



REPUBLIC OF TRINIDAD AND TOBAGO

# Debates of the House of Representatives

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**OFFICIAL REPORT  
(HANSARD)**

THE HONOURABLE BRIDGID ANNISSETTE-GEORGE  
SPEAKER

THE HONOURABLE ESMOND FORDE  
DEPUTY SPEAKER

**Friday 15th April, 2016**

**CLERK OF THE HOUSE: JACQUI SAMPSON-MEIGUEL**

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**HOUSE OF REPRESENTATIVES***Friday, April 15, 2016*

The House met at 1.30 p.m.

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

**Madam Speaker:** Hon. Members, I have received communication from the following Members: Dr. Tim Gopeesingh MP, Member for Caroni East; Mr. Ganga Singh MP, Member for Chaguanas West; and Mr. Colm Imbert MP, Member for Diego Martin North East who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

**PAPERS LAID**

1. Audited Financial Statements of Evolving TecKnologies and Enterprise Development Company Limited for the year ended September 30, 2010. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
2. Audited Financial Statements of Youth Training and Employment Partnership Programme Limited for the financial year ended September 30, 2014. [*Hon. C. Robinson-Regis*]
3. Audited Financial Statements of Taurus Services Limited for the financial year ended September, 30, 2014. [*Hon. C. Robinson-Regis*]

*Papers 1 to 3 to be referred to the Public Accounts (Enterprises) Committee.*

4. Customs (Amendment to the First Schedule) Order, 2016. [*Hon. C. Robinson-Regis*]
5. Motor Vehicles and Road Traffic (Amendment) (No. 2) Order, 2016. [*Hon. C. Robinson-Regis*]
6. Delegation Report of the ParlAmericas Meeting on Gender-based Political Harassment: Building Awareness in Parliament, Castries, St. Lucia, January 26 to 27, 2016. [*The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy)*]

## URGENT QUESTIONS

**Passports for Emergency or Immediate Travel  
(Details of)**

**Mrs. Kamla Persad-Bissessar SC (Siparia):** To the hon. Minister of National Security, could the Minister indicate measures being put in place for citizens who require passports for emergency or immediate travel, given the report of a backlog of over 20,000 passport applications at the Immigration Division?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you, Madam Speaker. Madam Speaker, an efficient and robust system is currently in place to meaningfully address any requests for expedited applications, which carry a specific fee, for any requisite emergencies concerning business, medical, or health related, or even the death of a family. In addition, passports are being actively processed at all relevant offices and sub-offices: Chaguanas, Sangre Grande, Port of Spain, Point Fortin, San Fernando and Tobago.

The waiting period for new applications is approximately six weeks, while renewal applications take approximately three weeks. Currently, Madam Speaker, from 2007, with the inception of the machine-readable passports to present, there are several thousand passports that have not been collected. In fact, some of them have also expired, Madam Speaker.

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Thank you, Madam Speaker. Would the hon. Minister tell us whether there are plans in place, or if it is already policy to give free passports to persons over 65?

**Madam Speaker:** Member, I would not allow that as a supplemental question. Member for Cumuto/Manzanilla.

**Mrs. Newallo-Hosein:** Thank you, Madam Speaker. Would the hon. Minister indicate whether a part of the robust process that the Ministry is going through caters for work permits?

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, there is a process with respect to work permits that is equally as robust.

**Madam Speaker:** Leader of the Opposition.

**DEFINITE URGENT MATTER  
(LEAVE)**

**Security of State Witnesses  
(Failure to Address)**

**Mrs. Kamla Persad-Bissessar SC** (*Siparia*): Thank you, Madam Speaker. Madam, I seek your leave under Standing Order 17 to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely the failure of the Ministry of National Security to address the safety and security of state witnesses who have put their lives at risk to give evidence in most important criminal prosecutions in our country.

The matter is definite because it pertains to specific state witnesses who have been identified by the Director of Public Prosecutions as persons to whom the State should provide protection under the Justice Protection Act but who are not being provided with such protection. The matter is urgent because the concerns of these persons and the risk to their lives have been brought to the attention of the Minister of National Security, the Commissioner of Police, and the Director of Public Prosecutions and no action has been taken to date.

The matter is of public importance because the proper administration of the criminal justice system depends on the evidence of witnesses and the unprecedented increase in homicides, coupled with the decrease in detection rates make the evidence of state witnesses more essential than ever before in the fight against crime. The matter is of public importance because the failure of the State to provide protection to these witnesses will lead to undermining of the criminal justice system as more than 10 persons charged with murder would walk free if the evidence of these state witnesses were lost.

The matter is of public importance also because the damage to the criminal justice system that will result from the failure of the State in providing protection to these state witnesses, will be irreparable and could have the effect of discouraging persons who have information regarding crime and those in the commission of crime from providing that evidence to the authorities, which could lead to an increase in crime and a breakdown of law and order. Madam, I seek your leave under Standing Order 17.

**Madam Speaker:** Hon. Members, I am not satisfied that this matter qualifies under Standing Order 17. I advise that the Member pursue this matter under Standing Order 16.

## STATEMENTS BY MINISTER

**Legislative Agenda of the Government**

**The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. I am pleased, Madam Speaker, having been authorized by Cabinet to make the following statement.

Madam Speaker, upon coming into office in September 2015, I gave a commitment, as the Attorney General and Minister of Legal Affairs, to the citizens of Trinidad and Tobago to produce and publish, by the end of the first quarter of 2016, a Legislative Agenda so that the Parliament as a whole, interest groups and the general population at large could have direct insight into matters of legislative priority for this Government.

This commitment was, and still is seen by this Government as not only respectful but more importantly as an exercise of plain common sense, as the publication of a Legislative Agenda encourages and facilitates democratic perspective, measure and participation in the consideration and making of laws for the peace, order and good governance of our beautiful country. In September to November 2015, Madam Speaker, Trinidad and Tobago had already suffered more than five years of the UNC's Government's wilful and persistent failure to state its legislative priorities by the publication of a Legislative Agenda despite calls for the same. [*Desk thumping*]

It was established that the anticipated actual legislative business of the Tenth Republican Parliament of Trinidad and Tobago was a carefully guarded secret of the UNC Government, which resulted in a haphazard and chaotic approach to the whole government and whole of country developmental needs of our citizens. The Attorney General of Trinidad and Tobago in September to November 2015, assumed the chairmanship of the Caribbean Financial Action Task Force, otherwise known as CFATF, which is an intergovernmental body comprising of 27 nations in the Caribbean basin and Latin America, and which is mandated to set up standards and to promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing, and the financing of proliferation of weapons of mass destruction, and other related threats to the integrity of the financial system.

In November 2015, the Fourth Round Mutual Evaluation Report of Trinidad and Tobago conducted by CFATF was produced for consideration. In that month, the Money Laundering and Criminal Terrorist Financing National Risk Assessment for the period 2011 to 2013, using the World Bank assessment tool



associated with Recommendation 1 of FATF Recommendations, was significantly delayed. Accordingly, the time frame selected for the production of the Government's Legislative Agenda by end of first quarter 2016, was specifically geared to facilitate, amongst other things, firstly, the new Government's necessary review and approval of matters of policy with respect to primary and secondary legislation; secondly, consideration of operationalization issues related to legislative priorities; thirdly, the completion of the work of the National AML/CFT Committee, that is referred to as NAMLC, tasked with reviewing the Fourth Round Mutual Evaluation Report produced by CFATF, and with recommending legislative and efficiency prescriptions to address observed shortcomings in the FATF recommendation; fourthly, the completion of the Money Laundering and Criminal Terrorist Financing National Risk Assessment for Trinidad and Tobago for the period 2011 to 2013.

This was necessary as the aforementioned matters directly and very heavily impact on the most urgent legislative priorities that Trinidad and Tobago must be engaged in producing from both a local and international perspective. It is material to note, in this regard, that CFATF will, in its plenary to be held this year in June 2016, consider the extent of sanctions to be recommended against Trinidad and Tobago as a result of the requirements for enhanced follow-up which flow as a direct result of the international observation of the very material legislative and operational shortcomings in our country's AML/CFT framework.

It must be further noted, Madam Speaker, that CFATF sanctions may require more regular reporting than ordinary biennial reporting, with exact frequency to be determined by CFATF Plenary in June 2016. That plenary could also adopt other measures ranging from a letter being sent to CFATF Chairman, drawing attention to lack of compliance with FATF's standards, to suspension of membership in CFATF, to termination of membership, all with material consequences to the country's ratings, business, and economic well-being.

**1.45 p.m.**

This is not what we as a Government will want to occur, Madam Speaker, and I am supremely confident that the work that we have engaged in as a Government over the last seven months for our country, including our very active demonstration of our agenda and workings to all our local, regional and international partners, will be materially evident and will bring good result.

The production of a Legislative Agenda was always a deliverable for our country. The last Government knew this and knew of the international context in

*Legislative Agenda of the Gov't*  
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which it would be considered. Their failure to act on this for more than five years is entirely and completely inexplicable.

Madam Speaker, I am pleased to inform this honourable House that the Legislative Agenda 2015—2020 of the present Government of Trinidad and Tobago has been prepared and that I have the honour of today releasing it for publication by the Parliament. [*Desk thumping*]

The Legislative Agenda disaggregates proposed legislation into short, medium and long-term time frames for proposed Bills over the next 52 months. The rationale for publication is to allow the public into the workings of the Government and in particular the legislative review process which I now chair as Attorney General and Minister of Legal Affairs.

As our continued public forums in the Office of the Attorney General and Ministry of Legal Affairs demonstrate, we intend to facilitate a constant and dynamic conversation on the law and its efficiency so that the bedrock for reform is clear and present.

It is for this reason also that the Attorney General and Minister of Legal Affairs Office, in that capacity, I have radicalized the provision of information to this Parliament for the debates on legislation by circulating material utilized as sources for legislative drafting, circulation of track changes and marked-up versions of Bills and laws to be amended so that the impact of amendments can be seen in full and proper context.

This has also been extended to providing the Opposition with detailed identification of the changes to drafts of laws that they may have advanced whilst in Government, as against that which this Government advances as, for instance, seen in the Family and Children Division Bill.

The approach of this Government in tackling the scourge of crime and corruption and in promoting competence in our institutions is an open book, cards face-up philosophy. The process of the making of laws must always be transparent and specifically for the good of our nation.

Madam Speaker, I want the public to know that as time passes the Government may see it fit to review and even republish the Agenda as it is always and always will be under dynamic and constant review.

This is particularly so as the National Anti-Money Laundering Committee has yet to complete its final legislative recommendations arising out of CFATF's 4<sup>th</sup>

Round Mutual Evaluation of Trinidad and Tobago and the National Risk Assessment, and in all the circumstances we must properly reserve the right to make changes to our published Legislative Agenda.

Madam Speaker, I wish to offer my sincere thanks to the hard-working members of the various Ministries and agencies [*Desk thumping*] and in particular to the expertise of all the officers comprising the Chief Parliamentary Counsel Department [*Desk thumping*] without whom this country would be lost.

The Office of the Attorney General and the Ministry of Legal Affairs are open for consultation on the law. We have forged closer relationships with many agencies in this regard and invite all, including the Opposition, to participate in our vibrant democracy as the Government is wide awake on issues close to the hearts of the people of Trinidad and Tobago. And these documents will be put for public consumption via the Parliament of Trinidad and Tobago.

I thank you, Madam Speaker, for facilitating this. It will be available to the public at large, electronically on the website and by way of access through the Parliament. Thank you, Madam Speaker. [*Desk thumping*]

### **The “Panama Papers”**

**The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi):** Madam Speaker, I have been authorised by the Cabinet of Trinidad and Tobago to make the following statement on what is now commonly referred to in the international and local media and in the public domain as the “Panama Papers”.

Madam Speaker, according to the BBC News in an online article entitled “Panama Papers: Leaks spur global investigations” published on April 4<sup>th</sup> 2016, a total of 11 million documents held by the Panama-based law firm of Mossack Fonseca have been passed to the German newspaper *Sueddeutsche Zeitung*, which then shared with them and that material with the International Consortium of Investigative Journalists, 107 media organizations in 76 countries which have been analyzing the documents. The BBC informs that the identity of the source is at present unknown, but authorities across the world are being spurred into action after the huge leak of confidential documents revealed how tax havens are used to hide wealth.

The BBC further informs that the Panamanian company says that it has operated beyond reproach for 40 years and has never been charged with criminal wrongdoing.

*The “Panama Papers”*  
[HON. F. AL-RAWI]

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Since the first revelations internationally, Madam Speaker, a number of investigations have been launched, as the public is well aware, by French authorities, Austrian, Dutch and Australian authorities, among others. In fact, the Prime Minister of Iceland has resigned.

Coming closer to home, Madam Speaker, the *Trinidad Express* newspaper in an article by Camini Marajh, Head Investigative Desk entitled ‘Exclusive investigation: Ken Emrith linked to Brazil bribery scandal’, published on the April 4, 2016 stated that:

1. The Panama Papers reveals that Mr. “Ken Emrith, business consultant”—described as—“a former low-level party functionary of the United National Congress...”—allegedly—“used a Panamanian shell corporation to channel millions of US dollars to offshore bank accounts, including a US \$1 million consultancy fee from a convicted money launderer connected to the Petrobras bribery scandal in Brazil...”
2. “The leaked files provide valuable clues to”—Mr.—“Emrith’s business dealings through a Panamanian-registered shell vehicle named Pendrey Associates Corporation and his US multimillion-dollar connection to Brazilian construction giant, Construtora OAS, which was contracted by the “People’s Partnership administration in July 2011 to build a contentious and yet-to-be-finished US billion-dollar highway extension to Point Fortin.”
3. The—“Pendrey’s transaction trail details a complex web of shell corporations across borders, US multimillion-dollar payments routed through the international financial system and a cast of convicted OAS construction executives and money launderers connected to Brazil’s largest-ever corruption scandal, which has battered the nation’s president, Dilma Rousseff, and threaten to ensnare another former president, Luiz Inácio Lula da Silva, on suspicion of kickbacks related to a beachfront property.”
4. “The MF files expose the connection between Emrith’s Panamanian offshore Pendrey Associates and key figures connected to the Petrobras bribery scandal, namely Joao Procopio, who was convicted of financial crimes, and Jose Luiz Pires, from the investment firm Queluz which had direct financial dealings with Swiss PKB Privatbank AG. Pires is”—of course, known as a—“subject of a police probe.”

And after that, Madam Speaker, Mr. Ken Emrith noted as a high-ranking candidate for the executive of the United National Congress in their recently held internal elections 2015.

