for minors, informing the Commissioner of Police, either before they leave, whilst they are aboard or when they come back, that they have been to a declared geographical zone. And that is so, so that we can do two things. On the one hand, we can have information as to the travel aspects of persons. Because we can therefore alert entities along the way of suspicious activities, fulfilling our UNSCR requirements. But very importantly on the other side, that we can, for the first time ever in Trinidad and Tobago, tell foreign states, “You are mischaracterizing our citizens. We know these people who you are blacklisting. They are not who you think they are. Here is their information from a repository as solid as the Commissioner of Police.” Because many of our citizens have been mischaracterized. I can tell you, as a descendant of Iraqi origin—

Madam President: Attorney General, you have five more minutes.

Hon. F. Al-Rawi: Thank you—that I have been subjected, with the name that I have and the languages that I speak, to secondary screening and triple screening on many occasions, as many of our citizens have. But this allows the Government of the Republic of Trinidad and Tobago, for the first time, to stand in defence of its citizens, and we do not criminalize their travel. We put a presumption upon them that if they have not told us why, that there is a presumption which they must discharge. But we also provide for the circumstance of what is known as lawful excuse. “Look, I did not know you declared it. There was no way for me to know. I only just found out. Having just found out, I am telling you everything that I know.” And now the burden is back on the prosecution. So it is a very carefully balanced structure.

Importantly, in terms of corner stones, parts of our public consultation said that we ought not to frivolously manage the treatment of individuals who are on frolics of their own, to affect companies. So if a company is involved, via one of its directors or officers, in that director or officer acting on his own, in supporting/financing terrorism or engaging in terrorist acts, the mere fact that that person is a director ought not to prejudice the entire company. And instead, what we have done is to put that as a standalone. It is only where the company benefited and knew that it benefited from the director's or officer's actions, that the company falls into odium.

Very importantly, Madam President, an observation made by the Members of the Opposition in the House, included an allegation that the Attorney General was somehow taking due powers onto himself, I want to

say that that is not the case when you look at the law in the round. We, the Joint Select Committee, considered the need to have certainty. And the Attorney General, as the activist for implementing the civil side of the law—as the Attorney General does under our Constitution—approaches the court and asks for a listing of entities, designated entities, individuals and entities. And in doing that, the Attorney General must satisfy a court, a High Court, that there is a basis for doing that. Under the existing law, the unamended law, section 25(3), section 32, section 33, all provide for the Attorney General to commence an investigation. Because you cannot go to court with no evidence. And the power of the Attorney General to commence this investigation and ask the FIU and have the FIU give you the information, is in the existing law in section 25(3), in section 32 and section 33.

3.30 p.m.

What we did in the Bill, which the Joint Select Committee supported, was to say that the Commissioner of Police may give the Attorney General, information—relevant information for the purposes of the High Court—not on a frolic of its own. And that was brought about by way of the actual implementation of the law. Because upon coming into office as Attorney General, I can tell you the anti-terrorism law stood without being touched. It was virgin law. Notwithstanding the fact that it stood there for 10 full years, it had not been implemented.

But I am pleased to say, as Attorney General, I have had the privilege of having 350 listings in one end of the law, six listings under another end of the law, and one listing on another end of the law, in total comprising 357 listings which has come in for commendation by the Financial Action Task

Force and all of our international partners for taking the law into operation.

I will speak, because it is obviously not enough time, to the successes we have had and the cautions. But let me put it this way as I come quickly to the end. This law is a requirement which commenced on our international platform and local platform. This law was put into motion in the year 1995 passing through 2005, 2010, 2011, '12, '14, '15. This law is law which is required to avoid 190 countries, which comprise the Financial Action Task Force. It is designed to make sure we are not blacklisted by them. Because, in fact we have been mischaracterized already. It is essential that this is passed. It has been through wide public consultation and I urge hon. Senators to recognize this is the last day we can do this. And I beg to move. [*Desk thumping*]

Question proposed.

Sen. Saddam Hosein: Thank you very much, Madam President, for giving me the opportunity to join this very important debate, regarding a sensitive piece of legislation in terms of the passage in this honourable House. And Madam President, this legislation would have been introduced to Trinidad and Tobago in 2005, as correctly stated by the Attorney General. And over the years, there were four various amendments made to this legislation by Act 2 of 2010, Act 16 of 2011, Act 14 of 2012, and Act 15 of 2014.

And Madam President, the reason I listed all of these amendments to this piece of law is simply to show that the evolution and the technologies and advances in terrorism have been changing rapidly over the years. And as a country that is committed to fight terrorism, we must also have our laws being in tandem with the technology and the advances by terrorists in order

to combat the activities in Trinidad and Tobago and worldwide. [*Desk thumping*]

And Madam President, this Bill has very draconian powers being entrusted onto law enforcement and to the Executive arm of the State. And that is why this Bill would have had to be referred to a joint select committee. So that they would have had extensive consultation and enough deliberation in order to deal with all of the provisions in this piece of legislation. So, there were 12 meetings and three sittings of the House of Representatives that dealt with all of the amendments that were made in the JSC and also further amendments that was proposed by the Leader of the Opposition, just a few days ago in the other place.

And Madam President, I was going to deal with this part of my contribution later on in the debate, but I will deal with it now. And the Attorney General would have indicated that the legislation, one, does not give him extra powers and two, there is the function of the Attorney General with respect to civil matters on behalf of the State and the Director of Public Prosecutions with regard to criminal matters of the State.

And Madam President, if we look at all of the amendments—2010, 2011, 2012 and 2014—those powers that were given to the Attorney General and law enforcement officers, they did not run afoul of any constitutional provisions or doctrines that we have. But the Leader of the Opposition in her wisdom would have identified at clause 27, clause 28 and clause 34 that there were issues with regard to the Attorney General now having the power to receive a police investigation from the Commissioner of Police.

It was the view of the Leader of the Opposition that this would run

afoul of the doctrine of separation of powers as no Attorney General—the present Attorney General, any future Attorney General—shall have the power to receive any police investigation. [*Desk thumping*] And that is why those amendments were further proposed at the committee stage of the other place.

Madam President, the Attorney General is right, that there is a separation of functions with regard to the AG and the Director of Public Prosecutions. So when it is said that the Opposition Leader “backed down”, in one of the newspapers, that is fake news, Madam President. The Leader of the Opposition stood her ground until the additional powers of the Attorney General were removed and that is the Bill that is brought before this House. [*Desk thumping*]

Because, this is a hybrid situation, Madam President, where it is dealing with the civil side of the law and also the criminal side of the law. And this goes directly to section 22B of the legislation where the Attorney General has the power to list any individual or an entity as a terrorist and then freeze the assets of that person. So the Attorney General said that the powers existed, yes it did. But it did not exist that he would have in his possession a police investigation.

Now, there are other pieces of legislation where the Director of Public Prosecutions can actually make these civil-type applications. They are found in the Proceeds of Crime Act, they are also found in the Dangerous Drugs Act, Madam President. So, it is incorrect to state that the DPP does not have these powers. But the Opposition Leader ensured that those additional powers were removed from the Attorney General, and that is why

the Opposition in the other place would have supported this piece of legislation. So, I just want to put that on public record that no one backed down, but that the Leader of the Opposition was able to attain what she had proposed in her amendments, Madam President.

So as I move on, the Opposition signalling its support for this legislation in the other place shows our commitment to the fight against terrorism worldwide and in Trinidad and Tobago. [*Desk thumping*] Because we must remember that Trinidad and Tobago being a twin-island State and a dot on the map is not immune from terrorism.

We must remember the incident of the 1990 attempted coup. We must remember in 2005 there was a bomb blast in Port of Spain, quite recently there was the carnival terror threat, and many persons may have disputed whether or not this was a legitimate threat or whether it was an actual threat. Because we have seen from the *Guardian* an article dated the 14th of June, 2018, by Gail Alexander, “Jordanians tortured me”—

Madam President: Sen. Hosein, I have been following what you are saying, you are now veering off a little bit. All right? What you are going to refer to is not really relevant to what we are dealing with. Okay?

Sen. S. Hosein: I am guided, Madam President. Madam President, I am saying this to indicate that there is need for the legislation, that there is need for the advancement and the constant amendments of this type of law. Because when you look at what happened, it shows that we must ensure that when we are giving law enforcement these powers under this legislation that they are able to properly monitor, investigate and prosecute the offences that are being created by this Bill, Madam President.

And interestingly enough, I saw an article from Al Jazeera where there was the article, it says that “Egypt’s top appeals court overturns ‘terrorist list’ ruling on Morsi”. And Madam President that is cause for concern. And I say this because we must be careful when the Attorney General exercises powers, under this legislation, to list any individual as a terrorist in Trinidad and Tobago. Because once you are branded in this manner, Madam President, the world sees you as a terrorist. Your assets are frozen and you are no longer able to operate as an individual in Trinidad or even in any other country.

And Madam President, imagine this, 1,500 persons who were listed under similar-type provisions in Egypt, that list was overturned by the appeals court in Egypt. So, I am saying that these are causes for concern, that when the implementation of this legislation is put into force that the law enforcement agencies do their due diligence and that we ensure that no person in Trinidad and Tobago is unfairly labelled as a terrorist.

And that is the balancing exercise that we need to do in this legislation, Madam President, because on one hand we are giving the law enforcement draconian powers, but on the other hand we have to balance the rights and privileges and protections of our citizens’ rights in Trinidad and Tobago.

But I also want to make this comment early on, it is whether or not, it is the commitment of this Government for the fight against terrorism or is it that this Bill was brought simply because the Government has to comply with its FATF recommendations, Madam President. Because we must be serious if we want to deal with terrorism. So I am asking whether or not,

had it not been for our compliance with FATF in September, whether or not this type of legislation would have seen the light of day in this honourable Parliament.

And as a member of the JSC, Madam President, I think it is incumbent on me to state what would have taken place at that Joint Select Committee, and the changes that would have been brought to the legislation. Because if you compare the Bill that was laid in the honourable House to what has been produced by the Joint Select Committee, there were remarkable changes. We sat, we listened to the stakeholders, we considered the Bill clause by clause, and we understood the concerns and we had to make certain changes and amendments to certain provisions in order to satisfy or heed the concerns of certain stakeholders, but also bearing in mind, the FATF obligations that the country has to follow.

And the Attorney General was right in the first instance—when you opened the Bill, you would have seen it flavoured with Arabic names, and the Muslim stakeholders did indicate that they would have felt targeted by the fact that these Arabic names were used. The committee as a whole decided that we will remove all references to Arabic names. Inadvertently, the word “Taliban” remained and that was removed at the committee stage of the House of Representatives.

Then we looked at widening the definition of “weapon” and this is a very important amendment, Madam President, and this was the one that was brought to our attention by the Trinidad and Tobago Police Service. Because when you look at the types of terrorist acts that are taking place in the world today, they are using very unconventional types of weapons. They

are using vehicles to run over crowds, they are using fertilizers and nails to create explosives, Madam President. So therefore, the definition that was there before with regard to weapons was too restricted in order to properly deal with the advances in terrorism. So the definition from the Prevention of Crime (Offensive Weapons) Act was used to define what a weapon is.

Now, the Attorney General also would have mentions that there is a changing of the mens rea, and this goes directly to the point of terrorist financing. Before, a criminal offence has two elements: there is the mens rea, there is the actus reus. The mens rea deals with the mental element whereas the actus reus deals with the physical action in order to commit the crime, for the commission of the offence.

Before, the mental element was that of recklessness and with the element of recklessness, all a person who wants to fund any organization has to do is accept a risk that they are funding an organization affiliated with terrorism. And we found, and the Muslim stakeholders would have indicated that this threshold was too low. Because certain persons in Trinidad and Tobago normally send their zakat, which is a two and a half per cent contribution from our income that we make, towards the poor and needy. And they would have sent this zakat abroad. And they said that they felt that they can be caught very easily under this provision. So therefore, the mental element was raised to intention, so that you must intend to actually fund a terrorist organization. Because we needed to protect our innocent brothers and sisters, who legitimately send their zakat for legitimate reasons. [*Desk thumping*]

Madam President, with respect to the declaration of geographical

areas, again it was found that one of the tenets of Islam, one of the pillars of Islam is that of Hajj and this is a pilgrimage to the holy land of Mecca and then you visit Medina. And, Madam President, the stakeholders would have indicated that certain areas that may be declared would be Middle Eastern countries, and we understood that there are certain areas that they will pass through in order to get to the holy land of Mecca, because there are no direct flights from Trinidad to Saudi Arabia.

And what we did is that I asked one of the—that is Maulana Sheraz Ali, who appeared before the committee—how many persons will be affected? He said over 300 persons would travel for Hajj every year. He said there are four operators, there are about 25—30 persons studying abroad, and there are about 300 persons who perform the Umrah; this is the same pilgrimage outside of the Hajj period. And this period is coming up very shortly in about two months.

And when an area is declared, if a person fails to file notice, Madam President, he is being presumed as a foreign terrorist fighter. So, we understood that some persons may be affected by this. So therefore, the notice period was now extended, so that before you travel you have the opportunity to give the notice. If you are abroad and an area is declared, then when you return, you have a 30-day window in order to file your notice so that that presumption would be rebutted.

And what the Leader of the Opposition in her wisdom also did is that she asked that this provision, this Order being made by the Minister of National Security, be subject to negative resolution of the House of Representatives. [*Desk thumping*] And what this allows, Madam President,

is to ensure that there is Parliamentary scrutiny with respect to declaring geographical areas. Because this affects our foreign affairs and the way in which our citizens would be affected worldwide.

And these principles, Madam President, are very, very draconian in nature and this was drafted after the Australian legislation. We have now sought—before I forget—I would have made further submissions with regard to this area of the law in terms of section 15B being amended. And that when the Minister made an Order, that Order before would have lasted until whenever. So I suggested that there must be an anniversary date in which this Order must lapse and the committee did agree that we should put a three-year time limit for this declaration to operate. So therefore, that the Minister before the three years has expired will now have the power in order to renew the declaration or before that three years in order to revoke the declaration.

And, Madam President, these were some of the significant changes that were made at the Joint Select Committee. And I went through all of these to show that if the Government really wants to pass good law, they should utilize the joint select committees a bit more so that we have wide stakeholder consultation, that we have contributions from both the Independent and the Opposition benches in order to strengthen and make better laws, Madam President.

Now, I would like to move on and go on to some of the amendments that were made in the other place that would have been brought to this House because we must consider all of the amendments. And the Leader of the Opposition at clause 36 of the Bill, Madam President, if I may read the

original clause 36, just to put it into context. Clause 36 indicates—states that—sorry it is clause 26. Clause 26, it deleted the old subsection (d) and it now reads:

That for the purposes of section 22B the FIU shall be responsible for:

“(d) furnishing the Attorney General with information required to facilitate an application under section 22B as section 37 spontaneously or upon request...”

Now, Madam President, what does this do? This gave the Attorney General the power to now request from the FIU any person’s financial information.

Previously, the law as it stood would have indicated that the FIU, based on its own volition, will give the Attorney General information on whom?—designated entities. Who are designated entities?—terrorist organizations. Now, this would have given the Attorney General powers to get any person’s, Madam President, terrorist or not, financial information. The leader of the Opposition stood very strong on this point and the Attorney General subsequently removed it and therefore the old law now stands. [*Desk thumping*]

Now, there was the addition on the proposed amendments of a new clause 46 which was subsequently included in another clause, which dealt with because there are extensive powers being exercised by the Executive and law enforcement that an annual report be laid by the Minister of National Security in the Parliament to indicate the amount of prosecutions and the amount of areas that are listed as designated entities. So therefore, that there will be some check and balance on the exercise of these extremely

draconian powers that are present in this piece of legislation.

And the reason why all of these were included, Madam President, is to show that there must be a level of accountability and transparency when exercising these powers. Because there are other jurisdictions, such as Australia, the UK where there are independent reviewers that will look at the powers being exercised by these bodies. But this is absent in Trinidad and Tobago.

We have a Police Complaints Authority, we have the unit within the police service. But, Madam President, we have all heard of the inefficiencies of them to properly deal with complaints regarding the exercise of excessive police powers that persons have to resort to the court for redress.

And, Madam President, I would like to now deal with whether or not this Bill would in fact help with our fight against terrorism. Now, I would have attended a training programme, and one of the last stakeholders that we met with was a group, the Muslims Public Affairs Council in Los Angeles. And the presenter put it in context. He was indicating that this issue of radicalization, and this issue of when a person wants to present himself as an extremist, that this is really a mental health issue. And this Bill, Madam President, deals with the symptoms of this, it does not address the root causes and the concerns with regard to a person who wants to be radicalized or become a terrorist.

And there is something called countering violent extremism. And countering violent extremism, Madam President, these are the social factors and conditions that operate in order for a person to become a terrorist. And I

would really appreciate if, Madam President, you would give me the leeway just in order to just go through in a very short space of time, with regard to how we should really deal with our citizens of Trinidad and Tobago leaving. Because what we are doing is we are not treating with the problem. What we are actually doing is that we are criminalizing a mental health issue, which is incorrect, it is not the correct approach that we take.

Because, there are five buckets in order to look at CVE: there are preventative, it is intervention, it is rehabilitation, it is reintegration and research. We have not heard from the Government with regard to what they are going to do to prevent terrorism. [*Desk thumping*] What measures they are going to take to intervene in terrorism? What are the rehabilitation programs for persons who are expressing these extremist tendencies? What is the reintegration model that is going to be adopted for foreign terrorist fighters or persons who are deemed to be terrorists? What is the research that is being conducted?

Because, when we heard that Trinidad and Tobago has the highest per capita recruit of ISIS members, that did not come from any department in the Trinidad and Tobago. That was stated in a United States of America Department of State report.

So therefore, we must understand the context in which we are giving law enforcement these powers. Because you have to deal with the procedures and you have to deal with the system that is currently in place, and whether or not they are capable enough to enforce the legislation. And these are the drivers, Madam President, because a person who wants to become a terrorist, he becomes a terrorist because there is a loss of

opportunity. Because, what is being presented to him? Because in Trinidad and Tobago currently, there are no jobs for him. But when ISIS is promising that they will pay them a per diem they are going towards that, Madam President. So, we must deal with the root causes of terrorism in Trinidad and Tobago. While I understand the need that we must criminalize terrorists, we must also prevent our young people from becoming radicals.
[*Desk thumping*]

Madam President, may I ask how much time I have again?

Madam President: You have until 12 minutes past four.

Sen. S. Hosein: Twelve minutes?

Madam President: You have until 12 minutes past four.

Sen. S. Hosein: [*Interruption*] No, I would like to.

Sen. Ameen: Take more than that.

Sen. Obika: You could take extra time—football.

Sen. S. Hosein: Madam President, the Attorney General, would have made certain comments with regard to terrorists are not Muslims. And I want to endorse that comment. Because, before the Joint Select Committee, Muslim stakeholders appeared, and if these persons feel as though they would be targeted I think it is incumbent on every arm of Government to listen to their concerns, and we must say together that this legislation should not be passed in any House of Parliament in order to target any specific groups. Because when you look at the historical imbalance that Muslims face worldwide, Madam President, their concern has merit in it. Because, when most of them fly abroad or most of them in Trinidad and Tobago, with respect to the recent terrorist threat in the Carnival period, 13 Muslims were in fact

arrested and 13 Muslims were in fact released without charge.

So we must deal with the realities of the situation and it hurts my heart as being a Muslim to hear that persons or my religion are using Islam in the name of propaganda. Because Islam means “peace”, Madam President. Islam the Arabic word and the English translation is “peace” and therefore persons who are using Islam for convenient reasons and for rank, that is not the tenets of the religion. And when some persons say that the reason that they become radicalized is because of a Jihad, we must understand what the word “Jihad” means. Jihad means battle, and it is first of all an internal battle, so most of these persons who are propagating Islam and saying that they need to go to Syria or Iraq to fight in the name of Islam, they must get up and pray their five daily Salat first before they leave on a plane to fight for some other country.

And, Madam President, all of these are concerns that we must take into account. The Government must be fully aware of what the religion of Islam is. That our law enforcement must also be kept up to date and relevant with respect to what Islam is, because it was a complete joke when a police officer went on national television to wish the Muslim community happy Divali. Because, also when we met with the Sheriff’s Department in Los Angeles that Sheriff’s Department, Madam President, actually has a class for persons or the sheriff county that they are trained in cultural—they have cultural classes. So that they go and they understand what the different cultures and religions really mean.

And, let me get back to the Bill, Madam President, because I know that I strayed a bit. And one of the concerns that the Islamic community

would have raised is that of the corporate criminality. Madam President, the reason I strayed is because I am very passionate about this. Because my name is Saddam Hosein, right? [*Desk thumping*] I am a Muslim, but I have never been, I have never been the subject of any terrorist activities nor will I ever become a terrorist.

Madam President: Sen. Hosein, [*Laughter*] I have not called on you, I have not said that you are straying. You issued that confession yourself. I think you have expressed your passion. It is understood and I would ask you now to get back to the Bill.

4.00 p.m.

Sen. S. Hosein: Yes, Madam President, and I am guided. And one of the concerns with regard to the corporate criminality that the Bill presents, is that what is new in the legislation that was not there before is to include companies that may be in fact involved in the funding of terrorism. And when we looked at the legislation, initially what it did is that if a director for example, myself, and let us say Sen. Ameen, are directors of that company, and one of us becomes involved or is convicted of an offence with regard to terrorist financing, then it has the ability to shut down the entire company, whether or not that company is involved with respect to terrorism or not.

And we must look at the fine. Corporate criminality goes up to \$30 million, revocation of the business licence, also winding up of the company's assets, seizing the assets of the company into the Seized Assets Funds. And these provisions, Madam President, are very draconian. So what the protection that was given into the legislation or implanted there is that the director must now be using the company as a vehicle or using the

company to benefit from financing of terrorist acts, and this in itself, Madam President, presents a protection for members who are willing to give their zakat or any contribution abroad.

And that point with regard to declaring a geographical zone, it appears—and in the legislation it operates as a protection, and I say it is a protection because one, the Minister has to be satisfied that there is a terrorist organization engaging in terrorist acts in any foreign country. Now, the Attorney General did not mention it, but the Government or the State cannot declare an entire country to be a terrorist zone. So, therefore, only part of that country will be declared. As a reasonable citizen, if I know that that area is being declared as a terrorist zone, now it protects me because I would not want to travel there because it is for my own safety that I would not want to travel there.

It now operates as a filter exercise because those who travel for a legitimate purpose would now be caught under this, sorry—will be absolved under this, and those who travel for illegitimate purpose will be caught, because those who travel without issuing the notice, automatically it would raise a red flag as to the reason for their travel and not filing the notice. So, it actually gives an opportunity for a person to be absolved from any presumption of being a foreign terrorist fighter.

One other issue that the Muslim community would have also expressed is that of the powers being taken away from the police sergeants and that giving it to any police officer. There was a provision that dealt with—that is with respect to section 38A, which dealt with removing police officers above the rank of sergeant, and they felt that very junior officers,

without the necessary training, will now have the ability to abuse the powers that are being given to them, and these are very serious concerns. But I know the Attorney General at the committee stage would have indicated that there were issues with regard to properly prosecuting offences under the anti-gang legislation. I do not know, maybe in the winding up, the Attorney General can just clarify that point with regard to the removal of the police officers with respect to the rank of sergeant.

Now, there is one other clause that is in clause 9 that deals with an offence of collecting, Madam President. So a person who collects material for a terrorist act may, in fact—will now be criminalized. And there was a concern that persons who would collect materials such as fertilizers may well find themselves running afoul of the law. Persons who may collect material with regard to various ideologies may regard themselves running afoul of the law. But it is so circumscribed in the legislation, Madam President, that the person must intend, so that you collect with the intention of committing a terrorist act. Now, the police officers must ensure that they understand what this provision is. Just because I have numerous literatures on Jihad or any other ideology, you cannot come and arrest me. There must be enough evidence or enough monitoring in order for them to make out a proper charge that there is an intention for actually committing a terrorist act, Madam President.

So, Attorney General, I would have met with some of the Muslim brothers. Yesterday, they would have expressed some concerns with me with regard to the offence of collecting. Also, again, I ask that you address this in the winding up of the debate because we have had extensive

discussions at the JSC, both in camera and in public, with regard to this offence of collecting material for the purpose of committing a terrorist act.

And, Madam President, we also indicated in the legislation that many persons may not know about the declaration of geographical areas and, therefore, there is a wide extension in terms of circulation with regard to when an Order is made, so that the public now becomes aware, so that they would not be unaware of where these areas are. If you will allow me, these Orders must be published in the *Gazette* once a week, for at least two weeks in the daily newspapers or the websites of the offices of national security, foreign and Caricom affairs, website of the Attorney General, and every port of entry and shall be forwarded to the Commissioner of Police. I think this has merit in it, because normally no one reads the *Gazette* only. No one is really aware of what is being published in the *Gazette* unless you actually go out and look for it.

So, therefore, with this widespread publication, it would now allow persons to be aware of what is being done under the legislation with regard to the declaration of various geographical areas, and this is very, very sensitive area because persons believe that this will restrict their rights to travel, and we must ensure that they understand that it does not restrict their right to travel. You are allowed to travel in a geographical area. All that is required is that notice be given in order to travel to that geographical area.

Madam President: Sen. Hosein, you have five more minutes.

Sen. S. Hosein: One issue with regard to the joint select committee when we met with the FIU that I was very concerned about is when the Director of the FIU indicated to the committee that there should be an offence where

persons would have, in fact, celebrated certain terrorist activities—glorifying the activities—and this is found in the UK legislation, Madam President, and as a responsible committee, we could not have considered that to form part of the Bill before this House, because we must understand under our Constitution that we have the freedom of expression and the freedom of speech, Madam President, and to put that within the legislation what it will actually do—

Madam President: Sen Hosein, you are actually—have a seat—now talking about something that is not in the Bill and, therefore, you are straying from the relevant issue. Okay?

Sen. S. Hosein: Madam President, this forms part of the committee's deliberation and I understand the point on the Bill, that it did not form part of the Bill, Madam President, because this issue was widely publicised, so I just want for the benefit of the public so that they know that these offences do not form part of the Bill, because—

Madam President: Sen. Hosein, you have very few minutes again, just move on please and deal with what is in the Bill as opposed to what is not in the Bill. Okay?

Sen. S. Hosein: I oblige, Madam President. And, Madam President, I go back to the point that, at the end of the day, the Opposition is very concerned about the fight against terrorism. We amended this legislation four different times, and on all four occasions we did not enlarge the powers of the Attorney General to run afoul of any constitutional provisions. [*Desk thumping*] When this Bill was brought before the other place, our leader—our party sits strong in the Opposition. We took a bipartisan approach, and

we must now correct the record that the Opposition did not back down on this issue, but that we were able to accomplish what we proposed to be done, Madam President, and I thank you. [*Desk thumping*]

Sen. Dr. Dhanayshar Mahabir: Thank you very much, Madam President. Madam President, thank you very much for giving me this opportunity and first, let me state my full support to the Government for the legislation that is before us. I want to also thank Members of the Joint Select Committee, Members of the Opposition, the Government and, in particular, my two colleagues on the Independent Bench—Sen. Chote and Sen. Creese—who, when asked to serve willingly served, and what has resulted, to me, is a Bill which I find, perhaps, is the best that we could produce at this time.

Madam President, I think we are all very much against terrorism. As the hon. Attorney General indicated, it is old. For me, I know there are definitions here but, for me, conventional warfare is soldiers fighting soldiers and terrorism for me is armed people fighting regular unarmed civilians, and I think the inequity of that fight is that which we find most disagreeable and reprehensible, and we must do what we can to put an end to this type of activity.

I am also happy to see that all references to Muslim names have been removed from the Bill. I saw earlier pieces of the Bill, and I am happy to see that these references have been removed because, Madam President, before I get to the concerns I have, while I give full support, I do have concerns and I will indicate to the Attorney General immediately the concerns are with respect to clause 8 and clause 22. But before I go there, Madam President, the familiarity to me of terrorism started way back in

1971. And I mentioned the fact that I am happy to see the removal of Muslim names in the Bill, because for me terrorism was always a European phenomenon.

In 1971, starting high school for the first time, there was a programme on TTT—and I see TTT is coming back and I hope they reintroduce it—it was called “News Capsule” in those days. From 5.00 p.m. to 5.05 p.m. I do not how many people remember “News Capsule” and you look at “News Capsule” because afterwards there was the Pink Panther which is what one wanted to see, and I wanted to see that. But on “News Capsule” every day in 1971, I am hearing about a bombing in Belfast, and I said Belfast has to be the most dangerous place in the world. And when they updated in Belfast, there were the Basque separatists, the Basque region in France and in Spain and they started to act up. The Basques then abated, and after the Basques there was the Baader-Meinhof gang in Germany, and I said Europe has to be a very dangerous place as a youngster. And I said, well if I am going to pursue graduate education I want to avoid Europe, because it appears as though there is always some kind of activity going on there only to realize that the city that I studied eventually, Montreal, had in 1970 major terrorist activity. The Front de libération du Québec kidnapped people and murdered one of them, and Pierre Elliot Trudeau had to call out the National Guard, the father of the current Prime Minister. So that terrorism for me was more a developed country phenomenon, and it has been around for quite a while where you have armed people attacking unarmed civilians for a particular cause. And so I think we need to do what we can do to bring, hopefully—to minimize this particular activity.

Madam President, the concerns I have refer to clause 8 and, in particular, clause 8(5) where—and if with your leave, Madam President, I would read:

“Where a body corporate...has been convicted of an offence under this section, the Court shall have the power...”

We are giving the court the power, a tremendous amount of power to:

- “(a) revoke business licences;
- (b) order that the body corporate be wound up;
- (c) forfeit the assets...”

But, Madam President, I know the hon. Attorney General will address this in his winding up. My view is that the body corporate is made up of directors and managers headed by a chief executive officer and the body corporate headed by these people may find that the people have engaged in activities which are in conflict with the public interest.

So let us take, for example, a corporation which is involved in the field of weapons manufacture—Razion in the United States, General Dynamics, Northrop Grumman—I could very well see that the officers of these companies who are supposed to sell their missiles and weapons to bona fide governments, deciding to increase earnings per share, trade with the enemy, trade with the terrorist, and there is in Trinidad and Tobago a law known as the Trading with the Enemy Act. So these directors do it. But I ask myself: What does the corporation have to do with the actions of the directors or the senior managers? Do we not have laws already on our books which will deal with officers of corporations who are involved in wrongdoing? In the United States there is Sarbanes-Oxley. Here we have a

Securities and Exchange Commission, and there are laws governing the circumstances under which a body shall be wound up.

Madam President, I am little bit confused as to why the court shall have the power to order that the body corporate be wound up when it is officers in the corporation who have done wrong. And we have to understand that a corporation is made up of active officers and passive individuals, and individuals who are not in any way involved with the business. Who are these individuals who would be adversely affected if the court decides to wind up a body which has been involved in terrorist financing or supplying material to these terrorist groups? The shareholders. Shareholders have nothing to do with the day-to-day operations of a company. What is to happen to their shares if this company is known to engage in improper practices? We have bondholders, we have the regular employees and we have the retirees.

So, Madam President, I know the Attorney General probably has good reason for wanting to give the power to the court to order that the body corporate be wound up, but I am simply wondering whether existing law—existing corporate law—does not already address the issue of irresponsibility and illegality on the part of corporate officers, and why do we have to have that in the Anti-Terrorism legislation. So that is of concern to me, and I am sure the hon. Attorney General will address that.

Madam President, my concern is also with clause 22. In clause 22, 15B(1) it says:

“The Minister may for the purposes of this section, by Order, subject to negative resolution of Parliament designate a geographical

area in a foreign country as a ‘declared geographical area’...”

And a declared geographical area is an area in which you really should not travel.

This particular clause infringes upon our constitutional right to freedom of movement. The clause with respect to winding up a corporation will affect our constitutional rights to property. So that there are two rights here which are being infringed upon: the first one with respect to winding up of a corporation, I do not know if it is necessary at all, but this second one where I am being asked to agree to a restriction of movement has me a bit concerned because it says under 15B(2):

“The Minister shall, prior to making a designation under subsection (1), inform the Leader of the Opposition in writing of the proposed designation of that geographical area of the foreign country.”

And I simply ask myself, it is good and proper to inform Leader of the Opposition, but how did the Minister of National Security come to the point where he has made a determination that a particular area is deemed a restricted area? Take for example, the restricted area, he might say it is not a country according to the law—it is not going to be the United Kingdom, but it could be Northern Ireland which is a component of the United Kingdom. And in Northern Ireland we did have the problem with the Irish Republican Army. So our Minister could come to a determination that we should not travel there even though citizens of Trinidad and Tobago may have very good reasons for being in Belfast.

I would have loved to go there. For example, there is Queen’s University in Belfast, one of the top 200 in the world. Trouble or no trouble,

it is a fantastic academic institution—and you would have education, you have graduations—you could have people living there and there could be good reason for Trinidadians being there. And if the Minister is to make a designation that this area is restricted, I would like to know, how did he come to the point where he made this determination? And this is where I think the law is very silent.

And I am hoping, Madam President, that in a review of this law, I am recommending while we look at a designation area, according to the law, every three years, if the Minister of National Security says area X in the world is a restricted area—today you know that three years from today in 2021 the Order would be lifted—I recommend that we also look at the legislation at the same time to determine if we need to change anything here based upon developments in the global world of terror. So, I leave that for the hon. Attorney General and for future attorneys who would be in charge of looking at this particular law.

But, Madam President, there is a recommendation and the recommendation is, before the Minister of National Security makes that determination, because there is a restriction of our constitutional right, freedom of movement, I refer to our Standing Orders. I do not know why we have not included, based upon Standing Order 95, the Committee on Foreign Affairs.

Commendations to the Tenth Parliament for introducing a Committee on Foreign Affairs for the first time in our parliamentary system. I was the first Chairman in 2010. I am a current member now of that committee, but what does the Standing Orders tell us about Standing Order 95?

“The Committee on Foreign Affairs shall have the duty of considering, from time to time, and reporting whenever necessary, on—

- (a) all matters relating to the foreign policy of the ...Government) and examining the implications and likely effect on Trinidad and Tobago;”

So before a Minister of National Security makes a determination, I would imagine the instrument of Parliament should be utilized and should be employed so that Members of Parliament—I understand the need to include the Leader of the Opposition, but that does not mean that the Senate of the Republic is also included. It certainly does not include representation from the Independent Bench, and the Committee on Foreign Affairs is charged with this responsibility.

So I would recommend in the future—I did not table an amendment. I understand the necessity of passing this law. I understand the expediency. I understand the urgency, but I recommend that in the future we include the Committee on Foreign Affairs so that restrictions and freedom of movement can be deliberated upon by the members of this committee and, of course, the Minister of National Security is not duty bound to accept the recommendations of the committee.

However, the Parliament would be involved in a much more meaningful way and, therefore, given that the committee would have access to the institute of international relations at the university, foreign missions operating here, technical experts that we could obtain via teleconferencing—I have seen it done—it means that we will be able to advise the Minister of

National Security on the implications, the likely effects and whether he should proceed or not. So I think this is something that we should be looking at and including since our Standing Orders do, in fact, allow us now to utilize the committee system so that the laws we produce in the fight against terror can be a bit more focused.

Madam President, the hon. Attorney General mentioned a name—for the first time I heard it—Shane Crawford. Well, I do not know—it is the first time I am hearing the name. [*Crosstalk*] I had never heard the name Shane Crawford before, but I have not been reading too much in the literature. However, I would like to mention another name, and that is—apparently Shane Crawford has brought the country into great disrepute. There is another name, his name is Ravi Ramrattan. Ravi Ramrattan—and while I looked at this particular Bill, I said to myself, this is an interesting name too, because Ravi Ramrattan—and this is all in the fight against terror—was our Presidential Gold Medallist in 2002. This was a young man who went to Presentation College, Chaguanas, like me; went and studied economics like me, was from Cunupia like me and I understand he was even going to pursue postgraduate education at McGill University like me. I never met the fella. But what happened because of terrorism is that the pride of Trinidad and Tobago, the prize of Trinidad and Tobago—and national scholarship winners do not normally read economics. They read engineering and law and medicine. This was one person who was committing his life and his intellect to the eradication of poverty, and at the West Gate Mall in Kenya, in 2013, together with 67 other people, this young man was killed by terrorists.

What is interesting about that is this. This young man would have contributed more to the cause and the welfare and the plight of the terrorist than they would have known. And so, Madam President, the fight against terrorism is close to Trinidad too. We cannot have our best and the brightest being decimated like that. All, all, all the sympathies to the family of this young man. To the economics profession, I would have liked to meet this man. I never will. But, you know, when I looked at his fight against poverty in Africa, I said to myself, maybe we should have more dialogue with the terrorists. Let us find out, because Ravi Ramrattan right now, he would have had a Ph.D. I am sure he would have been able to solve, Madam President, many of the problems that the terrorists were fighting for.

I think we must move, as Sen. Saddam Hosein indicated, away from the law and into policy which is reacting, and into policy where we need to tell the terrorists, “What you are doing is bad for us but by destroying people, people who can help you, what you are doing is worse for you.” And I think if we can move from law towards dialogue and policy—let us find out what is ailing the terrorist. I would like to talk to Mr. Shane Crawford. Find out: “Why did you leave Trinidad? And what am I doing wrong?” And once I know what I am doing wrong, if he can tell me what I am doing wrong, I know well maybe you will not have an incentive to go and engage in the kinds of actions which will cause destruction to the people of Trinidad and Tobago and ultimately the destruction to you.

Madam President, I support the law, I commend the law, and while in fact, Madam President, I am very liberal with respect to rights and very parsimonious with respect to using the country’s money, on this occasion, I

support the Government as it tries to restrict rights, because the greater good is at stake. Thank you very much. [*Desk thumping*]

4.30 p.m.

Madam President: Sen. De Freitas. [*Desk thumping*]

Sen. Nigel De Freitas: Thank you, Madam President. I am thankful for the opportunity to contribute to the Bill that is before us, which is a Bill to amend the Anti-Terrorism Act, Chap. 12:07. Madam President, I think it has been said so far by all contributors that have gone before me that terrorism is a global issue that needs to be dealt with. I think, by virtue of the statement said before, each and every person regardless of age, regardless of where they are in their lives, would have either through a media or experiences, depending on where they are from, encountered or engaged terrorist activity. So when you speak to terrorism, each and every person knows exactly what you are talking about.

I remember thinking back where, in my adult life, my first encounter with what terrorism is and the impact that it can have would have been at university. I remember coming into the university centre that morning and noticing something being wrong, because you saw individuals who would normally be hustling and bustling towards class, at a standstill, focused on a television that was on a new station in that university centre.

And after we realized what was going on, there was an emotional response by almost everybody, and, just to let all those listening know, this would have been in Canada, so you understand where—and I am talking about that terrorist act of 9/11, as much as it would have happened in New York, there was still an emotional impact that far away, because we would

have been asking ourselves, well, what is next, is it going to be World War III, is that going to happen? Are we, as young people at that point in time, going to experience World War III?

So, Madam President, we got to understand that terrorism or the act of terrorism is something that for one reason or the other has plagued the planet, and we have heard that today already. Its prevalence, in my humble view, seems to be rising, and I am not sure if it is due to the world, as we know it, shrinking by way of technology in the sense that one person on one side of the planet can engage in conversation with another person on the other side of the planet quite easily, and in so doing you have a free flowing of ideologies for better or for worse. And all of this ensures that the act of terrorism is actually a beast that is not easily tamed, or, quite frankly, a crippling disease that is not easily cured.

As a matter of fact, it reminds me of a deadly bacteria which, as soon as you come up with a medicine to fight it, it mutates and adapts, and you have to adapt with it in order to keep ahead of it. I say that to say, Madam President, that with the Joint Select Committee that was set up, that is what we had done, and that is what we are doing here today by way of amendments to the parent Act. And as the Attorney General put forward, we would have gone through those rounds of mutual assessment and the areas where we are weak in terms of our terrorism Act would have been identified, and, therefore, we are putting these amendments forward to ensure that we strengthen it as part of an international community that is trying to fight terrorism on a global level.

So, Madam President, on that Joint Select Committee—I am not a

lawyer, and so I would not have gone into the Joint Select Committee with a prescriptive attempt to look at the clauses before us. What I would have done, I would have taken the layman's perspective, and in that layman's perspective I would have identified an underlying principle with which I approached this Bill—and that is, everyone is not a terrorist, but anyone can be a terrorist. And with that approach taken to the Bill you are trying to do two things, you are trying to strengthen the Bill that is before us in relation to the international community and the recommendations that were put forward, but at the same time you are trying to protect the citizens of the country, especially the ones that will be caught up with the Bill that is before us. Because as you put forward the Bill and the amendments, you may end up with what you call a broad-brushing, and in that broad-brushing you would have citizens being caught up and you do not want that. So you want to ensure that there are provisions put in place so that you would treat with that, so that individuals who are caught up innocently are not affected.

So, Madam President, how do you go about doing that?—you liaise with international entities—the Attorney General has spoken to that—you consult at home with agencies that, one way or the other, would be engaged in this type of terrorist activity and its prevention; you consult with the public and those that may be most affected, and that is what we did on this Joint Select Committee. We had public meetings, as well as invited comments from the public and religious organizations. We invited comments from the TTPS, the Law Association, the Financial Intelligence Unit; all of whom responded and we had robust discussion which would have produced what is in front of us today.

So, at this point in time, I just wish to take this opportunity, if it has not been done before, to commend all of those individuals and all those entities that would have taken part in this process to bring what is before us and to strengthen our legislation as it relates to anti-terrorism. So, Madam President, all of the speakers that have gone before me have gone through, quite extensively, in relation to the clauses within the Bill and have spoken to what has happened at the Joint Select Committee, so I do not want to take too long to repeat that, lest I, again, breach the Standing Order in relation to tedious repetition.

So what I will try to do is just address some of the issues that have come up in relation to that balancing act that has been put forward by way of strengthening the legislation and protecting citizens. Now, the legislation before us tries to strengthen our anti-terrorism initiatives by way of criminalizing or creating offences in relation to soliciting, pre-planning, planning, execution, financing, coercing and harbouring anything in relation to or associated with terrorist activity. We try also to protect citizens by way of taking into account religious practice that may have certain groups run afoul of this legislation; industrial practice that may also have certain groups run afoul of this legislation, but, more importantly, just individuals who, through regular activities, unknowingly run afoul of the legislation.

So, Madam President, Sen. Mahabir, Sen. Hosein and the Attorney General in their contributions would have spoken to what was done in relation to the names of particular Muslim, errant Muslim groups—what was done in relation to that, to the particular clause in the definitions to remove that so that groups, or particularly Muslim groups do not feel as though they

are being unfairly targeted.

So what I want to do at this point in time is to just point out particular areas of the Bill that strengthening would have taken place that have not been spoken to in any kind of specific way. The first is with clause 5(a) where you introduced the definition of “bearer negotiable instrument”, meaning traveller’s cheques, et cetera, and money orders. I say this to say this is strengthening, because when you are dealing with terrorism and the adaptability of terrorism, because these individuals that engage in this type of activity are hell-bent on executing a particular plan, and in doing so they would change their modus operandi and change their methodology.

One of the ways that you would go about financing that is that they would use, whether it be money or cash, whether it be any instrument to gain an upper hand in terms of getting what they need to get to execute that terrorist activity. So therefore, when it is you implement into the legislation things like bearer negotiable instruments, and definitions for cash, definitions for property, what you do is you strengthen the legislation by taking into account all of these avenues by which individuals can engage in financing of terrorist activity. But one of the most important sections that was beefed up in terms of definition is clause 5(c), and that is the word “terrorist”, and the words “an individual” were added to this section. I say that to say it is important, because if you go back to most terrorist activities, especially the ones that are prominent globally, for example 9/11, it is always attached to some group, and by putting in this legislation the words “an individual” you take into account the fact, as I said, where the planet and the globe is getting smaller by way of technology that ideologies can now go

as far as across the planet, so much so that an individual in another country can pick up on an ideology, but not be a member of any of those groups and still try to execute a terrorist activity. Therefore, that is why I am saying that the legislation is strengthened by adding the words “an individual” throughout the legislation to take into account that fact.

So, Madam President, I move on to clause 5(f) where it is speaking to the strengthening of the definition of the word “weapon”, and Sen. Hosein would have spoken to this because this would have been done at the committee stage. I just want to go into that a little bit more and to say that as much as we would have added that definition of “weapon” in the legislation, we are seeing now where, again, terrorist groups or terrorists, or individuals who engage in terrorist activity are trying to find different modus operandi to execute their plan.

Sen. Hosein spoke to vehicles, and that came from a sentiment where we have seen, and I think it was in the last six months in the UK and in other places where individuals are using vehicles to plough into crowds seemingly, and when you look at it from that standpoint you would not think naturally when a vehicle runs into a crowd that is a terrorist activity or it has anything to do with terrorism. You may naturally think that maybe the brakes were bad or the individual was drunk, or something to that effect happened, but we are seeing now where that is becoming more prevalent.

I just want to refer to a website that I found, because I went to look for the particular incident that occurred, and what came up was the website—for the *Hansard* recorders—edition.cnn.com, and the title of that website is, Terrorist Attacks by Vehicle Fast Facts, and what we are looking at is that

this would have been occurring since 2006, and it goes all the way to 2017. In 2017 there would have been seven separate incidents where individuals would have used vehicles to plough into crowds specifically for terrorist activity. So I am saying, Madam President, that the definition that we have put into the Bill in relation to weapons where you expand to cover any article that could be used in such a manner is strengthening this legislation.

So, Madam President, I identified those particular clauses to say how we strengthened the Bill. The Attorney General would have spoken to international agencies, the Financial Action Task Force, identifying recommendations so I will not go too much further in relation to that, because they would have identified the recommendations, they would have permeated this Bill to strengthen this legislation and bring us up to a level and a standard in keeping with the other 190 countries in the global community so that there is a global attempt to fight terrorism.

What I want to deal with now is the idea of protecting citizens and addressing some of the issues that would have been put up. Now, on the Joint Select Committee I would have heard Sen. Hosein speak to, and in the other place when the debate was there, and the committee stage, the idea of the Attorney General, or an Attorney General having too many powers. When I first heard it, and as I was listening, and I am listening here, I found it hard to understand why this was not raised at the Joint Select Committee level. I say this for a reason, because at this level we had discussions in relation to the powers of an Attorney General whereby the Attorney General would have to list entities, and what was raised was the abuse of that power to list an individual or list an entity and, therefore, create stress or a problem

for that entity, especially if there was an abuse of that power. And in that conversation we would have indicated that there would have been a judicial process put in into the legislation, whereby if an entity or an individual is to be listed that they would require a judicial process or an order to be brought in front of a judge, and evidence to be brought before you can list that entity or that individual.

I am saying that to say, Madam President, that if we went through this at the Joint Select Committee, clause by clause, and the issue of the powers of the Attorney General was raised at that point, so much so that we dealt with it by way of a judicial process and the listing of entities, why was it not raised at that point in time in relation to the powers and receiving information for the Financial Intelligence Unit? And I will tell you why, because that was not the problem then, and you have to remember, Madam President, that we had entities come before us in public meetings of which the Financial Intelligence Unit would have been a part. They did not raise it at that point in time, but this was only raised after the Joint Select Committee process on the floor of the Parliament.

Now, we have an Opposition, time and time again on most legislation that comes to this Parliament indicates that they want Bills to go to a joint select committee because it is a more robust process, you can take your time, you can bring entities in front of you, you can engage in consultation, you can go through clause by clause, you can deal with it, and it just makes for a better parliamentary process. So I have to ask the question, if we went through clause by clause at the Joint Select Committee level, if it is that the issue of the powers of the Attorney General was raised, why was it not

raised by the Opposition then? And I say this to say, Madam President—I say this to say, that when it came to the floor the general purpose of what they did was to obstruct, obstruct the process that has to happen here. [Crosstalk]

I will say this, Madam President, there is a psychological methodology that speaks to, you see in others that which exists in yourself, and here we see the Opposition speaking to abuse of powers by an Attorney General. Which entity, which Government is the only Government in Trinidad and Tobago that has an Attorney General fired and accused of criminal activity? [Desk thumping]

Sen. S. Hosein: Madam President, 46(1), please.

Madam President: Sen. De Freitas, can you get back to the Bill, please?

Sen. N. De Freitas: Thank you, Madam President. So, Madam President, I am saying that to say that when you speak to the powers of the Attorney General, as the Opposition has put forward, and that is such a problem, what I want this population to understand is that Opposition Members were trying to, or fully well willing to, not support the Bill at that particular point in time, which there was—

Sen. S. Hosein: Madam President, 46(6), please, the Member is imputing improper motives.

Madam President: Sen. De Freitas, you are infringing the Standing Order so I would ask you to make your contribution in a different way, please.

Sen. N. De Freitas: Sure. So, Madam President, thank you for—and I am so guided.

So, Madam President, I would not say that they would have not

supported the Bill, I would say that it was—*[Interruption]* They did, you did, you are absolutely right, the Bill was eventually supported after an about-turn. What I was saying is that the reason that that would have been put forward and the reason for that particular clause in the Bill causing an issue was because of what they are saying by way of “a Attorney General” abusing their power, and I am saying that if you are dealing with anti-terrorism and if that is the focus, and if it is you are trying to raise of standards of your Anti-Terrorism Bill locally to meet the standards of the international community, then that is not something that you would think about. I just want to reiterate that point that it was only thought about because it happened under their tenure where an Attorney General would have gone down a particular route. *[Crosstalk]* So, Madam President, not to take too long on this, I think that it has been put forward, we have the issue of the Attorney General dealing with the listed entities, *[Crosstalk]* we have the issue of protecting individuals—

Madam President: Sen. De Freitas, please have your seat. Members, please allow the Senator to make his contribution.

Sen. N. De Freitas: Thank you, Madam President. So we are speaking to the Attorney General and the powers he has by way of listed entities, and also the powers of the Minister by way of designated geographical areas, and I am responding to issues raised by Members opposite in relation to that particular issue, and what I am saying, Madam President, is that things would have been put into the Bill to ensure that citizens are protected. So you understand that whereby you are entering a designated geographical area where that has been put forward by order prior to your leaving Trinidad

and Tobago, there is a process by which you can notify a Commissioner of Police and, therefore, you are not found to be in contravention of the law.

But there is also that issue that has been identified whereby upon travelling, the order can be put forward where a designated geographical area comes into play while you are en route. And there are also provisions put in, as Sen. Hosein rightly indicated, whereby upon returning to the country you have 30 days by which you can put forward that notification that you have been to that area, and therefore not been in contravention of the law. We also put into the Bill, in relation to notifications and expanding from the *Gazette* to the weekly papers to the ports of entry to ensure that individuals would have every opportunity to know when they have been in contravention of the law by travelling to a designated geographical area.

In relation to the listed entities, provisions have been put in place, and I indicated in relation to judicial process whereby if you are going to list an individual or an entity you have to go to a judge and have that order, and state your case as to why you are doing that. Again, Madam President, it goes even further to say that if it is you are listed as an individual or entity and you have a problem with that listing that you are able to, after or within 60 days, apply to the judge to be heard as to why you should not be listed, and then you go through that process again whereby the attorney or “a Attorney General” would have to state their case in front of that individual and in front of the judge, and the judge has the power to remove that individual from the listed entity.

And I say these things, Madam President, to say that the balancing act by way of strengthening the legislation as it relates to the international

standards that we have to meet, and the fact that you want to protect citizens who may find themselves in contravention of this law was done at the Joint Select Committee level, I do not think that the Attorney General would have abused, or any Attorney General would have abused that power; that really comes from the mind of individuals who would have had to engage that particular process when they were in power, and therefore, what has been put forward should be been so that we can meet the standards of the international community so that we are not blacklisted, and that we can move forward and strengthen the link and the community, the global community, that is being put forward to deal with terrorism. Madam President, with those few words, I thank you. [*Desk thumping*]

Madam President: Sen. Ameen. [*Desk thumping*]

Sen. Khadijah Ameen: Thank you very much, Madam President. I thank you for this opportunity to contribute in today's debate. The Bill to amend the Anti-Terrorism Act has received a lot of attention in Trinidad and Tobago, and certainly I think it is a good sign when Members of the Opposition, Members of the Government and stakeholders could put their views together in this democracy that is Trinidad and Tobago, a democracy that is protected by the institution of Parliament to bring forward good law for the sake of everyone. [*Desk thumping*]

I say that because I was particularly interested in hearing Members of the Joint Select Committee today, in today's debate, because the Parliament allows a process for Members of the Joint Select Committee from various benches to have a say in consultation with stakeholders. That is the only time many people who are not parliamentarians get to have a say and get to

have an input in what becomes law in Trinidad and Tobago. The Members of the Joint Select Committee may come from different political parties, but every elected Member of the Lower House of Representatives has a duty to speak on behalf of their constituents. [*Desk thumping*] And so, when I heard the speaker before me mention, or criticize, the Opposition in the House of Representatives for putting forward amendments, I found it very unfortunate.

But I have a deep appreciation for how fortunate we are in Trinidad and Tobago that our democracy must be protected, and the institutions in Parliament and the various features of our system, I think, allow people to have a say, and I think we must continue to protect that and encourage that. So I trust that Sen. De Freitas could appreciate that what I am saying here is not to attack your contribution, but to implore you to take a different view, and particularly because you wear another hat as—

Madam President: No, no, Sen. Ameen, please, just continue.

Sen. K. Ameen: Okay. All right. Thank you. So I just want to, as I say, implore Sen. De Freitas to take that different view that we must encourage people, especially elected persons to have their say at all times, because this is what makes our democracy strong. [*Desk thumping*]

Madam President, I do not intend to go clause by clause in my contribution. One of the elements of fighting terrorism, Madam President, it has been noted by the Attorney General, and it has been widely published that Trinidad and Tobago has become one of the places for the highest recruitment per capita for international terrorist fighters. I am happy that the Attorney General in his opening indicated that, you know, the idea of

terrorism is not something new; it is not something unique to any particular religion. In fact, at one time—in fact, at numerous times in the history, even in Trinidad and Tobago, groups of people who stood up for the rights of others, who chose to fight against oppression or fight against the people who were in charge or in Government, they were labelled as terrorists, and later on, after many years, they were hailed as heroes and freedom fighters.

So, the idea of terrorism is not something that is new. What is unfortunate is that over the last couple decades we have had the developments in international world politics leading to a particular religion being tarnished, or, and as well, being used as a cover for criminal activities that should be totally condemned. Words like ISIS, ISIL terrorist attacks have become synonymous with a particular religion. In fact, Madam President, many Arabic and Islamic phrases with very positive meanings became synonymous with these criminal acts; the word Taliban means student, Allahu Akbar means God is great. The Attorney General mentioned bin Laden, bin Laden is a name. The name Ahmed, for those of you who may know Ahmed, the dead terrorist, has become such a joke, because he is a puppet in an American stand-up comedy routine, and all of those things contribute to a certain negative impression around a certain religion. I am happy that, I think, so far almost every speaker has mentioned the importance of us as a nation ensuring that we protect law-abiding citizens of all religions and allow them freedom of practice while dealing with the criminal act that is terrorism.

Madam President, one of the things that was mentioned by my colleague, Sen. Saddam Hosein, who had the opportunity to participate in a

US programme geared towards countering violent extremism has to do with strategies to deal with changing attitudes and behaviours. He spoke about the five buckets of CVE—prevention, intervention, rehabilitation, reintegration and research—and that it is important that CVE is not only focused on Islamic groups but all other extremist groups.

Madam President, in Trinidad and Tobago I have seen, personally, where people who become the whole phenomenon of radicalization, and some of the factors that lead to radicalization are a great cause for concern for me. We talked about the situational, what are the pre-existing conditions in terms of the social climate that allow people to feel marginalized, to feel a sense of injustice, to feel disenfranchised, that would cause them to become susceptible or vulnerable to radicalization. We talked about the fact that people are exposed to principles or beliefs about what is good for society, and that they may well believe that their cause is a noble one. And many who become, who are vulnerable, and who become agents, or who become recruits, unfortunately they are misled, and I feel it is very important while we talk about dealing with it from a law-enforcement point of view that we speak about the prevention part, and the responsibility of—of the Government as well—from the national security perspective, but even within our communities, that our communities are empowered to deal with those issues that arise within the communities, or arise within, you know, so that you do not have these, as I say, vulnerable persons being radicalized.