He was employed, in fact, as information has it now, by NIDCO as a marketing consultant from November 18, 2010. I repeat he was employed at the state company NIDCO as a marketing consultant from November 18, 2010 for a term of 12 months at a monthly salary of \$35,000 and he resigned from NIDCO on August 2, 2011.

On March 4, 2011, the former Government, through NIDCO, awarded a design-build contract to the same Brazilian firm Construtora OAS SA for the lump sum of approximately TT \$5.2 billion, or \$1.6 billion more than the engineer's estimate. The estimated cost to complete that highway is now in the range in excess of TT \$8 billion, it being only 49 per cent complete.

Madam Speaker, investigations reveal that Mr Emrith is listed as a Director of Pembury Consultants (Trinidad and Tobago) Limited. This company was employed by OAS as a 'Consultant' on NIDCO's highway project for a monthly payment of \$44,800. Payments to Pembury from OAS appear and seem to have started at the time when Mr. Ken Emrith was still employed at NIDCO.

From the findings at hand, OAS paid Pembury at least \$896,000 up to May 2013. Subsequent payments have not yet been traced, but are ongoing. Mr. Ken Emrith is also a Director of the following companies: Areyma General Contractors Limited, and Duncan Transport Limited. NIDCO gave drainage works contracts to those two above-listed companies. Following are some of the examples of contracts given:

Company	Contract	Date	Amount
Areyma	Improvement of Hin Kin Road, Drain & footpath	Aug. 2013	\$1,658,423.44
	Drainage along Nurse Street, Cap-De-Ville	Sep. 2015	\$1,155,008.25
Duncan Transport	Construction of mechanically stabilized earthen retaining wall - Rousillac	July 2015	\$3,369,156.73

Madam Speaker, all of this in the mix and in context now, as Attorney General of Trinidad and Tobago I remind that I am under statute, the Central Authority with responsibility for mutual legal assistance to States who have

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treaties with Trinidad and Tobago. And as Attorney General I chair the National Anti-Money Laundering Inter Ministerial Committee.

Trinidad and Tobago as you are aware, Madam Speaker, holds the position of the Chairman of the Caribbean Financial Action Task Force, an organization of 27 states of the Caribbean Basin, which have agreed to implement common countermeasures to address problems of money laundering and the financing of terrorism and to take all necessary steps to ensure the integrity of domestic and international financial systems.

In November 2015, at the Plenary of the CFATF held in Trinidad and Tobago I specifically informed that anti-money laundering, anti-corruption and counterterrorist financing would be priority issues for action by this Government. I informed then that the focus would not only include legislative amendments but that it would also include operational efforts aimed at increasing the efficiency of detection and conviction for AML/CTF in Trinidad and Tobago.

I am pleased to inform that the commitments given in November 2015 to CFATF are well in tow and that the local issues arising out of the “Panama Papers” are receiving active attention with particular focus on enabling the efforts of requisite lawful investigative and prosecutorial agencies in and outside of Trinidad and Tobago. I thank you, Madam Speaker. [*Desk thumping*]

**2.00 p.m.**

**STRATEGIC SERVICES AGENCY (AMDT.) BILL, 2016**

[Third Day]

*Order read for resuming adjourned debate on question* [March 18, 2016]:

That the Bill be now read a second time.

*Question again proposed.*

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, Madam Speaker, [*Desk thumping*] for allowing me the opportunity to contribute on the Strategic Services Agency (Amdt.) Bill, 2016.

Madam Speaker, Trinidad and Tobago, for better or for worse, has inherited from our colonial masters an adversarial system of politics in the Parliament, the Judiciary, as opposed to, let us say, a country like France, where the judicial system is much less adversarial. Our Parliament is an adversarial system. But, having said that, very often in the past five years the then Opposition joined with the then Government in passing serious legislation, whether regarding a simple

majority or a constitutional majority, even though we have this adversarial system of politics. Some of the Bills we would have assisted the then Government with are: the Anti-Gang Bill, 2010; Anti-Terrorism (Amdt.) Bill, 2011; the Bail (Amdt.) Bill, 2010; Firearms (Amdt.) Bill, 2010; Interception of Communications (Amdt.) Bill, 2010; the Miscellaneous Provisions (Bail and Kidnapping) Bill, 2011; and the Trafficking in Persons Bill, 2011, in addition to others.

However, that does not mean we agreed with every position that the then Government took on the issue of crime. Two Bills which we did not support, and for good reason, were the Constitution (Amdt.) (Capital Offences) Bill of 2011; and, what is famously known in the public domain as the Soldier-Police Bill, and I would come to that later on. The point of saying this, Madam Speaker, in laying the groundwork of my contribution, regardless of whether we have different points of view, and regardless of this adversarial nature of the Parliament, we in Opposition from 2010 to 2015 aided the Government in passing serious legislation to deal with crime when we deemed it fit.

Madam Speaker, I want to refer to a document called *Policing and Society*, Vol. 20 No. 4 of December 2010 by Maguire, King, Johnson and Katz, and the name of the report is this: "Why homicide clearance rates decrease: evidence from the Caribbean". It speaks about certain factors which a society needs to tackle serious crime, especially homicide; it speaks about environmental factors; it speaks about organizational factors. And, Madam Speaker, one of the organizational factors which the last administration ignored and berated the previous administration for, was the non-appointment of a substantive and permanent Commissioner of Police.

When they came into office they gave every Commissioner of Police contracts. Whether it was the Canadians, or the Trinidadians, and the point of this, if it is you want to lead a police organization to tackle serious crime, one of the organizational factors as laid out in that report speaks to the appointment, in my view, of a substantive Commissioner of Police. And when this Government tried to do that via a Bill piloted here, we heard about political interference. But, the Bill was simply to give the Minister of National Security the ability to pull the trigger to activate the process in a non-political way to appoint a Commissioner of Police. And for that, the Attorney General, in bringing that Order here should be congratulated, and the Minister of National Security. [*Desk thumping*]

**Mrs. Persad-Bissessar SC:** Madam Speaker, Standing Order 48(1). This is the SSA Bill.

**Madam Speaker:** Hon. Member for St. Joseph, I appreciate you may be laying a context, but I would ask you to please, please quickly get to the meat of the matter.

**Hon. T. Deyalsingh:** Thank you, Madam Speaker. Let me just be pellucidly clear for those who cannot understand, who cannot hear, or will not hear, we are debating the Strategic Services Agency (Amdt.) Bill, which has to do with serious crime, and everything I have laid forward, Madam Speaker, is to deal with serious crime, including homicide. [*Desk thumping*]

We talk about we must have public cooperation, prosecutorial and judicial decision-making, forensic capacity, and now I come to the seventh factor, the legislative agenda. So, I was just laying the groundwork. And, in coming to the legislative measures, which we are here about today, I must, again, congratulate the hon. Attorney General for coming to the Parliament, keeping a solemn oath and a solemn promise, for the first time in six years, to lay a legislative agenda. [*Desk thumping*]

So, Madam Speaker, why are we here with this Strategic Services Agency (Amdt.) Bill? It seeks to amend the remit of the Strategic Services Agency. And, how and why is this Bill seeking to expand that remit? By expanding and broadening the law enforcement coordination and intelligence functions, and that is what we need, intelligence; by broadening the scope and functions of the Strategic Services Agency itself, and by expanding the definitions of serious crime in clause 3.

Madam Speaker, I want us to pay particular attention to the word I am using very often, “intelligence”. Because we have gone past the day where we must have a physical presence, a police on every corner to do policing. We have gone past that, as my contribution would show in a very short while. We have to be able to gather information, take that information and convert it into intelligence, and hopefully that intelligence will lead to useable evidence in a court of law so that you can get what we call a successful conviction. And that is one of the key foundational elements of what we are trying to do by expanding the remit of the Strategic Services Agency: intelligence, information, eventually leading to successful prosecution for serious crimes.

Madam Speaker, let us look at what has not worked in the past, because we are bringing a measure here to say, we think, in this administration, this is going to work. But let us understand where we came from and what has not worked. The Opposition in their contributions were concerned about the appointment of the director, and the impartial observer, Madam Speaker—I put it to you, following



our politics from 2010 to 2015—will also be concerned in that period about how appointments were made. It is not here, the time and place to go over names of appointments which were made between 2010 and 2015, which is now giving the Opposition some discomfort.

**Mr. Indarsingh:** Give that fella page 4 of the *Express*.

**Hon. T. Deyalsingh:** Sorry?

**Madam Speaker:** Hon. Member for Couva South, there is a particular way to make an interruption. If not, could you kindly please observe the rule with respect to Members who are not speaking. Thank you.

**Hon. T. Deyalsingh:** Thank you, Madam Speaker. The period 2010 to 2015 will go down in history in the Commonwealth as the most grotesque period of public administration when it comes to appointing people.

And the Opposition now has a reason to be scared. But, in successful administrations do we think this will happen again whether it is an NAR Government or a UNC Government? Even the UNC under Mr. Basdeo Panday never went the way that our friends opposite went. Never! So, we are not going to go down that path of a grotesque period of public administration to appoint someone to the SSA which is not in keeping with the values and norms of the People's National Movement, or what the society at large expects from an ethical Government.

What has not worked again, because this SSA Bill talks about serious crime, including homicide—Madam Speaker, I want to turn to page 29, if you let me, please, talking about “Innovation for Lasting Prosperity, the Medium-Term Policy Framework 2011 to 2014”, of the last administration, because we have to understand that if we are to tackle serious crime, including homicides, we have to know what did not work. In the chapter on page 29—this is the last administration's policy position, because our friends opposite, during the debate, and I have to remind them in case they come up with a Standing Order, they spoke about homicide detection rates. So, I am responding to what they said two and three weeks ago.

These are the targets for homicide detection rates which the last administration published for all to see:

- Reduce the number of gangs in operation.
- Increase crime solvency rate.

*Strategic Services Agency (Amdt.) Bill*  
[HON. T. DEYALSINGH]

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- Increase homicide detection rates—  
—and these are the targets that they put forward to the population.
- Increase homicide detection rates to 15 per cent in 2011/2012.

They wanted to then increase it to 20 per cent in 2012/2013; increase it to 25 per cent, 2013/2014; and then increasing it to 80 per cent detection rate by the end of their term in office. Do you know what detection rate they left us with here? According to an article in the *Newsday* of Thursday, April 7<sup>th</sup>, the detection rate was 17.8 per cent between August 2014 and March 2015, but for the same months, up to late 2015, was as low as 8.6 per cent.

**Mr. Charles:** And it was 8 per cent after kidnapping.

**Hon. T. Deyalsingh:** Yes. Yes.

**Madam Speaker:** Member for Naparima.

**Hon. T. Deyalsingh:** This is where we have gone. Simply publishing in a nice, glossy document that you wanted a homicide detection rate of 80 per cent does not make it happen. What will make it happen is intelligence and information gathering, and that is what this SSA (Amdt.) Bill is seeking to do. No wishful thinking published in this document will make it happen. It will make it happen by political will, and by an Attorney General who understands how to bring legislation to this office. [*Desk thumping*]

What will not work again, Madam Speaker? I spoke earlier about the Bills we supported on crime, and I spoke specifically about two pieces of legislation which we did not support on crime. And, again, just for those who were not here, they mentioned these in their contributions two and three weeks ago. The Police/Soldier Bill, which was mentioned, when that came to the House, and came to the population at large, we on this side—[*Interruption*] Sorry, you want to raise a Standing Order?—took the position we will not support that Bill as a crime-fighting measure to tackle serious crime which is the objective of this Bill. It took an Independent Senator to lay bare the falsities of the then Attorney General speaking about the use of that method in Jamaica, and it took then Sen. Al-Rawi, in Opposition, now Attorney General, to lay bare the falsities of the then Attorney General claiming that similar measures were working in Grenada. These things do not work.

So, what is going to work? The Opposition raises the issue in their contributions about what is serious crime. So I want to just give them something to look at as far as serious crime is concerned. The definition of “serious crime”,

and this is taken from the UN Convention against Transnational Organized Crime. Serious crime is defined in Article 2, subparagraph (b) of the Organized Crime Convention as meaning:

“conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;”

So, this answers some of the questions as to the Opposition, what they were raising as to what was serious crime. Serious crime also talks about mutual assistance, and the AG spoke about that just now, when he was laying down his legislative agenda. Serious crime in this SSA (Amdt.) speaks to things like organized crime. And it speaks to the mutual assistance under the Central Authority, under the Office of the Attorney General; it speaks to extradition, and that the person who is subject to a request for extradition, whether they are located in a territory or not, how you go about it. And this again refers me and should refer the population to that grotesque period of administration between 2010 and 2015, when we could not tackle serious and organized crime when it comes to extradition.

### **2.15 p.m.**

Madam Speaker, to further add and to comfort the Opposition as to what is serious crime, because many speakers raised the issue of what is serious crime. The Sir Authur Lewis Institute of Social and Economic Studies, *Serious Crime in Trinidad and Tobago: An Empirical Analysis using Time-Series Data between 1970 and 2007*. And how do they term serious crime?

“...serious crime (...all crimes carrying a penalty of five or more years’ imprisonment for which proceedings have been instituted in the High Court) in Trinidad and Tobago.”

So we have a good idea of what serious crime is. But what are the approaches to serious crime that we must have to complement and work with this Strategic Services Agency (Amdt.) Bill, 2016 we have before us?

I have often said in the Parliament, in Opposition, that you cannot pass laws for everything. And that is a truism. We must as a society have a basic respect for law and order. And let us admit it, Madam Speaker, we do not. That is not the UNC’s fault, not a PNM fault, not an NAR fault, not a UNC fault under Mr. Panday. It is a societal and global problem that we have, where we do not have this basic respect for law and order. We also in Trinidad suffer from having low faith in our law-enforcement agencies and this Bill seeks to give law enforcement agencies the intelligence gathering, intelligence coordinating capabilities to fight crime.

Madam Speaker, one of the most important ingredients in this fight against crime, and I will say it over and over, and I think whether we are adversaries across this space here, three sword lengths apart, because I think Parliament was constructed in the early days when people had swords and came to Parliament, we must be three sword lengths apart.

**Mrs. Persad-Bissessar SC:** We have to be tea cup lengths apart too.

**Hon. T. Deyalsingh:** Tea cup, yeah. [*Laughter*] Madam Speaker, I think all 41 of us could agree that until and unless we reach to a place where we have better parenting, no set of laws are going to work. But as a legislature our responsibility is to bring legislation. We must go back to a time and a place where there was respect for law and order, respect for parents, respect for teachers, respect for priests, respect for imams, respect for pundits, respect for your aunty; we must go back to those days. You must have respect for your opinion leaders. Because now we have moved from an era where children have no respect for law and order, to antisocial behaviour taking over many facets of national life.