Madam President, although it can be said that poverty is part of it, many persons who have made international media as recruits were not very poor people when you compare what happens in Trinidad and Tobago, and,

Madam President, I think that Trinidad and Tobago is at a stage where we have to nip it in the bud from before the stage of recruitment. I want to make a few suggestions that the Ministry of National Security must take into consideration, while the Bill talks about—

Madam President: Sen. Ameen. Hon. Senators, at this stage we will suspend and we will return at 5.35. So we are suspended until 5.35.

5.00 p.m.: *Sitting suspended.*

5.35 p.m.: *Sitting resumed.*

Madam President: Sen. Ameen.

Sen. K. Ameen: Thank you very much, Madam President.

Before we went for the break, I was looking at some of the factors that lead to radicalization and how communities can be and should be empowered to prevent radicalization. I made reference to the US Embassy's programme, where they are engaging citizens of Trinidad and Tobago in their programme called Countering Violent Extremism.

Some of the elements of these prevention initiatives include outreach programmes, and the purpose of that is to gain the trust of the masses. In this fight against terrorism I think it is very important for the Government and law enforcement agencies to build trust with the citizens of Trinidad and Tobago, and particularly with the citizens who are Muslims, who are also affected by persons who use Islam as a cover for criminal activities. So while I know the Attorney General may or may not touch on the law enforcement part, that is an aspect that I would have liked the Government to share, how they intend to approach this thing with our citizens, because the Parliament is a place for citizens to be informed of how the Government

intends to go forward.

The actual prevention of violence and the social factors that lead to radicalization is another thing that I think we have to deal with from a government perspective and an implementation perspective. Prevention of violence is a public health issue. It is a matter that could be treated with from a public health perspective. Violence as it comes out of these social factors that I mentioned before, does have an effect on the vulnerability of not only young people, but any persons being recruited and becoming involved in terrorist activities. But they are very, very similar to the social situations that make persons vulnerable to be recruited by gangs.

I believe there is need to engage our youth NGOs, our youth councils, even our village councils, and to have that approach for countering violent extremism, not from the top down, not only from the law enforcement angle, but from the bottom up, from communities come up to our institutions.

If any of the Members on the other side of the Government, Members of the Government, in their capacity as Minister could indicate the role their Ministry would play, I would be very happy to hear that, and I think that it is something that citizens would want to hear.

Madam President, while there is a clause of the Bill that seeks to deal with citizens of Trinidad and Tobago who send moneys to organizations abroad, and Sen. Saddam Hosein spoke about the fact that there are legitimate and law-abiding Muslims who send charity or Zakat to foreign organizations, and that the amendments made provision to allow for that to happen, but to intervene when a person knowingly sends to an organization that funds terrorism or involved in any way in terrorism. That deals with

money that is going out of the country. But in Trinidad and Tobago we are susceptible to foreign agencies sending moneys to citizens of Trinidad and Tobago as incentive to recruit persons who have fallen through the cracks, or persons who have ill intent or who are just ripe for radicalization.

That is an aspect I think we need a little more research to deal with, and I am sure that, just as Sen. Hosein mentioned, just as this Anti-Terrorism (Amdt.) Bill would have gotten various amendments along the way in its development, I think that is a step that we have to prepare to look at in the future.

I say this because I have worked in many communities in Trinidad and Tobago, many vulnerable communities that face marginalization, that have gang activities and guns and drugs at their disposal like it is the easiest thing. In fact sometimes guns are more available to them than food to put on their table. When people face that sense of marginalization because they feel that they are not cared for by the Government or by anyone in authority, because of their situation, their economic concerns, the sense of marginalization they feel, their sense of belonging to our society—I have seen young women who are barely out of their teens go into common law relationships, go into—

Madam President: Sen. Ameen, you have spent some time talking about the fact that you need non-legislative interventions to deal with the issue of terrorism, and you are talking on an issue now that you have already sort of dealt with, and I think you need to be a little more focused on the Bill as well. Okay?

Sen. K. Ameen: Sorry. Madam President, I was probably giving too long

of an explanation before I came to the point. The point is that in working in some of these communities that I mentioned before I have seen situations that allow groups of persons who have involvement in criminal activities to use funding that they can obtain from sources outside of Trinidad and Tobago to provide, to fill a gap where in terms of the social security net for young, vulnerable—sometimes mothers—but young, vulnerable persons, because they cannot buy food. So they are provided with hampers, they are provided with clothing, they are provided with a sense of well-being and belonging. And I am saying that in Trinidad and Tobago it is something that we must look at, foreign entities sending funding to local entities to fund their activities and to recruit persons who could become radicalized. So before we treat with them reaching to the stage mentioned in the Bill here, where we talk about punishing persons who have become involved in terrorism, who have become involved in violent extremism, that we should take measures to prevent.

Madam President, one of the things that we heard a little bit about is in terms of cooperation with foreign authorities. This legislation, the Attorney General would have mentioned it even publicly, that the requirements in this legislation are so that Trinidad and Tobago will meet with FATF and CFATF requirements. So in other words, if by September this legislation is not passed then we risk certain approvals and so on, deadlines we need to meet and so on. While it is good that we are doing this anti-terrorism legislation, I do not think that that is always a good incentive, because we have focused so much on the requirements to meet the CFATF regulations and meet the CFATF deadlines that we may fail to look at our

unique position in Trinidad and Tobago, and look at the future in terms of what could come and include it in our legislation. So while we are required legally to cooperate with foreign authorities, let us not lose our identity as a nation Trinidad and Tobago.

I want to commend the Leader of the Opposition for saying, yes I know we need to meet the FATF deadlines, and I know we need to meet the requirements, but we need to have good law. And what we have before the Senate today is a product of collaboration, a product of good law-making, thinking, coming together to give us what we have now.

I think it is important for us to have a sensitivity to the indigenous culture of Trinidad and Tobago, but also cultural sensitivity to Islam which at this time is a religion that—

Madam President: Sen. Ameen, you are now veering into ground that has been covered by previous speakers. So I need you to deal with the matter at hand, but to present new ideas because we have had previous speakers before speak on this issue.

Sen. K. Ameen: Thank you. Madam President, I will move on to another matter, and that is, apart from dealing with punishment. In this Bill we talked about punishment, jail sentences, fines for persons who commit acts listed. While I agree that terrorism is a very heinous crime and it should be punished, I think what is also important is for us to begin, as we bring laws to Parliament, to include rehabilitation in measures in our legislation. As we go forward as a society, I think we must modernize our system of justice and our system and include rehabilitation.

There are several pieces of legislation that would have come to the

Parliament recently, and the Attorney General would have underscored the importance of like the Family and Children Division and so on, where rehabilitation and so on is a key part of it. That is something, because I know that there are testimonies of persons who were radicalized, who would have gone out of their country and participated in terrorist activities, but who realized the error in their ways and who could probably be the best advocates and voice once they are rehabilitated. So this is something that I think our courts must be given the latitude to deal with. So while we talk about stopping offenders in their tracks and we talk about punishment, let us look at that angle.

Madam President, I want to take this opportunity to make an appeal to Trinidad and Tobago on two matters. One is that a gang, any gang, including a gang that radicalizes persons, provides a family, it provides role models, it provides a social order, and it promises to those persons who are attracted to it what they think they want, whether it is sense of belonging, money, respect. And all of us in Trinidad and Tobago must play our role in every part of society to reduce the need for our young, vulnerable citizens to fall into these traps.

Secondly, Madam President, I want to appeal to the very many law-abiding, good Muslim citizens of Trinidad and Tobago, some of whom are my friends, that persons who are law-abiding Muslims should ensure that criminals do not use their religion to cover their criminal activities under the guise of jihadism and other things. [*Desk thumping*]

So, Madam President, with those words I want to thank you for the opportunity to contribute today. [*Desk thumping*]

Sen. Taurel Shrikissoon: Thank you, Madam President, for allowing me the opportunity and the privilege of standing in this honourable House today to contribute to the Bill before us, an Act to amend the Anti-Terrorism Act, Chap.12:07.

Madam President, a lot has been said today about terrorism and Trinidad and Tobago and terrorism in a global sense, a global sphere. And I would just like to take a minute to just reflect a little bit about terrorism and Trinidad and Tobago.

As a young man or as a child growing up we would remember the 1990 insurrection in Trinidad and Tobago, and that has impacted on my life. I remember that unfolding and my parents not being home, and we were wondering what was going to happen because we had no guidance. In my mind that could have been aligned to a terrorism plot, and had we had legislation to govern that type of behaviour, then we may have had some group or persons being accountable for their actions. But that did not happen.

I also reflected on an incident that the hon. Attorney General referred to, which was the alleged plot to bomb or to interrupt activities at the JFK Airport where a Trinidadian was involved. And I am saying here it is we have a local, a Trinidadian, being involved in terrorist activity. When we also hear about the number of Trinidadians being recruited towards international terrorist agencies, example ISIS, that too. How come it is that terrorism is so attractive to certain individuals in our community?

When we look at the financing of terrorism and we reflect on the FIU's report, and if you allow me, Madam President, to quote from an article of Friday, February 16, 2018, it says here in the *Trinidad Guardian*:

“A significant increase in suspicious transactions related to financing of terrorism was reported to local and international law enforcement agencies by the Financial Intelligence Unit...in the past year.

The FIUTT said that between October 1, 2016 and September 30, 2017, 112 of the 877...suspicious activity reports...detected were related to suspected financing of terrorism—”

When you look at the reports on Trinidad and Tobago becoming blacklisted because of the manner in which we handle our monetary affairs, and you even look at travel advisories, you would recognize that although Trinidad and Tobago has been blessed so as not to have any significant impact of a terrorist activity, the level of involvement among our citizenry in my mind is quite high, because we are having them in terms of financing and in terms of alleged plots and in terms of being trained.

Therefore, if you look at that backdrop of the level of involvement in terrorist activities and financing in Trinidad and Tobago, and you look at this piece of legislation before us, you would recognize that this piece of legislation is absolutely critical for Trinidad and Tobago to advance itself and to correct some of the behaviour that has been going on among the people of Trinidad and Tobago.

So with that opening comment, I would like to say most certainly that I would definitely support this piece of legislation, and it may not be 100 per cent the best, but it is a lot better than where we are, and therefore it positions the country well for dealing with such an activity.

The Attorney General also touched on an important point about the impact of terrorism on the national economy, and everyone would know that

Trinidad and Tobago's economy is in trying times and we really need to manage well in order to rally the ship. In an article entitled "The Impact of Terrorism on Developing Countries" by Javed, and I think his surname would be Yunus, he said:

"The sense of vulnerability"—and this is to terrorism—"is particularly damaging to trade or foreign direct investment (FDI) because foreign nations always have a choice of conducting business with less terror-prone nations."

So I am saying this to add one more point to support this piece of legislation, to say that when you have this level of activity, or terrorism activity in the country, it can actually be a detractor to foreign direct investment and impact on the economy. And just for the record purposes the level of foreign direct investment in Trinidad and Tobago has been decreasing over the last three to four years. I do not want to get into the statistics, so it would just show that if Trinidad and Tobago is being portrayed in a manner where terrorism or the threat of terrorism is real, then it could have been affecting the way in which the economy is performing because of the level of foreign and direct investment we are unable to attract.

So with that backdrop, with all of the citations that I would have used as I began, it demonstrates that Trinidad and Tobago really needs to manage this situation well.

I want to take this opportunity to commend the Government and the Attorney General, and all Members of the Joint Select Committee, who really worked hard on this piece of legislation, and bringing it to the Parliament in such a timely manner and at a time that is very relevant to us.

However, as a Member of this House, I also had the opportunity to peruse the legislation, and I am understanding that time is against us, but I would just like to make a couple comments on the legislation and probably at the most opportune time we could probably address some of the concerns or the shortcomings that I may have cited, or I stand to be corrected if I overlooked it in any way.

One of the first points that I would like to raise, is that clause 7 of the Bill, which pertains to section 3, really defines the offences of terrorism, and clause 3 of the Bill outlines a lot of the offences that can be deemed a terrorist act. Now, in reading through—and I do not need to read through the entire clause—but in looking through at the offences or the actions that can be considered a terrorist act, I did not see whether or not collecting, collating and disseminating information, whether in the form of intelligence, would be considered an act of terrorism, and I ask for some element of consideration for that.

Very importantly, with respect to the plot against the JFK Airport, those members who were charged in that case were charged for conspiracy to terrorism. Therefore I ask again, with respect to this clause 3, whether or not conspiracy to perform a terrorist activity was considered as an act or an offence. So those are the two suggestions I would have with respect to clause 7 of the Bill which pertains to section 3. So I am unsure.

Sen. Mahabir in his contribution also referred to clause 8 of the Bill, section 4, which pertains to the provision of services for the commission of terrorist acts. And in particular, if I just recap on it, 4(1) identifies the offence, 4(2) prescribes the penalty for the individual who provides the

services, 4(3) provides the penalty when the offence is performed by a corporate body, 4(5) identifies the penalty for a director or officer. And I think it is 4(5) that really refers to the penalty as it pertains to a corporate body.

Now, Sen. Mahabir raised a very important issue which I too would like to endorse. The point is that a corporate body here is being engaged with respect to—it is an activity that one of its employees or directors may have performed the consequence of which we are now allowing the court to have the power to revoke the business licence or to even wind up the company.

I am saying that for an activity to occur it must involve individuals, and therefore if it is that the individual is found guilty of performing the offence, then the individual is susceptible to the penalties associated with it. We are now saying that we want to take this offence into the realm of the organization in which it occurred, and then impose a penalty on the organization. Now, there are many different forms of organization and organizational structures, and if it is that in some cases you may have multiple directors, and one director of the company may facilitate it and the others may not, what happens in that case? Should a company be wound up when you just have one director involved?

You also have a situation where there is principal agency theory, where the principals of the organization, being the shareholders, are not those who actual manage the organization. So then based on someone who has performed or acted in a capacity, whether or not they brought a benefit to the company yes or no, has engaged in an action and therefore the

principals may be distanced from it, and then the consequence of it is that a court would have the power to wind up the company. Again, under those situations I am thinking that may be a little bit harsh and stretching the reach of the court in terms of winding it up.

More importantly, and I want to raise this in terms of the cultural context of Trinidad and Tobago. In Trinidad and Tobago we have roughly just about 30,000 registered businesses; 20,000 of which, or just about, would be those small and medium enterprises and family businesses. So that when someone in a company or an employee engages in some element of terrorist activity, and that results in a court winding up a company, you may actually be depriving a family of an earning because of the structure and nature of businesses in Trinidad and Tobago as it pertains to the clause.

So I am very much concerned with respect to section 4 subsection (5) of the Act which really allows the court to wind up the company. I am saying, if it is the director has engaged or someone in the company has engaged in some element of activity that is aligned to terrorist activities, then the extent of the penalty should be restricted to the level of involvement and ownership of the person involved, and that is my point. Rather than take the entire company down, limit the penalty to the extent of ownership and involvement of the person or persons involved in the company rather than ascribe a whole principle of winding up and revoking a licence. Because there are many demerits that could come out of that which we did not anticipate and could impact the citizens of Trinidad and Tobago.

With respect to clause 22 of the Bill that addresses section 15A(1), and it talks about travel benefits or those traveling to engage for the purpose

of committing a terrorist activity. Madam President, 15A(1) says:

“A person who, without lawful excuse, knowingly travels for the purpose of—”—and it identifies:

- “(a) planning a terrorist act;
- (b) committing a terrorist act;
- (c) supporting a terrorist act; or
- (d) facilitating the commission of a terrorist act, commits an offence...”

I simply raise the question: What about someone who is travelling for the intent of being trained by a terrorist organization? Would that not be considered an offence for someone who is travelling with the intent to be trained? I am asking for consideration for that as well.

Clause 22 addresses section 15B of the Bill, and 15B refers to the Minister designating a geographical area in a foreign country as a declared geographical area. It goes on to say here that under subsection (4):

“An Order made under this section shall include a provision that notifies persons who intend to travel or have travelled to a declared geographical area that they are required to inform the Commissioner of Police in accordance with 15C or 15D.”

My little concern here is concerning persons who would have travelled. How far backward is the time period to be specified for someone to indicate that they would have been in an area that is now declared a geographical area? Is it someone who would have travelled one year ago? Somebody who would have travelled three years ago? Someone who would have travelled six months ago? And so I am asking that some element of a time

frame be assigned to it, whether it is over the last year or over the last six months, once an area is designated a declared geographical area then those who would have travelled or visited that area over the last year, in terms of a time period, only those people would be required to indicate that they would have done such.

15(12) of the same clause goes on to say:

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

We are saying here that the person can remain as long as he has a reasonable excuse. I find that the term “reasonable excuse” a little bit vague given that the intent of the law is really to manage those who may become involved. Therefore I am suggesting here that with respect to “reasonable excuse”, if you are to stay in an area that is designated or declared geographical area, that person or member of the family indicate to the authority that someone of the family or by himself is in that area for a specific reason. That way the authorities in Trinidad and Tobago would be aware that a certain individual is in that space or in that area and for what purpose rather than wait until that person gets back, whether it is a year or two years after, and provide a rationale which we will now deem a reasonable excuse.

6.05 p.m.

So, I am suggesting that, that once it is someone is in there and has to

stay beyond the 30-day period, that they do indicate whether via family member or the person himself, at least, inform the authority for what reason they will be remaining rather than just until they get back.

Madam President, I just go to another section which is termed the “Financing of Terrorism” section. And I think this one is very critical to us, because from the report that I would have read earlier, we are seeing several transactions being performed in financial institutions now being flagged as transactions that could have an impact or can be classified as possibly financing terrorism.

According to 22A(1), it says here:

“Any person who by any means, directly or indirectly, wilfully provides or collects funds, or attempts to do so,”—and later on—
“commits the offence of financing of terrorism.”

With respect to financing of terrorism I am asking the question, whether or not it should be restricted to the word “funds”. If we go back to the subsection, it says:

“Any person who by any means, directly or indirectly, wilfully provides or collects funds...”

In terms of financing, I am asking the question, whether or not we can consider an expanded definition for “funds” to include probably monetary instruments or even transfer of assets or properties, or even anyone paying bills on behalf of a terrorist or designated entity. So, I am a little bit concerned about that, I am sure it is probably addressed somewhere else, if not, I know the hon. Attorney General would provide an explanation, but I am just a little bit concerned whether or not “funds” is a little bit too

restrictive and too narrow with respect to financing of terrorism.

In addition, just for the purpose of reading the subsection, I found that “any person”—and allow me to repeat the new clause:

“Any person who by any means, directly or indirectly, wilfully provides or collects...or attempts to do so, or coerces, encourages, entices...”

I found it to be a bit much in the same clause, and I thought it may be a good way in order for it to be a little bit more specific, that we could have actually split that clause into “one who actually does it”, and another section, “who coerces or encourages”, just for the purpose of making it a little be easier to understand especially in the context that we are just using the word “funds”. Should the word “funds” be considered to be enlarged or the definition be increased, then we may just have to do so. So, I do ask for some element for—or I do raise it for some element of concern, and I know that it will be adequately addressed.

With respect to clause 27, and it deals with section 22B of the Act, it deals here with the listing of terrorist entities. Madam President, it says here under 22B(1) that:

“Where the Attorney General receives information that—

(a) an individual or entity—”

And it explains:

- “(i) committed or participated in the commission of a terrorist act;
or
- (ii) is acting on behalf of, at the direction of, or in association with a designated entity or...

(iii) committed an indictable offence for the benefit of—”

And it drops down to then say:

“he shall cause an investigation to be carried out in respect of that allegation and may for that purpose refer the matter to the Commissioner of Police...”

The opening line of that clause says:

“Where the Attorney General receives information that—”

And I am asking the question: What will be the source of that information? How will the Attorney General receive that information and from what source would it be? How would we know that the source is credible or not?

The second part of that clause says that we will now refer the matter to the Commissioner of Police. I am asking the question, and probably those with a more legal mind, legally trained mind may be able to answer me a little bit better. But what happens when the Commissioner of Police is completed with his investigation? What is the process to be followed?—and I am unsure of that. I am unsure if there is a standard process once the Commissioner of Police completes an investigation, or there is a requirement for us to indicate what he or she should be doing.

Further, Madam President, with respect to that same area of the Act, it says here under 22B(2) and (3), (2) not being part of the amendments here, but it is linked. It says here:

“An application under subsection (1) shall be—”

And I just referred to subsection (1), which says:

“Where the Attorney General receives information...”

—and that the Commissioner of Police will be engaged for the investigation.

And now we are seeing subsection (2) saying:

“An application under subsection (1) shall be—

(b) accompanied by an affidavit deposing to the matters...in subsection (1).”

I am a little bit confused as to how a situation can arise, we refer the matter to the Commissioner of Police and now an application is being made probably to a judge. Who is making that application? And the reason that I am asking is because, subsection (1) does not really say the Attorney General would do so, he is just saying that the matter is being referred to the Commissioner of Police.

So, I am asking for a little element of clarification with respect to that. It may be an oversight on my part, but I am just asking, given that the investigation has been passed to the Commissioner of Police, then under what conditions would someone else get involved to make the application? That is my point with respect to that.

With respect to clause 27(1B)(i), section 22B(9) of the Act, section 22B(9). It says here:

“Nothing in this section shall preclude the Attorney General at any time from—

(a) conducting a review of the circumstances relative to an order made under subsection (3)...”

Now, Madam President, if you just give me a moment to find the clause 27, (1B)(i), 22B(9). I just do not have it here, but essentially what the clause is saying was that an area—an entity can be a designated entity, and once the Attorney General is aware that an entity is a designated entity and becomes a

listed entity in Trinidad and Tobago, then the Attorney General can write to other jurisdictions to determine whether or not the now listed entity in Trinidad and Tobago has funds or performs activities in a foreign jurisdiction.

New subsection (9A) here is saying, that when, if new information comes to light, then the Attorney General can review the situations and determine whether or not the entity can now be removed as a listed entity.

I am asking the question here with respect to subsections 22B(9) and (10), it is saying here—thank you. It says here:

“(9A) Nothing in this section shall preclude the Attorney General at any time from—

“(a) conducting a review of the circumstances relative to an order made under subsection (3) to determine whether the circumstances...”

Madam President: Sen. Shrikissoon, is there a reason that you are reading all these clauses? Yeah. There is no need to, you can make a reference to it and just make your point.

Sen. T. Shrikissoon: Thank you, Madam President, I am obliged. And it is just saying here in (9) that the hon. Attorney General can review it. And in subsection (10), that once he does, the hon. Attorney General can report that the listed entity is now delisted. I am just asking, given the clauses earlier where foreign jurisdictions would have been involved, then is there any room in the law that would now allow us to inform the foreign jurisdiction as well, that the entity has now been delisted. I did not really get that from the law before us.

So, Madam President, with respect to those concerns of mine that are specific to the Bill before us—then as I said earlier, I really want to commend the Government for the initiative with respect to the Bill before us. My observations or comments here, just meant to highlight concerns or issues that I would have raised, and I do know that at an opportune time I am asking for it to be considered.

As I said, Madam President, I commend the Government, and I do look forward to probably even the implementation and proclamation of this Bill. I thank you, Madam President. [*Desk thumping*]

Madam President: Sen. Obika.

Sen. Taharqa Obika: [*Desk thumping*] Thank you very much, Madam President. Regarding the Bill before us, the hon. Attorney General in his piloting of the Bill, spoke a lot about the impact of terrorism on the economy. And I would like to spend, in essence, the majority of my contribution on that one aspect, given that there are several clauses in the Bill that speak to the conduct of persons in organizations, and the aspects of money laundering and financing of terrorism.

I am sure I would not be required to list those clauses because there are many clauses in the Bill that speak to it. And I would really just want to focus on the opportunity for the Government to really counter the financing of terrorism using the systems at their disposal, and to also edify the population as to what the intent of such a legislation, given the amendments that were made in the House of Representatives, notwithstanding all the legislation that we have before us.

So, the hon. Attorney General outlined the impact on the economy.

And there is an article I would like to cite from as I begin my contribution, Madam President, titled, the “Economic Impact of Terrorism on Developing Countries” on the 29th of January, 2018, by two writers. The second writer, I wish to spell their name: B-A-N-D-Y-O-P-A-D-H-Y-A-Y. And other writer is Javed Younas.

So the writers explored the question that, if terrorism had an economic impact that extended far beyond the acts of terrorism themselves. Now, why would this be important, Madam President? Because in the Bill we have prescribed fines of \$25 million, \$30 million and custodial sentences of 25 and 30 years respectively, and we also have distinctions being made, given the work of the Joint Select Committee, of persons accountable rather than the institution itself be responsible.

And there is another issue regarding charitable organizations which I would wish that there would be some prescription. And I have a recommendation in my contribution that, I feel, should be taken on board regarding the non-regulated financial institutions, and the systems and procedures that they would not reasonably be expected to put in place to counter financing of terrorism, given their staff complement and their expertise, where the Government may want to look at supporting them in that regard, one of which would be the friendly societies, for example.

Friendly societies play an important role in providing off-the-book insurance and soft loans to different aspects of the society. Whilst the friendly societies might be regulated, for want of a better word, by the Ministry of Labour and Small Enterprise Development, we know the financial aspect may not necessarily be well-supported, given the staff

complement in that particular department in the Ministry of Labour and Small Enterprise Development.

So that is one of the prescriptions that I will like the hon. Attorney General to take into consideration, given that persons in these organizations may be subject to such heavy fines and custodial sentences, when really and truly we may be ignorant participants. Notwithstanding, the mental element has been accounted for, the level of ignorance of the issues may render some of these organizations as easy guinea pigs for terrorist operatives who wish to launder and channel their funds internationally.

So, Madam President, in the article, as I return to the article I cited, they mentioned two main issues, and one would be foreign direct investment and the negative impact it has.

And the hon. Attorney General mentioned the energy sector in Trinidad and Tobago and a particular company who I will not repeat. But I am not sure that the literature is that much in accord regarding the energy sector's impact, or the negative impact to the energy sector from terrorist activity. Because as the article states here that, from the top six countries that experience the most terrorism incidents from 2001 to 2012, two countries, Nigeria and Russia, are among the number ranked number four and number six. The other countries are Pakistan, India, Thailand and Somalia, ranked first, second, third and fifth respectively.

Now, I raised that point to say that I am not being cavalier by saying that any sector is safe, because there are energy-dependent countries that face significant acts of terrorism, but still the energy sector basically, for all intents and purposes, prevails, and that ours should prevail notwithstanding

any potential terrorist activity.

I am saying that to say that, the other sectors of the economy are the ones we should really be focusing on where this is concerned, because the impact of terrorism and the resulting travel advisories, of which I will get to, has significant impact on those other sectors of the economy.

So, Madam President, if you go further, the risk to FDI. So as we speak about the risks to FDI, they speak about the risks to foreign investors participating in the country, and I want to point to one particular sector that we should be careful regarding this, and that is the tourism sector.

Now, in the legislation there are significant fines for—up for actors, for officers in entities that engage in terrorist activity. Now, persons can actually be an operative in a terrorist activity in terms of money laundering without their knowledge of it. All right? And it may become very difficult to, well, to perpetrate such persons if really and truly when in the course of the investigation we recognize that they really and truly were an innocent actor.

And as result of that, Madam President, this legislation, the operationalization of it should, as we go forward, take into account those sectors and the training that would be required that those companies that operate in those sectors will not be able to do on their own, for example, a small hotel chain, they definitely cannot be expect to build any capacity in that sector; a very small credit union as well.

So, one of the sectors that stands to lose the most from terrorism activity, Madam President, is the tourism sector. All right?

And the second sector is the charitable organization sector. So, I want

to focus on the tourism sector because for this twin-island nation, Tobago depends significantly on tourism, and what we are doing here will impact significantly on them.

For example, the UK Government issued a travel advisory on Trinidad and Tobago that I would not read.

Sen. Gopee-Scoon: Point of order, 46(1).

Sen. T. Obika: Madam President, I refer you—

Madam President: Sen. Obika, I have given you a little while to put your contribution into some context. Let me just remind you that what we are dealing with is the Anti-Terrorism Bill. Speakers before—you included—have been focusing on, what is terrorism, the effects of terrorism on countries. That is fine, you have said that, but you need to, as you progress, talk a little bit about the Bill, please, that is before us. Okay?

Sen. T. Obika: Thank you very much, Madam President. For the benefit of my colleague, the esteemed Minister of Trade and Industry, who raised the Standing Order, I—

Madam President: Well, Sen. Obika, it is also for my benefit. Okay? So, I want you, as you continue, to be a little more specific to the Bill that is before us. Okay?