We have now moved to the “I” generation where everybody has an iPhone, iPad, “ah ‘i’ this, ah ‘i’ that”, and they do not know what the word “we” is again. Serious societal problem that we have. And what we are now facing, which this Bill seeks to do, is to get a grip on the use of technology in committing serious crime as redefined in this Bill, because technology has now become a crime enabler. The computers, the smartphones, the iPads, the tablets, the Internet, it exploits the vulnerability of traditional crime-fighting methods which is the physical presence on streets.

We saw recently, in an attempt to tackle serious crime, the Federal Government of the United States had a titanic battle with one of the largest corporations, Apple, to force Apple to decrypt one of their phones. At the end of the day Apple held on to its constitutional position, but it forced the Government to become a hacker, and that is where we are going. And this Bill seeks to introduce the conversation as we move forward on cybercrime, because cybercrime—and this Bill speaks to cybercrime, this Bill, Madam Speaker. If we do not get a handle on cybercrime it leads to loss of business confidence and we need that now. It facilitates child and human trafficking and we know we have a problem in Trinidad with human trafficking. And cybercrime, as this Bill seeks to address, is completely borderless, completely and totally borderless.

So it places particular challenges on your intelligence-gathering security apparatus, like the SSA, like the police and that is why I want to recommend this Bill to all and sundry. It will help us with money laundering and the FIU and I

pose the question to all of us here, let us be honest, how successful has the Financial Intelligence Unit been? When you read the reports of the FIU, all you hear is these astronomical figures about the number of suspicious transactions, but has anyone been prosecuted? The answer is, no.

So we have the legislation, we have the person, we have the body, we have complied with FATF and CFATF as far as we can, in bringing FIU legislation, but at the end of the day, has it had an impact on money laundering? Has one person been brought before the courts—and it is an inglorious, no—which speaks to the need now for a coordinated approach to data collection and intelligence gathering which is what this Bill seeks to do. Because as I always say again, you cannot put a policeman by every computer, you cannot put a policeman by every iPhone, you cannot have the cybercrime unit all the way, everywhere all the time. So this Bill is critical not only to the solvency rates of things like murders, serious crime, kidnapping, stealing of “wetman” car, which is a term I never knew existed, because you have to gather the data on the “wetman” car if you are going to target it, not being a “wetman” myself.

**Mr. Indarsingh:** What car you drive?

**Hon. Member:** You sure about that?

**Hon. T. Deyalsingh:** Positive, positive. I drive an X-Trail and a Honda Accord. [*Crosstalk*] So, Madam Speaker—

**Madam Speaker:** Members, Members.

**Hon. T. Deyalsingh:** And they both use super gas. So, Madam Speaker, this Bill is about focused intelligence gathering, its coordination and the role of a central depository. And for that I want to recommend to all, to read clause 3 of the Bill. And clause 3—section 6, sorry:

“The main functions of the Agency are to—”

And the reason why I am going through section 6 in detail is that during the debate it is being put forward that we are creating this army to go after people. Not so. This Bill seeks to:

“6 (1) (a) act as an office for centralising information that could facilitate...”—what?—“detection and prevention...”—and—“for co-ordinating operations...”

And that is why I say we need this Bill if we are to tackle the abysmally low homicide detection rates. We need this.

“6 (1) (b) develop strategic intelligence...”

The police service of today has to be intelligence driven, data driven.

“advise on policy formation...”—6(1)(d).

The reason I am going through section 6 in detail, Madam Speaker, is that during the debate—because you see the disadvantage we have about debating this two and three weeks after, is that we probably forgot what issues were raised by the Opposition. This is not about a private army. This is not about necessary spying on everyone. It is about gathering intelligence to protect society. It is about disseminating information. When we go to proposed section 6(1), again, Madam Speaker, it talks about to:

“establish channels of communication with the Services and corresponding Services of other countries...”

Madam Speaker, I want to pause there for a while and fully explore this. To:

“establish channels of communication with the Services and corresponding Services of other countries...”

Madam Speaker, if we are to tackle serious crime, organized crime, we must learn from lessons of the past of other countries and our own. One of the main criticism coming out of 9/11 when New York was attacked, was that the different agencies: the FBI, the SIA were not sharing information. They were operating in silos.

**Hon. Member:** CIA.

**Hon. T. Deyalsingh:** CIA and the FBI. Sorry. And you are right, Member for Siparia, major agencies were not communicating, siloing of information. Let us fast forward to 2016 and look at the recent interventions in Belgium. What has come out there is not only the non-sharing of information, but Belgium has a particular peculiarity where the population speaks about six different languages. You have French, Dutch, German, Walloon which is a local variant of French, and Flemish. So you have not only agencies not speaking to each other, but literally do not have the same people in Belgium speaking the same language.

But what about Trinidad and Tobago? If we are to tackle serious crime again, we have to understand that what happened in 1990 in Trinidad was partially as a result of our agencies not speaking to each other. And, Madam Speaker, if you would allow me, I want to refer to the report of the Commission of Enquiry into

the events of July 27, 1990, Volume II, March 2014. And with your permission, I want to recommend to the population at large that on page 781 if you allow me to quote for the *Hansard*:

“It requires no inexorable logic to conclude that the very fact that an attempted coup d’état took place in Port of Spain on 27 July, 1990, was clear evidence per se that there must necessarily have been deficiencies in the national security arrangements in Trinidad and Tobago.”

It goes on to say:

“There were at least four agencies which gathered information and Intelligence...”

And, Madam Speaker, what this Bill seeks to do, in section 6 as I alluded to earlier, was to be a central repository for all the intelligence-gathering agencies to deposit information. So I go on:

“There were at least four agencies which gathered information and Intelligence, each performing at different levels of efficiency and, apparently”—and this is what is scary—“and, apparently, independently.”

So some were efficient, some were inefficient, but some were organizing themselves independently of each other.

“The National Security Council was that body to which the four agencies reported their processed information and any action that might have been taken.”

Madam Speaker, when one reads page 781 of that report it is a frightening indictment of the four agencies at that time. Whether these things happen today, I have no idea, but what I know is that if we are to tackle serious crime and prevent the siloing of information as occurred in 9/11 with the FBI and the CIA, which maybe happened in Belgium and which happened here in 1990, I recommend this Strategic Services Agency (Amdt.) Bill, 2016. Clause 4 to me, in my layman terms, is the most crucial part of this Bill.

Madam Speaker, as I come to a close, because I do not intend to detain this House too long, I want to recommend that even though we have this as I started off with this adversarial style of politics, I do not see anything in these amendments, I see nothing in this Bill that deserves the term, a Molotov cocktail. I really do not. I really, really do not.

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If it is the Opposition has objective proposals to make, make them. But the same way we joined hands with the then Government between 2010 and 2011 to pass serious bits of legislation that required not only a simple majority but constitutional majorities, this is what this system of politics can bring to us. We helped you with almost all of your anti-crime measures and today I want to ask those opposite to be responsible, do the correct thing and support the Strategic Services Agency (Amdt.) Bill, 2016 so that once and for all, we can give our intelligence gathering apparatus the framework and the background to collect information, turn it into intelligence so that we can go to the court with evidence which will lead to what we all want, successful prosecution. Madam Speaker, I thank you very much. [*Desk thumping*]

**2.30 p.m.**

**Madam Speaker:** Member for Oropouche East. [*Desk thumping*]

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Madam Speaker, for the opportunity to join this debate on possibly one of the most critical pieces of amendment that this Government will ever bring to the Parliament. And notwithstanding a few minutes ago the Attorney General beat his chest and announced that he had sent a letter to the Clerk with a legislative agenda, regrettably, I have not seen the legislative agenda yet. [*Desk thumping*] I am very thankful to receive his speech, but we have not seen the legislative agenda, so we do not know what is the first issue, what is priority one, priority five, priority 10. We have checked the website as well and as of this minute, I think we have not received the legislative agenda. So we welcome the speech but we would also like to see the legislative agenda eventually. [*Desk thumping*] That is important, Madam Speaker, because I could have positioned my opening statement in the context of their legislative agenda, what they intend to do to deal with crime, national security and so on, but as of this moment we do not know.

Madam Speaker, I want to begin with a quotation before getting into the Bill, a very short quotation. A friend of mine sent this to me and I wanted to begin by reading it:

Spiritual terror is a Nazi concept which translates into the releasing of a veritable barrage of lies and slanders with surgical precision aimed at weakening and destroying one's enemies. It is the promotion of lies as a weapon of political warfare and strategy against one's opponents. The Nazi, under Hitler, refined this into their campaign to take power as well as to retain power in Germany.



I am advocating, Madam Speaker, that this Government has embraced this strategy previously when they were in Opposition and now in Government, and this is a highly dangerous approach that must be exposed. Madam Speaker, regrettably—

**Mr. Al-Rawi:** Standing Order 48(4), Madam Speaker.

**Dr. Roodal Moonilal** (*Oropouche East*): “Buh I eh even complete my entire run-up yet.” [*Interruption*]

**Madam Speaker:** Hon. Member—may we have some silence, please. [*Interruption*] Members, please, I am on my legs. Hon. Member for Oropouche East, I would ask you to be guarded in your statements. There is a very clear innuendo with respect to your opening comment and the following comment you made after that. So, please, be at least parliamentary.

**Dr. R. Moonilal:** Madam Speaker, I am guarded. Let me get quickly—regrettably, I do not have much to say about the Member for St. Joseph’s contribution. We heard about Apple, about technology, about cyber. Somehow this Bill seeks to introduce a conversation on cybercrime. That, to me, jumped from the sky. I was not sure about that, but I want to get quickly to the Bill before us.

Madam Speaker, when I had the opportunity to read this, I came to a certain conclusion quickly. This is a very, very dangerous piece of legislation. [*Desk thumping*] This, if passed in its present form, allows any government and any Minister of National Security to immediately take over the role of an independent, constitutionally protected Trinidad and Tobago Police Service, [*Desk thumping*] undermines the role of the Police Service Commission as well. It is a dangerous piece of legislation and I do not know what could be more dangerous than this piece of legislation.

I am not sure my friend from St. Joseph really—because there was little reference to the Bill—understood the issues at stake. I want to begin by saying the Member for Point Fortin, the Member for D’Abadie/O’Meara, both with military speak, gave us laudable objectives. No one can complain about the objectives that the Government is outlining here. Yes, there is need to integrate and synthesize intelligence gathering, share intelligence gathering for the protection of the society to prevent harm and so on—absolutely no doubt about this—but you will not do it by this amendment Bill. This amendment Bill cannot do that. What you are doing, in effect—and we will get into the detail in a little while—is simply saying we have no confidence in the Trinidad and Tobago Police Service. [*Desk*

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*thumping*] We have no confidence. They have failed, and if they have failed and you do not have confidence, then stand up and say so. The Government must come out and say, “We have no confidence in the Trinidad and Tobago Police Service. The SSA is now our agency of choice to undertake what has been police work.”

And that is the issue here. When I was reading this, Madam Speaker, it was fascinating. I read the amendment Bill on one side and I held the Strategic Services Agency on the next side, and it became predictable. Every time you read the amendment Bill—because the amendment Bill, you cannot simply read it by itself because every line is referenced to something else. All you had to do is every time you see “drug trafficking”, scratch it off, mark it off, and put “serious crime”. Anytime you see “persons involved in narcotics” take it out and put “persons involved in serious crime”.

They have just “serious crime” the Bill. All they have done is a piece of legislation—and the Attorney General, when he introduced this Bill, made the point. I do not want to go into the *Hansard* now and just repeat everything. This Strategic Services Agency Act came out of an international imperative rooted in the United Nations and in conventions that we ascribe to, where Trinidad and Tobago, by 1995, came to put into law an agency to promote the objectives for which we subscribe to at the international level, and we placed there, an agency to deal with drugs, narcotics, trafficking, related matters. They never ever contemplated expanding the ambit of the SSA. That was not there. That was just to deal with—it was legislation pursuant to our international commitments to deal with drug trafficking and narcotics. Today, what they have done is probably one of the laziest piece of work ever in life. [*Desk thumping*] They have just scratched out “drug trafficking” and put “serious crime”, as if you could do that. You cannot do it that way.

Member for Point Fortin, if you wanted to create a mega spy agency, a national “maco”, a CIA, an FBI, then come to Parliament and create an authority in law that can do that. [*Desk thumping*] And the Member for Point Fortin gave reference. He said the US has the FBI, it has the CIA. Britain has MI6. Regrettably you made a reference to Israel, to, what is it, Shin Bet? Referencing Shin Bet, Madam Speaker, when I look to google that agency, part of their mandate is information-gathering, interrogation and methods of torture.

**Hon. Member:** What?

**Dr. R. Moonilal:** Now, clearly the Member for Point Fortin cannot be suggesting that he will take responsibility for methods of torture. I mean, there are some people, if they speak, they torture you enough.

**Hon. Member:** La Horquetta/Talparo.

**Dr. R. Moonilal:** But the point I am making is, it is ill-conceived to believe that an institution set up in 1995 for the express role of dealing with drug trafficking, can be morphed by just scratching off “drug trafficking” and putting “serious crime”, and that institution can do it. [*Desk thumping*]

And there are several issues. Many have been raised by the Members for Siparia, Chaguanas West and Mayaro; just to recap quickly some of those. When they introduced, by 1995, this Bill for the Strategic Services Agency, because it dealt with only one restrictive, narrow area of drug trafficking, there was a procedure to appoint a director. The director is appointed, unless I am mistaken, by Cabinet, which effectively is the Executive. The director is not appointed like the Commissioner of Police, through consultation, coming to Parliament, approving the commissioner, debating the commissioner. The director is appointed by the Executive.

So the director, appointed by the Executive, who is then in some way responsible for his appointment there, becomes this director who, today, will have responsibility as an authorized officer on every aspect—intelligence gathering of every aspect of serious crimes. And you all know the list already: kidnapping, homicide, corruption and what have you.

**Mrs. Persad-Bissessar SC:** Sedition.

**Dr. R. Moonilal:** Sedition. And now, today, this director and deputy director, they run a civilian organization that is doing intelligence gathering on all serious crimes, and part of their mandate—which I will come to now: to keep a database on persons involved in serious crime. The police estimate that there are over 1,000 persons in this country who are—if we can agree what “involved” means—“who are involved in serious crime”.

You are telling me three people appointed by Cabinet now will keep a database on 1,000-plus citizens involved in serious crime? According to the law as exists now, the director can do nothing without consulting the Minister of National Security. That is not being amended today. That is not being amended today. That part they left. So this director who is in charge of a civilian

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organization, is today accountable—cannot move without consulting the Minister of National Security and he or she is now in charge of spying on the whole population. They can—unlike the police.

You know why—the police was given this by 1995—this happened? And there is a logic to this. The police operate with a certain constitutional independence. The Commissioner of Police is not answerable to the Minister of National Security. They conduct their business based on what they call reasonable suspicion and so on. And the Commissioner of Police is under no obligation in the law to report to the Minister of National Security. So he does his job. But the director of the Strategic Services Agency has to consult the Minister of National Security. And my friend from Point Fortin, by Minister of National Security—I am not saying you, necessarily. And you know that. I mean, we know each other. You know that.

**Mrs. Persad-Bissessar SC:** There are three of them.

**Dr. R. Moonilal:** There are three Ministers there? All right.

**Hon. Member:** Toco/Sangre Grande.

**Dr. R. Moonilal:** Port of Spain North, you there too? Because I know the Member for Port of Spain North/St. Ann's West is a junior, junior. I do not know if he is there as well.

Madam Speaker, the point I am making is that in this set-up they are not amending how the director is appointed. So a director takes his instructions, consultations, from the Minister and is now, according to this amendment, responsible for all serious crime intelligence gathering. I have heard all the speakers, including the Member for St. Joseph. They say the problem is what? Siloing. You know, when the Attorney General speak, one thing, eh, he has good management talk. It is just a certain verbosity. So when I read his contribution—I was not here on the day—I heard about “inter-articulating laws” and “siloing” and “the UNC birthed this formula” and so on. All that is good. But the point we are making is that the law of '95 did not contemplate this expanded range. That is why, even though there were protests—director appointed by Cabinet—today you have usurped the power and authority of the Police Service Commission and the police service.

So pray tell, if today, God forbid, this legislation is passed, what is the police service doing next week? Their functions gone. Because the SSA is now in charge of intelligence gathering, coordination, database management of everyone

involved in serious crime. You have just undermined the police service. The method of the appointment of director speaks to that director being answerable to a Minister of National Security. That is not changing today. The CIA director, while appointed by the President, they go for confirmation hearing before Congress. And, Madam Speaker, let me get to the matter one time.

In the initial Strategic Services Agency Act, we are told how the director is appointed, and directors. We are not told how they are terminated. If you are going to give such expansive powers to an SSA director and directors, assistant directors, you should provide for their termination as well, in law. [*Desk thumping*] Because if you do not do that, you will get a letter—which I am going to read into the record now. And as I say, I mean no disrespect at all to any Cabinet Minister. You will get a letter like the one I have in my hand here, which was addressed—dated December 14, 2015, addressed to a former employee of the SSA. I will not call the employee’s name. The letter states:

This letter represents formal notice that your employment as.....(the position)....is terminated effective immediately. The decision to terminate is based on the following grounds:

This is December 14, 2015, eh. Hear the grounds:

Loss of confidence and trust by the hon. Minister of National Security in your ability to perform your duties and to represent the SSA.

**2.45 p.m.**

How the Minister reached there? The Minister now arrive on the compound, “How you lose confidence already? How you lose confidence in a top ranking officer already?” In three months, “you lose such confidence, you fire him” and it is signed by an interesting name: Matthew Andrews, Director, SSA. But I saw this name, Matthew Andrews before me now in a newspaper clipping today, dated April 15, 2015, *Express*, page 4:

“Axed SSA directors threaten...” lawsuit

And one of these persons who are fired by the name of Dennie—and it is not Dele Alli from Tottenham Hotspur. [*Laughter*] Dennie says, and it is in the legal documents here quoted in the papers:

I was informed by Mr. Andrews...

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He informed the person and I quote—Madam Speaker, I am only quoting here. He said to me:

“...‘there were too many Indians in the agency and that he felt the minister wanted to get rid of some of them’.”

He asked...if...”—I—“could assist in that process of identifying ‘the weak ones who would not put up a fight but go quietly’.”

Dennie is reporting that Mr. Andrews came to him and said, would you help me to get rid of the Indians in the SSA? Now this is scandalous, alarming to say the least. [*Desk thumping*] The response of the Attorney General, Al-Rawi on the same page:

“No Cabinet directive to fire based on race”

Well, thank God for that. Could you imagine if he had a directive? But this is where the SSA reach because of the law that is in place today, axed SSA directors and a termination notice: loss of confidence and trust by the hon. Minister. Which agency in this country fires someone and says the Minister lost confidence in you? Now, this man probably never met the Minister in his life. It should not happen this way and today you want to empower the SSA to spy on everyone on any serious crime and the Minister. [*Desk thumping*] So, hypothetically—and the Member for Siparia spoke at length, I do not want to repeat this—there are no accountability measures in this amendment Bill and because there are no accountability measures, there is no transparency and no guarantee to protect the rights of citizens, to protect the rights of MPs. [*Desk thumping*]

Suppose a Minister goes to the director and says, “Listen, we understand a Cabinet Minister involved in some hanky-panky here and there. We understand that he doing this or he undermining the Prime Minister, doing A, B and C, put ah tap on the phone and just get some information for us.” [*Interruption*] Something happened in Sumadh Gardens last week? Let us say the Sumadh Gardens discussions and you tell the director, “Director, Sumadh Gardens, last week, check the phone records of three Ministers attended the meeting. We understand that they met there.” The director feels now, if he cannot and will not do that, he will get a letter: you are terminated, the Minister has lost confidence and trust in you. That is the agency. And I want to tell you, this is not PNM, UNC, ABC, XYZ. You cannot put a law in place—[*Continuous interruption*]

**Madam Speaker:** I would like to hear the contribution of the hon. Member for Oropouche East, please. Continue, Member.

**Dr. R. Moonilal:** Thank you very much. Madam Speaker, you cannot put in law this Bill that gives the power to a Minister, a member of the Executive, who, in return, takes instructions from a Prime Minister, that this Minister has to be the one in charge of a civilian organization that is a national spy on every single aspect of serious crime. That cannot be done; it is wrong. You are under the directions of the Minister. The director is subject to the directions of the Minister. May I repeat that. This is in the initial law. So when they took this, all they did—you know there was a famous chutney singer—the Member for Couva South would know—Rasika Dindial and she sang about the Lazy Man. “This is ah lazy man approach, yuh doh want to wuk. [*Desk thumping*] Yuh want to sit down in ah hammock and rock. They doh want to wuk.” They took this and just scratch off “drug trafficking” and put “serious crime” and expect that this will work.

All their talk about coordination intelligence—and I agree with that. You must coordinate intelligence. All this talk about coordination, this will not happen because nothing in the amendment Bill requires the defence force, the customs, the immigration and other agencies that collect information. Nothing requires you to meet, to collaborate, to sensitize intelligence, no. That happens, the way it is structured now, under the National Security Council. It happens under a National Security Council which has representation from all the arms in law enforcement. Nothing in this Bill if, God forbid, it is passed, will suggest that there will be sharing of intelligence.

This Bill is really to empower one agency to go spy on everybody who they believe involve [*Desk thumping*] and they do not need reasonable grounds, they do not. They can get a call from a politician: “Check out something for me”. We understand in a Ministry there, a particular Member of Parliament has 10 companies now that are doing sub-contracting work in an agency of Government. We want to check on that. Let us check on that. [*Interruption*] The loquacious Attorney General can check on that. [*Laughter*] Ralph Maraj say, “if loquaciousness could ah solve crime”, this is the safest place on the planet.

Madam Speaker, nothing here, and I challenge any Member of Government, tell me which amendment you are proposing will lead to sensitizing and integrating intelligence? This is just to ensure the SSA has a blanket, an umbrella, to cover everything and when you do that, you are not amending the way the directors are appointed, you are not putting into the law, which you may well do if and when you go to a joint select committee, how do you terminate? Maybe you would want to suggest that you terminate an appointment by coming to Parliament for an affirmative resolution of the House so the national community

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will hear why a director or assistant director is being terminated. I do not know, you may wish to do that, but you cannot terminate because the Minister lose confidence in you when you are giving these enormous powers.

But something else now, I want to refer to another piece of legislation here, Madam Speaker. I had the pleasure and really the honour, several years ago, to be Chairman of bipartisan committee of this House to give birth—to use the term of the AG—to the Interception of Communications legislation. You will recall it was done very early in our term of Government because of the scandal too, driven by the scandal which was unearthed where, in the former PNM administration prior to 2010, there was evidence to suggest widespread illegal, unlawful and scandalous wiretapping and surveillance, [*Desk thumping*] warrantless surveillance of national office holders. Imagine trade unionists, members of the press. And you know why you cannot trust now—you know, you must build law, not only for yourself, but for another Government and another Government after that. [*Desk thumping*] That is why you must build law. We have to be careful in this society. We have to be careful.

Madam Speaker, I listened to a debate—well, a national crisis a few months ago. There was a time here, I think, during the Carnival when the—well, now the former Mayor of Port of Spain was fired over comments made on the death of a Japanese national. You all recall that? And without this Bill in place, a top official of the Government, member of their General Council, Mayor of Point Fortin, jumped up. He said:

“I hope when the truth of the young lady’s murder unfolds some people could handle it.”

“How he know about the truth of people murder?” There are two things. Either he had some intelligence to suggest that he had intelligence and information of why this person was killed that we did not have or he was just talking rubbish. Now, you have to decide which one it was: “whether he talking complete foolishness” or he had intelligence beside that. But imagine without this, officials of Government suggesting that they have information.

Then, if ever you needed another example, why not to give power to a Government in this way, quite recently, no other person than the Prime Minister, addressing his mind to a matter in the HDC where some media house suggesting that the former administration gave out houses to media personnel and so compromised them and so, when nothing could be further from the truth. The



preference has always been for police, fire, public servants and so on, but they picked up a few media people here and there who got houses and then suggesting that, none other than the Prime Minister suggesting, and I want to quote:

The real scandal here is only fully appreciated when one compares the application and allocation time frame and the direct involvement of a Minister.

Meaning me. Now, how you know when is the application and time frame? The data at HDC are confidential and private. Not even a Minister of housing ought to have private files of applicants. How does the Prime Minister know when somebody applies and the time frame they applied and got houses? He is collecting information from a state agency which ought not to be passed to him. [Desk thumping] Because in that file, you may find out and—[Interruption]

**Mr. Al-Rawi:** Madam Speaker—

**Dr. R. Moonilal:** What is he doing now?

**Mr. Al-Rawi:**—the Prime Minister is collecting information from a state agency?

**Madam Speaker:** Members, I would want to caution the Member for Oropouche East more on 48(6) in terms of your statement.

**Dr. R. Moonilal:** Thank you. Madam Speaker, in moving on, all I wanted to suggest is that you cannot trust any administration where high officials appear to have information in their possession which they ought not to have. That is the only point. That is the point and it is against this background that I am presenting my case here. You do not even have this legislation in place yet and quoting from people's private and confidential records when they applied for housing and that is dangerous.

**Mr. Al-Rawi:** Madam Speaker—

**Madam Speaker:** Hon. Member, I would ask you at this time to just— [Interruption] Not move on. Please, Members, allow me when I stand to speak. Hon. Member for Oropouche East, I would ask you to withdraw that statement. I have already cautioned you on the particular Standing Order, which is Standing Order 48(6) with respect to imputing improper motive. So if you can, please, withdraw that very last statement.

**Dr. R. Moonilal:** Madam Speaker, just for clarity, I have no problem doing it. Which statement to—

**Madam Speaker:** But I would hope you have no problem.

**Dr. R. Moonilal:** No, but what statement precisely you are asking me to withdraw?

**Madam Speaker:** You just made a statement with respect to the Member of the Government having information which imputed an improper motive. Please withdraw it.

**Dr. R. Moonilal:** Madam Speaker, I have absolutely no problem withdrawing it. I withdraw. I withdraw the statement.

**Madam Speaker:** Member, as I have said, it does not matter whether you have a problem withdrawing it, it is either you withdraw it or you suffer the consequences of not withdrawing it.

**Dr. R. Moonilal:** Withdrawn.

**Madam Speaker:** Thank you, proceed.

**Dr. R. Moonilal:** So, Madam Speaker, in a response to a reporter in writing, black and white, the Member for Diego Martin West made statements in response to a reporter which I quote from and if that is what I am withdrawing, I withdraw it, but I was just quoting from the words of the Member for Diego Martin West to a reporter making a comment on a public issue.

Let me move on because I really do not want to take up too much time there. The Member for St. Joseph made reference to the 1990 coup attempt and so on and they are using this to suggest that, listen, we have to implement this draconian legislation because look what happened in 1990 when we did not have intelligence, when there was no communication in the intelligence apparatus. Look what happened. Again, trying to scare the population into believing that if you pass this legislation, 1990 may never occur.

**3.00 p.m.**

Madam Speaker, it was the Partnership Government that had the courage after two or three decades to put into place, to institute a commission of enquiry into the 1990 coup. [*Desk thumping*] It was the Partnership Government that did this. Do not forget. Part of the report, which I have in my hand dated March 2014, do you know part of this report speaks to the issue? It is stated in this report at page 751—the same page that the Member was dwelling on—where the commission was told—the police Inspector Thompson insisted and told the commission:

“I know for a fact that reports were sent to Mr. Richardson...”

I believe he was the Attorney General then.

“...because, after the event and during a discussion, it emerged that Mr. Richardson had them.”

He said that the Government knew that something was to happen, but did not know it would have reached that far.

Madam Speaker, the Government of the day had information, had intelligence that there was a stockpiling of weapons, that those persons posed a threat to the State. The report showed that the political directorate had the information. The point I am making is that it is not only intelligence alone, Member for D’Abadie/O’Meara, it is whether you have the courage and the political will to act on intelligence that you have. [*Desk thumping*] That is the issue. [*Crosstalk*]—today?

**Mrs. Persad-Bissessar SC:** Yesterday.

**Dr. R. Moonilal:** Yesterday. Our information there is that you have now intelligence information on stockpiling of weapons, on threats to the State and the issue is: What do you do with it? Do not use that to scare the population into believing you have to pass the amendment to the SSA.

**Mr. Indarsingh:** Act on it!

**Dr. R. Moonilal:** Act on it. [*Desk thumping*] Because you see when the former administration got intelligence that there was a threat to the life of the Prime Minister and—[*Interruption*]

**Madam Speaker:** Hon. Member for Oropouche East, your 30 minutes speaking time have expired. You are entitled to 15 more minutes. Do you intend to avail yourself of the additional time?