Sen. T. Obika: Thank you very much. The speakers before me, Madam President, none sought to prosecute the whole concept of the impact on the economy. The Attorney General in piloting the Bill spoke at length on it, so what I am seeking to do is to prosecute in an equivalent manner, how we should prepare for any potential impact on tourism and how it should find its way in the way we use the legislation, in effect.

So as I continue, Madam President, I want to focus on the impact of travel advisories on the tourism sector, because the travel advisories really and truly are one-sided, it is against us in Trinidad and Tobago, and in Tobago it will affect significantly the economy because tourism is a mainstay of the economy in Tobago. And there was a conference, Madam President, on this very issue, and in Trinidad and Tobago regarding same. And I just want to point to some bullet points in terms of the areas in which we should look out for, one of which, Madam President, two of which, the prison being used as an incubator, which leads to another point I want to look at in terms of the reorientation of returning fighters, as well as—if you look at that point, for example, Madam President—

Madam President: Sen. Obika, which point? What point? You have gone from travel advisories, to Tobago, to returning fighters, to the reorientation of returning fighters; which point? I am really asking you to make your point, you can because there is a context, I think, that everybody is trying to put terrorism in, I understand that, but make the point with reference to the legislation that is being presented before this Chamber.

Sen. T. Obika: Yes. So, Madam President, we are here talking about the merits and principles of the legislation, and the Attorney General made a lot of noise about when persons return to Trinidad and Tobago, the impact that that can have on our society, on our economy. And I am simply saying on the point that I last raised which is the reorientation of returning fighters, and the prison being used as incubator, we should focus on that, where the legislation is concerned; we should focus on that as a nation. And if I were to stand and not speak on that—which to me is the strongest emotive issue in

this country—I would be doing an injustice to the entire process that we are participating in today. [*Desk thumping*]

So, I am very grateful for your intervention, Madam President, because it really shines a light on this issue, that if we are to be saying that we have over 100 terrorist foreign fighters, whatever the terminology be, and we know that 100 is a significant number in such a small country as Trinidad and Tobago, and even if 12 of these fighters decide to be operational in this country, we can have a blood bath of immense proportions, because by themselves and their deputies, things can get out of hand, and we can see, God forbid, a return of 1990, in a significant manner, worse than what we had.

However, if by piloting this legislation, we were to agree, Madam President, that as a country, instead of simply criminalizing the returning fighters and putting them in prison where they can then continue spreading their doctrine amongst the persons who they share their cell blocks with, we can have a greater problem in this country. This, to me, Madam President, I actually mean to raise the alarm by raising this point.

In that if, in fact, we are to be treating with our citizens and we want them to be productive members of this society when they return, even if we say we will lock them up and throw away the key, that would not work because their products will return to society, the persons they interact with will return to society, and the problem will be bigger than we can handle.

So, all I am saying is, this very—the UN representative Richard Blewitt, as covered in a *Guardian* article on the 29th of June, 2017, written by Gail Alexander, as in “How could tourism affect the Caribbean”, points to

this very particular issue of prisons being used as incubators, and a possibly more permanent as incubators for networks of terrorism.

So, Madam President, there is another point that I want to raise. The very conference spoke to the blurred lines between gang activity and terrorist activity. And if one turns to the Bill, I believe it would be page 8 into 9, there is a clause that spells out—no, page 7 sorry, pages 6 into 7. So clause 7, that spells out the acts that could be considered terrorist activity under the definition. So there are many acts, loss of human life, serious bodily harm, damage to property, et cetera, et cetera.

What this UN specialist is saying, Madam President, is that there could be blurred lines between—especially when one looks at what is spelt out here in plain English on page 7 of the Bill before us, between terrorist activity and gang behaviour, Madam President. And we should be very careful in the way we approach this legislation in the context of a police service.

Sen. Saddam Hosein, in his response to the Attorney General, mentioned the impact of training and sensitivity training, those of cultural sensitivity training. I think that point is also illustrated here where we speak to the blurred lines being the terrorist activity and gang-related activity.

There is another dangerous point I want to allude to Madam President, a very dangerous point, and if we look on page 8 into 9, actually it is the entire, the same clause, so the entire clause, really. If we were to consider 1970 and the revolution of 1970, one can easily say that the young revolutionaries at that time could be labelled terrorists based on this legislation, when really and truly, in hindsight we are actually congratulating

them for the revolutionary changes that occurred in many sectors, including the banking sector in Trinidad and Tobago and governance in this country.

So, we must be very careful not to be taking foreign prescriptions for problems that exist overseas, when our problem—though we are part of the global community—is peculiar. And we should be very careful not to take everything wholesale, and really prepare our police service, our courts, to understand that whilst we are part of international conventions, in this country called Trinidad and Tobago, we are a sovereign state and we do things differently.

6.35 p.m.

Madam President, the hon. Attorney General, I think, it was in piloting the debate, mentioned Nelson Mandela, and there are many freedom fighters across the world, though this legislation speaks to insurrection as being an exemption for, in terms of, for example, what would have happened with Fidel Castro in Cuba, it is really for those who are executing the legislation to determine that. So who determines who is a terrorist, from who is a gang member, from who is a freedom fighter? That to me is a grey area, and it can result in a very dangerous outcome.

I now turn to preventing in terms of a countering of terrorist financing and preventing the misuse of charities, Madam President, and for this I turn to a document entitled An Advisory Guideline on Preventing the Misuse of Charities for Terrorist Financing. And in the article it points to what the Attorney General mentioned, which is that charities can be unknowing proponents of terrorist financing, but there is a point in the article I want to raise, at the very end of it, which is the anti-terrorist financing best practices.

In terms of know your donor and beneficiary charities, and this is the prescription that I wanted to give to the hon. Attorney General, in that the article states that you should undertake best efforts to document the identity of their significant donors with due regard to donors' request for anonymity and/or confidentiality of identity. And what I want to state, is that Government has an opportunity now to assist all the citizens of this country, all institutions, all organizations with a register. They may or may not want to make this register available online. That decision would be up for debate, but to cause to be created a register which can be used to verify—we may know our locals, but the global terrorist organizations and firms that may purport to be bona fide or above board, such a register be caused to be created, hon. Attorney General, so that for example a small credit union in Palo Seco or Toco, who may not have the ability to research all organizations in the world that are linked to terrorist activity, can simply petition the Government on particular organizations that wish to engage in particular transactions, and the Government can decide and say no this organization is not good, or this one is good. So that they do not inadvertently run afoul of the law and find themselves facing 30 years and \$25 million in fines.

Madam President, the last point I want to raise speaks to terrorist rehabilitation and it as a counter-terrorism weapon. And I want to say this, that whilst it may seem to be an easy go-to solution in terms of mediation, or retraining, or reorientation, one only has to look at the examples in Central Africa and Eastern Africa, where former child soldiers, for example, have been re-orientated as productive members of society. These child soldiers

could have been considered terrorists at some point in time, rebels without a cause, and through societal acceptance and reorientation have become productive members of society.

So, I am saying that whilst we may want to take wholesale what the foreign entities are giving us, we may want to consider that we can do things a little differently regarding our returning terrorist fighters so that they can be proud citizens, and contribute to the development of Trinidad and Tobago, and I dare say the world. I thank you.

Sen. Paul Richards: Thank you, Madam President, for recognizing me as I stand to contribute on this, what I consider an extremely important Bill, and especially at this time in the history of Trinidad and Tobago, and I dare say the world.

Let me start by commending both Government and Opposition in the other place, and even before that, the Joint Select Committee which worked assiduously to get this Bill in some measure to the state it is in today. And, like much of the legislation that comes before this honourable House, it is not to be considered perfect, but certainly extremely critical in protecting the citizenry of Trinidad and Tobago which—and that protection is, and safety is enshrined in our constitutional rights.

So, let me start by commending both Government and Opposition, and all that would have contributed in the past to getting the Bill to this stage, especially in light of the fact that in 22 days we will have another observance of July 27th, which, according to, and I will jump straight into the Bill so that I do not run afoul of Madam President. According to clause 7 section 3 of the Act as it is amended, and by your leave, Madam President, I

would just read it because I want to make a point that according to this, 1990 would qualify as an overt terrorist act, and the perpetrators would have been considered terrorists as confined within the definition in this:

A person who with the intent to compel a government or an international organization to do or refrain from doing any act to intimidate the public or a section of the public for the purpose of advancing a political, ideological or religious cause, does any act which he intends to cause, creates the likelihood of causing, will likely to cause—

1. the loss of human life or serious bodily harm—it did.
2. substantial damage to property—it did.
3. the engagement of a person's life and other than life of the person taking the action—it did.
4. the creation of a serious risk to the health and safety of the public or a section of the public—it did.
5. prejudice to national security or disruption of public safety including disruption—it did.
6. in the provision of emergency services or any computer or electronic system, not so much but in some measure, to the provisions of services directly related to banking, communications, infrastructure, financial services, public utilities, transportation, or other essential infrastructure.

And I think that 1990 act easily falls within the ambit of this, and I would suggest, and I know it is a late stage, and I know the imminence of passing this in this honourable House and it on to proclamation. So, the

suggestions I make, hon. Attorney General, through you, Madam President, are just in light of highlighting, because I know at this stage it is unlikely to have to go back to the House and come back up. So, I would have added, to me, maritime entities to that list, as we have highlighted financial services, I would highlighted because of the nature of our economy, energy sector, and Power Generation and or transmission to make the list more wholesome.

Reversing a bit, Madam President, through you, the AG in his piloting earlier on referenced T&T being the highest per capita producer of individuals, leaving a country to join or train as a terrorist group, and the impetus of it and the eminence of it speaks of compliance. But, we have to look at it in a holistic manner. We have to ask ourselves while is it important and critical to pass this—to me because I will give my full support to it, because of the eminence of it. I have stated that categorically. We have to ask ourselves: What is driving this phenomenon? Why is a country of one point, almost 4 million having this onerous distinction globally, and the answers are pretty clear. There is a supply and demand side to criminality, including what we may describe as petty crimes, serious crimes, capital crimes, gang activity and terrorism. And there is something in our society, through you, Madam President, that is providing a fertile ground for creating this storm, and we have to, well, we have passed the legislation, deal equally fervently with those aspects that is creating the environment that has us in this unfortunate distinction. Why is our country so seemingly effective on the supply side? And, why also, after all these years and millions of dollars spent on a commission of inquiry, have we not implemented so many of the recommendations, which can also stymie the

supply side of this, and so save us some money and heartache and stress, in terms of having to apply much of this?

So, that is part of what my thesis will be, in addition to specific aspects that I have already—sorry, Madam President—on this. And, like gangs, terrorist groups fulfil and fill very significant and acute deficits in our societal fabric, and that to me is what is driving it, and we need to identify that and deal with it. There are very, very clear-cut risk factors associated with the supply side of terrorism, including juvenile delinquency, family issues, anti-social personality issues, medical issues, in some instances neurological and biological issues, violent history, family history and exposure to violence including abuse, inability to adjust to institutional change, marginalization, which Sen. Ameen identified, and poverty. And most important to me, and I will get to a section in the Bill dealing with children, in many instances, an education system that is failing the children, and I am going to bring it into the Bill, Madam President.

Yesterday we celebrated so many children having been successful in the SEA, but we also had 2,595 score under 30 per cent, and we have to ask ourselves, why would it take us five years of primary school, and not identify children failing at that level? And then why would we have another five years of those going to secondary school and not being able to score effectively? We have to ask ourselves what is the wrong with the system, and this is not casting blame at any Minister. But the system that is able to produce 13, 14 per cent of students and learners not performing at the optimal level, and we are identifying a 30 per cent grade mark, and I have said this before. But 50 per cent also is not globally competitive. So, we

have to identify that as part of the supply side in terms of terrorism and their vulnerability to gangs and joining terrorist groups because when they feel marginalized in that why, and society tells you, you are a failure for five, 10 years of your life, it is very easy for a gang or a terrorist group to pick up the slack and tell you I will validate your existence, I will make you worth something in my context, and we have to look at that very significantly, Madam President.

The aspects of the Bill, which I want to directly deal with, I want to commend the Attorney General and all would have contributed to making the Bill reach this far. Especially in terms of clause 8, to start with, and the specific reference to dealing with businesses and corporate entities, that, either knowingly, or overtly, are funding criminal activities. Because we have not been very successful or enthusiastic to me, in dealing with white collar crime in Trinidad and Tobago, and very often, we run the risk of ending up with the State—because we are not identifying and bringing to justice those corporate entities, in the manner in which we have given the level of identification the FIU has in the past, millions of dollars flagged with possible terrorist links, of running a situation where the State may end up unwittingly being extremely associated with groups that are linked and funding terrorism. So, I am very happy to see clause 7 and other clauses dealing specifically with the issue of corporate entities and holding them to accord where this is concerned in the Bill.

Also, Madam President, I would have suggested in clause 18, which deals with providing instruction training, or providing instruction to carry out a terrorist act with some sort of specific reference to online publications,

because very often, terrorist groups use the Internet in very subversive ways. They put coded messages and un-coded messages online, and these messages are accessed by young people to train themselves, and I know the instruction here may include that implication, but it is not specified and I would like to see it specified where that is concerned. Also, in clause 24 of the Bill which would amend section 17 of the Act to make it an offence to deliver, place, discharge or detonate an explosive or other lethal device, into or against a state or government means of transport, I think that should also include any other mass transit system. Because we have seen situations in the past where terrorists have used private vehicles to create carnage, especially in Europe, and I think specifying the issue of State or Government means of transport does not capture all the possibilities where that is concerned. Because I could very easily say, and not putting it out there to give anyone any ideas, because I may run afoul of the better part in law itself. But certainly, people are detonating bombs in a private car park, and causing carnage, and I think that is a mass-transit system that may not be captured when you specify against the state of means of transport. Because, yes, we use Government transport, but we also use to a large extent in Trinidad and Tobago a lot of private transportation systems, and that may not also cover—and I do not know in terms of aviation and private aircraft.

I also want to highlight, Madam President, through you, the issue of children and their specific reference to, in section 15D(2A), large A, and it stresses, and this is one of the amendments that is highlighted in red:

“A person who travels to a declared geographical location with a child without giving prior notice under subsection (1) shall immediately,

but no later than thirty days upon his return to Trinidad and Tobago, provide the Commissioner of Police with—reasons for his travel...with the child;”

I think somewhere in the Bill we should have included some sort of accommodation for persons, because what I interpret this to want to capture, is persons who are going to areas where they may have put a child in danger in some way. And I think there should have been some reference in Bill to persons passing on information regarding children and adults to terrorist groups, specifically, because we have known of situations in the past where persons have been specifically targeted for being attacked by terrorist groups, I think we have seen that situation and we would like to have it covered in the Bill.

There is also another reference—my highlighter is not working—but it makes specific reference to jurisdictions where would-be terrorists are traveling to and from, and I did not see a reference in particular with particular reference to the use of Trinidad and Tobago as a connecting point for terrorism, and I think that also escapes the specificity that is required when you are dealing with people as unfortunately creative as terrorists in the global scene. They may not necessarily commit an act in Trinidad and Tobago, they may be coming from a jurisdiction and used Trinidad and Tobago as a connection to another jurisdiction, and the information comes to the authorities it maybe, and I am not a legal mind so I do not know, that that person easily say, well, I have not committed any act here. And if there is information that, well, they are going to commit act in another jurisdiction, I think it will make for a more comprehensive and fulsome law

that covers more bases in terms of that sort of specificity.

In closing, because I do not intend to be long, I again want to commend the Government, and the Opposition, and the JSC who would have contributed to this, and put on the record the importance of us in Trinidad and Tobago, not looking at these Bills and laws in isolation. Crime is an extremely complex and evolving paradigm in any jurisdiction. It is never going to be a one shot fix all. It has to be a combination of multi-dimensional approaches from intervention, from social fabric reintegration, from the penal system reform, from the education system, which I am extremely passionate about in terms of the reform of that, because I think that is one of the areas that ends up being, through you, Madam President, the subject of many political, and apolitical machinations, and at the end of it we see 15 to 20 per cent of our most significant human resource falling through the cracks and becoming vulnerable to many of these paradigms that we are trying to remedy on the late end on the demand side by legislation. And if we do the kind of intervention that is necessary, because it is not even brain surgery anymore, it is all very, very doable and very accomplishable through simple, well-established protocols. We can do a lot to stymie the need to spend money in jails and law enforcement to deal with after the fact.

And with those few words, Madam President, I thank you. [*Desk thumping*]

Madam President: Sen. Haynes. [*Desk thumping*]

Sen. Anita Haynes: Thank you, Madam President, for recognizing me to contribute on this very important debate on the Anti-Terrorism (Amdt.) Bill. Madam President, I am taking the opportunity to stand here and contribute

on this Bill, because I think that what we have soon, both, well, from the Joint Select Committee to the House of Representatives, to here today, I think represented the very best that our Parliament has offer. [*Desk thumping*]

Madam President, I start there because I think that—because I want to make a very specific comment based on the point of view put forward by Sen. De Freitas in this debate, that it was, I believe, to quote Sen. De Freitas, he said that, it was difficult to understand why some of these issues, namely, the amendments brought as to the role of the Attorney General, why it was not raised in the Joint Select Committee. And I want to start there because our legislative process is long and systematic by design. The systems are put in place so that what we do here can produce the best possible outcome for the people of Trinidad and Tobago.

So, where persons might find that if we take every single step, and you may find points in the process where you have to go back and rethink, and reformulate, and say have the best decisions been made, then because we are making laws, laws that affect the citizens of Trinidad and Tobago, then it is my respectful view that we should take all the time we need, all the effort that we need, and make sure that we get these things right. [*Desk thumping*]

And, Madam President, this I think, the Government would not have been surprised at any juncture that this was the stance that the Opposition would take because it is a stance that we have taken on numerous Bills. So, it cannot be a surprise now that this is our policy stance. It is something that we have said time and time again. So, Madam President, where we stood, I

think, at no point in time did the United National Congress Opposition decide that this Bill was not worthy of our support. We have always been in support of legislation like this. [*Desk thumping*]. But what we would like to put forward is the best possible approach. And, Madam President, if you were to look at where we would have gotten—how we would have gotten here, and I think the Attorney General was very correct in the beginning, when he noted the enormity of the task in front of us, that terrorism has a real and direct impact on many lives globally, that when we stand here to put forward anti-terrorism legislation, you are doing it from a context, I think where persons are fearful. You hear about the terrorism and terrorist acts and you immediately feel a sense of fear, and that is a rational emotion, I would say. But when you are legislating in that space, you also have to be careful in that seeking to protect your citizens, you do not go too far on the balancing act and then affect human rights.

So that, Madam President, that is why I said that we saw what I think is the best of our legislative process, where you got to take all the steps, and they were thorough, and you saw a Parliament, a House of Representatives that I believe was just there willing to work together to create legislation to benefit our country, and I think any nation looking on would be very proud of what was done. [*Desk thumping*]

That being said, Madam President, as we—and a number of persons would have noted what terrorism means. But I just would just to like state that Trinidad and Tobago has borne the brunt of the international community being able to ascribe a brand to us based on reports coming out. So if you throw your minds back to 2017, we began the year, I think, with Malcolm

Lance on MSNBC talking about Trinidad and Tobago, this was around the time that the President of the United States had put his ban, and had banned certain states countries from coming into the US. The travel ban. And, it was put forward on international media that Trinidad and Tobago had more than all of those persons so that we should.

And, Madam President, prior to that, in April of 2016, I recall questions being raised by the Opposition party to the Government asking, what was our plan and our specific policies to deal with terrorism, returning terrorist fighters? The response put forward in April 2016, and it is April 08, 2016, in a question to the Prime Minister by the Member for Oropouche West. The question was put forward: What are we going to do, because we knew then that we had a problem? And the response put forward that, all we needed was some little legislative changes. Now cut to 2018 now, that the Government can now recognize how massive this problem is, and how critical this major piece of legislation is. And so, we have gone full circle almost, from little legislative changes from a dismissive approach to terrorism, and how we treat with returning terrorist fighters, to now it being critical to our national security.

So, Madam President, I would just like to put forward that it is not the Opposition that changed anything in our views, in how critical this is, but rather the Government. Because, they have gone from one end of the line in 2016 where this was a small problem, nothing to—you can even go as far as back as 2014, when the then Prime Minister Kamla Persad-Bissessar SC said that Trinidad and Tobago would cosponsor, and I have a quote here from her address to the security council in September 2014, and at that time this is

Kamla Persad-Bissessar SC stressed that her Government intended to work with member states to share information to help in our ability to conduct criminal investigations or proceeding relating to the financing and other support given to terrorist as the resolution mandate. And that Trinidad and Tobago finds itself in a useful platform for the launch of a greater international cooperation in the battle against terrorism. And the then Opposition Leader, our current Prime Minister, Dr. Keith Rowley said, cockroach had no business in fowl matters.

Hon. Senator: Who said that?

Sen. A. Haynes: Our current Prime Minister. So, any suggestion that we did not see that this process would unfold in this way, and that we would get to a point where were at critical mass and needed to act. Had the Government listened to the Opposition, Madam President, these actions could have been taken as far back as 2016. [*Desk thumping*] And therefore, there would be no blacklisting, there would be no rush, there would be space for us to legislate in a constructive reasonable manner, and not always with the guillotine stand hanging over our neck.

So, Madam President, I have taken issue with that time and time again, but I would leave it at that right now. As we look at the Bill, Madam President, I would like to look specifically at clause 22 of the Bill which inserts new section 15A, 15b 15C and 15D—and 15E—which deals with the designation of geographical areas. And, I am dealing with this because part of what we should be doing, I think is, as we go forward with this embarking on a public education campaign on what material impact this legislation will have on the daily lives of citizens, or on the lives of citizens in general. And

I think that while I applaud that we are looking at putting it in the *Gazette* and trying to think of places where we would list the notice, I think it is important for us to be realistic with what we are doing here.

Sen. Hosein, I think, noted that most persons have no idea what the *Gazette* is, much less checking it. So, I appreciate, again, that we have made steps to look at putting things on website of various Ministries, et cetera. And while that is good, again, if we are to think about communications, and communicating Government policy, and the way we do laws, I think that we can go a step further. Just look at what our Parliament has done in terms of communication, and getting information from the Parliament to the people. That, I think, is a lesson on how things work well, and we can do something similar so that when you have something as important as how it affects person's travel, like the legislation, how it would affect their travel, we can do more, I think. Well, the Government can do more, I believe, to embark on a holistic public education campaign on how this would affect the lives of persons.

7.05 p.m.

And, Madam President, as I move to my second point, for this legislation to work properly there must be some sense that when we pass the legislation, we would move to effective implementation. And I think that is something we have yet to see. So we get all worked up and we are all very pleased at this very good, robust piece of legislation and then we send it out there, to what end? And I raise that point because once we pass the legislation—and I want to quote from an article from February 01, 2017, and it is entitled, it is from the *Trinidad and Tobago Guardian*—and it is

entitled:

“Dillon admits 130 T&T nationals joined ISIS
Hard to keep track of them”

So in 2000, I mean, I do not need to quote anything from the article, because the title says it all—the Government finds it hard to keep track of these persons in ISIS. So we are bringing this legislation and we are doing these things; well, the Government admits that there is difficulty for them and the TTPS to keep track of these persons. And, Madam President, you come now to April 24, 2018, over a year later. The Acting Commissioner of Police says that:

“Investigation of terrorism is one of the most difficult types of probes confronting the T&T Police Service...right now...”

And I raise these, Madam President, because what we have is a passage of time, where little to nothing would have been done, where we would identify an issue in 2017 and then find little in terms of action to correct it. So that we will have the same issue in 2018 and then we will pass this law and say that it will solve our problem. But then, will we have any accountability in 2019 to say, what was the impact of the law and is it doing what we intended for it to do?

And why I thought these articles were important, Madam President, is that this legislation has a role for the police service, and the police service has already noted that they come under immense pressure from the citizenry. And so we are adding more to the police service. We are expecting more from them and are we giving them the tools and materials needed to be effective and efficient when implementing their new duties?

I think, Madam President, in November of 2017, the Minister of National Security spoke as part of the anti-terrorism network, and the anti-terrorism system that the Government was putting into place that there would be a new unit within the police service, and that they were at completion in November of 2017. And then you have in April of 2018, the Commissioner of Police saying:

“...a new...unit, focussing on terrorism, is being developed and trained ‘as we speak’.”

So, Madam President, it is this kind of loose approach to things, where we do not have timelines and deliverables and expectations from persons that these things fall apart. So you can do your best here, and then you send it out there, but without people being held accountable, are we really having the kind of impact that we had hoped to have? And so, as we look at what the role of the police service is—I think I would also like to just look, as I was going through the legislation, at clause—I believe it was—if you will just give me a moment to find it—where the Commissioner of Police has to notify the Chief Immigration Officer of these notices of travel. Right? And I noted there that there was no specified timeline for the Commissioner of Police to inform these other parties.

And again, I would like to suggest that when we are doing some of these things, we be realistic about the system that we live in and think that maybe, perhaps, we can include timelines, because—

Sen. Ramdeen: 22(4).

Sen. A. Haynes: Thank you, 22(4). And we can, I think, then hold ourselves to higher standards, so that you can say, okay, you have this, this

is your duty and it needs to be executed within this time frame.

Madam President, Sen. Obika I believe, started on the point of rehabilitation for radicalized fighters. And the Minister of National Security had in November 2017; 2017 was a big year for terrorism and Trinidad and Tobago on the international front, so there are a number of responses and, again, I found that all our systems have been reactionary. But in November 2017, the Minister of National Security said that:

“...returning...terrorist fighters”—that we would be—“strengthening programmes to address perceived economic and social inequalities...” And this is—the title of the article is rehabilitation “for radicalized fighters—Dillon”—and it is Gail Alexander, Sunday, November 26th.

Now, Madam President, it is all well and good and if you go through all, and I have almost all of the articles and all of the statements by the Government promising a number of things by way of a robust anti-terrorism policy. But what it was all lacking, Madam President, is the details that would make us more comfortable that this was something that they had put a lot of thought and planning and that it would be implemented effectively. So there is a trust breakdown, at least for me, that we would see anything real and meaningful coming from this because the systems to make it work properly simply are not in place.

And so, Madam President, I just would like turn to—when countries that are serious about taking an approach to anti-terrorism that would fix the problems around it, they are able to give the details on how it will get done. So they are not simply saying we will reintroduce or we would rehabilitate radicalized fighters, full stop. And then that is a vague and loose statement,

but they give you the details. So I will turn to a statement by the Minister of Justice, Michael Keenan, this is in Australia.

“The Australian government has planned for the return of at least 70 children of ISIS fighters and will”—be giving—“them counselling, welfare and citizenship.”

They will be offered:

“...privacy and an education.”

“...each child will be case-managed and the...returning youngsters won't be left without help or guidance as they transition back into a regular life.”

That is Australia. The details, Madam President, on how this thing will work are important for a country to say, yes we do have a plan.

Madam President, in the Netherlands, the foreign Minister speaking at the UN General Assembly said that—which highlighted global terrorism—said that they would put aside €3 million to confront the poisonous mix of returning terrorist and criminal networks forging partnership.

So a lot of the things that would have been discussed, Madam President, in this debate as to what are the systems that create radicalization, countries have shown how they are effectively attempting to deal with these things by simply putting their money where their mouth is. We on the other hand are being told that programmes are in place and in this same article about the radicalization of—the rehabilitation of radicalized fighters, the Minister of National Security spoke about all manner of programmes, programmes which, Madam President, coincidentally have received budget cuts under the same Government.

So on one hand, you are saying these programmes are important and would help us in our crime fighting, anti-terrorism initiatives and then you are cutting the budget. How are we to believe what you are saying? When you look at what Sweden has done, Madam President, they have put up programmes in place to rehabilitate ISIS fighters which include a robust housing programme, an employment programme, an education programme and financial support, all detailed on their government website.

So, Madam President, the systems again are important to make these things work. Denmark is pairing individuals who are—

Madam President: Sen. Haynes, you are talking a lot about—and I understand what you are doing, but you need to come back now a little bit to the matter at hand, okay? A lot of the context has been given. You have spoken about other jurisdictions and how they treat with a certain issue, but there are other issues that you need to deal with which are more relevant right now to the matter at hand, okay?

Sen. A. Haynes: Yes, Madam President. I was actually on the very last point, on trained mentorship in Denmark. So that was—I was on the end of that point. So we are on the same page. And so what my focus on as I was getting ready to participate in the debate is that—as we as a Parliament, approach legislation and approach the business that we do here, there are ways I think that as we enter into a spirit of collaboration and working together for the people of Trinidad and Tobago that we can show Trinidad that unimportant issues, all parties involve will work together and will do our best to provide for Trinidad and Tobago the best pieces of legislation that we have to offer.

And so, Madam President, as I close I think that a number of issues have been raised and they have been well ventilated. But at the end of the day once we are proud of the product that we are putting out, I think now after Parliament has done its work the Government needs to do its work and put more systems in place to ensure proper implementation of this legislation. I thank you. [*Desk thumping*]

Sen. Gerald Ramdeen: Thank you, Madam President. Madam President, I want to thank you for the opportunity to contribute to this debate tonight on an amendment to the Anti-Terrorism Act, Chap. 12:07. This piece of legislation that we are asked to amend this afternoon is what I would like to describe as a work in progress, because of the mischief that legislation of this nature seeks to give an answer to. And I want to start off by saying, all of us, after September 11th, understand the nature of terrorism and the impact that it can have on any society. I do not think, before September 11, 2001, anyone would have thought that those atrocities that were committed against the United States of America would have ever been possible, but that was an example of the way in which terrorism can cross boundaries, can cross oceans and can destroy the very heart of a country.

And having said that, Madam President, when one looks at the other side of the equation, which is, when you look at the Middle East, and you look at countries, like what is happening in Syria, in Libya, in Iraq, you can see that no one, no matter what any of us try to say here this afternoon can overestimate the importance of what we are here to do in passing this piece of legislation.

And let me just say at the very outset, Madam President, we have always

said in this Opposition led by the Opposition Leader that we will support the Government in legislation that we consider is in the best interest of the people of Trinidad and Tobago, but more importantly, that strikes the right balance between the citizen and the State. [*Desk thumping*] And, Madam President, the product that we have before us, which we are asked to approve here as a Senate tonight, has been a work in progress for a very long period of time, but it is a demonstration of the collective will of the Parliament that the Government and the Opposition can work together in the interest of the people of Trinidad and Tobago.

And, Madam President, what is commendable about what we have before us here this afternoon is that this is a piece of legislation for those who can trace the history back to Act No. 26 of 2005, the original Act that we are asked to amend which was amended by Act No. 2 of 2010, 16 of 2011, 14 of 2012 and 15 of 2014. Those that can take their mind back and have done the research would realize that when our legislative landscape had decided to embrace anti-terrorism legislation in 2005 it was passed by a simple majority in Parliament.

The original piece of legislation that we are amending here today was passed with a simple majority, it was subject to constitutional challenge in the High Court. It passed that challenge. That was then subject to an examination constitutionally by the Court of Appeal. It passed that and therefore the Government can take—the Opposition, the Government having brought this piece of legislation, understanding how draconian the provisions of the legislation would be and understanding how they would have infringed sections 4 and 5 rights under the constitution, the

Government had to come here and bring this legislation requiring a special majority because of the particular provisions and I will go through them, that the Bill entails.

But having done so, Madam President, and having listened to the Opposition, the comments of the Opposition, having gone to a joint select committee and I want to get to that as well, shortly, Madam President. It is clear that the Government should understand by this piece of legislation being used as an example that if the Government brings legislation that requires a special majority, that has the right balance between the citizen and the State, notwithstanding it intrudes upon the fundamental rights of the citizens, they will get the support in the Parliament that is in the best interest of the people of Trinidad and Tobago.

And having said, Madam President, let me echo the words of the Attorney General and a number of other speakers who have spoken in this debate this afternoon by saying, I want to thank each and every member of the Joint Select Committee who have done a tremendous amount of work to put together this report and to produce the piece of legislation that we have before us here this afternoon. And, Madam President, the Attorney General did it and I want to join him in paying tribute to the nine groups, the nine groups that accepted the invitation of the Joint Select Committee to make contribution.

Because a lot of times, Madam President, you would have heard myself stand here, the Attorney General stand on the other side and criticize different groups who have a duty to the people of Trinidad and Tobago. Perhaps the most frequent victim of that is the Law Association. But when

you examine the report of the Joint Select Committee, the Law Association made an extremely important intervention in this matter. But not having said so, Madam President, I want to particularly single out the Islamic scholars who, the Islamic Council of Scholars of Trinidad and Tobago whose contribution, if you would allow me to just say, comprised almost pages 40 pages of the Joint Select Committee; their contribution comprised almost 40 pages.

I have had the privilege of sitting on one or two Joint Select Committees myself and if any of the Members on the Government, the Opposition or the Independent side were to carefully examine the contribution that was made by the Islamic Council of Scholars of Trinidad and Tobago I think one would readily see the extent to which that group, among others, but that group in particular was concerned about the passage of this legislation and more so, Madam President, they were concerned to get it right. [*Desk thumping*] They did not simply come with a religious mantra before the Joint Select Committee, Madam President. The legal issues that we are discussing here today as a Parliament were fleshed out. I was surprised, it read like a judgement of the High Court, that the work or whoever did the work on behalf and with the Islamic Scholars of Trinidad and Tobago ought to be commended and they deserve great commendation for the work that they did at the Joint Select Committee. And many of the recommendations, many of the issues that they raised, many of the clauses that they had concerns about have formed the basis of what we have before us here today. [*Desk thumping*]

Now, Madam President, the Attorney General gave us a long history

of terrorism and how long terrorism has been with us as a people, as a society and the two perhaps most famous examples, or infamous I should say, infamous examples of terrorism and terrorist acts that came to mind, very quickly, is 9/11. And that was the United States World Trade Centre attack. And what—in Europe they have called 7/7, which in 2005 were the London bombings on the 7th of July. And between the years 2001 and 2005 the world reacted to terrorist acts. In the United States you had the establishment of Guantanamo, and in the United Kingdom and in the Council of Europe you had a wave of legislative measures that were put into effect as a result of that. And you would recall, Madam President, at the beginning of my contribution I said that what we are doing here is really a work in progress, because I understand the position that the Attorney General and the Government find themselves in, which is that we are on the brink of being blacklisted as we have been told.

But, Madam President, I hope that this is the last time that Trinidad and Tobago will find itself in this position, because it is unsatisfactory as a country for us to be in this position where as Sen. Haynes just indicated shortly that we are really in a race against time to meet a deadline so that we do not get blacklisted. The terrorists are not in a race against time. They have all the time in the world. And as they change their strategies, as they find different ways to find cells around the world, we as a country and as a legislature have to constantly keep up with what is happening in the international community and in the fight against what they call “the war against terror”.

And the reason why the responsibility is a heavy one on the

legislature, Madam President, it is because we as a legislature are the first threshold that must strike the balance between the citizen and the State by the legislation. Whether we get it right or wrong will not be determined by us. It will be determined by the courts. But what is extremely important is if we do not get it right, if we do not pass legislation like this, that gives law enforcement the authority to go after persons who can commit atrocious acts of terror among our citizens locally and internationally, we run the risk of perhaps not even having a future.

And I wanted, in my research to make my contribution here this afternoon, Madam President, I want to borrow the words, because I do not think that I can say it any better. I want to borrow the words of the former President of the United Kingdom Supreme Court, Lord Neuberger, in a lecture that he delivered on the 27th of February, 2014, to the Northern Ireland Judicial Studies Board titled:

“Justice and Security”

Let me read what his comments were in relation to how we should treat with terrorism as a society, Madam President. And this is what he had to say:

“How we deal with those challenges, both in terms of procedure and on terms of outcome, will determine the sort of society in which”—it is very, I want to emphasize this part, Madam President, it—“will determine the sort of society in which our children and”—our—“grandchildren grow up. We cannot afford to sacrifice either our security or the rule of law, and when, as is inevitable, there has to be some give and take, we must make sure that the compromise is worked out in an appropriate and proper manner, and that we hold fast

to our fundamental principles. As I have already indicated, it is all too easy to mouth these high-minded statements and all too easy to stick to them in times of tranquillity: it is when we feel that we are under attack that our commitment to the rule of law is really tested.”

You see, the temptation with this type of legislation, Madam President, is because of the mischief that you are going after. Perhaps the most atrocious acts that can grip our society is that there is that great temptation that we could erode deeply into the fundamental rights. And like Lord Neuberger said, in times of tranquillity nobody thinks about that, but in times when things go wrong it is very easy for, as a society and for a legislature, for a democracy where the democracy is based upon the will of the majority to easily bring to a Parliament and pass legislation that has far-reaching effects that only after it is passed we understand the true effect of that kind of legislation. And there was a warning that was given to us or given to all societies by the President of the Supreme Court of Israel, Aharon Barak. And this was the warning that he gave with respect to this type of legislation and I quote:

“...a mistake by the judiciary in times of war and terrorism is worse than a mistake of the legislature and the executive in times of war and terrorism. The reason is that the judiciary’s mistakes will remain with the democracy when the threat of terrorism passes, and will be entrenched in the case law of the court as a magnet for the development of new and problematic laws. This is not so with a mistake of the other branches, which can be erased through legislation or executive action and usually forgotten.”

That is a quote, Madam President, the article is:

“A Judge on Judging: The Role of the Supreme Court in a Democracy”

Madam President, there are a number of, and I will go through them and take you through them. There are a number of provisions in the 45 clauses that we are asked here to approve as a Parliament, that significantly erode the fundamental rights that are guaranteed to each citizen under sections 4 and 5 of the Constitution. The Government has come and asked for the support of the Opposition and they have been given that support in the Lower House for a special majority to be passed. And it is only in the best interest of the people of Trinidad and Tobago that that is done, because it provides an extra layer of insulation to the legislation in case there is a challenge in the courts.

But, Madam President, before I go individually into the actual clauses themselves I want to raise one very, very, important point. I want to colloquially refer to this legislation as the anti-gang legislation (No. 2). [*Desk thumping*] Because two sittings ago my very good friend, the Minister of Education—sorry, the Minister of Agriculture; how can I make that mistake?—the Minister of Agriculture, Land and Fisheries had said he joined me in asking the question as to why, after we have passed anti-gang legislation and two months have passed, the people of Trinidad and Tobago have seen absolutely no benefit from that. And the Opposition had warned the Government that when you pass legislation that requires a certain amount of will, in terms of implementation, if you do not pursue the implementation of the legislation with the same will that you pursue the

passage of the legislation, you are not going to get the results.

And, Madam President, this piece of legislation, the Anti-Terrorism Act, is going to, unfortunately I think, is going to suffer the same fate. And I will tell you why. This piece of legislation, for it to work requires the Trinidad and Tobago the Police Service—there are many provisions in here—requires the Trinidad and Tobago Police Service to do a certain amount of work. Before they can do that work it requires them to do a certain—it requires that they be trained to implement this legislation.

Now, the Attorney General has gone very far in telling us a lot about the legislation, but what we have not being told, because this piece—what we can be sure about is this piece of legislation is not going to suffer the same fate as the SSA. This is going to be proclaimed in about a week, because of the deadline. But the reason why it is going to be proclaimed, it is not because we are ready for it, it is going to be proclaimed because we have a deadline to meet. So when we ask ourselves the question, all of these provisions in the legislation that require the Commissioner of Police to do all of these things, it is not Mr. Stephen Williams, the Acting Commissioner of Police that is going to do this. It is the persons who he is in charge of, it is going to be the persons under him.

7.35 p.m.

But, Madam President, have we asked ourselves the real important question, which is: Has the Trinidad and Tobago Police Service been given the training, the requisite skills to implement what we are being asked to pass? So that apart from the fact that we have the statements that we will be blacklisted and 190 countries will look down upon us, well, when we pass

legislation here, while that may be one aspect of it, the more important aspect of it is: Is this legislation going to help us prevent a terrorist attack in Trinidad and Tobago? And the only way—the Attorney General gave us some figures about how important we, as a country are, important in terms of—he mentioned British Petroleum and 17 per cent of their international revenue. Well, that is one way of looking at it.

If we do not give the Trinidad and Tobago Police Service the training and skills that they need, we can have a 9/11 tomorrow or a 7/7 tomorrow and then we will have the best legislation and nothing will happen. [*Desk thumping*] Nothing will happen, and we will be six months down the road having passed an amendment to the Anti-Terrorism Act and have nothing to show for it. And that cannot be right, Madam President.

Let me go straight to the provisions and demonstrate what is happening here. There is a very, very important provision that the Government has brought that deals with persons who go to a designated geographical area. So that provision starts at clause 22. Now, clause 22 which seeks to amend section 15B of the principal Act says:

“The Minister shall, prior to making a designation under subsection (1), inform the Leader of the Opposition in writing of the proposed designation of that geographical area of the foreign country.”

But the operative part is 15B:

“The Minister may for the purposes of this section, by Order, subject to negative resolution of Parliament, designate a geographical area in a foreign country as a ‘declared geographical area’, if he is satisfied that a listed entity is engaging in terrorist acts in that geographical

area of the foreign country.”

Madam President, one easily understands what the mischief is of this particular section. But the question that one has to ask is this: the Minister, for the purposes of this Act, is going to designate a geographical area in a foreign country. Well, where is the Minister going to get this information from that he is going to base this Executive decision to designate in a foreign country? He is not going to go there. He is going to get the information. One does not know where he is getting the information. And what is the threshold that he has to satisfy before he comes to this decision, this Executive decision, to designate this geographical area?

You know, there is a lot to be learnt from the jurisprudence that comes out of the Supreme Court with respect to these areas. Because, you know, there is an example of a case that went to the United Kingdom Supreme Court. Ironically, the applicant in that case, *Al-Rawi v the Home Secretary*. And you know what the difficulty in that case was, Madam President? It was a group of people who had challenged their detention at Guantanamo Bay. They challenged their detention on the basis that there was no proper grounds for detaining them at Guantanamo. And when the challenge came before the court, you know what the difficulty was? They stated the evidence that they had in order to hold these people at Guantanamo was evidence that was secured by acts of torture. And when it came to the court, you know what the State had to do? To use the words of the court, they had to throw in the towel, because they could not come to court and say that the evidence by which they were holding these people was evidence that was secured by acts of torture.

And therefore, Madam President, what transpired in that case was that you had persons who allegedly were involved in serious acts of terrorism being held in Guantanamo Bay and when they challenged their detention, the Government—

Madam President: Acting Leader of the Opposition.

PROCEDURAL MOTION

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, in accordance with Standing Order 14(5), I beg to move that the Senate continue to sit until the completion of the business at hand. Thank you.

Question put and agreed to.

ANTI-TERRORISM (AMDT.) BILL, 2018

Madam President: Sen. Ramdeen, I am going to ask you to resume your contribution, but I am also going to ask you—first of all, you are making some references, very interesting, but you need to tie it in a little more to the matter at hand. Okay?

Sen. G. Ramdeen: Madam President, I had made reference to that case because when the Minister proposes to exercise his powers under section 15B to designate a geographical area, we have to be very careful—or the Minister, not “we”. But we are the legislators. The Minister has to be very careful in implementing this type of legislation to understand the evidential threshold that he must cross and to always understand that it is very easy to fall into the trap of saying this place, or that place, or the next place, and you designate these places without any proper evidence, and at the end of the day, Madam President, we might defeat the actual purpose which we are

going after as a country when those types of mistakes are made, like in that case.

Now, Madam President, that section 15B runs into a number of subsections that require that notice be given by persons who are going to a declared geographical area and it places a certain burden upon persons who are in the geographical area when the geographical area is declared. And I make particular reference to subsection (12) of section 15B. But to link all of it together, Madam President, let me just read and demonstrate the difficulty that one will have in relation to the implementation of this legislation. Subsection 15B(12) says:

“Where a Trinidad and Tobago citizen or a resident of Trinidad and Tobago...”

Madam President: Sen. Ramdeen, I apologize, but I have been asking Members, make your contribution. There is no need to be reading the clauses. You can just give a synopsis of the clause. Okay?

Sen. G. Ramdeen: I am obliged, Madam President. The gist of subsection (12) is that an offence is committed unless the person who is in the declared geographical area has a reasonable excuse. Well, those are the words are used in the subsection, “reasonable excuse”. Well, Madam President, the difficulty with that is this. Does anybody in the Trinidad and Tobago Police Service know what “reasonable excuse” is in the law? So that when they are investigating a matter where someone is alleged to have been in a declared geographical area, upon return, who has not given notice pursuant to the Act under section 15B, and that person is the subject of an investigation for failing to declare, the person who has to investigate, as far as I know, unless

I am told otherwise, is somebody in the Trinidad and Tobago Police Service.

Well, I do not know that those officers in the Trinidad and Tobago Police Service understand what “reasonable excuse” is under section 15B (12) of the Ant-Terrorism Act? I do not know if they even know if that section is in place. So these very important sections that we are putting in place here, the question that I want to ask is: When is the Trinidad and Tobago Police Service going to know about these things? Who is going to train them about what is “reasonable excuse”? How are they going to know that when somebody goes to a declared geographical area and comes back that an offence might be committed or might not be committed, and when they are asked to investigate an offence committed under section 15B, with these very draconian provisions as to, if you fail to declare, on summary conviction you are subject to a fine of \$50,000 and imprisonment for two years, and \$25,000 and imprisonment for three years? And this is where you fail to declare.

Now, Madam President, I think that it will take some time for the Trinidad and Tobago Police Service to be in any position to implement this type of legislation. And I am sure that within the next six months or one year, the hon. Minister of Agriculture, Land and Fisheries will join me again in wondering why there has been absolutely nothing done under this piece of legislation.

I understand that the Government is not in a position, as we speak, to take any amendments to the legislation because of the necessity to pass the legislation within this period of time, but there is a section here under clause 22 which seeks to amend section 15C of the principal legislation, and it

inserts at page 25 of the Bill that has been presented to us, a new subsection 15C(2A). And to take your guidance, Madam President, I am not going to read it out, but what it requires is that a person who travels to a declared geographical area with a child and does not give notice, when they come back to Trinidad and Tobago within 30 days, upon their return they have an obligation to give reasons for their travel to the declared geographical area with a child. That is (a). And (b), reasons as to why he was unable to give prior notice. And there is a subsection (c) that says:

“documentary evidence substantiating the reasons given under paragraph (b)”

I do not see the logic in why the subsection (c) which is the requirement to provide documentary evidence is limited only to (b) and not in relation to (a) at all. And if the Government at some future time wishes to revisit this legislation as I think they have a duty to, it may perhaps do them well to look at that particular subsection 15B(2), big A, as they say, to include in the documentary evidence which is subsection (c), a requirement for (a).

Madam President, in order for this very important piece of legislation to bring any benefit to the people of Trinidad and Tobago, and what is more important with respect to bringing a benefit, the Attorney General explained that the reason why we will be blacklisted if we do not pass this legislation is because we are part of a world village or a world community, where all of the countries of the world are trying to come together to fight the scourge of terrorism. So that by passing domestic legislation that brings into effect the UN Resolution, we do not only have a duty to the people of Trinidad and Tobago, but we have a duty to the international community to discharge

what we are providing here for. Because it may well be that in Rio Claro, or somewhere else, in Chaguanas, or somewhere in Blue Basin, or somewhere in Trinidad and Tobago, you might have, unfortunately, acts of terror being planned to be executed, not only in Trinidad, but somewhere in some other part of the world.

And when we pass legislation like this, we have a duty to ensure that—there are two things we have a duty to ensure. We have a duty to ensure that all of the persons that are to be affected in whatever way, whatever religion, whatever ideology—who are to be affected by this—understand how this legislation is going to affect them. So while we can take credit for the process that has brought us to this point, there is a lot of work to be done to move forward to ensure that when this legislation is proclaimed, that the persons who are to be affected—Sen. Hosein made reference to persons who go to Hajj, people who could travel to the different parts of the Middle East where there are terrorist acts taking place, people who are travelling to places that can potentially be declared geographical areas, we have a duty—the Government, not “we”—we have a duty to pass the legislation. The Government has a burden to ensure that all of the persons who can potentially be affected by the provisions that we pass here as a Parliament, know when, why, how, this can affect them. Because these provisions where you are legislating for 30 years imprisonment, \$30 million in fines, two years—the provisions cannot be argued not to be draconian.

So when this legislation is passed, Madam President, I want to suggest to the Government, the same effort that was made to bring us to this point, an effort should be made to educate everyone who is to be affected by how

these things are going to affect them. And a great effort has to be made— Sen. Haynes mentioned it. I want to suggest to the Government that an Anti-Terrorism unit be set up. You know what is amazing? Four weeks ago I spent a considerable period of time in the United States on a programme to be exposed to the fact that the United States of America—

Madam President: Sen. Ramdeen, you have five more minutes.

Sen. G. Ramdeen: Thank you, Madam President. The United States of America, Madam President, through the Department of Homeland Security, has made ample resources available to the Government of Trinidad and Tobago, especially in the area of security and prevention of terrorism, and all that needs to be done is for the Government to take up those offers and put those things into effect, to train the officers that are supposed to put this into effect; to train the people that are responsible for our safety and security as a country, and outside of Trinidad and Tobago as a country. And the Government has to get up and do it. The burden is upon them. Our job stops here when we pass the legislation. They have to resource the Trinidad and Tobago Police Service.

Madam President, I hope that the example of the anti-gang legislation will not be a *déjà vu* for the anti-terrorism legislation. The one thing that I think that we could take comfort in as a society is that while there are many people who are concerned about how this legislation will affect them, many groups have put forward their proposals, many people have expressed their concerns, I think we can take comfort in one thing, which is this: the courts are there to protect the citizens, to uphold the rule of law and to uphold the Constitution, to protect the vulnerable and those upon which the power of

the State can affect in the worst way. And as a society, we are lucky to have a Judiciary that up to this point, we can say is independent and has discharged its duty to the people of Trinidad and Tobago so that if there is any risk in the passage of this legislation that any citizen, no matter what ethnicity, race, religion they belong to, or where they come from, there is always an avenue that they can go to, which is the Supreme Court of Trinidad and Tobago to protect and uphold their rights. And with those few words, Madam President, I thank you. [*Desk thumping*]

Madam President: Sen. Ramkissoon.

Sen. Melissa Ramkissoon: Thank you, Madam President, for the opportunity and for acknowledging my willingness to join in this debate. As always, it is quite an honour to rise and stand here in the Senate. As an Independent Senator, it is great to give a different view, or a point of view from reading the legislation, or the Bill before us. Many times we are asked to—well, I work in the public sector so you meet many persons and they will always ask you: “What are you debating this week? How will it impact me?” and “What does it mean?” And today, we are debating the Anti-Terrorism (Amdt.) Bill, 2018, and many citizens will want to know how it impacts them, what this means to live as a citizen of Trinidad and Tobago, as well as how does it affect citizens of Trinidad and Tobago throughout the world.

So I also would like to join with other Senators who have said this before, that I also support this legislation before us. I am extremely proud of the work done by AG and his team, as well as the work done by the Joint Select Committee of Parliament which involved both Houses, the

Government Members, Opposition Members and Members of the Independent Bench, which, in particular, is Sen. Creese and Sen. Chote. And I, again, would like to commend the Government, or the administration, for allowing two Independents to serve on these Committees because, as always, we also know that we do not caucus as the Independent Bench and we like the opportunity to have more points of view as we all have different areas of expertise. So I would really like to commend the Government for allowing this opportunity.

Now, I did not serve on this Committee so I would just like to put a few things on the record today. And I understand the race to the deadline because of the amount of work and time it would have taken for the Joint Select Committee to complete its work. So I understand that the deadline is on the 4th of September, 2018—is it correct? Yes—and that any amendments or any ideas that we may have now may have to be considered in the future, or at another stage later, just to ensure that we do not have the unfortunate circumstance of being blacklisted by external investors. So we do not want that to happen to our sweet country, Trinidad and Tobago.

So we are here to talk about the Anti-Terrorism Act which I do support, and I want to highlight some of the items that I thought were very commendable, for example, dealing with children. If you are looking to recruit a child, your penalty would be higher. You would have to serve imprisonment of 30 years and have a fine of \$30 million or be imprisoned just for 30 years. So I thought provision in the law was very commendable. It really is a good thing to have that in mind when you are talking about provisions for instructions, or training of persons who would be thinking

about committing terrorist acts who are citizens of our country.

There is one clause that I would like to look at, and that is clause 17 in the Bill before us and which is in the parent Act, section 12A(1), and that deals with joining a terrorist organization. And the liability or the fine for that is \$25 million and to imprisonment of 25 years. And we know the legal term “and” means “and/or”. But what about cases that we have learnt in the public domain—sorry, I would like to acknowledge Madam President and Mr. Vice-President.

So, Madam President, I would like to say, what about the cases, for example, the Turkey deportees? And we look at the information from the newspaper article, from the *Observer*, Thursday 5th July, 2018:

“Nine Trinidad nationals to be deported from Turkey after trying to join ISIS.”

[MR. VICE PRESIDENT *in the Chair*]

Now, that particular article, even goes on to say where the Trinidad and Tobago Government is still awaiting information from the Turkey government or the Turkey administration. Because we have now:

“Nine Trinidad and Tobago nationals are expected to be deported”

Well, this was in July 2018, so I do not know if they have been deported. But originally they were held in 2016, so I do not know if they are deported.

We even learnt from this article that there are some Trinidadians reported left and even fled to Caracas. So all of these things are in the public domain but we are not hearing what next; what happens now. Is it that these nine persons have been identified? Well, the Trinidad and Tobago Government said they are monitoring. They are awaiting information. But

how long are they going to await information? Because now we have this Anti-Terrorism Act we want persons to be, who have been unlawful or who have been involved in terrorism activities, or who have been proven to be in other countries, we want that teeth now to charge them.

So what happens now if we are not getting the information from these external sources? What then do we do? We do not have a follow-up article from any of our newspapers or from any social media, or any media sources that says that these nine nationals have been dealt with and have been brought before our court and found guilty and have been charged. And this is what we are here to debate, right?—the fines and penalties; what means you would be charged for and what areas you will fall under. So I am a bit concerned because we are here to debate anti-terrorism or counter terrorism Acts for Trinidad and Tobago. We want to ensure that the administration or the different agencies have the teeth to perform the duties that we are going to vote on in a very short time today later.

And I will deal with that a little bit later on in my contribution, but there is another item that I thought I wanted to raise now, and that is, when I did some research on this particular topic when we were asked to come today to debate the anti-terrorism, I went online and did some research and saw all these different articles come up. And one that came up that I did spend some time on was the United States Senate Committee on Foreign Affairs on June 13, 2018. And I did not hear it being raised by any of the other Senators who spoke before me and I thought that that particular report, as well as footage—because there is video footage online—was quite interesting to me. And why was it interesting? In that US Senate

Committee on Foreign Affairs they discussed that Trinidad and Tobago has 135 ISIS fighters, the highest that came from any country in the western hemisphere. Mr. Vice-President, I did not know this before. They had a person, Mr. Joseph Mondello, who went on further to talk about Trinidad and Tobago's poverty state in the country and that he will be willing to work with the present Government of Trinidad and Tobago to address this issue as it is on the radar of the United States and to assist the Government in assisting to fight the American interest.

Mr. Vice President, I am very concerned by this, because what about our interest? I look now at what we are doing. I looked at our Joint Select Committee on Foreign Affairs for Trinidad and Tobago. This is important because I am going to talk about a clause that I would like, for the future, to be amended to include the foreign affairs. But before I state my recommendation on section 15B—before I read it out for the record—I want Members to understand why I think it is important to put in, “Trinidad and Tobago, Joint Select Committee of Parliament on Foreign Affairs” into the legislation. And that is because we can learn from a United States Senate Committee, but we need to also learn from our present—our own Joint Select Committee [*Desk thumping*] on Foreign Affairs about our Trinidadian citizens, about who are the ISIS fighters, who are terrorist invaders and what are we doing about it.

We should not wait, Mr. Vice President, because this is a public video. It is not something that I have special privileges to as a Member of the Senate. This is a public document on the Internet. And I wanted to know who has this information and why is it that I, and members of the

public, have to learn from an external source and not from the Government? So the amendment that I would like to suggest—and I really would like to come off the point that was raised earlier by Sen. Dhanayshar Mahabir on the point of the Joint Select Committee and the Standing Order for the Senate which is 90(5) which deals with the remit of the Joint Select Committee of Foreign Affairs, and they have to deal with specific issues that will deal with matters related to foreign policy of the Government and examining the implications and likely effects on Trinidad and Tobago, and that is where we are at right now.