**Dr. R. Moonilal:** Yes Ma’am.

**Madam Speaker:** You may proceed.

**Dr. R. Moonilal:** Thank you. Madam Speaker, the point I am making is when the former administration had information or intelligence that there was a threat to the Prime Minister and other Members of Government, those who were sitting on the Opposition laughed. They made a joke out of it, but after five years in Government, we are proud that there was no attack on the State, there was no attack on the head of Government and there was no attack on any Cabinet Minister [*Desk thumping*] because we took action. [*Crosstalk*] We took action. The fireman is now attacking me here. You have no fire to attend to?

**Mr. Al-Rawi:** Madam Speaker—[*Interruption*]

**Madam Speaker:** Hon. Member, with respect to that comment in reference to the hon. Member for Port of Spain North/St. Ann's West, I would ask you to withdraw that statement. I believe I had ruled on that on a prior occasion.

**Dr. R. Moonilal:** I withdraw. Madam Speaker, the point is that you must act on intelligence, but do not complain that you do not have, and do not frighten the population into believing that this, if passed, will create some, you know, synergy and integration of intelligence. It would not. There is nothing in this amendment that compels the security defence force intelligence, immigration and customs intelligence to share information. There is nothing that compels them to do that, so do not come to do that.

Madam Speaker, this Government also has information, other information. They have information. The biggest threat facing this country and may be facing our generation is the treat of ISIS. It is the terrorism involved with the ISIS threat across the globe, including the Caribbean and Trinidad and Tobago.

Madam Speaker, the Government has intelligence where there are over 400 nationals of Trinidad and Tobago—men, women and children—who have travelled for military training and involved in the radicalization process. They should act on that. Tell us what you are doing to safeguard this country having the information. [*Desk thumping*] They know the pictures. They have pictures, they have information, they have travel details, but they are not going to take action.

The Prime Minister stood in this Parliament and acknowledged that that is a challenge. Last week, he said, “Well, we will put the normal monitoring and surveillance in place.” What normal monitoring and surveillance? What normal? The Government of the day must tell us: are you bringing—well we have legislative agenda, but we have not had the benefit of seeing it yet. Would you be dealing with financing of persons who travel to support terrorism activities? You need to deal with financing of travel as well. If you know 400 nationals of this country—Madam Speaker, I do not intend to go further, but to tell you if you have information on 400 nationals—men, women and children—who are being trained now and can return to this country, this is an immediate imperative of yours to deal with it and this Bill will not help. It will not help. It will not help in dealing with the threat of ISIS which is the biggest security threat of this generation. [*Desk thumping*]

The Member for Caroni East will recall in days gone by, there was a time in our history when people like Stokely Carmichael and I believe also CLR James,

when they were prevented from travelling. One was prevented from coming back in the country, and I think one was prevented from leaving the country. Governments before took strong action against persons who they believed were ideologically not inclined to them or involved in other activities. Governments did that before. What is the Government doing today about the ISIS threat? That is serious. What are you doing?

A former PNM Government lock up a House Speaker. I think that was the first female House Speaker. She was locked up. I mean, I do not say this with any foreboding, but locked up a House Speaker. I think she had to live off of coconut from a tree in the yard. They did that, but today they cannot tell us what they are doing to deal with this crisis we face now. I want to put it to you that changing the law in this way will not help. All you are going to do is create a “maco” spy agency to take the job of the police, but without the accountability measures of the Trinidad and Tobago Police Service. [*Desk thumping*] That is all you are going to do here. [*Desk thumping*]

Madam Speaker, the Attorney General also in bringing his case—of course, you know, the Attorney General is worthy and wordy. The Attorney General made reference to the FIU, and is always one to deal with FIU. So, you know, they have a big interest in that now. I have the FIU reports from 2011 to 2014 laid in this House and without reading in detail, every time you get a report from the FIU, do you know what they speak to? Do you know what help they need? They need increased resources; they need increased IT capacity building; they need increased training. That is the help that they are crying out for in their reports. In this report, nowhere it says: “We need to integrate intelligence gathering” and it leads me to this question: where did this recommendation come from?

In the years I have had the opportunity to be in Government, I cannot recall the defence force, the police, the military—I cannot recall any agency in local government—in law enforcement calling for this type of amendment. Where did it come from? What is the invisible hand that brought this amendment? Is it the same invisible hand that produced the emailgate scandal? [*Desk thumping*] Is it the same invisible hand?

In every single report of the FIU they are asking to increase their capacity for IT, increase training, change laws in some cases to deal with financing of terrorist travel, et cetera. Nowhere—I am looking—they ask for creating a super spying agency like the CIA. Where did this come from, I ask them? Or are you just doing that to hodgepodge, pretend that you are doing something?

Madam Speaker, it is clear today that the detection rate for homicide is lower than the inflation rate. [*Desk thumping*] This is the only country in the world where the detection rate for homicide is lower than the inflation rate, and you are trying to fool the people to believe that, listen this is what we need. By giving the director, the new director—I cast no aspersions on this man. I think it is Colonel Robinson. I do not know him, I cannot say anything good or bad. But giving this superpower to that director and the assistant director—I think it is the former director, Mr. Clement, has returned in a new incarnation.

**Mr. Indarsingh:** What is his qualification?

**Dr. R. Moonilal:** I do not have a clue. Giving this power. Madam Speaker, if that was not bad enough, hear this one now. Media release from the Ministry of National Security dated February 16, 2016. Madam Speaker, they announced with fanfare that the National Operations Centre and the National Training Agency are now—what?—into incorporated. Well, that cannot be a lawful incorporation, but incorporated into the Strategic Services Agency. Do you see what happened there? This national spying unit now has within it—now this is a civilian unit in the Ministry of National Security—two other units, security training and National Operations Centre. This is remarkable.

The National Operations Centre was supposed to be the flagship of national security, coordinating all the arms. If you have a flood, they are supposed to be on top of that with information. If you have a kidnapping, information gets to them and they share. That was really the unit to share information—the National Operations Centre—to manage crowd control for Carnival, to do every single thing possible to coordinate the intelligence units and to coordinate national security. That is why it was called the National Operations Centre with a headquarters. They were supposed to embark, I think, on some programme with a foreign government for their equipment and their IT support and so on. You have taken that, now—that was supposed to be this mega operations centre to help monitor, coordinate security for Carnival, coordinate crowd control, coordinate kidnapping, coordinate, what the police call blocking up the road, again—and you have subsumed that under the civilian agency that is responsible and reports to the national security Minister.

Now, I am hoping the next speaker could tell us: is this practical? The Member for Siparia touched it. You are not telling us what is now your new recruitment policy, what is the new administrative structure, the new staffing arrangement that you can now deal with 1,000 people involved in serious crimes, you can deal with this expanded mandate, you can manage the NOC and the NTA.

It is the same SSA. Ministers speaking later must tell us: what are you going to put in place? But what you put in place must also be done according to the law. And the Attorney General who likes to quote judgments and Lord Diplock and Lord Woolf and Lord everything must tell us whether there is any constitutional breach when there are no accountability measures in a Bill like this that infringes the rights of innocent citizens.

The issue of privacy has been raised by several speakers, and this matter, Madam Speaker, I am telling you it would be challenged in court if passed in this present form. The court will determine this, because you come for a simple majority to infringe on the rights of citizens. [*Desk thumping*] As if that was not bad enough, it is unworkable, it is impractical.

I have told you, as I have said in the beginning, Madam Speaker, I will tell you coming down to the end now, Madam Speaker—I would come down to the end by saying what I said in the beginning. You cannot sit down and draft a Bill by just scratching off “drug trafficking and narcotics” and putting “serious crimes”. By scratching off that and putting serious crime in about 25 different areas and saying the same institution appointed the same way, answerable to a Minister, will now become a national spying agency.

What is the position of the Commissioner of Police? The police service said they never hear anything about this before in their life. You have now usurped their power and their authority and their work. [*Desk thumping*] If the Prime Minister cannot find a Minister, a Minister cannot be found, would they ask the SSA to find him? The Prime Minister said he had to, what? Order a Minister out of his Ministry building. I do not know which Minister is that.

**Mr. Indarsingh:** Who is that? Who is that?

**Dr. R. Moonilal:** They had to order a Minister—he had to race a Minister out of the towers. He had to race somebody out of the towers. I want to tell you that Minister was high—[*Interruption*]

**Mr. Indarsingh:** What?

**Dr. R. Moonilal:**—because the office is on the 18<sup>th</sup> floor, I think. [*Desk thumping*] The Minister was high to ensure that they could not find him. He was supposed to be at one Ministry on Sackville Street, I think he was in a Ministry on the 18<sup>th</sup> floor, high, and the Prime Minister chased him out. And if you know the identity of that Minister, in fact, that is one occasion I empathize with the Prime Minister. [*Crosstalk*]

*Strategic Services Agency (Amdt.) Bill*  
[DR. MOONILAL]

*Friday, April 15, 2016*

Madam Speaker, let me summarize my argument very carefully. I mean no ill will to any Member and, certainly, not to the Members for Point Fortin and D'Abadie/O'Meara, when I say that a civilian institution created for a particular limited and restrictive purpose in 1995 cannot just, by a pencil and a ruler, change their scope, their functions and their role in national security and law enforcement. [*Desk thumping*] You cannot do it in that way. If you want to create an authority as a CIA and an FBI or MI6, do so properly by coming to Parliament. Repeal the law. Just repeal the 1995 Act and bring a new law to create a new authority, properly appointed with checks and balances, with accountability measures in place [*Desk thumping*] so that the population will have confidence. Because the population has no confidence if you read in the newspaper that Ministers and so on have information that they ought not to have, and the population will have absolutely no confidence in this amendment that you are giving the SSA powers which they never had before. They were not fit for purpose. You are giving them powers now so that persons appointed effectively by the Prime Minister and the Cabinet, answerable to a politician, can now have the right to spy on every single person in this country without reasonable suspicion, without the limitations of the police service. So if you do not like a reporter, you do not like a reporter writing against you every week in the newspaper, you go and tap her phone, you go and put warrantless surveillance, because in the Act it speaks—in the parent Act—about warrantless surveillance.

**Madam Speaker:** Hon. Member, your speaking time has expired.

**Dr. R. Moonilal:** Thank you very much. Timely reminder, Madam Speaker. [*Desk thumping*]

**3.15 p.m.**

**The Minister of Works and Transport (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker, for my opportunity to make a contribution to this debate. I cannot help but, just sort out, and for the public record, indicate that the last speaker made much about 400 persons who had gone to battle in the Middle East—and this is a great ISIS threat—and behaved as though this developed since September 2015. From the information I have, and from the same source that he got that, this was the state of affairs a long time before then. So when he asked, what has this Government been doing, or is doing about it? That question should be for him: What did the last Government do about it? That was the case long before September 2015.

Madam Speaker, he went on further to tell us that the SSA is to undermine the police service. Well, I just want to remind the last speaker that the SSA is not the



police. The police are engaged in investigations and prosecutions. The SSA is about gathering intelligence simpliciter. And it was made very clear by the presenter of this Bill, the Attorney General, that the SSA will not be engaged in any operational activity. So I want to put that to bed immediately as misleading the people of Trinidad and Tobago.

Madam Speaker, as we went towards the general elections we promised this country, as part of our national policy, and it was in our manifesto, and I quote:

“To ensure that our security forces have timely and accurate information on criminal activities, the PNM will adopt an Intelligence-Led National Security Model.”

We are here to keep that promise. Today, we are attempting in this measure, or these measures, to improve the intelligence-gathering platform in Trinidad and Tobago. The existing apparatus, as has been alluded to several times before, is quite diffuse and, as a result, largely, or to a large extent, ineffective.

As has been said before, just to remind us, there are about 27 intelligence units in this country. Every country has them. SAUTT used to be a single point of contact when it existed; this Government disbanded that. Madam Speaker, the learning that came from all of that is that it is necessary to have a centralized agency on intelligence and with the capacity in this modern world to intercept communications, of course, professional standards that subordinate the institutional subcultures that exist in these diffuse agencies, and, as well, the experts tell us there should be a minimum content of a centralized intelligence architecture.

We all know that this architecture should have elements, or to describe it, we should have a dedicated, motivated, and system-owning cadre of qualified and vetted men and women tasked with managing, populating, operating and interrogating, critiquing and developing the system. A data catchment, case management information technology system, with the capacity to trace, track, prompt, analyse and forecast criminal trends—forecast it eh—requiring law-enforcement input so as to affect outcomes within the environment. And, lastly, a network of field operatives, including, of course, humint, intelligence gatherers with data-capturing devices; non-humint, deployed within the theatre of operations with a goal of turning the flashlight into what would otherwise be very dark places. Those are some of the attributes of the system that this legislation is trying to create for the benefit of the people of Trinidad and Tobago.

The new formation here proposed will be the intelligence lifeblood to the Trinidad and Tobago Police Service, our key investigation unit, and they have to deal with serious crime. The police service has to deal with serious crime, intelligence is the lifeblood of this. If the intelligence is limited only to drug trafficking, as existed before this measure, then the police service is limited in that sense by getting a limited stream of information. But the police service has to deal with serious crime generally, and the measure here today is not as has been said by the Opposition Leader and the last speaker, and a host of them, this is not changing the power of the SSA; this is improving its capacity, its range, its reach. The power under the SSA Act remains the same. [*Desk thumping*] All that is happening here is that it is broadening the range of criminal activities that it can pursue, [*Desk thumping*] and the sensible people of Trinidad and Tobago would welcome and appreciate this, because they are the ones who are feeling the brunt of what is happening in this country today.

Section 6 of the Act is very, very clear. The functions are stated therein, I do not have to trouble myself to quote them, but nothing in terms of the functions under that law is touched. It is simply a wider range of offences; they are given more responsibility to look at more serious crimes. The Member facetiously, almost, like a comedian, he tells us all we did is to “serious crime the Bill”. You see how flippant they are? What we have done is to replace drug trafficking, that limited sphere of activity, for intelligence gathering, and we broadened it to include all serious crimes, and he flippantly called it “serious crime” the Bill”.

Madam Speaker, I would like to suggest, and of course we had an opportunity to look at this, but last evening in preparing for this debate I had a close look at it and terrorists acts are one of the issues that trouble us. I would want to—if I had an opportunity—suggest that arson should be one of the serious crimes specifically noted in this, because as we know, arson is the type of crime that is used by terrorists to achieve a lot of stuff. It is used by murderers to hide evidence, rapists, car stealing, a number of other offences are attempted to be hidden by arson. If it is one thing I would like to suggest is that arson becomes a stand-alone crime in this as opposed to the generality of serious crime.

Madam Speaker, I am quoting from a document here—I will get the website for the *Hansard* a little later:

The Caribbean is a major transit hub for illegal drugs and ammunition, and the flow of illicit guns from the US, Latin America, and the Caribbean results in an increase in gun related violence in the region. For example, El Salvador has

the highest rate of homicides per capita in the world, and this is directly related to the illicit trade in drugs and guns.