So if I may read, Mr. Vice-President, for the hon. Attorney General to consider in the future, because I believe this really has a lot of merit. And after reading this, I will look at the workings of the Committee and how this really would play a massive impact on the present legislation before us. And I would like to say, for the record, that 15B (2) be amended to say:

The Minister shall, prior to making designation under subsection (1), refer the matter to the Joint Select Committee, Foreign Affairs, and then inform the Leader of the Opposition...

And the clause goes on for continuity.

8.05 p.m.

I do not want to read the clause and I do not want to be warned that I cannot read the clause in. So I will ask Members to refer to page 20 of the Bill before us, which is, the Minister shall prior to making a designation under subsection (1) inform the Leader of the Opposition, and I believe before that we should really put the foreign affairs because the foreign affairs deals with matters related to foreign policy, international treaties, and

it will see how it will impact on our nation's agreements, treaties, agreements past and future. Because we do not know which geographical locations we would be dealing with in the future and we do not want to have an issue where we are blacklisting, or we are putting persons on a watch list and we do not know how it is going to affect our future.

So, Mr. Vice-President, it is very important that we consider these items and look at this, but we also need a proper working committee to ensure that these issues are dealt with. From the parliamentary website, it was seen that this Committee from 2015 only met 15 times and they only have one laid report. So hopefully—and unfortunately they did not deal with the matter of anti-terrorism, or deportees, or Trinidadians living in other countries and dealing with criminal activities either minor or major. They did not deal with that. So, I hope that I was able to make my matter clear before you and I will like to now move on to another point.

So, Mr. Vice-President, living in this country is a great pride and joy for me. Many of my friends approached me many times and ask me if I am considering moving abroad because there are so many job opportunities for engineers especially in Canada and other parts of the world, and I always find so much joy and pride to say that I am a proud citizen of Trinidad and Tobago. I proudly work here. This is where I have started and this is where I want to continue. [*Desk thumping*] I do take this position very seriously because I believe it is plotting a path for the future as well as the present, and it is something that we need to take very seriously because you want what you say and do here to make a positive impact on the outside.

So Mr. Vice-President, whilst I read newspapers and look at the local

news, there is a matter of definite importance that I have seen and it is continuously on our news about the matter on deportees and how they impact our country. You may ask how does the issue or point of deportees now tie in to the Anti-Terrorism Act, and when I read the Anti-Terrorism Act I did not find comfort in this issue of deportees. When I think of what is going on in society, unfortunately I was not finding that level of comfort in the Bill before us that deals or addresses with the issues that I am aware of dealing with members or citizens of Trinidad and Tobago who have committed crimes or acts of terrorism and have now returned to Trinidad and Tobago. I am not seeing that.

So I have given it some thought and I looked at clause 12, and I am thinking and I would really like to plead to the Attorney General for this clause to be further amended in the future again because we do not want to miss the 5th of September deadline, but a clause to assist the population to know who were the persons who have joined the various terrorism act organizations and if any has returned, and if any has returned and live and work amongst us.

[MADAM PRESIDENT *in the Chair*]

So this clause would be 12 and which deals with to protect our citizens from recruitment, and to protect the public from unknowingly doing business with such persons because we do not want for the private sector to run a risk of breaking the law by doing business with persons who they do not know, or may be connected with terrorist organizations. In this present Bill there are a lot of harsh—well there are a lot penalties. I would not say harsh, but there are a lot of penalties or liabilities for members of the public that, for

example, clause 22B(1B) where the AG can even apply to a judge and freeze a person's assets and property.

So we want to ensure that there is a protection where there is a list. As the hon. Attorney General during his piloting spoke about the 367 list that was provided to him by the different agencies, by the FIU and other areas, but what about the list for the public? And that is—*[Interruption]*

Hon. Al-Rawi: If I may?

Sen. M. Ramkissoon: Okay. Sure.

Hon. Al-Rawi: Thank you so much for giving way. The list for the public is the list of designated entities, individuals, and entities which the Attorney General does via the court process in Trinidad and Tobago. So there were 357 entities listed by the Attorney General of Trinidad and Tobago, and then that is published so that the public is aware of that. That is not a list that is handed to us. That is the work that we have done. So it is in fact already in existence the very point that you are asking to be addressed.

Sen. M. Ramkissoon: Okay. Just for clarity, through you, Madam President, so we have an existing list of all citizens of Trinidad and Tobago who have committed acts of crime and have now returned to Trinidad and Tobago and are working and living amongst us, is that—

Hon. Al-Rawi: Thank you, hon. Senator. So what we have is 357 entities including individuals which include Trinidad and Tobago citizens who are designated as terrorists and who also fit within the category of foreign terrorist fighters including Shane Crawford, Glasgow, Algernon, et cetera. So we have done that already. So that is what the Act currently allows for and we have done it 357 times including locals.

Sen. M. Ramkissoon: Okay. Thank you, hon. AG, for clarifying that and, Madam President, I thank you for allowing the clarification. What I probably would like more than that there, is I would like this information to be known. If it is to the business community, the Law Association, which community, because if we have so many different agencies providing a list of locals and external persons who are all citizens of Trinidad and Tobago, we should know. So I would know if my neighbour who is doing business is a person who is connected with, or has been—because this is their past—connected to the ISIS, and we will not be at the risk of having these persons now recruiting for these agencies because we have been listed to say that we have had the most ISIS fighters coming from Trinidad and Tobago and they were wondering why.

So if it is that the administration has this information and why, then we should just definitely make a policy decision and have it dealt with because we do not want to have where the Bill is passed—well we have a Bill existed in 2012, so we are now amending it further. So we want to ensure that the public is aware of these steps, or the works that have or has been done already related with citizens of our country. My point really is that I should not have to learn about citizens of Trinidad and Tobago externally. It should be done here and this is what—because I trust, Madam President, the Parliament of Trinidad and Tobago, I trust the administration of Trinidad and Tobago. I should not have to trust a Senator from the United States Senate. That is my point. I really would like information about my country from my country because really and truly we should not have false information being sent out there and I am believing this information,

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because I am a citizen now have a sense of fear now because now I am hearing 315, I am hearing 40,000—[*Interruption*]

Madam President: Sen. Ramkissoon, at this stage I just want to caution you that you have been on this particular point for a little while, so can you just tie up the point and may be make another one. Yeah?

Sen. M. Ramkissoon: Okay. And to tie up the point, I would like to suggest that this Bill definitely be used in tandem with the anti-gang legislation that was proclaimed on May 23, 2018, because definitely this would tie in because there are reports in local newspapers where members of—well deportees which I was speaking about before, that form gangs because they cannot find work. So this is definitely an area that the Organized Crime and Intelligence Unit can look at. Definitely, we have different articles. You could look at April 30, 2017, “Trinis deported from Turkey...” We have over 4,000 Trinis are sent home in 10 years, this is the 4th of January, 2015, from the *Guardian*. We even have an increase in the number of deportees. So all of this is the point to tie up the point of what I would like to see coming out from our country, that we need to have a list generated of the persons who are performing these acts sent out to the public so they would be aware and knowledgeable, just like the hon. Attorney General.

So my next point is on clauses 21 and 22, and these two clauses deal with explosives and other lethal material, the use of chemical and biological and nuclear weapons and I just want to raise at this juncture technology and terrorism, and there is a lovely article written “Terrorists Are Using Drones Now. And That’s Not the Worst of It”. It is written by Daveed Ross,

September 09, 2017, and it really highlighted the alarms of state affairs, and even foreign adventures and critical misreadings of instances where terrorists use advanced technology to advance their opportunities. It is really ambiguous to know how pro-ISIS accounts or service providers were not eliminated, and how they were able to advance themselves with social media, militant groups and have found creative ways to exploit new advances through technology. So I just wanted to raise this here because from reading the legislation I did not think it was as tight as it should be in terms of the advancements of technology, and I feel our country needs to be prepared for that. Sen. Shrikissoon raised the 1990 coup. We do not want to have any situations that we are not prepared for. So we need to learn from our international partners and all the different countries in the world of what they face and how we need to put things in place to ensure that we do not have that.

Another clause that I just would like to highlight is clause 16 which specifically dealt with endangering the safety of maritime navigation and the seizing of a vessel which is something that is not new or rare to our country, and we want to ensure that this clause 16 is giving the amount of control to exercise for the maritime personnel and the agencies like our coast agencies to have—*[Interruption]*

Madam President: Sen. Ramkissoon, you say clause 16 but you really mean section 16 of the terrorism Act, but we are dealing the Anti-Terrorism Bill and clause 16 of the Anti-Terrorism Bill is not aligned with what you are presenting. So I have to ask you to deal with the Bill that is before us, please.

Sen. M. Ramkissoon: Thank you, Madam President, for the caution. I do believe that there is another clause that deals with maritime as well, or different entities that can be amended, but nevertheless when we are dealing with different entities and giving them the provisions of law, or we are providing provisions in the law to ensure that these serve as a hindrance to citizens—because we do want this to be a go to job as it is now.

We do not want persons who find it favourable to be a terrorist fighter or a recruiter because it is easy money. We do not want people to think that because we have poverty, or because we have different issues that we are going to go that way. We want to ensure that Trinidad and Tobago citizens are law abiding citizens. We have a minority, and the majority would like to ensure that this piece of legislation serves as a strength for the administration. Madam President, you are looking a bit confused, so in closing—I am trying to wrap up what I have said, and to make the point that it is very critical for these items to be clear because we want to know what does this Anti-Terrorism Act mean to the citizens of Trinidad and Tobago and how is it going to help make our life in Trinidad and Tobago a safer one and one that we can be comfortable with to say that we are safe from any form or acts of terrorism, either present or future that may impact the citizens of Trinidad and Tobago.

Madam President, I have made two suggestions that I would really like to plead with the Attorney General to consider. Because of the deadline, I did not table it because I understand the importance to have legislation brought and passed, and I would not want to hamper that. So, Madam President, with the time that I have taken, I thank you for listening, and I

thank all the Senators for paying attention and I do thank you. [*Desk thumping*]

Sen. Wade Mark: Thank you very much, Madam President. Madam President, I am very happy at this time to make my contribution to the Anti-Terrorism (Amdt.) Bill, 2018. Madam President, may I begin by indicating from the very outset that this is a very serious measure that we are dealing with, and I want to indicate that it is the duty and responsibility of the Government to protect its citizens and, of course, secure its borders. That is a responsibility of the Government. [*Desk thumping*] So there is no doubt about the role of the Government and, therefore, legislation that we are dealing with this evening, the Bill that we are dealing with this evening, seeks to make terrorism a crime, and we organize and utilize at the same time international cooperation in order to curb this particular evil that is in our midst and is in the universe at this time, several segments of the universe.

But, Madam President, it is important that at all times we need to balance at all times citizens' rights and freedoms with that of the State's security. We recognize that the State has to be protected, but in protecting the State we have to ensure that in imposing legislation and measures that can only be described, as my friend said, draconian in nature on the backs of the citizenry, we have to be extremely careful. Madam President, may I remind you of Benjamin Franklin, who in 1759 said and I quote:

“Those that give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.” [*Desk thumping*]

As we seek to debate and address terrorism in Trinidad and Tobago,

we need to ensure that the legislation that we are passing to protect the State from terrorism, terrorists and terrorist activities and acts, we do not at the same time as we proceed along that course, yield to the temptation of creating what if you not careful is a terrorist state. We have to be very, very careful. [*Desk thumping*] We have to be very, very careful because we are giving to the executive a lot of power through their agencies of law enforcement, and we have to be very mindful of what we are doing because freedoms that take a long time to be won, can be lost with a blink of an eye. So I think it is very, very important I make this point.

Madam President, I looked at the legislation and I did not see a definition, either in the 2005 and all its incarnations of the 2014 and what we are dealing with today. I am yet to see a definition in the interpretation section of terrorism. I see terrorist Acts, I see all sorts of definitions, but there is no definition of terrorism and I wonder why because if we are talking about terrorism there ought to be a definition in the legislation that can guide us as legislators relating to this phenomena. We know that terrorism is an unlawful use of violence and intimidation in the pursuit of political aims, and in accomplishing or seeking to achieve those aims civilian lives are endangered because they are often the targets of those elements who are seeking to create what I could only describe as shock value genocide, or they seek to generate fear and a sense of uncertainty as they deliver their political message.

So we know that it involves indiscriminate violence because a lot of innocent lives are lost as a result of this particular ideology. Madam President, it contains elements that is terrorism, political, religious, financial,

and ideological. All of these things are packaged together, and this is why I would have liked that the Attorney General could have offered us in the interpretation section a definition of “terrorism”. It is not in the legislation and I would like an explanation as to why that has been left out in this particular Bill.

Madam President, before I go into my contribution in detail, I wanted to get certain areas clear in my mind from the Attorney General. We are told by Joseph Mondello, the Ambassador of the United States who is to arrive in this country shortly—*[Interruption]* Well, he is ambassador designate and he has been confirmed. By the foreign relations committee, he has been confirmed. So for all intents and purposes, Mr. Joseph Mondello will become the US Ambassador of the United States here in Trinidad and Tobago. When he was at his confirmation hearings, Madam President, he made the point that one of his first objectives when he comes to Port of Spain is to deal with this whole recruitment of ISIS fighters from Trinidad and Tobago going abroad because that is a problem. He also indicated that from the data they have in the United States there are some 135 citizens of this Republic who are members or who have gone aboard to fight on behalf of ISIS, but you know, Madam President, I saw in an article dated January the 22nd in the *Trinidad Guardian* where our Attorney General said that there are “353 persons involved in terrorism”. So we do not what is the correct number.

I think my colleague, Sen. Melissa Ramkissoon was raising that point. We are hearing United States saying 135, we are hearing at times the Attorney General came here today he talked about 135 in his opening

statement, and now we are seeing in January of 2018 the very Attorney General is telling Trinidad and Tobago that we have over 353 persons who are involved in terrorism activities. Let us get, Madam President, some sense of, let us say, understanding as to the real numbers because we are passing legislation to deal with those persons who may pose a terrorist threat to our national security and we our well-being, but we need to have an understanding of the true numbers that are involved, and the Government is in a position to share with us those numbers.

Madam President, as we take you on a brief journey to the legislation, we see in the interpretation section of the legislation the definition of a “child”, and it says:

“...has the meaning as assigned under...the Family and Children Division Act, 2016;”

I would like the Attorney General to tell us what is the policy of the Government as it relates to children who are currently stateless? Madam President, could the Attorney General in his winding up tell this Parliament what is the policy of the Government as it relates to children who are stateless, and may I explain what I am talking about?

Citizens of this country, misguided as they are, went to Syria, went to Iraq, went to the Board of Turkey and they engaged in fighting, more so in Iraq and Syria. Whilst they were there with their family, their wives and their spouses, children emerged into this world. Madam President, children are born, but because they are fighting the State of Iraq and they are fighting the State of Syria, those children who came into this world, they have no birth certificates. They are stateless. They are not getting it from Iraq and

they are not getting it from Syria, but their father and their mother are citizens of the Republic of Trinidad and Tobago.

8.35 p.m.

So I am asking under definition of a child, what is the policy of the Government as it relates to children who are stateless but their family, their fathers, their mothers are citizens of the Republic of Trinidad and Tobago? And, Madam President, they find themselves, as we speak, in detention camps both in Iraq and Syria. How do we treat with those people? What is the policy of the Government in that regard? Are they going criminalize these children when they return? What is the Government going to do with those children?

And, Madam President, as I am on this particular point, what is the policy of the Government also as it relates to citizens, misguided as they were, who went to Syria and Iraq to fight? They are in detention centres, they want to come back home. Are we going to be adopting a similar policy to that of Australia and give them citizenship, give them housing, give them employment? What is the policy, Madam President? We do not know. I am not aware of the policy and I would like the Government to share with us what is the policy as it relates to those persons who would like to return home, whether the Government is going to have a special policy to deal with them.

Because, Madam President, as we deal with the whole question about designated geographical areas, I would like to bring to your attention, we extracted those provisions out of the Australian package of anti-terror legislation. So whilst we are extracting from Australia, provisions like

designated geographical areas, I wish to let you know, Madam President, that in Australia, in their Constitution, they do not have a Bill of Rights. We have a Bill of Rights in our Constitution, Australia does not have a Bill of Rights. But you know, Madam President, we have taken wholesale, lock, stock, and barrel; hook, line and sinker, these provisions out of the Australian anti-terror law and said, “Look, we are going with designated geographical area”. I have no problem with that, Madam President. With the Minister having the power to designate which area he considers to be a designated geographical area where people will not be able to go to or if they go to, you have to alert the police.

Madam President, may I inform this honourable House that I have the Constitution—and when I talk about the Constitution, may I advise, Madam President, the Bill that we are dealing with, I want to ask my colleagues to look at clause 2 of the Bill. Clause 2 says that the—well, I do not have to read it because it is before you, but it deals with sections 4 and 5 of the Constitution. And you know, Madam President, I read somewhere where the Attorney General of this country is on record as saying that this Bill that is before us, with all these draconian, nefarious and very, very harsh measures, did not require a special constitutional three-fifths majority. Somewhere I read and hope I did not read—it what was wrong but I read that. And I would have liked to ask the Attorney General whether he has said, and it is on public record, that the Bill before us tonight did not require a special three-fifths majority but he is just doing us a favour by having the three-fifths inserted in the legislation. I would like to get from the Attorney General whether that is true. Because I have news for him.

Madam President, I have the Constitution of the Republic of Trinidad and Tobago.

Madam President: Sen. Mark, I have to just interject here a little bit and say to you that you seem to be straying in the sense that the Bill that is before us is worded in such a way that a special majority is required. So I do not think that you need to go into the Constitution to reinforce the fact that a special majority is required because it is here in the Bill.

Sen. W. Mark: No, I am not dealing with that again.

Madam President: Okay, all right.

Sen. W. Mark: I am dealing with the fundamental rights of the citizens of Trinidad and Tobago. Madam President, remember we are dealing with the Bill. You asked me and others, stick to the Bill. I am sticking to the Bill. I am going to clause 2 and clause 2 deals with sections 4 and 5 of the Constitution, and when I go to 4 and 5 of the Constitution, I am relating to you and this honourable Chamber the fundamental rights and freedoms that are going to be infringed and violated by the legislation before us. [*Desk thumping*] So all I am doing is just I am taking your instructions. I am following the law.

Madam President: Sen. Mark, listen. The Bill itself, the Preamble sets out about the Constitution and everything else. There is no need for you spend valuable time of your contribution reading the Constitution when the Bill has already referred to it. Okay? So could you move onto another point, please, Sen. Mark?

Sen. W. Mark: Madam President, do I have a choice?

Madam President: Actually, I am asking you, could you move on?

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Sen. W. Mark: “So yuh doh wah meh to deal with the rights of the people?”

Madam President: I want you to be relevant.

Sen. W. Mark: Well, that is what I am being.

Madam President: No, no, no. I am serious now. I want you to be relevant and I do not want you to be dealing with matters that are clearly set out. You do not have to spend your time dealing with that, Sen. Mark.

Sen. W. Mark: Madam President, my contribution is focusing, as I go, on one, the right of an individual to equality before the law, and I am saying—and the protection of law. That is a provision in our Constitution. That is a right. I am also dealing with the right of freedom of movement. You remember, Madam President, without burdening you with the provision of the legislation, which I am sure you have studied thoroughly as I have, so I do not have to go and point out the clauses. You know for a fact and we all know that the legislation is going to prohibit freedom of movement in terms of travelling. If you want to leave here and the Government designate, in accordance with the law that we have before us, a particular part of the Middle East—let us say Iraq or let us say Syria as a designated geographical area—if I have to leave here or you have to leave here or any Senator has to leave here, we have to inform the police and if for some reason we are there and we declare that area a geographical area, you have within 30 days upon your arrival here to inform the authorities. Madam President, you agree with me?

Madam President: Sen. Mark, all that you are doing is standing up and telling me what is in the Bill. So a Member can just get up and read every

clause in the Bill. Please link what you are saying. If you are saying about needing to inform the Commissioner of Police, make a point about that instead of just telling me what the Bill sets out. That is the point I am trying to make, Sen. Mark.

Sen. W. Mark: “Buh yuh not giving meh ah chance.”

Madam President: I am more than giving you a chance, Sen. Mark.

Sen. W. Mark: Well, Madam President, I am linking these rights to that question of the inability and the imposition on the part of the State in not allowing citizens of our Republic to travel freely as they would like to different parts of the world. That is the point I am making.

And therefore, Madam President, the question that is being asked here is that if you have to travel, any part of world, under the laws that we have here in this Bill, you are being called upon to inform the authorities of your movement and Madam President, the question has to be asked is: To what extent, as a citizen, if you have to travel to a zone that has been declared as a designated geographical zone, how will that impact on your ability as a citizen to move about and go about your business with some degree of freedom and some degree of liberty without being looked at, without being—let us say somebody having some surveillance on you? We do not know. So, Madam President, so I just want to raise that particular point as it relates to this matter.

Madam President, when we go to the actual legislation, we also recognize that the United Nations and you would see in the legislation Resolution 1267 of 1999, and you have about four or five of those resolutions, all of those are informing the legislation that is before us. So we

would like to know whether this question of an individual in this country who has ability to exercise his religious belief and his observant as enshrined in the law of our country, how would this legislation really impact or infringe or violate or breach that particular freedom and that particular right that a citizen enjoys? Madam President, you would know that there are citizens in this country who are of the view that the legislation, whilst the Attorney General has made it very clear does not target any particular group in our land, the Muslims in particular, but there are still concerns that are being raised by those brothers and sisters in the Muslim community, who feel that the Bill is targeting them. And therefore, we would like the Attorney General to indicate to us, Madam President, you know, how can we as a society seek to reduce that fear among our citizens relating to this issue of their ability to move freely as they would like. [*Desk thumping*]

Madam President, I would like to go to clause 22 of the Bill because I think that that is an area that all of us would have an interest in, because I would like to address that matter with your support. The question that is being asked here—and I hope that the Attorney General would be able to clarify for us. We are told that the Minister, prior to making a decision as to the designation of an area, before he does that, it must be based on information. The question that I would like to ask the hon. Minister is: Where is this intelligence going to come from? [*Desk thumping*]

Madam President, if the Minister is going to declare an area as a designated geographical area, where is the Minister and the Attorney General going to rely on, in terms of the information flow? We have not gotten that from the hon. Minister and we are being asked to pass legislation

without sufficient information. Is he going to be getting it from the overseas intelligent services? Is he going to get it from the United States? CIA? The FBI? Is he going to get it from MI6? Is he going to get it from the intelligent services in Europe or Canada or MI5 in England? What is going to inform the Minister's decision to make that outreach outside of Trinidad and Tobago to declare X and Y area a designated area? What is the information base?

Madam President, it is important that when we look at the legislation, we recognize that the Government is also placing in the hands of an ordinary police officer, the power that he did not have before. That is why if you go to the legislation and you go to the last sections of the legislation, you will see where we are reassigning and deleting. So if you go to section 38 of the legislation, you will see where we had before, someone above the rank of a Sergeant; that has now been deleted. So they are now ensuring that the rank to make a determination on certain issues is no longer there so an ordinary policeman is going to be given that authority to deal with this situation.

So, we have to be mindful, Madam President, of the need to ensure that those police officers, law enforcement, that are going to be charged with the responsibility of implementing the legislation, that the relevant infrastructure, the systems and the resources are in place to ensure that this legislation can, in fact, generate the efficacy at the end of the exercise, because you do not want to pass legislation without the infrastructure, without the systems in place, and without the people who are going to be properly trained in order to deal with the situation.

Madam President, you would know that in Trinidad and Tobago, our

police officers, with this new legislation that we are dealing with today—we do not know, we have not been informed—what kind of training, what kind of exposure that these officers who are going to be enforcing the law under this legislation, what kind of training have they been exposed to? [*Desk thumping*] We have not been told. We have to be very sensitive and very sensible with what we are doing here because if we do not deal with this thing properly, we can actually be laying the basis for more terrorist activities in our country [*Desk thumping*] than we are seeking to address. So we have to be careful what we are doing.

So I am asking, Madam President, to what extent the Government has put in place, the mechanisms to ensure that our officers who are going to engage and who will be applying the law, they are sensitive to what they are going to be dealing with. You have deal with that. If you do not deal with that, we are going to have ourselves faced with a challenge that I do not think we will be able to surmount and that is why, in many other jurisdictions, law enforcements are really coached, are mentored, are trained, in order to understand when they are dealing with brothers and sisters of the Muslim faith, they must have an understanding of the culture of the Muslim faith. They must have an understanding of their religious beliefs. They must study the Qur'an, Madam President, as an example.

Madam President: You are now repeating what has been said by Sen. Hosein before in his contribution and some other Senators as well. So in your last few minutes, I would ask you to make some different points, please.

Sen. W. Mark: Yes. So, Madam President, the question here is, when we

look at the legislation before us, we need to ensure that the Government is not going to place legislation on the statute books, and at the end of the day, the efficacy of it will not be realized. That is the point I am making.

Madam President, I want to also indicate that, how sometimes if you are going to a location or you are going for a vacation and you decide to go to the Middle East, because I want to tell you, the reason why—and I am not saying it is deliberate. The reason why—and I am predicting—most of the so-called areas that will be designated, you know Australia, Madam President, when they passed their laws, they were able to designate two areas. One, Mosul in Iraq and another one in Syria and since then, they have removed that designation, geographical area, out of Syria and they are left with one.

Madam President, the inference is clear, if we are not careful. That is why the view is being expressed by the Muslim community that there is an attempt by the Government of this country, whether it is true or not true, there is a perception, and I am asking the Government to clear this misperception in the atmosphere that has invaded the veins and arteries of our brothers and sisters of the Muslim faith. They honestly believe that this piece of legislation is designed and it is targeting them. Madam President, I will tell you that whenever we move towards organizing or designating a geographical area—*[Interruption]*

Madam President: Sen. Mark, you have five more minutes.

Sen. W. Mark: I am moving so fast? Oh my God. Madam President, whenever this legislation takes effect, you know what is going to happen? I am telling you and I am predicting this evening, most of the geographical

areas that the Government of this country will be declaring, all of them would be in the Middle East, all of them would be Muslim countries and that is why the Muslims in this country are of the view that the legislation is targeting them and that is why we want to work with the Government. We are supporting changes to the legislation.

Madam President, I would like to ask you in my few moments with you, again, because I know I am going to leave you now, in a short while. I want to ask my colleagues here, do you think, Madam President, it would not have been appropriate for the Government to consider reviewing this legislation every two to three years? In Jamaica, the anti-terrorism prevention Act makes a provision for the Government through the Joint Select Committee to review the anti-terrorism prevention Act every three years because of the dynamics of the evolution of this whole exercise that we are engaged in. Today's terrorist is tomorrow's militant. You know the Americans are no longer describing these "fellas" and so on from ISIS as terrorists "eh know". There is a new concept now, Madam President, it is militants. They are calling them militants now but we are putting into our legislation "terrorist" when the Americans and their allies are now describing them as "militants". "So we ha tuh to be careful we doh drink bush tea for anybody's fever." [*Desk thumping*] We have to be very careful that whatever we are doing in Trinidad and Tobago must be in the interest of the citizenry of the Republic of Trinidad and Tobago and not something that is imported and imposed on our country, lock, stock and barrel.

So I am asking, Madam President, in closing, for the Government to give consideration to a provision in the legislation that will give us the

opportunity to review these provisions when it becomes law every three years so that the Parliament would have an opportunity to either strengthen or remove areas that are no longer relevant, rather than to have the legislation there for the next 20 or 30 years.

Madam President, with these few words, and I want to thank you for your normal guidance and patience because I know I test your patience at times, but I want to thank you, Madam President, for allowing me to say these few words. Thank you very much, Madam President. [*Desk thumping*]

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam President, for allowing me to join this debate and most importantly to follow my blessed colleague, Sen. Mark. It is so interesting that Sen. Mark closed on that point of what he declared as the new concept of a militant because I actually wanted to open with the word “militant” to share my thoughts with Sen. Haynes in particular. Because listening to the Senator’s contribution, I got the impression that this concept of terrorism started in 2015 and I just wanted to share my own experience.