That is well known to all of us. Trinidad and Tobago is very, very high on the totem pole when you take a good look at it. We are the receivers of a number of illegal firearms. When I was in National Security I tried to get an estimate as to the number of firearms in here. I do not think I ever got what I consider to be a satisfactory answer. What I do know is that it has increased almost exponentially since then, because every Tom, Dick and Harry, 13-year-olds, 14-year-olds, little boys are able, young women as well, to produce a gun. We have a serious problem here and it is causing mayhem in this country.

There is hardly any deterrent to the thing, and on top of that we have the sad issue of a very low detection rate. It is now reported that this is as low as about 8.5 per cent. Now, we came to Government about six months ago, this low detection rate has been with us for a very, very, very long time. I heard the Member for Siparia and the Member for Oropouche East talking about we are undermining the police. The measure in this Bill is to strengthen the police, to give them the lifeblood of which I spoke, and intelligence supported policing is where we are heading, and that of course will improve their detection rate. Right now we are down to 8.5 per cent.

So the Member for Oropouche East wants to know what is the state of affairs in terms of—we are undermining the police, and we are undermining the Police Service Commission. We have not amended any of those pieces of legislation. All we are doing is giving the SSA a wider reach so that it could support the police service, a matter to which I should shortly return. [*Desk thumping*] The Member for Siparia, and I was not surprised, Senior Counsel or not, she wanted to know, and she wanted elucidation on the simple issue about what offences carry a sentence of five years or more. Well, I will send a first year law student to research that and go and report to her. [*Interruption*]

**Mrs. Persad-Bissessar SC:** Oh my, thank you very much.

**Hon. F. Hinds:** The pleasure is mine.

I think, as is being carried by these measures, all crime should be caught up in this, not just drug trafficking as I said, all crimes, because all crimes hurt. Whether it is rape, whether it is robbery, whether it is car theft, all hurt. The youngster who sits on the corner with a cell phone, and every time the police vehicle goes up he calls someone and tells them the police is coming, he may not

be committing any immediately detectable offence, but he is contributing significantly to the crime problem. All should be investigated, and we should have power to gather intelligence on all, using the measures that are available to us.

**3.30 p.m.**

The Interception of Communications Act allows three persons, the head of the SSA, the Commissioner of Police and the Chief of Defence Staff to order interception of communication. As I am aware, two of these three actually do the thing. It is only the SSA that does it in practice. They will take a request from the other institutions maybe because they do not have the technological capacity as we speak. But I would think all should be the subject of attention. They all cause us great stress.

As I said a while ago, 8.5 per cent detection. The police are responsible for fighting crime, yes, and for detecting murders. I am not blaming the last government. I have said here many times, you cannot blame the Government for crime. I have said so in Opposition, I have said so in Government. But a government has a duty to do certain things. We have a duty to provide the legislative framework in which they can operate and from which they can succeed and that is one of the reasons why we are here today. [*Desk thumping*] That is one of the reasons why we are here today.

The detection rate went down. As I pointed out a while ago, it happened under the last government. I am not blaming the Government per se for that, but the question must also arise, what did they do in this regard? We are committed as a Government to providing the police service with all of the resources it needs to improve its performance in Trinidad and Tobago. We are not berating the police, but the reality is eight and a half per cent is just not acceptable to the Government and it ought not to be acceptable to any of us. So we have to provide them with the legislative, we have to provide them with the financial, we have to provide them with the human resource capacity so that they can do better. But some of us in this House perhaps do not like police. There are some people who when they hear police they get jittery and frightened.

**Mr. Charles:** Madam Speaker, 48(6).

**Madam Speaker:** Hon. Member for Naparima, I overrule. There was no mention to any specific Member. Continue, please.

**Hon. F. Hinds:** I do not know what is wrong with the Member. This world has seen governments that were populated by people who were involved in criminal activity, this world. This world has parliaments which have criminals in

them. And Trinidad and Tobago may not be unique if that happens here, may not. So we know we have a problem. We know we have a problem. We are not here to undermine the police. We are here to give them strength, but criminals “doh” like that. Criminals will do anything to stop measures to make the police service more effective in this country. I do not know who they are. I do not detect myself, but I know one thing. Anytime you see anybody objecting to anything that will make the police service stronger and better, and better equipped to deal with the problems we have here, you might have to wonder, Madam Speaker, what is their deep intention.

They may be politically correct and say other things. They may find all kinds of reasons why, because they are intelligent too. They would not tell you it is because they do not like police. They would not tell you it is because they do not like law and order. They would not tell you it is because in the absence of law and order they feel corruption could run rampant and could go undetected. They would not tell you that. They will find politically correct things to say. So we understand that very well.

My colleagues on the other side, I am speaking on behalf of the public who pay them to be in this Legislature, I would think, Madam Speaker, that it is reasonable for the public to expect they would support measures like this. But I am not surprised personally that they will not. I am not surprised.

I remember when we had the section 34 issue, the clause 34 issue, the concept of ad hominem loomed large. Ad hominem legislation is legislation that is quite unconstitutionally and improperly designed to meet one individual or one group of individuals in the larger society. There are people who will have ad hominem objection to legislation because perhaps they are wondering how it will affect them personally. That is what the concept of ad hominem means.

So I am not surprised that there are parliaments and parliamentarians who will object to measures in this world because they are wondering how it will affect them personally. But we cannot do that on this side. We are the Government and we promised the people of this country we will do everything to make them safer and better in Trinidad and Tobago. [*Desk thumping*] And that is one of the reasons why we are here.

Crime—and as bad as the figures sound and then when this Government was going out of office they made it a habit of boasting how this crime went down and that crime went down and serious crime went down, but I always thought to myself the most serious crime is murder. And murder figures were going up while they were with a big grin telling me, serious crime going down; with a big grin.

And I also pointed out when I was in the Senate in Opposition that time that there is a serious issue of under-reporting crime in our country. There are many people who tell you—I have people who told me personally they are victims of crime, but would not trouble to go and report it because they have lost confidence in the system of justice. They do not feel they will get justice. The public has lost confidence and if we do not support the police service, it would not be long before the police service perhaps starts losing confidence in itself. We as a Government, we are duty bound to support the police and I want to thank every single member of the police service for all that they have been doing over many years since I was in ranks, and before, to support the people of Trinidad and Tobago. I thank them. And I would like them to thank this Parliament for giving them the teeth and giving them the strength in order that they would do what they have to do, whether it is white collar crime or otherwise.

**Mrs. Persad-Bissessar SC:** Pay them their money.

**Hon. F. Hinds:** Yeah. And that is what we are hearing from the Member for Siparia, pay, pay, pay. All she talks about is money. Money. Money. Money.

**Mr. Indarsingh:** Pay “de people” money.

**Hon. F. Hinds:** Yeah. [*Crosstalk*] Madam Speaker, I am not surprised she is talking about pay, when we the last Government paid for the three OPVs, they were paid for, that Government cancelled them.

**Hon. Member:** Thank God.

**Hon. F. Hinds:** Yeah. Cancelled them, telling us about we could not afford it. Well we feel as a Government we cannot afford the crime and the burden of crime on the people of Trinidad and Tobago so we have come here to amend this legislation today to take that burden off of them. [*Desk thumping*] And now they do not want to support. They are giving you all kind of fancy argument about they agree with it. I heard the Member for Siparia, “I agree with it in principle, but I am not supporting it.” None of them supporting it.

On the other hand, when we were in Opposition and they came with the Anti-Gang Bill we supported that in this Parliament [*Desk thumping*] and a few days later they went and abused that legislation, went out there with a state of emergency, took up over 500 people, had to release every one, and embarrassed our country; embarrassed members of the police service who were told to “lock up and yuh go find evidence after”, and caused the public to lose greater confidence in the administration of justice. That was their contribution. That was

what they gave the people of Trinidad and Tobago. When the people, through us in Opposition, gave the necessary constitutional majority support for the Anti-Gang legislation. We supported as well, when they wanted to give the police their own budget, Head 64 in the estimates. Police now has autonomy to deal with their budget. The Commissioner of Police is now the accounting officer of the police service and to manage their moneys. We give the police the tools and that is why we are here.

And I heard the Member for Oropouche East just now talking about scandalous wiretapping and early in their term in 2010 they came here with the Interception of Communications Bill and they regulated wiretapping and all of that. And where did the detection rate go? It went south. Where did the crime figures go? They went south with all that they said they did. So obviously there is room for more. And we make a contribution to that today. You have issues of human trafficking. Somebody alluded to that.

And this Bill, you know, is not unique, you know, Madam Speaker. This Bill exists in other countries in the world. Let me just give you a little example. In the United Kingdom the Intelligence Services Act of 1994 out of the United Kingdom, Chap. 13. Intelligence Services Act, 1994, Chap 13. Right? Hear what their section 2 says. All right. Before that, section 1. Section 1(2)(c) it says and I quote, and I am talking about their intelligence services eh:

“in support of the prevention or detection of serious crime.”

So I imagine they “serious crime” the Act too. Not just drugs and guns, you know. Not just drug trafficking, you know, but serious crime. This is in England and they have issues to deal with, just like every other State, perhaps more. Section (2) says, well the side note says:

“The Chief of...Intelligence Service”—section 2(1).

“The operations of the Intelligence Service shall continue to be under the control of a Chief of that Service appointed by the Secretary of State.”

A politician. This is in England. And subsection (2) says.

“The Chief of Intelligence Service shall be responsible for the efficiency of that Service and it shall be his duty to ensure—

And among other things listed in:

“(iii) for the purpose of the prevention or detection of serious crime;”

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And hear what they say, similar to what happens here, because I heard the Member for Oropouche East and the Member for Siparia misleading the country and talking about they are not accountable to anybody, the SSA. Well it was accountable to somebody all along. We are not changing its power as I said. We are not doing anything. All we are doing is giving it more work, more offences to look at. Hear what the British Act says.

“The Chief of Intelligence Service shall make an annual report on the work of the Intelligence Service to the Prime Minister and the Secretary of State and may at any time report to either of them on any matter relating to its work.”

I remember that there was an issue where Britain after 9/11, in England they went and picked up 18 suspected Al-Qaeda terrorists in England and those conscientious citizens who found that they were arrested and kept without warrant—they were arrested without warrant and kept without trial—they went to court and it got to the House of Lords in England. And the House of Lords found against the British Government for so doing. And I was in England at the time when I saw the Secretary for Home Affairs, the man who is akin to our Minister of National Security telling the country, I was shocked. He said the court gave its judgment. We read. We understand it but the protection of the realm, the safety of the realm is the responsibility of the Government. It was amazing and they kept the men. That happened.

And I could understand because the politician understands the Government has the responsibility at the end of the day for the security of the realm, for the safety of this country. And so the Chief of Intelligence shall make an annual report to the Prime Minister. But here in Trinidad and Tobago he reports to the Parliament. There is a report laid in this Parliament on an annual basis and it is open for debate and scrutiny by all Members. How could someone stand there and say they are not accountable? How? That is misleading the people of my country. It is just not true.

In addition to that, I now chair a select committee on national security. I am now its chairman, but prior to me, the Member for St. Augustine was and the SSA, as any other platform in national security, will make itself available to that Committee and take questions and be scrutinized any time. It is not correct, Madam Speaker, to say that they are accountable to no one. They are accountable to the Parliament of Trinidad and Tobago. [*Desk thumping*] They are also accountable to the courts of Trinidad and Tobago [*Desk thumping*] because if they



break the law [*Desk thumping*] they are going to court, individual or group. So it is just wrong, simply unintellectually inspiring for the Member for Siparia to stand here and say that. She should lose her pay.

**Mr. Indarsingh:** Who give the instruction to fire Maharaj?

**Hon. F. Hinds:** “Doh tell me anything about Maharaj, you know.” I will come to that. I will come to that.

So I am simply making the point, Madam Speaker, that this is not unique to Trinidad and Tobago. The function of the SSA is intelligence gathering, storing, processing, analyzing and dissemination of information that is relevant to combatting organized or serious crime.

The Australian Security Intelligence Organisation Act of 1979 does the same thing and I read it corner to corner. It does not limit the power of that intelligence agency to any single or small group of offences. It is for all crimes. And that is what we are doing here today. We are dealing with all crimes. All crimes hurt.

**3.45 p.m.**

And these measures, as the Attorney General pointed out earlier, they have direct interface, interlock with the Proceeds of Crime Act; the Police Service Act; the Defence Act; and the Interception of Communications Act. I remember them telling us about SAUTT was illegal, and they are building that kind of argument against this. Some petty criticism about it is being headed by a civilian. That does not matter. They do not investigate anything. A civilian could conduct intelligence activity. In fact, while they were there, it is civilians who were in that place. The Member for Siparia was Chairman of the National Security Council, SSA existed in this country, and civilians, and one of the most notorious civilians was a woman called Resmi Ramnarine, who was a clerk low down in the business, and the Prime Minister, at the time, took her and elevated her up to the highest position. We have documentary evidence where she was communicating with officers, middle rank managers in the police service, one of them a Maharaj, who wrote a letter, it was read in the public record in this Parliament, in response to a request from the then Prime Minister about who was PNM and who was not, and she went in like a bull in a tea shop and mashed up the whole SSA; fired people and quietly made financial settlements with them, when they did not even have the courage to go to court to defend their actions when they were taken to court.

So, I do not know what they are coming here to tell us in their hypocrisy. We would like you to support the people of Trinidad and Tobago, and you have an

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opportunity to do that in this Bill, to support the police service. These hard-working men and women who need our support—legislatively and otherwise—sometimes they say, like my hand is tied behind my back, how do you want me to fight? When we were in office we sent many of them to England, to Canada, to America for training. That is how we spent public money.

**Madam Speaker:** Hon. Member for Laventille West, your 30 minutes of speaking time have expired, you are entitled to a 15-minute extension. Do you intend to avail yourself of that additional time?

**Hon. F. Hinds:** Most certainly.

**Madam Speaker:** You may proceed.

**Hon. F. Hinds:** Most certainly. [*Desk thumping*] And we intimately understand the issues, you know, and I hope my friends would have learnt over the last five years. Because, when they came—not criticizing them anymore, we are now in Government and we are taking this responsibility seriously. All the “ole talk” about what they do and all that, we are not too much dealing with that, but we are dealing here today with intelligence.