And I want to go back to—you see Shane Crawford did not bring us into the international headlines. I want to go back to *The New York Times*, May 17, 1975, and the headline read and I quote:

“Militant Is Hanged by Trinidad After Long Fight for Clemency”
And the reference in 1975 was to Michael De Freitas—no relation to anybody here—who would later in life adopt the name Abdul Malik and Abdul Malik is closely connected to Christina Gardens out in the East.

Sen. The Hon. C. Rambharat (cont'd)

Madam President, for those of us who followed, like my parents, like most other people in Trinidad, followed the activities of Abdul Malik very closely and eventually, the criminal prosecutions attached to Malik. And Malik came to Trinidad and I know—I wanted to go before you, Sen. Creese so I will beat you to it. Malik returned to Trinidad as a terrorist fighter of a different sort, having featured as a major player in London's black power movement, he returned to Trinidad and to Christina Gardens, bringing to us some of what he learnt outside there and Malik, of course, would eventually be tried in relation to murder of Joseph Skerritt. For those of us who followed the newspaper reports of the trial.

Some of the other persons associated with Malik, Chadee and Stanley Abbott, would later talk about Malik ordering them to dig graves and if they refused to find someone to put in the grave, they found themselves in the grave and who was also associated with the death of the daughter of a UK MP, Gale Ann Benson and that made the headlines in this country, and in *The New York Times* and we have been a player. If you want to call it militancy, if you want to call it being militant, the black-power movement, we have been there. And of course, we would also make the headlines for our contributions to the black power movement in the United States. We gave the United States Stokely Carmichael who would later be christened as Kwame Ture. Guyana contributed Walter Rodney. We also contributed CLR James. Jamaica contributed Marcus Garvey.

So we have been around as a country and as a region and of course, Madam President, let us not lose sight of 1990. Shane Crawford did not bring us into the headlines. And let us not lose sight of the religious

persuasions of the some of the persons associated with 1990. That is what brought us into the headlines and that is what gave us a firm place on the international radar. So we are not traversing here today unusual ground.

9.05 p.m.

But what we are doing today, Madam President, is that, as a Parliament we have taken a deliberate decision to trample, in a serious manner, with significant fundamental rights, recognizing that if we did not fix it in the days of Malik and we did not fix it in the days of Stokely Carmichael, and we did not fix it in 1990, we will fix it here tonight. That is what we are about.

I am quite surprised that Sen. Mark will devote so much time to the interference with fundamental rights, asking the question: How does this legislation impact movement and liberty? Well that is the point of the special majority. It is infringing fundamental rights. It is interfering with your freedom of movement, and that is why we have taken a very deliberate decision, in the other place and here, to give serious consideration to interfering with fundamental rights. And it is not always a very simple position to be in. I was on the Joint Select Committee. It is not easy. And you have to constantly balance and weigh and pay careful attention to what you are doing. But I think we have agreed that in the interest of the majority, we have to do what we have to do.

Madam President, I also listened to Sen. Mark on what he calls the misconception. But there is no misconception, Madam President. I understand that certain faiths may believe that this is targeted, and people are entitled to believe what they want to believe. But, for Sen. Mark to place on

the Government's hands the responsibility for clearing up the misconception is a misunderstanding of the recent history of this Bill. In the other place, we both supported the Bill unanimously, and there cannot be a misconception that the Government is perpetuating anti-Muslim legislation and a misconception that the Government has to deal with.

If there is a misconception then on both sides we have to deal with it, because in the other place we both unanimously passed this Bill. The responsibility lies with both of us. And it is not difficult to remove the misconception. We understand the mischief. We understand the mischief we have to deal with. And Madam President, if ever there was doubt, this Bill deals with a number of things. But this issue of financing terrorism, if there was ever a doubt about this country's role in financing terrorism, I have previously referred to the FIU's report.

In 2014, for example, the FIU reported five suspicious activity reports relating to terrorism; five. In 2015, there were 16. In 2016, there were 69, and in 2017, there were 112. So, if you ever wanted to be convinced that we need legislation, robust legislation, to deal with the financing of terrorism, well you see the trajectory, from five to 112 in four years. And if you want to know how that compares, well I will tell you how it compares. In the 2017 report of the FIU, there were 179 suspicious transactions relating to money laundering. There were 161 transactions relating to drug trafficking and there were 112 relating to financing of terrorism.

So, unless we do not tonight take hold of the mechanisms which exist in the country and outside this country to fund terrorism through our financial system, well I would say that terrorism has found its way up there

with money laundering and drug trafficking. And if not in the report to be rendered at the end of this year, by the time we get to next year, terrorism financing may be up at the top and we have an opportunity to deal with it tonight.

Furthermore, the FIU, in its report rendered this year for the previous year, made the point that when they analyzed the 647 suspicious transactions report, they took a deliberate decision to prepare three strategic intelligence reports. And one of those strategic intelligence reports addressed the issue of foreign terrorist fighters and their facilitation networks in Trinidad and Tobago. That is the significance the FIU placed on this issue, that they prepared a special intelligence report, a strategic intelligence report on this issue of foreign terrorist fighters and their facilitation network in Trinidad and Tobago. And that expression is very important, Madam President, expression of a facilitation network. Because this is what the Bill targets and these networks operate outside of Trinidad and Tobago and within Trinidad and Tobago.

They do not belong to a particular faith and they do not belong to a particular geographic area in this country. They belong across the board, to every form and fashion, and it is built on crime and criminal behaviour that had already existed in the society, and it is built on the movement of Trinidadians and Tobagonians across the world, and it is built on the influences that comes with the technology.

So that—that is the matter. The matter is that we have a well-developed financial system that puts us at risk, that persons with the intention to support terrorist activity would use our financial system, and the

intent of the Bill or part of the intent of the Bill is to criminalize that conduct, codify the crimes, and place the level of fines that will act as a disincentive to the commission of those offences.

I just want to say to Sen. Mark, he said that “terrorism” is not defined. Well, that is not true. If you go to original Act that we are amending you will see a definition. It is called “terrorist act”. Some pieces of legislation used the definition “terrorism” and some use the definition “terrorist act”, and it is there, and it covers all the things you have spoken about in your contribution. In your description of “terrorism”, you would find everything that you have said covered under the definition of “terrorist act”. So I do not see the danger there.

Madam President, I just want to go back to Sen. Shrikissoon. He is not here, but he raised a few points that I want to address. The reason I felt I should address some of what Sen. Shrikissoon raised was simply because there were areas that the Joint Select Committee paid careful attention to.

The first is that Sen. Shrikissoon talked about what in the JSC we described as rogue employees or rogue directors. In the original form of the Bill, in the Bill that we started to work with, there were significant criminal liabilities, including what Sen. Shrikissoon flagged, the ability of someone to put a company out of business because of terrorism financing relating to the company. And we were very, very careful as a committee in trying to focus on the mischief, and the intention was not to put a company that was innocent out of business. The purpose was to deal with persons who made a deliberate decision to participate in terrorist financing. And we were very careful in separating the company from individuals associated with the

company who had this criminal intent. And I think as a committee, we arrived at a sensible place in being able to target persons with criminal intentions, associated with companies, in cases where we could not ascribe that criminal intention to the companies or to other directors, shareholders or employees associated with the company. And I think we have dealt with that in a satisfactory manner.

I also want to refer to Sen. Shrikissoon's comment about someone who is travelling to engage in terrorist activity and what about the position of someone who travels with intent to train for terrorist activities. And I will say again, that when you look at Bill you would see that the Bill addresses not only persons who travel to commit terrorist activity, but persons who travel to plan terrorist activity, and people who travel to train for terrorist activities. And Sen. Shrikissoon was referring to clause 19, and I am satisfied that the work of the Joint Select Committee resulted in coverage for persons who travel to train for terrorist activity.

Sen. Shrikissoon also referred to the definition of "funds" and asked that it be expanded the cover other financial instruments, promissory notes, and so on, and I could assure him, I will point to the definition of "funds" in the legislation we are seeking to amend and that definition, I will make two points about that. The first is to say that the original definition is broad enough to cover many of the things that Sen. Shrikissoon referred to. So that, in the original legislation, when you go to "money", you would see a broadened definition which will include bankers' draft, coins, postal order, traveller's cheques or any kind of monetary instrument specified by order of the Minister.

When you go to “funds” you would see a definition of “property” or “funds” which covers assets of any kind, whether tangible or intangible, moveable or immovable however acquired, legal instruments, electronic, digital and it covers bank credits, traveller’s cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit, and so on and so forth. So the original legislation, which we are seeking to amend, covers, I think—provides enough coverage as requested by Sen. Shrikissoon. But more than that, in this Bill, we have been included a new definition of “bearer registrable instrument”, which defines another form of funds, or money or asset, and we have included a new definition of “cash”, again to cover some of the other forms of assets which can be used in terrorism financing.

In relation to Sen. Obika, Madam President, I spent most of my time trying to keep up and understand. The first thing I want to say, in relation to Sen. Obika, is that he spoke about gangs and terrorists. The first thing I want to say in relation to that is that this Bill deals with terrorist, terrorism, terrorist act, terrorist organizations, and those things are not left up to chance. You would see in the legislation, a combination of the original legislation and this Bill defining those terms. And you would see nowhere a reference to gangs.

There is a piece of legislation that we have passed in this place, dealing with gangs, and this has nothing to do with gangs. You may have gang members involved in terrorism. You may or may not. But this deals with a specific issue and that issue terrorism, terrorist act, terrorist organizations, terrorist property, foreign freedom fighters and those

concepts.

Madam President, the second thing about Sen. Obika's contribution is that he asked for, he said that small financial entities should petition the Government for Government to indicate or advise on which organizations are good to deal with, and which are not. Madam President, Sen. Obika betrays a total lack of understanding of what has been done in the last 20 years in this country in relation to criminal law and financial activity. I mean, there is tremendous depth. There is a lot of information on these lists that are generated by the United Nations by various bodies. There is a lot of material available, and I cannot go into it—[*Interruption*]*—*but the Government cannot—[*Interruption*]*—*provide that advice—[*Interruption*]

Madam President: Sen. Obika.

Sen. The Hon. C. Rambharat:—to institutions. These institutions operate, whether it is the Palo Seco credit—I mean, come on. A cursory glance of the Palo Seco Credit Union's website will tell you that they are required to comply to train their officers and to comply with AML, and counter-terrorist financing arrangement. They are required to comply. [*Interruption*] So, they understand and they understand this—[*Interruption*]

Madam President: Minister, just—Sen. Obika, please, allow the Minister to make his contribution.

Sen. Obika: But he is incorrect.

Madam President: Sen. Obika, allow the Minister to make his contribution.

Sen. The Hon. C. Rambharat: Madam President, if it is one thing I do not have to do is to tout my credentials—[*Interruption*]*—*but that is all I would

say, that listing, listing is fundamental to all the pieces of legislation dealing with the financial services industry, and its possible role in criminal activity, including terrorist financing. I do not think there is anything more that the Government needs to do on that.

Madam President, the other thing I want to say is that, in dealing with the Bill, the Joint Select Committee was also very careful of not seeking to prosecute anybody through inadvertence, and there were some references in the Bill that we worked with to this concept of recklessness, of somebody doing something, without really, as we say in law having the mens rea, without actively having an intention to do it. And we were very careful and we understood that this legislation was meant to deal with persons who gave consideration and knew what they were going to do.

This Bill deals with intention. It deals with planning. It deals with a deliberate decision to do something, including to travel, to go somewhere, to engage in certain activity, and as a committee we decided to eliminate those aspects of the Bill that dealt with anything that related to inadvertence or actions which were not contemplated.

So, Madam President, I want to say that the Bill, in my view, has three elements. It has significant financial elements in it. It targets what we see as a trend relating to use of our financial system for terrorist financing.

It creates the offences which will allow us to bring people to bear and it puts penalties that would discourage that type of behaviour. It deals with terrorist activity, terrorist act, from planning right up through execution, and it deals with those persons who wish to leave Trinidad and Tobago to go somewhere in furtherance of a plan to commit a terrorist act. And finally, it

deals with execution of plans which fall within the definition of "terrorist act".

Madam President, as I close, I want to say that the Joint Select Committee had its fair share of lawyers and non-lawyers. We were not—I, for example, I was not able to attend 100 per cent of the meetings because of clashes with other JSCs. I think we had full consideration. We had all the technical support and I thank the professionals from the AG's Office. And I think we have been able to craft a Bill that both the Opposition and the Government can live with, and in this House the Independents. I know that we all look forward to completing this debate and to passing this Bill, and I thank you. [*Desk thumping*]

Sen. Stephen Creese: Thank you, Madam President. I believe it was at the recent parliamentary conference in the Cayman Islands that the Speaker from Montserrat reminded the attendees, I suppose in an attempt to raise the spirit of "Caribbeanness", about those famous lines from Claude McKay. And the lines, as I remember them, were:

"If we must die—let it not be like hogs hunted and penned in an inglorious spot while round us bark the mad and hungry dogs, making their mock at our"—inglorious—"lot."

I suppose it was in Sen. Richards' contribution to us on the broader question of violence and what it is that is promoting that tendency to seek violent expression, that leads to that high incidence of Trinidadians being, given our population, participants in "terrorist" activity.

And it is the language in Claude McKay that captures that sense of violence. And when I think, and which I suppose association of ideas,

brought to my mind another great illustrious Caribbean poets—from the mainland in Guyana, Martin Carter. And his lines about "people aiming to shoot your dream". And it is that sense in which the modern-day terrorist is viewed as somebody aiming to destroy our societies, aiming to wreak untold violence upon unsuspecting, innocent, and unprotected people, in a sense, that makes all of us, and certainly makes me satisfied that my participation—I was a member of the Joint Select Committee on this Bill—that that work is justified. That is not to say that there are not things, there are not loose ends that we need to cater for. And it is in Sen. Richards' concern with violence and violence within the system that brought to mind some of the things I feel that feed into this terrorist orientation that seems to be stronger within the Trinidad scenario. And although we here in Trinidad like to speak of another Caribbean state as having a greater predisposition towards violent outcomes, they are not represented the way we are, in terms of the incidence our citizens find themselves in the Middle East on a certain course of action.

Which brings me around—because things are occurring at the same time in the same place and they are connected—it brings me to the question of the effect Common Entrance, now SEA, and examinations generally within our education system imposes a kind of competitiveness and runs parallel or is aligned with institutional forms of violence, which predisposes some elements of the society, if left unchecked, if they are anyway not catered for societally, and within our context, you know, the question is: Where are the modern day Fanons to explain to us how this psychology of violence is undermining our society?

And to move on from the role of violence, but I think I need to share what took place in 1965 with regard to this SEA or Common Entrance as it was then called at a particular school in Fyzabad—and I was a witness to this—when the Common Entrance practice test results were out, the principal of that school lined up everybody in the three standard fives around the school in order of the mark they made and when they reached the failed mark, took out his strap which he had a name for—he belonged to that school who had names for the straps—and beat all of those increasingly more and more when he came to the last student, who now has his PhD somewhere in the States. He flunked out at Common Entrance and flunked out at most of the secondary schools he attended, but went on to get his PhD. By then he was 30. So he was a slow starter.

The point I am making is that our system really predisposes those of us who are not strong enough at a particular age to develop in a certain way. And those who make it are the exceptions to the rule. At the end of the day, the question really that comes up is: To what extent is our overall systems and structures really part of the problem and creates that predisposition?

The thing is, and following through on this legislation, we need, as part of the plethora of other things that are required if this legislation is to bear fruit, questions of whether we are able, through our civics programmes in schools and civics generally in the society, to instill a sense of justice being delivered, as opposed to justice being denied. Because, basically, Madam President, what I want to argue is that what is known as modern-day terrorism is really a reflection of a mission by those victims who feel powerless within the context of the avenues society normally provide to deal

with questions of justice, and so on, to feel that justice could in fact be delivered.

So, in an act of frustration, they resort to these wild acts, these suicidal acts, as to, you know, visit the vexation upon the rest of us, the innocents as it were. And it is that sense of frustration really that is at the root of what we consider to be modern-day terrorism.

And it is that greater institutional violence, that greater sense of powerlessness that one feeds on the other and the results are obvious. So, there is an extent to which our whole penal system is under attack, is falling apart. And we are all admitting that the jails that we have are really nothing but breeding grounds for even greater and more passionate and violent crimes.

9.35 p.m.

So, unless we are ready to get into newer forms of modern day penal institutions, questions—are people being able to go home at night. Because at the beginning of this century, and when I look at the fines that are—and the prison sentences that we are in fact proposing; 25 years and 30 years, \$20 million. When you look at those fines that are littered throughout this, not that I am saying—given the cost sometimes of tracking and executing these cases, that is fair return for the State, and the international collaboration, and maintaining SSAs and other intelligence gathering institutions. I am mindful of the cost that is involved in that. And if those who cause us to be in that business, are not required to contribute to the cost of the overall enterprise, then it would fall to the rest of us, the innocents, to pay for their misdeeds.

So, I accept that aspect of it. But I often wonder whether 25 and 30 years in jail, whether that approach to sentencing is in fact, going to amount to, over time when we review our present day orientations. Because at the turn of the last century, capital punishment was accepted in these here West Indies, imposed by the ready to depart colonial regimes out of Europe, and it is to their courts we turn still, where the most advanced, the most cruel form of human punishment—capital punishment—has virtually been outlawed, and they jump at the chance to overturn any appeal that we put before them.

So the bottom line here is that whether the provisions in this legislation which take for granted custodial sentences having the persons sentenced to remain away from their family, having no visitation rights by any of their loved ones, spouses, et cetera. Whether that is on the cards, within this century, the 21st Century, to be deemed cruel and unusual punishment.

Because very often, we fail to look down the road, but if we do, we begin to see the implications of what we are now doing and its consequences, and when viewed over the long span of history. So, the question of penal reform, people being home at night but jailed in the day, is something that we have to begin to address.

But there is a larger problem which this legislation points to, and other speakers have raised the question as to whether we are merely, just like with the FATCA legislation, carrying out willy-nilly, the bidding of the greater powers, on whose agenda, terrorism is higher up their problem list.

The thing is, whether or not it is higher on their list, I am not so sure. Because when we do the short history of terrorism, and I have heard other

speakers refer to—I think it was the Attorney General, who referred to the question of terrorism being part of the slaves’ history, and references to 1990 in particular. Although, 1970 would probably also qualify, because there were the National United Freedom Fighters, NUFF. So, depending on where you stood, they would either be liberation fighters or “terrorists”. But, we like to use the 1990 example. The thing is, were the acts by the big brother to the north, in their interventions in the Dominican Republic, in their interventions in Haiti—

Madam President: Sen. Creese, I have to ask you to be a little more specific about the Bill that is before us. I mean, you are creating some context to make your contribution, but I need you to tie in what you are presenting with the Bill at hand, and, just a reminder, that there have been several speakers before you, so there is a danger too of tedious repetition.

Sen. S. Creese: Yes, Madam President. What I was getting to, is the question of the intelligence gathering and the bias, or the spin that could come out of that. So that is why I was referring to those other interventions and their alignment or their description as possible earlier versions of terrorist-type activity. And I was coming more up-to-date and more particularly relevant to the use of the word “terrorism”, because the use of the word “terrorism”, is more akin to activities from the ’70s come up, to be quite frank, with reference to October—remember that movie and the actions coming out of the Middle East.

So therefore, centre stage in that framework would have been Air Cubana. And Air Cubana is particularly relevant, because it involved possible action or inaction on the part of the Government of Trinidad and

Tobago, the government of Barbados, and how they were all caught up in that issue. And I think it was just sometime last year, one of the two “alleged” perpetrators of that act, who ostensibly were connected to the CIA, was the first modern-day act of terrorism in the Caribbean.

So this legislation is welcomed, in terms of putting us in a firm position to address terrorist activity of the modern day type; where a transport system—vehicle is targeted and the hapless victims of that, you know, go down into the Caribbean Sea. And Caribbean governments of the English speaking variety, had serious problems treating squarely and seeing it for what it was because of the involvement of a certain other prominent American government.

So that brings us to the question then, of the information sharing, and of the requirement for us when we are presented with a geographical place, as being a place of nefarious terrorism-type activity which we must put on a list, and our citizens visiting there must be put through a certain procedure. That is what this Bill requires.

It brings me to the Senator’s namesake, and the country that was feeding the information at that time, which is information now that would have to come through the system. And the information at that time was that Saddam Hussein—not the Senator—Saddam Hussein, had some long gun that was capable of sending, you know, fire power all over the world and therefore, intervention in there was necessary. That kind of information was not tested by the other regimes, and that is my concern. Do we have the capability to test the intelligence offerings of some of the super powers who through this legislation, would be giving us that kind of information, making

that kind of assertion and requiring us to do certain things as a result?

And with the departure of the blimp and whatever other paraphernalia might have been in place to provide us with some kind of intelligence buffer zone, I am concerned that yes, we are putting the legislation in place, but the ancillary things are not there. And will we be a victim of a Saddam Hussein long gun theory. And that is not as farfetched as we would think. Because, I want to argue that the connections that made that kind of scenario possible and made us the victim of that kind of hapless plot, are there. Because George Bush Sr. was the former head of the CIA—

Madam President: Sen. Creese, you have made the point, and I think there is no need to continue on the point. I think you can move on to another point. Please, okay?

Sen. S. Creese: Thank you, Madam President. So therefore, I would not go into the connection with another intelligence agency and another leader of another foreign super power.

Suffice it to say then, that the call for a joint select committee on foreign affairs is the missing entity in our situation, in our ability, in the absence of the plethora of intelligence agencies that could test the validity of assertions made by other countries—would, you know, would be sufficient. So therefore, I am endorsing the call for a joint select committee on foreign affairs so that we would have some—though limited—capability to treat with the information presented to us as being the basis for other geographical locations being added to this list of places that our citizens should be cautioned about visiting and should be required to comply certain statements to the police in advance or on return, if they find out after they

have been there, that this was a suspect place.

Madam President, the issue at the end of the day is not that we do not need legislation of this sort. And, yes, I would admit there is always the problem in striking a balance between the freedoms we need to enjoy, between what is a revolutionary insurgency, barking at the heels of some oppressive regime, some authoritarian regime, as opposed to the wildcat activities of mavericks, you know, whose only cause is the chip on their shoulder and a misperception of the rest of the world.

And that is where, at the end of the day, being able to provide within our societal system a sense of justice, a place that they could turn to, a place that would treat fairly, a place that would act as a balance to overriding authoritarianism from any presiding regime, is what would keep our perspectives as a people in check and the hope alive for deliverance.

So, yes, to the legislation, to the need for dealing with extreme attempts, potential for violence. But we need to have at our disposal, that kind of balance within the society and certainly within the Parliament, that would allow us to ensure that this situation is not exploited by some future regime. And in that regard, I support Sen. Mark's call that perhaps a sunset clause may be one sure way of imposing on this arrangement the requirement for review, so that the bad seeds we may not be able to sniff out—because it is too close to us, it is too current, that down the road we will be able to see much more clearly and therefore, review this situation and take into account more likely threats. I thank you, Madam President. [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): [*Desk thumping*] Thank

you, Madam President. I wish to thank all hon. Members of this Senate for their lively and thoughtful contributions. I wish to also thank hon. Members for their expression of support of the legislation.

It falls to me to just address a few of the issues raised so far, from the very technical aspects of some of the clauses of the Bill—in particular reflected upon by Sen. Shrikissoon, who had some very pointed questions that I think need to be answered—to the very germane issues raised by other Senators including Sen. Ramdeen, in particular, as it relates to the operationalization because it is absolutely true that the law is for naught if it is not operationalized.

So let us put it into context, Madam President. Perhaps it is best to start with, what is next? Where are we? What are the actual time frames, and where does this fit in? I want to make it abundantly clear that the Government is not driving this legislation because somebody tells us, we must. The fact is, one terrorist is enough. One terrorist known and named is all that Trinidad and Tobago needs to have to pass this law. Do we have one? Yes. I have given a name already, just by way of example, of Shane Crawford. Do we have someone who has publicly admitted to carrying out support for ISIS ideology? Yes. We have Umar Abdullah who styles himself as the head of a section of Islamic support. This particular gentleman has been featured on the National Geographic platform, as someone who said that at one point in time he promoted ISIS ideology and in fact, was on the wrong direction. That is an admission of the type that is enough to cause us to need to have this law.

Terrorism is something that can strike anybody, at anyplace, at any

time. Retreating armies are known to commit their worst atrocities whilst they are on the retreat. And it is true that the war against Al Qaida, and the Taliban, and ISIL has gone in a very positive direction in terms of regaining territory in different places, but that that war is something which is definitely open to the retreating theory.

After all, if we look to the United Kingdom, we look to France, we look to a number of jurisdictions, now we are seeing attack on home soil. But one thing that we are sure about, Madam President, is that terrorism is something which mutates and that is why in my piloting, I started with the United Security Council resolutions. At one point it was hijacking that terrorists used to carry out in their agenda. Hijacking of planes was well and common, it was storming of embassies, it was holding hostage, and so the laws evolved and the United Nations took note.

In the current example we are now dealing with post-Al Qaida, post-Taliban and we are now coming down to the retreating army phenomenon. But we are guaranteed that it is going to morph. So, that brings me to addressing the very last point made by Sen. Creese, that we ought to perhaps think of a sunset clause because it would cause for some form of review. That is where I beg to differ. In the fact that the law is bound to be around to take care of the immutability, or rather the guarantee I should say, of the mutation—let me change that. The guarantee of mutation, I think this law is needed for a long time to come because this law as it is currently drafted can speak, as laws must, to the evolving threats. And if you look to the section 3 that this Bill seeks to create by way of amendment to clause 4, proposing the amendments to section 3, this anti-terrorism formula, in defining

“terrorism”, is something that can continue to speak, into electronic transactions, into cyber fraud, into holding a nation ransom. All of these things are things which we can well-appreciate particularly as our cyber environment comes to life.

Second point is that we have looked at positions like the Dangerous Drugs Act. The Dangerous Drugs Act has, that there should be a review on several occasions, and what I can tell you, is that since the passage of the Dangerous Drugs Act there has never been a review. So, there is no magic formula to including the necessity for a review into laws which causes it.

But in getting to where we are going, let me explain this. Trinidad and Tobago is under its Fourth Round Mutual Evaluation. The next round of evaluation is going to be a little more severe than the fourth round. The fourth round is not designed to look at, your issue of having technical compliance alone. Technical compliance means: Do you have a law which criminalizes terrorism? Do you have a law which criminalizes money laundering? Do you have a law which criminalizes the financing of terrorism? That is technical compliance, tick the box. It looks to the operationalization of your law and we are being marked right now in the observation period, in the action plan of Trinidad and Tobago saying what it will do to come out of what we call enhanced follow-up treatment. We are being marked not only on our technical compliance, but on our efficiency.

So that runs to the route of operationalization. The next step to be achieved is in the face-to-face meeting in Miami on the 5th of September, where I will have to attend on behalf of Trinidad and Tobago, sit with the Joint Review Group of the Americas, which is the entity which comes out of

the Financial Action Task Force ICRG, International Cooperation Review Group, and then demonstrate to them: here is our action plan, here is that plan which we published, here is that plan which we hold ourselves to, here are the technical laws, but very importantly here is how we operationalize them.

And do you know what operationalization is, Madam President? How many convictions do you have? How many prosecutions are ongoing? How many forfeitures do you have? So internationally, if we do not operationalize, we are dead in the water; let me put that on to the table. After the 5th of September, 2018, we go to the plenary table in FATF's forum in Paris. We will come under review and the ICRG pool will report to the FATF Plenary and mark Trinidad and Tobago on its performance.

I am very pleased to say that in the June 2018 plenary in Paris, Trinidad and Tobago came in for glowing commendation as to the progress that we as a country have made, and that commendation was as glowing as the October plenary the year before which was held in Argentina.

What does that translate to? This Government has been observed and marked by the international rating entities as being on the right track, and let me tell you why. The Anti-Terrorism law, I have said, existed since 2005. The first time it was touched was in September, 2015. The first listing ever was in November, 2015 when Kareem Ibrahim was listed. The 357 listings later, happened under this Government. Operationalization of this law happened under this Government. We established an anti-terrorism desk at the office of the Attorney General, which went to work on the entire listing matrix.