I remember when they met cash in that place they did not even at that time understand that you pay informants in cash, and they say they found so many cars. These guys had to have cars that they could change a fender and adorn the colour on today for tomorrow. Because, it has happened in this country, when I was in national security, that the firms that we rented cars from to do intelligence work, some of the little boys inside of those firms would inform the criminals which cars the police hire, so when the police thinks he is doing intelligence and undercover, somebody is watching him. So, we found it necessary for them to acquire their own cars and to be able to change the colour in the morning, a paint shop overnight, and put a green fender on the blue car and just turn it around. They did not understand that. Their feet were not wet. I hope they would have learnt by now. They do not understand the thing. They do not understand. And to the extent that they do, they are deliberate not to give the kind of support that this country cries out for, and that is why they landed on their skins next door. [*Desk thumping*] The public was not satisfied.

So, Madam Speaker, there is a lot more that could be said. I am asking my friends on the other side to think, and to think again. We have now an explosive murder rate. Every minute—look they used a grenade to launch an attack in Barataria, and I want to congratulate the police service, I see they hastened in there—I want to congratulate the Minister of National Security who advised us all

along that the investigation was focused, and I saw that they were able to bring perpetrators to justice in quick time for a grenade attack. That is terrorism. [*Desk thumping*] But, left to my friends on the other side that would go undetected, as the other 90 per cent of murders and offences over the last five years. We have promised the population we will do something about it.

And, I want to share this with you, we are unafraid of the future. For my own part, for our Government, we are unafraid. We are not worried about next election and all of that. We trust in the wisdom, and the dignity, and the decency of the people of this country. We are prepared to do that which is necessary, [*Desk thumping*] and we are not going to be cowed by the possibility that they would not like it. As I said last week in the measures on a Motion, the finance Motion, everything that the Minister of Finance did, we did it knowing that it was going to hurt elements of the society. We did it knowing that it could lead to some political unpopularity. But, we trusted the people, and so far they have kept faith with us, because they know we are doing what is right for them. [*Desk thumping*]

This measure is simply designed to do just that and, Madam Speaker, as I thank you for the opportunity to have contributed, I call on my friends on the other side to put aside their ad hominem and selfish ways, and to support these measures, not for me, because God will continue to look after me and I should be all right, but for the people of Trinidad and Tobago, on whose behalf I plead with them here today.

I thank you. [*Desk thumping*]

**Mr. Rodney Charles** (*Naparima*): Thank you, Madam Speaker. [*Desk thumping*] Having listened to my colleague, the Member of Parliament for Laventille West, it is clear that he is disappointed and that he must be suffering from shellshock, having to be removed from the Waterfront and shifted to Richmond Street. [*Desk thumping*]

He says, for example, that he wants to suggest that they include in the remit of the SSA Bill, as amended, arson and all types of crimes. Is he part of the Cabinet? Is he part of the cabal that makes decisions on behalf of the Government of Trinidad and Tobago? [*Desk thumping*] Clearly, if he has to come here to suggest to his colleagues, he is not part of the inner sanctum. And he makes the point that Trinidad and Tobago, we have—

**Mr. Hinds:** Madam Speaker, may I? I did make it very clear that in my last read of the measure—

**Madam Speaker:** Your point of order?

**Mr. Hinds:** No, my friend has given way.

**Madam Speaker:** Oh.

**Mr. Hinds:** My friend has given way. He managed to be courteous enough, he has given way. I was simply saying that as I read this Bill again last night—I said that—I had another thought, and we are free to express our intellectual acumen and thoughts here. [*Desk thumping*] That is all I did, and I commended it to my friends. Had I not said it in public they would never have known. So, he should be thanking me and stop being as obtrusive as always. [*Desk thumping*]

**Mr. R. Charles:** Chair, it is manifestly clear that he is still shell-shocked so he gets thoughts after the fact, when he ought to be in a position to contribute. [*Desk thumping*] But, he says that Trinidad and Tobago has a significant number of people fighting with ISIS in Syria.

My colleague indicated that there were 400 citizens and their families fighting, and I want him to know, the hon. Member for Laventille West, that Trinidad and Tobago on a per capita basis has more than a hundred times the number of citizens that the United Kingdom has fighting in Syria. And the question arises, that is why Kamla Persad-Bissessar SC, when she co-sponsored the resolution in the United Nations, it was that side that made the comment that we are putting Trinidad and Tobago at risk. Madam Speaker, we were already at risk, and I make that point only because my colleague alluded to that point. [*Desk thumping*] He also said that the SSA will not have operational capabilities with respect to crime. But, is he aware that the NOC—the National Operations Centre—will now come under the SSA? And that provides it with the capability to deal with counterterrorism and the list of things that are listed here.

But today, Madam Speaker, to get to the substantive point, we are here to discuss the important SSA (Amdt.) Bill of 2016. This will amend the SSA Act, Chap. 15:06, and under the parent Act, dangerous drugs, these amendments would expand the responsibility of the director of the SSA and by extension the Minister of National Security.

Clause 4 of this Bill will create a new mega agency of which he will have significant power, and this agency will be empowered to deal with matters relating to the prevention of serious crime, including aspects relating to detection and prevention. When I look at the list of serious crime, and it is easy for us to say serious crime, there are about 67 items of crimes that now come under the remit

of the SSA. Whereas in the past it was illicit trafficking in narcotic drugs and dangerous drugs, it now includes treason; it now includes terrorist acts; it now includes kidnapping. And I ask the question—unless this was a cut and paste piece of legislation—why chemical, biological and nuclear weapons?

**Hon. Member:** Why not?

**Mr. R. Charles:** Because no one on this side, or that side, or in Trinidad has the capability to do that. But, it is an all-encompassing legislation, copied and pasted into this legislation. And corruption, also corruption, firearms and ammunition, and it includes sedition. It is 67. I think some of us have gone through that, some on this side.

But, I recall the calypsonian years ago singing and saying that, and I quote here: “Ah fraid Karl. Ah”—fraid—“the...baron of Maraval”—and he went on to say why he was scared. And then he itemized a number of instances that he was scared about, and he said, “I ent singing ‘bout that, ah ‘fraid the Sedition Act.” If Chalkdust was scared of the Sedition Act, I am scared of this legislation, because it has 67 times the kind of power that was envisaged by the Public Order Act. [*Desk thumping*] So, this gives us the opportunity to look at this legislation, and we say it brings to the forefront the Government’s plan to deal with the crime situation in Trinidad and Tobago. And all of us acknowledge that crime is a serious problem, it is intractable, and that steps must be taken to deal with it, and we are prepared to support you. But, the legislation must conform to best practices and not deal with the fundamental rights and freedoms that we possess. The steps must be justifiable; they must be sensible; they must be transparent, to ensure that we do not create an even greater monster than we are trying to solve.

So, we must look carefully at what the Government is asking us to do here today, and critically assess if there are sufficient checks and balances against increased power the Government is asking us to give to them. We are given an opportunity here to look at the role of Parliament in providing the proper oversight on the Executive and state agencies. And, the Parliamentary Oversight Committee is chaired by a Member of the Cabinet of the Executive of Trinidad and Tobago. And, therefore, he is bound by Cabinet’s collective responsibility, and it does not have the kind of oversight that First World countries have with respect to counter-intelligence agencies, and I will deal with that later on. [*Desk thumping*]

I am sure that the hon. Member for Laventille West misquoted by not pointing out the myriad and the plethora of oversight mechanisms that exist in USA,

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Canada, Britain, France. [*Desk thumping*] And we can look at the crucial point of Government power versus citizen rights, and I will speak later on to the iconic former Member of Naparima, who said that he left a legacy for us to protect the rights of the individual vis-à-vis the Executive Trinidad and Tobago, but I will quote that later on. So, we are here on this side, not to obstruct, but to represent the interests of the people. This is the House of Representatives, and as James Madison, one of the founding fathers of the United States noted that, and I quote:

“...there are more instances of the abridgement of freedom of the people by gradual and silent encroachments by those in power than by violent and sudden usurpations.”

**4.00 p.m.**

What he was saying essentially, is that, the power of the individuals and our liberties could be usurped gradually and I sense from this legislation that we are on a slippery slope to executive empowerment and executive dictatorship.

Let us look at the parent legislation, looking specifically at the role of the appointment of the Director. Section 4 of the Act lays out the appointment and functions of the Director. It says he:

“...shall be appointed by the President for a term not exceeding five years terminable at any time and shall be eligible for reappointment at the expiration of his term.”

The Act also makes the Director the principal advisor to the Minister on matters relating to this Act and says:

“The Director shall be subject to the directions of the Minister.”

Let me repeat:

“The Director shall be subject to the directions of the Minister.”

This is already law and will not be amended by this legislation. In the 1995 legislation, Parliament gave power to the executive with a caveat that it was limited to drug trafficking. But section 6 has given this so much power that you have to ask, have we expanded Executive power and is there the proportional checks and balances to safeguard the rights of the citizenry.

And, Madam Speaker, no amount of fancy language, no amount of mamaguy, and no amount of bullying will get them to get us to agree to legislation [*Desk thumping*] that is inadequate, inadequate, absolutely inadequate.

John Stuart Mill noted in his essay publication *On Liberty* in 1859, more than 157 years ago. They could come up with the ideas and we today and those on that side come up with legislation that I will prove later on is lacking in safeguarding the citizenry. He said in the essay *On Liberty* in 1859 that:

“societies need a system of legal and political rights and constitutional checks and balances in order to prevent the stronger, the ‘innumerable vultures’...from oppressing ordinary people in a perpetual struggle between ‘Liberty’—on the one hand—“and Authority”—on the other.

But, Madam Speaker, if they think that the works of Mill is outdated, we only have to look at the World Bank and IMF template for serious legislation. When you look at the template for the FIU, for example, World Bank says:

“...FIUS need to be given...operational autonomy to allow them to carry out their assigned tasks without undue interference.”

“As a government agency, the FIU”—which is similar in legislation to what we are talking about today—“must be given the degree of autonomy necessary to fulfill its responsibilities while being accountable for the results it achieves.”

It goes on to say:

The power to appoint and the power to remove the Director of the FIU from office is critical to the independence of the unit.

And the World Bank looked at Antigua and Barbuda as an example of best practices, and in the Antigua and Barbuda legislation the power to appoint a director of the FIU resides with the Prime Minister, he is appointed by the Prime Minister on the advice of Cabinet. But, interestingly, and not included in this legislation, the director can be removed only for reasons set out in law and on the recommendation of a select committee of the House of Representatives. Antigua and Barbuda has that kind of intellect in their legislation, ours is cut and paste. All the power resides in the Minister of National Security. And I always say that the Minister of National Security is a person for whom I have immense trust and respect, but we are making legislation not for you, Sir. We are making legislation for an office that will perhaps exist beyond this Parliament.

In our legislation that creates the FIU, Act No. 11 of 2009, I quote:

“22A (1) The Director shall not disclose or cause to be disclosed to the Minister or to any other person, except in accordance with this Act, the personal or financial details pertaining to an individual”—or person—“or business...”

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Examples include:

“(c) information obtained from a financial institution or listed business concerning any account held by a customer or business...”

So the FIU legislation insulates the director and the Minister in terms of what should be the content of the information between them. The Minister is limited. He cannot ask, for example, information on Rodney Charles’s bank account because that will be ultra vires the legislation.

So, just as the political directorate sees the need now to expand the remit of the SSA by the way of this amendment for the good of the citizens to protect us against crime, should they not also see the need for a check against this power, perhaps some sort of autonomy for the director? And that is why we say that this legislation ought to go to the Joint Select Committee where we can think about it and use our collective wisdom to ensure that our legislation conforms with best practice. We must take lessons put forward by great thinkers on law and Government and be very wary of the gradual and silent encroachments of those in power, because this Bill is silent on what measures will be put in place to stop abuses by the Executive in light of the expanded powers.

I want to ask the Government, what other jurisdictions did you look at when drafting this amendment? What international best practice did you assess? And when thinking about mechanisms to fight crime, the information is out there if one really looks. Going back to the same IMF and World Bank document, I want to remind this House that this was developed as a tool for countries to establish and maintain their legal and institutional frameworks. Now these documents are available to serious people who intend on acting in the best interest of their country.

Countries must assure the independence of the FIU from political influence, as well as independence from the competent or supervisory authority in deciding which transactions to analyze or what information to disseminate.

What happens, Madam Speaker, if under the proposed amendment a director of the SSA has to investigate a sitting Minister of National Security, whoever he or she may be? If that situation were to arise we are left in the dark as to how this law will treat with that situation. As the World Bank noted, the FIU should not be subject to abuse or undue influence from Government authorities. Should this not also be the same for an agency like the SSA? Would this not be part of the solution to our problems? Because checks and balances are essential, are fundamental to the preservation of democracy.



When a Government comes and asks the people to give them more power, they must come prepared to say how they intend to protect against the abuse of power. And that protection should not be because we should trust them, because we all know that we cannot trust individuals. The same way they can bring amendment to expand the powers of the SSA, they can also bring in the amendment to protect the people. So where did they look for this legislation? I do not know. Perhaps they did look to the Russian Federation, because as a *UK Guardian* article noted on October 6, 2013:

“The FSB”—which is similar to the SSA as proposed, the FSB, it is a successor to the KGB in Russia—“is much more than just an ordinary security service. Combining the functions of an elite police force with those of a spy agency, and wielding immense power, it has come a long way since the early 1990s...”

The director of the FSB is appointed and removed from office by the President of the Russian Federation and reports to the President and Chairman of the Russian Federal Government. The article went on to talk about how they have used power, how that institution has used power to coerce the citizenry of the Russian Federation. There are a number of other reports of FSB abuses, like the CBCs, “Russia using high-treason charge to root out perceived internal enemies”. And I have the article here and the article is by Susan Ormiston *CBC News*, posted April 4, 2016 and the headline is: “Russia using high-treason charge to root out perceived internal enemies”.

I say this to illustrate that once sufficient checks and balances are not in place if it is the desire of the political directorate to create a Trinidad and Tobago FSB, what is to stop them? On these the amendments are silent. And this is something we should be concerned about. I refer to a *Newsday* editorial of Tuesday, March 15, 2016 and I quote from the *Newsday* editorial:

“What is more troubling, however, is the failure of the Attorney General to outline any true measures which would act as in-built protections from abuse in the reconfigured intelligence-gathering apparatus. Though assuring there would be ‘due safeguard built into the system’—they said here—“Al-Rawi”—I would say the hon. Member for San Fernando West—“failed to enumerate any specific provision, and none exists in the proposed Bill.”

It continues:

“Nor did the Attorney General say whether judicial oversight—which occurs in relation to the Interception of Communications Act—would be expanded

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given the SSA's broader mandate, though he assured the warrant procedure would still apply."