Why did we do that? We cannot go to a court and tell a court: X, John Brown from Trinidad and Tobago is a member of ISIS. The first thing the court is going to tell you is, well, what is ISIS? What does it mean? Do I have judicial understanding or acknowledgement of what ISIS is? And to prepare that matrix we had to go to the court and declare ISIS to be a terrorist entity, which is what we did. So when we come back as we did, to Shane Crawford, and said Shane Crawford is to be listed because he is a member of ISIS and here is the evidence, here is *The Beat* magazine, here is the video evidence, and here are the recordings. The court was now able to connect one dot to another and list Shane Crawford. And then we took Shane Crawford to the United Nations; 1267 listing. And we went to the United Nations and we listed him there. So that if Shane Crawford is found in any country anywhere in the world, Shane Crawford is a known terrorist, so listed by his home country, Trinidad and Tobago. What does it mean? Shane Crawford's property has been frozen, Shane Crawford's assets have been frozen and anybody in this country now who dares to intermeddle with supporting Shane Crawford, is now caught in that matrix.

So this is not what is to come; this is what has happened, 357 times. But let us connect the dots further. We are satisfying two recommendations principally with this law. FATF has 40 recommendations, then they have 10 immediate outcomes. We are hitting recommendation 5 and recommendation 6. What about the other 38 recommendations? Let me tell you, the Government is not asleep at the wheel. We have matrixed out against the entire 40 recommendations, a full legislative plan and operational plan. And to the hon. Senators present, thank you for being part of that

plan—not just today—because committing to supporting the miscellaneous provisions: proceeds of crime, financial intelligence, customs, bearer negotiable instruments. All of those things that we amended as a Parliament, together, met with success on the FATF plan, on the ICRG plan.

On this plan connected with terrorism, is more work that we have brought to life. It was not by mistake that the Financial Intelligence Unit last year was able to report upon \$22.5 billion worth of suspicious transactions and suspicious activities, when, if you took four years prior to last year, the entire amount aggregated for four years was \$4.5 billion in suspicious transactions. In one year, our FIU was able to identify \$22.5 billion.

How did that happen? It happened because we operationalized the FIU by increasing its manpower. In the miscellaneous provisions Bill, we converted money laundering to an offence which is triable either way. We added 17 officers to the financial investigation branch and I can say now that I am reliably informed, properly prepared that there will be a minimum of three terrorists financing charges to be brought to the courts very shortly. *[Desk thumping]*

I can say further that there are approximately 30 money laundering offences to be brought to the courts very shortly. *[Desk thumping]* I am able to say, that we have multiplied the manpower at FIU, FIB, TTPS. But, Madam President, this is not “to come”. This has been implemented, already. So when I hear hon. Members say, “Sen. Ramdeen, was right to reflect, sometimes we pass laws and they are not operationalized”—but, I am not speaking about future events. I am speaking to what this Government has achieved, already. *[Desk thumping]* And that is why we

have come in for public commendation.

Madam President, anti-terrorism and listings, is only part of the equation. All of this has to operate inside of the criminal justice system. So, again, I say congratulations to the Members of this Senate, because it was this Senate that supported the criminal justice reform which must operationalize these laws. It was this Senate that saw the birthing of the Family and Children Division, creation of two criminal courts for children. This Senate was involved in the Criminal Division Bill, this Senate was involved in plea bargaining, this Senate in bail amendments, this Senate in judge only, this Senate in conversion of money laundering offences, this Senate saw the Criminal Procedure Rules. This Senate sees the preliminary enquiries to be perfected very shortly in September. This Senate has the payment into court Bill, this Senate has the miscellaneous provisions for children. This Senate passed the motor vehicle and road traffic amendments to take out 50,000 cases to speed up trials. So all of this is how this law, this anti-terrorism law fits into operationalization.

10.05 p.m.

On the second limb of operationalization, I am very pleased to inform or rather confirm, that the Government has established an inter-agency law enforcement arrangement which is referred to as “Task Force Charlie”. “Task Force Charlie” involves the SSA, the Commissioner of Police and the several entities involved there with Special Branch and the Office of the Attorney General and the international agencies that work in a very careful manner, so that we do not cross lines, but this Government has also implemented the other side of the equation that learned Senators have asked

about. Because it is not good enough to just treat with terrorists. You want to prevent them, and what we have done, let us start with this week go back.

Right now in Trinidad and Tobago, every day since Monday, we have been holding, the Countering Violent Extremism Forum put on by the Commonwealth. So I would read in the record now, Madam President, that on the preventative side—because every mature country in the world has the aggressive side, that is the tactical units to treat with terrorism; it has the investigative side, financial intelligence unit, financial investigation bureau and the equivalent of security intelligence; but they also have the preventative side which is countering violent extremism, and we have created the interministerial structure, which we will be seek to formalize, perhaps in legislation, if necessary, but we have brought on board all of the training aspects for it. That includes the Commonwealth Countering Violent Extremism Unit.

The United Kingdom has been here and has conducted training already, January 27th beginning to 31st 2018. The events of the Commonwealth Unit going into action will, again, be here on the 9th to 15th July 2018. We have the Global Counter-Terrorism Forum, Violent Extremism HEDAYAH, which has been in Trinidad at work with us. We have the United Nations Office of Counter-Terrorism. We have the US Embassy Public Affairs Section CVE, which works with the Muslim Round Table and its larger enterprise. We have the National Centre for State Courts. We have the British High Commission engaged in active work right now. We have the International Institute of Justice and Rule of Law. We have the European Union Counter-Terrorism expert engaged here. All of

these are not items to come, they are here and have been in operation for the last year.

We are in the prison system right now working. We are in the at-risk communities right now working. We are in the khutbahs of the Jamaat, in the pulpits of the mosques right now at work. We are on the ground actively engaged in countering violent extremism. So this is not law which is yet to be operationalized. Madam President, I have used the expression before which I borrowed from Jamaica. When I asked Jamaica how they managed to pass certain laws without certain things, they say that they build the plane while they are flying it. Our plane is well in flight. What I am talking about here has never been done in the history of our country [*Desk thumping*] and this is what is on the ground right now.

The training which we are receiving is training on prosecutions and on activities from the tactical level with counter suppression units, right down to the Judiciary and the players involved in the part in-between. That is why we have the courts for justice. Now, that treats with operationalization. So I do not buy the argument that this law will not be launched. This law was launched in September 2005 when the Attorney General with responsibility for the Act was installed. This law is in full flight and this law is being built out stage by stage.

The other thing is this: It is absolutely sure that these goalposts are going to continue to move. Why? Because the global environment continues to push the goalposts. They are going to find matrices that are built upon other ones. So let us get this right. This law is going to continue to evolve and we are not in some way coming here at the last minute to ask

the Senate to pass a law because we have reached a deadline date. No, Madam President. We started this journey the minute I became Attorney General, and we put out our action plan two years ago, and we have engaged in two years of consultation on this law. So this is by no means a last minute exercise. We have given ample opportunity to get it right.

Madam President, with respect to the recommendation that we involve the Joint Select Committee on Foreign Affairs, I want to point out why on this occasion we have left it with the ability for our Joint Select Committee on National Security to become involved. In our system of legislation, we do not legislate that the joint select committees can go to work. That is a privilege already existing and, in fact, anchored in our Standing Orders. They can be involved at any point in time.

We have put the declaration of a zone through two very interesting steps. When the Minister of National Security decides via the National Security Council and through international agencies that we have sufficient reason to do this, the Minister makes the Order, but before making the Order tells the Leader of the Opposition. Why? A leader of an Opposition is potentially a leader of a Government in waiting. We do that before the Order is done—before it is done, therefore, allows for the conscious reflection. We then say that the Order is subject to the negative resolution of the Parliament, and the negative resolution, having informed the Leader of the Opposition, is easily invoked.

We asked for widespread dissemination of the Order. We put it into gear, and yes we do it on the back of intelligence, but with the information lying to the Leader of the Opposition, you are given a great opportunity that

there is likely to be conscious reflection on whether one ought to negative the Order, but let me say why the Ministry of Foreign and Caricom Affairs is not yet a requirement—sorry, the Foreign Affairs Committee as a Joint Select Committee. It is because the laws which we are drawing example from, for instance, other jurisdictions, Commonwealth jurisdictions, they have dramatically different legal structures to us.

Madam President, the United Kingdom—my learned colleague, Sen. Ramdeen, referred to a case involving a relative of mine, Al-Rawi. [*Crosstalk*] No, but I am telling you. Al-Rawis come from Rawah. So if you are named Al-Rawi, you are from Al-Rawi. It means you are from the town Rawah. Rawah is next to Anah. Anah and Rawah lived across each other from a small river. There is the family that founded Rawi, which is my father's family which is Sheikh Al-Rawi, and then there is the rest of the people that lived there. So I am just saying, it is somebody from the same district, but that case involved a very interesting phenomenon.

In the United Kingdom, you have the ability to sequester evidence. There are special rules which apply where you do not have the right against self-incrimination. If you say nothing when asked a question, it is held against you in a court of law. An adverse inference is drawn. You can be put into the confines of places extraterritorially such as Guantanamo Bay. You can find your name dragged through the mud, but these countries have very different legal systems to ours. In our instance, you have to have the evidence to take you to a prosecution and that evidence is, in fact, proof beyond reasonable doubt.

In fact, the advice coming from the prosecutorial experts in the United

Kingdom is that Trinidad and Tobago ought to consider amending its evidential rules and, in particular, taking an exception to the right against self-incrimination which is enshrined in our Constitution and using the same form of hurdle, because that is the way you catch terrorists in other jurisdictions. So I want to point out, the workings of these committees—Australia, the United Kingdom, Canada especially, the United States—we are comparing jurisdictions which can lock you up at the blink of an eye and on a whisper of evidence. That is not the same situation here.

Trinidad and Tobago, the best possibility that you have is under the civil law jurisdiction which the Attorney General advances as we have demonstrated we are capable of doing, but I want to put this forward. This is no easy task for “a politician” because the application under section 22B is for the Attorney General to convince a High Court judge that the Order is required.

Now, Sen. Hosein—and for the record I would put onto the *Hansard* what “Saddam” means in Arabic. “Saddam” means to oppose. That is literally what it means in Arabic. [*Laughter and desk thumping*] Sadama means to hit in opposition. Saddam means the one who hits in opposition. So Sen. Saddam Hosein, perhaps, lives up to an interesting line of his name. Every name in Arabic has a meaning and, therefore, I remind him of the meaning of his name.

Madam President, he raised a very interesting observation saying that the Opposition’s position in relation to the Attorney General was something that was heartfelt, et cetera. That, Madam President, is easily put to bed, because Sen. Shrikissoon asked one of the most important questions asked

tonight: what happens after the Commissioner of Police becomes involved? What compels him to draw conclusion? How does it come back to the court? Does Trinidad and Tobago have an example of cases that finished in the courts, of charges that actually come 20 years later? An in the joint select committee we had a very vibrant discussion on whether the Attorney General should be able to ask the Commissioner of Police for the outcome—the relevant information relative to the outcome of an investigation—and everybody in that joint select committee agreed that it should be done, and that was voiced by the Members of the Opposition themselves.

Let me put it on record. Dr. Moonilal who is a very experienced parliamentarian and Mr. Prakash Ramadhar have both held the position in Trinidad and Tobago of acting as Attorney General, both of them, and acting as Prime Minister of the country, both of them. In Mr. Ramadhar's instance, he was Minister of Legal Affairs and Minister of Justice. So we are not talking about ordinary Members of Parliament. As Sen. Chote and Sen. Creese will remember in the Joint Select Committee, there was unanimous agreement that the Attorney General should receive the benefit of relevant information. And what is relevant? "Relevant" means information necessary to cause delisting in the civil court, not any and every thing.

It was for that reason that I saw poor young hardworking Saddam Hosein, sitting in the House of Representatives with his head held down, when the Opposition's argument coming and saying: "The Attorney General is getting some draconian power that he never had before." I saw the shame on the poor young man's face because he worked hard on this and was a member of the Joint Select Committee, and I am confident that that look

upon the hon. Senator's face was borne out of consternation as to the submissions being made by the Leader of the Opposition at that point. But, Madam President, let me put it squarely onto the record.

Sen. Hosein: I supported the Leader of the Opposition.

Hon. F. Al-Rawi: You supported because you know where your bread buttered [*Laughter*] and there is nothing wrong with that. Your leader is your leader. Do not get me wrong, but I want to put sense on to the record now. There is no way that anybody in this Parliament can honestly look at the parent law before it is amended, and say that the Attorney General was getting some kind of new power. Madam President that is the furthest thing from the truth.

And let me put it into context this way, Part VII of the parent about, section 32 and section 33. Section 32 says this—Part VII is captioned “Disclosure and Sharing of Information”. The side note is: “Duty to disclose information relating to offences and terrorist acts”. It says, basically:

“Every person or regulatory authority who has any information which will assist in—

(a) preventing...a terrorist”—offence, et cetera

“shall forthwith disclose...to a police officer”—and hear this—“or the Central Authority...”—of Trinidad and Tobago.

Who is the Central Authority of Trinidad and Tobago? The Attorney General of Trinidad and Tobago. How long has that been the law? Umpteen years. Which law is it found in? The Mutual Assistance in Criminal Matters Act. Which young Senator worked in the Office of the DPP and ought to know that? Saddam Hosein, the hon. Senator that he is.

That is why the head was hanging low as he sat at the back of the House. It gets better.

Section 33 of the parent Act:

“Every person shall forthwith...”

Forgive me. In section 32, let me read into the record. This is the existing law. This is the unamended law. This is the law that has been on the books for 13 years. Hear subsection (5), after sections 3 and 5 make it an offence to not tell:

“For the purposes of this section, ‘regulatory authority’ means the Central Bank, the Securities Exchange Commission”—hear this one—“the Financial Intelligence Unit, the Trinidad and Tobago Stock Exchange, the Inspector of Financial Institutions...”

Madam President, the existing law in section 32 criminalizes the FIU for not telling the Attorney General that an offence or the risk of an offence is happening.

So when the Leader of the Opposition stands up and says: “Trinidad and Tobago, we are protecting you from this Attorney General”, oh my God, Madam President—

Sen. Baptiste-Primus: Do not call God’s name.

Hon. F. Al-Rawi: Sorry, I retract. Oh my dear, Madam President, [*Laughter*] I honestly was taken aback by that submission. Madam President, section 33 also requires that:

“Every person shall forthwith disclose to the FIU...”—the particular matters there.

. So, Madam President, let us not play smart with foolishness. Let us be

intellectually straightforward. Let us have some honesty as to what this existing law is. This law has been brought about—these amendments proposed—on the back of operationalization.

Sen. Hosein: AG, can you just clarify one point for me please? Sorry. In that section that you mentioned, section 32, is it that the disclosure is to be made to a police officer or the Central Authority as defined under the Mutual Assistance Act? And, also, can you just clarify the distinction why the word “Central Authority” was used in that Act and not “the Attorney General”, seeing that the Attorney General is the Central Authority?

Hon. F. Al-Rawi: Sure. So the Central Authority in the Mutual Assistance in Criminal Matters Act, can relate to matters which are the subject of extradition, a fortiori. It may involve foreign entities asking the request, but a fortiori also involves the Central Authority originating a request, which may concern a local individual as well. So the sword cuts both ways. The point is, that the parent law contemplates the odium which the Opposition painted, belatedly—after the unanimous report, after acting Prime Ministers times two, acting Attorneys General times two, agreed to it—and that is all that I am saying. Whilst I appreciate the support, whilst I appreciate the measure, what I am trying to say is that this thing is the law.

And, more than that, it is incumbent upon us to understand, in today’s world of terrorism and the reality of terrorism, we cannot put our heads in the sand. The terrorists are going to act regardless of our interests, against our interests. I believe, genuinely, that we are united in the purpose. That is why the unanimous report from the Joint Select Committee came the way it did. That is why there was no minority report; that is why senior Members

of the Opposition sat; that is why Senior Counsel sat; that is why long pants public servants and experienced people like Sen. Creese—forgive me for being colloquial—sat in this committee. This was no ordinary committee—12 meetings, four traversing of the Bill, going through the parent Act, all of the methodologies and marked up versions. Madam President, I sat in Opposition for five years. In those five years, I never once received a track-change version of a Bill. Never. I never once saw the law put in highlights in red or blue to show you which version is upon which. I never once received something that made sense. You know why? According to my staff, the instruction was, let them figure it out. If you make it too clear they will object faster. But I made a vow as Attorney General that I would apply a standard which I wanted myself, which is why every time you get this kind of material—and it is there in black and white in the report.

Madam President, I want to just wrap up by saying, there is some work ahead of us in September. In September, we get down to the big stuff. In September, we tie in financing of terrorism, counter-terrorism. The work we have done on the criminal justice system, we start to connect these rapidly through the most important aspect, and that is the anti-fraud package. That hits the other side of the recommendations out of FATF.

We are—one of the learned Senators this evening asked for a registration of—I think it was Sen. Obika—entities which are in the non-formal sector. Let me translate that. Non-profit organizations, MPOs, are unregulated. There are thousands of them. You know what our answer to that is? Legislation drafted already, expert advice out for public comment, coming in September. Beneficial ownership to know who the real owner of

a company is: drafted already, stakeholder consultation completed, will be here in September. Abuse of the law of trust in relation to land, in relation to assets: drafted already, out for public consultation, finished already, and coming here in September. Civil asset forfeiture, explain your wealth legislation: drafted already, will be out for public commentary, will be here in September. That joins the global forum package, amendments to the Inland Revenue; that joins the CSO, Central Statistical Office; that joins the Trinidad and Tobago Revenue Authority.

You see, Madam President, when we demonstrate the connectivity of everything that we have done, you will understand that we have treated with legislation, operationalization and, most specifically, not only common sense, but the antidote to insanity. You know what I am going to say. The definition of “insanity” is doing the same thing and obtaining the same result and expecting a different result. [*Laughter*] And what we are very pleased to have is a very well connected package that makes sense.

Madam President, the catalyzation of work is very deliberate and permit me, Madam President, to say that we would be for nothing without the expertise of the very hard-working persons that assisted the Joint Select Committee and the Office of the Attorney General, in particular, over the last two years. Five minutes?

Madam President: Five minutes, Attorney General.

Hon. F. Al-Rawi: I am just saying thank you, at this point, before I come to the end. I wish to thank the Deputy Chief Parliamentary Counsel, Ms. Ida Eversley. I wish to thank Ms. Kimberly Superville. I wish to thank Mrs. Vyanna Sharma and Mr. Andrew Dalip. I wish to thank the TTPS. I wish to

thank the FIU, Ms. Susan Francois. I wish to thank, Mr. Wendell Lucas, the Financial Investigation Branch, the individual that works closest with us. I wish to thank the lady who is shaking her head right now, Ms. Chantal La Roche, who served as secretary to the Committee [*Desk thumping*] for all of her guidance. [*Desk thumping*] I wish to thank sincerely the Hansard team, that indefatigable team that works [*Desk thumping*] tirelessly for the generations of Trinidad and Tobago. [*Desk thumping*] Madam President, without that back-up crew, we would be nothing, and I want to salute them on behalf of us all for the excellent hard work that they continue to provide the people of Trinidad and Tobago. [*Desk thumping*]

Madam President, I do hope that our passage through the committee of the whole is a smooth one and, in those circumstances, I beg to move. [*Desk thumping*]

Question put and agreed.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

10.35 p.m.

Madam Chairman: Hon. Senators, I remind you that this Bill has 45 clauses, one Schedule and a Preamble.

Clauses 1 to 45 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

Preamble approved.

Question put and agreed to: That the Bill be reported to the Senate.

Senate resumed.

Madam President: Attorney General.

Hon. F. Al-Rawi: Madam President, I wish to report that a Bill entitled an Act to amend the Anti-Terrorism Act, Chap. 12:07, was considered in committee of the whole and approved without amendments. I now beg to move that the Senate agree with the committee's report.

Question put and agreed to.

Bill reported, without amendment.

Question put: That the Bill be now read a third time.

Madam President: As you know, this Bill requires a special majority so the Clerk will conduct the division.

The Senate voted: Ayes 30

Gopee-Scoon, Hon. P.

Baptiste-Primus, Hon. J.

Rambharat, Hon. C.

Sinanan, Hon. R.

Hosein, Hon. K.

West, Hon. A.

Le Hunte, Hon. R.

Henry, Dr. L.

Singh, A.

Cummings, F.

De Freitas, N.

Dookie, D.

Huggins, R.

Lewis, Ms. A.

Simonette, G.

Mark, W.

Haynes, Ms. A.

Ameen, Ms. K.

Hosein, S.

Obika, T.

Ramdeen, G.

Mahabir. Dr. D.

Small, D.

Shrikissoon, T.

Ramkissoon, Ms. M.

Chote SC, Ms. S.

Creese, S.

Raffoul, Ms. J.

Richards, P.

Phillips, Ms. Z. L.

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

Madam President: Acting Leader of Government Business. (*Crosstalk*)

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I beg to move that this Senate do now adjourn to a date to be fixed.

Madam President: Hon. Senators, before I put the question on the adjournment, leave has been granted for one matter to be raised on the Motion for the adjournment of the Senate. Sen. Mark. [*Desk thumping*]

**Unfair Banking Practices
(Central Bank's Failure to Address)**

UNREVISED

Sen. Wade Mark: Madam President, this matter addresses the failure of the Central Bank to address the plight of borrowers and depositors who are adversely affected by unfair banking practices. Madam President, we need to establish what I would like to describe as a healthy balance between deposits and lending rates in this country; the spread is just too large. The interest spread, Madam President, as you know, is the difference between the lending rate and the deposit rate. The interest rate spread, Madam President, is extremely high and has been between 7½ per cent to 9 per cent, historically, in Trinidad and Tobago.

What we need, Madam President, is for the Central Bank to provide prudential guidelines to ensure that both depositors and borrowers are not treated unfairly as these banks pursue their objective to maximize their profits. What the Central Bank should be focusing on is doing a proper analysis on the risk-adjusted returns of banks, and to provide the necessary guidelines based on their findings to support a more measured approach to interest rate management in our country.

Madam President, high interest charges for a low risk by these banks are really causing a lot of distortions on or in the market. What is happening, Madam President, is that this wide divide really amounts to an extortion by the banks of depositors, as well as borrowers. They are both victims of this activity by the banks. In fact, Madam President, citizens of this country prefer to take their moneys to the United States and to Canada, and to other jurisdictions where they can get a higher rate of interest on their savings, and whatever investments they may have.

Madam President, the entire situation affects not only pensioners who depend on banks' interests for their monthly income, but it also affects

pension funds in Trinidad and Tobago as well. Madam President, if the commercial banks were to move to a more measured interest rate, along with more prudential rate guidelines issued by the Central Bank, there will be more justice for depositors and borrowers. Madam President, banks are now charging fees for basic services which traditionally used to be free. Basic services that normally would have been free to the customers, they are now charging bank fees to access those services.

Madam President, based on some research conducted between 2015 and 2016, the banking sector, the Central Bank, whose control over the banking sector, this sector earned income on deposit accounts which were almost larger than the interest that they paid to depositors. Today, banks earn more fees than they pay interest on deposits. They are ripping off and extorting both depositors and borrowers in this country. Madam President, this is a crime against the citizenry of this country, and the time has come for the Central Bank, which regulates those commercial banks to take some action and take some intervention measures to bring about some sanity to the madness that is taking place in the banks in this country.

Madam President, the time has come for the Central Bank to establish prudential guidelines for these commercial banks under their regulation. It is time for the Central Bank to intervene in this interest rate setting by establishing those guidelines in order to avoid, Madam President, what can only be described as excessive, an obscene interest rate spread in the country, and let the value accrue to all three groups—that is depositors, borrowers and, of course, the bankers. Right now it is completely one-sided.

The bankers are having a field day on both depositors, as well as

borrowers in this country, [*Desk thumping*] and we have to get the Central Bank to do something about this madness that is taking place. Madam President, value is being taken away from both depositors and borrowers. So what it means is that the bulk of the value continues to accrue only to the banks, Madam President, and, therefore, it is our view that there is need, not only for those prudential guidelines to be issued by the Central Banks to these commercial banks, but there is also a need for greater financial literacy education in this country so that the citizenry can have an opportunity to make better choices in this land. The banks, we must understand, Madam President, are not the only entities that can provide a safe haven for citizens' savings and opportunities for investment; there are other opportunities out there but we need more financial literacy education. Madam President, is it any wonder that today the credit union sector—

Madam President: Sen. Mark, you have one more minute.

Sen. W. Mark: Yeah. Is it any wonder that the credit union sector growth is rising and increasing in Trinidad and Tobago? It has to do, Madam President, with the fact that it is easier to do business with the credit union in this country. They do not charge the usurious and almost unacceptable and obscene charges that banks charge through fees. So, Madam President, I have raised this matter to get from the Government, through the Central Bank, what measures are going to be taken to provide some balance in that spread so that depositors can get more than 0.5 per cent on their savings, and borrowers who have to borrow can get a proper rate of interest. I thank you very much, Madam President. [*Desk thumping*]

Madam President: Minister in the Ministry of Finance. [*Desk thumping*]

The Minister in the Ministry of Finance (Sen. The Hon. Allyson West):

Thank you, Madam President. Madam President, the Central Bank as a prudential regulator continuously monitors commercial banks' compliance with the provisions of the Financial Institutions Act as it relates to the financial health of these institutions, and, by extension, the safety and security of depositors' funds. Further protection of depositors is also achieved through the deposit insurance scheme. The Central Bank's purview in respect to promoting the existence of efficient and fair banking and financial services markets involves, among other things, ensuring proper advertising practices, the review of new products, the publication of audited financial statements, and the regulation of interbank payment systems.

In addition, the Central Bank publishes a comparative schedule of the commercial banking fees and charges on its website. This schedule provides information on the fees and charges related to typical savings and chequing accounts, lending services, credit and debit card usage at point of sale, automatic teller machines, other electronic payments and some other miscellaneous bank services. This schedule is an important tool as it allows consumers to ascertain the cost of services across the commercial banks, thereby facilitating an informed decision in accessing financial services.

Section 127 of the Financial Institutions Act requires commercial banks to enrol in an alternative dispute resolution scheme approved by the Central Bank. In this regard, the Central Bank collaborated with commercial banks to establish the Office of the Financial Services Ombudsman, which is a voluntary dispute resolution scheme to which banks and insurance companies have subscribed. The Office of the Ombudsman is a major avenue of redress to financial service customers for certain types of

complaints. At no cost, consumers can have their complaints mediated and settled under the auspices of the Ombudsman.

The Central Bank has also established the National Financial Literacy Programme which is instrumental in empowering the public with financial education. The literacy programme is geared towards facilitating financial literacy at no cost to members of the public, and target groups include students, young adults, employees, persons planning for retirement, and prospective homeowners, in addition to its public outreach initiatives. The Office of the Ombudsman and the literacy programme have released several publications geared towards educating consumers in relation to financial products and services, including Dollars and Cents, a booklet containing a compilation of banking tips, which is on the Ombudsman's website, and also has been published in the newspapers.

As part of its five-year strategic plan running from 2016/2017 to 2020/2021, the Central Bank intends to strengthen the effectiveness of the Office of the Financial Services Ombudsman and this literacy programme. The signing of a memorandum of understanding in March 2018 by the Central Bank, the Association of Trinidad and Tobago Insurance Companies, Bankers Association, the Co-operative Credit Union League, Tobago House of Assembly, Securities and Exchange Commission and the Stock Exchange provides a formal basis for the establishment of a National Financial Education Committee to collaborate on concrete programmes to build financial literacy nationwide.

Further, in 2017, the Central Bank participated in the deliberations of the Joint Select Committee on Finance and Legal Affairs on an enquiry into

commercial banking fees in Trinidad and Tobago. The JSC published its report on October 09, 2017, which contained 17 recommendations in the interest of consumer protection.

The Central Bank is actively reviewing the JSC's recommendations and is currently exploring regional and international models for the oversight of banking practices related to enhancing disclosures on, inter alia, banking products and fees and charges. This month, the Central Bank will also be discussing the JSC recommendations with the Bankers Association of Trinidad and Tobago and other relevant stakeholders with the aim of improving the overall consumer protection framework for the banking sector. In response to the JSC's recommendations, the bank will be augmenting its publication of comparative banking fees and charges by including comparative data on fees charged by other commercial banks in the region where such fees and charges are published to provide wider information to consumers.

So, Madam President, as you can see, the Central Bank is aware of and conscious of, and determined to act on the perceived—I will leave it as “perceived”—disadvantage to the consumer in respect of income earned as against fees and interest charged. So, it is an ongoing exercise and we expect to see some improvement in the not-too-distant future. I thank you, Madam President.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 10.57 p.m.