He is asking us and the Government is asking us, give us this power over this vast array of legislation. Give us this power and trust us that we will not abuse it. Well, Madam Speaker, I am scared. In Naparima at the executive level whenever we have private conversations we go into the, what the Bajans call the "pasture", and we have a one on one conversation, because we are not sure that our conversations are being monitored. And this legislation allows our private conversations to be monitored. If we pass this legislation in its present form, Trinidad is heading down the slippery slope [*Desk thumping*] to Uganda and to the Russian Federation.

So who did they talk to? What did they look at? Because when I looked at legislation in the United States, the UK, Australia and Canada, I could not find similar legislation. I did find some similarities with Uganda, where the 1987, what they call the Security Organizations Act established what they called the ISO, that is the Internal Security Organization, and the ESO, the External Security Organization. These two agencies are directed by the Director Generals appointed by and accountable to the President of Uganda and exists to collect intelligence and provide advice on Uganda's security directly to the President.

There was a *Forbes Magazine* article which listed the President of Uganda as one of the 10 worse dictators, globally. Because right now it appears that we are making laws based more on the Putin model and the Museveni of Uganda model rather than using the native intelligence that we have. [*Crosstalk*] He is the President of Uganda. I will give you an idea of what they are doing in other countries and what we should be doing. If you on the other side are serious you will take careful note. As the representatives of the citizens, parliamentarians have crucial oversight role holding the Executive and its agencies accountable.

The Attorney General sought to comfort us about oversight. He said, and I quote the Attorney General:

"I have demonstrated that there is proportionality by having the Executive power balanced by the Auditor General,"—his words—"the Parliament of Trinidad and Tobago, by the judicial supervision of any interception of communication, and I have shown that it has been rooted in the issue of the management of the scourge of criminality associated with drugs..."

We must be comforted by the fact that the parliamentary oversight for this expanded agency is the Auditor General report to be considered by Parliament

through the presentation of annual reports. This is what the Attorney General thinks the extent of oversight should be.

**4.15 p.m.**

You see, if you start placing the rights of the citizenry in the forefront, it is not difficult to come to the conclusion that more, rather than less, parliamentary oversight can only be good. I go to my friend, the Member for Laventille West, and I will show, in the United States, the level of oversight they have over intelligence and agencies. In the United States, as a matter of fact, in their commitment to the ideals of democracy, they have the Intelligence Oversight Act of 1980, an entire piece of legislation they have to govern their intelligence agencies; a federal law that requires the US government agencies to report covert actions to the House of Representatives Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence—both Houses, the Senate and the Congress.

Madam Speaker, if you would allow me, I will quote from the Act. It says:

This Act requires the director of the CIA and heads of all federal entities involved in intelligence activities, to keep the congressional intelligence committees fully and currently informed of all intelligence activities, including any significant anticipated intelligence activities.

So we are getting an Auditor General's report that probably comes a couple years late and we are asked to exercise oversight in that regard. In the United States, the Congress has to be informed prior to any covert intelligence action. And he comes and he tells us that in the United States, they have the same situation as we have in Trinidad.

It requires the director in the United States and the heads of federal entities to furnish information requested by the select committee on intelligence, and report in a timely fashion to such committees, any illegal intelligence activity or significant intelligence failures. And it directs the President of the United States to fully inform the select committee, in a timely fashion, of intelligence operations in foreign countries.

Where are the similar checks and balances in Trinidad and Tobago and in this legislation? Why are we limiting ourselves? Is it not in the best interest of the citizenry to empower Parliament to allow for stringent oversight? Is this not better than simply presenting the Auditor General's report and saying, "Here, take it, cool it, be satisfied with that?"

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But let us go to the United Kingdom. They have the Investigatory Powers Tribunal which was established in October 2000. Specifically, it provides a right of redress for anyone—any citizen—who believes they have been the victim of unlawful action of the UK intelligence agencies, or wider human rights infringements in breach of the Human Rights Act of 1998. Any citizen who feels that he is being wiretapped in the UK, he can appeal to the Investigatory Powers Tribunal to have redress for illegal encroachments. We do not have that in Trinidad. We have a director appointed, well, by the Cabinet, by the Minister of National Security. We have someone who could be hired—we have somebody who could be fired by the Minister of National Security and that is it.

Under this legislation, they can wiretap any of us here and we will not know. It can go into a databank and we will not know. They tell us that they can destroy it at some point in time. But what happens between the point that they get it and they destroy it? How many people you have working in the SSA who can know our private business? This is frightening—this piece of legislation.

These are some of the countries. They speak to my central point, that if you come asking for more power, be prepared to give us more accountability and be prepared to give us more transparency. [*Desk thumping*] It seems to me that one could say, Madam Speaker, that one could see the elements of a creeping dictatorship in this legislation. [*Desk thumping*]—a creeping dictatorship. I do not know for sure if this is the case, but I do know that power tends to corrupt and absolute power corrupts absolutely. [*Desk thumping*] This phenomenon has been observed over time in different countries and different cultures, making it essentially a human characteristic. It is our greatest argument for the implementation of proper oversight.

As we reflect on the power given to the SSA by way of the amendment and, by extension, the powers given to the Government, since we know that the director shall be subject to the directions of the Minister, should the amendments have provided for additional oversight mechanisms? Thomas Jefferson, in the Declaration of Independence—and you know, you think about it. How could people in the United States, without the benefit of GATE and all the education that we have, come up with these ideas that make sense, and transcend centuries, and we sit here today and create legislation without a check? [*Interruption*] We have the University of the West Indies. We have people in this Parliament who have

been to Harvard. [*Interruption*] Thomas Jefferson, in the Declaration of Independence, hundreds of years ago—250 years—said, quote:

“...to secure these rights,”—the inalienable rights—“Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it....”

And, Madam Speaker, I come to a comment that I would like the Attorney General to reflect on, and those opposite to reflect on. It was given at our own declaration of independence, and I quote from this gentleman who is iconic.

**Madam Speaker:** Hon. Member for Naparima, your 30 minutes have expired. You are entitled to 15 more minutes. Are you going to avail yourself of it? And, therefore, before you stand, may I ask the concurrence of the House that we take the suspension at the end of the contribution of the hon. Member for Naparima? Do I have your concurrence?

[*Assent indicated*]

**Madam Speaker:** Please proceed, Sir.

**Mr. R. Charles:** Madam Speaker, I am quoting an iconic figure in our history and our constitutional development. This is what that person said:

“When future historians chronicle our achievements, it will be noted that the negotiations we spearheaded at Marlborough House constitute our greatest gift to the nation. The freedoms we have written into the Constitution of Trinidad and Tobago constitute our greatest legacy to posterity. We were uncompromising over the Freedom of the Press and the Independence of the Judiciary. We made sure that Trinidad and Tobago acknowledged the supremacy of God, hence a prayer by the Speaker before each session of Parliament; we made sure that there would be no discrimination by reason of race, colour, origin, religion or sex; we wrote into the Constitution the individual’s rights to life, liberty, security of person and enjoyment of property; we secured the individual’s right to show affiliation to the political party of his choice and to express himself freely...”

He was speaking of our inalienable rights, the same rights Thomas Jefferson spoke of. He was saying that the inclusion of these rights would be their greatest gift to our nation.

Madam Speaker, the hon. Lionel Seukeran, former MP for Naparima, said that the freedoms written into the Constitution would be their greatest legacy.

**Mrs. Robinson-Regis:** That is the AG's grandfather.

**Mr. R. Charles:** So decades after, an MP from Naparima has to talk to the grandson of this iconic figure, to talk about the urgent need to protect our liberties that are our inalienable rights given to us from God. [*Crosstalk*] What would be his legacy in the perpetual struggle between liberty and authority? What side would he fall on? Well, just looking at the SSA amendment Act—and if we cast our minds back to debate—

**Mrs. Robinson-Regis:** Madam Speaker, may I ask, I would like to invoke Standing Order 44(10), please.

**Madam Speaker:** Hon. Member for Naparima, please proceed.

**Mr. R. Charles:** Thank you very much, Madam Speaker. Just looking at the SSA (Amdt.) Bill and if we cast our minds back to the debate on the Commissioner of Police where he sought—and they sought—to put a mechanism in place where the Minister of National Security could trigger the appointment of a Commissioner, it is clear that that side favours increasing state authority without any proportionate balancing of the protection of the rights of citizens. But it might not be what he wants to do. If you happened to watch the news on Wednesday, there was an interesting clip of our Prime Minister speaking at a political meeting in Malabar. He said, he ordered a Minister back to his Ministry.

**Mrs. Robinson-Regis:** You come back with that again?

**Mr. R. Charles:** Madam Speaker, we had our Prime Minister boasting about running a Minister from the waterfront back to Richmond Street. So what we are seeing today might be just another manifestation of that.

Madam Speaker, in looking at how countries get to amass power, how dictators, how governments seek to amass power, they do that by instilling fear in the citizenry. Last week in this House the other side sought to invoke the fear of the IMF to make harsh measures and put forward more palatable ones to a fed-up population: fear of a failing economy, fear of no money to live a comfortable life and now fear of a rapidly escalating crime situation has brought us here today. A noted psychologist, a principal researcher at Microsoft, Ms. Danah Boyd, in her article noted that:

Fear is used to undermine an informed citizenry. You and I are asked to put aside our good sense and accept wholesale what our leaders are telling us because they present it as a solution to all our problems.

This is not to say that it is not a well-accepted fact in Trinidad and Tobago right now, that we have a serious crime situation. This does not change the fact that this responsible Opposition is willing to work with the Government to deliver a sensible and sustainable response to our crime problem, but we, as a population, must always be vigilant. We must always be discerning and think critically about the information that is presented to us.

In Trinidad and Tobago right now there has been a lot of appeal to our own sense of patriotism, seemingly to benefit the Government. Patriotism does not mean, give the Government everything you want. They have made it difficult for our population to think critically about this Strategic Services Agency (Amdt.) Bill, 2016, because it is presented as a panacea, as a saviour. It is presented as the solution to the problem that we all want solved immediately. But at what cost?

The Opposition Leader, Mrs. Kamla Persad-Bissessar, had to call on the Prime Minister to break the silence on crime last year. This was on November 03, 2015. The silence persisted, and we were asked just to relax, as the PM told students of the University of the Southern Caribbean that they were working on the crime situation even if they appeared to be quiet on the issue. Suggestions that a constitutional majority should be required was scoffed at and dismissed as the Government sought to convince our country that this is a simple amendment; just a few pages, no big deal, nothing to worry about. "Trust us. This will solve our intelligence-gathering problems. And once we have intelligence, it would lead to more detection."

Then we have the Prime Minister who you remember was leading a team of silent men at the time on crime, before speaking on April 04, coincidentally, no doubt, when conversations about the power that this SSA Bill is asking the population to put in the hands of the Government. We are told that crime is a national crisis. Permit me to quote some of his words as he delivered the address to the PNM special convention, ironically themed "Enriching our Democracy". He said:

"So for January, February and March the criminals have put away 122 of us."

Note the fear, using crime to get us to suspend our critical thinking. It is for this reason that we are here today. Madam Speaker, we are looking at a situation where we, on this side, are prepared to support this legislation.

**Mr. Deyalsingh:** You supporting us? Thank you. [*Desk thumping*]

**Mr. R. Charles:** We are prepared to support it if it goes to the joint select committee and it is refined—[*Desk thumping*—]—to protect our fundamental rights and those of the average citizens of Trinidad and Tobago.

**4.30 p.m.**

When this debate on the SSA amendment started, a number of presentations from the Government Bench sought to convince us that these were simple amendments. That brevity was called equal simplicity and therefore, the population need not pay careful attention. But this amendment fundamentally deals with the relationship between the State and the population, the struggle between liberty and authority and that is not so simple as they want us to believe. This amendment should not be reduced to: “Crime is a problem so give us more power to deal with it.” “We have no money, oil prices low, we pay more taxes.” “We have crime, whatever crime problem, give us more power, limit your privacy.” What next, Madam Speaker?

This is seven months in and where do we go from here? What will be our quality of life at the end of the year? We, on this side, have no problem with the Government taking responsible steps in our fight against crime, but these things must be done in the interest of the people and they must keep our fundamental rights and freedoms at the centre. You want to increase powers, well, show us in detail how you plan to check against the abuses of that power, the potential abuses of that power and for heaven’s sake, do not tell me that the Auditor General’s report will deal with that.

Prime Minister Dr. Keith Rowley will save you from crime, just give him expanded SSA powers to do it. He was already telling you he was the solution. Evidently, we should have paid more attention when they were telling us the red army was coming. We should have taken that as a threat, a threat to our rights and our freedoms. When they said “we are in charge now”, we should have taken that also as a threat. We should look at this SSA amendment as a warning that we might be very well witnessing a creeping PNM dictatorship. I thank you. [*Desk thumping*]

**Madam Speaker:** Hon. Members, we now take the suspension, we shall be back in 30 minutes.

**4.32 p.m.:** *Sitting suspended.*

**5.02 p.m.:** *Sitting resumed.*



[MR. DEPUTY SPEAKER *in the Chair*]

**Mr. Deputy Speaker:** Could we resume? And I recognize the Member for Moruga/Tableland.

**The Minister of State in the Ministry of Education (Hon. Dr. Lovell Francis):** Good afternoon, Mr. Deputy Speaker. Good afternoon to all Members of the House. It is with good pleasure, I rise to add my two cents to this debate on the Act to amend the Strategic Services Agency (Amdt.) Bill. I have to say, with all honesty, that it was not my intention to make any statement at all this afternoon. Not because I believe that the issues to be discussed are outside of my purview but because I felt that there are sufficient Members on this side to have done so, perhaps, more effectively than me.

If one looks at the membership on the Government Bench, we have people who have decades of service in terms of policing at a leadership position. In fact, one of the highest leadership positions. We have people who have had decades of service in the military also at the highest leadership positions. We also have people who have substantial legal acumen, substantial legal accolades behind their names, and I was quite content to leave the discussion on this very important Bill to them. But regardless of that, it is still a pleasure to stand and speak on one hand on behalf of my constituency, as I have always pledged to do, but also as a Member of Government.

This has been a very interesting debate, particularly this afternoon. I have been very intrigued by the statements, by the things that were said by those on the Opposition Bench. I had more than a few eyebrow-raising moments. It is not every day that one sits in a Parliament in Trinidad and hears a reference to Nazi Germany with a comparison between a Bill in this Parliament and something that would have been done at, I suppose, the cusp of World War II. It is not every day that one stands and listens to a Member make a comparison between a Bill in Trinidad and something done in the Russian Federation. Another stretch that our most stretched mind, credulity to the limit, was hearing a comparison between Trinidad and Uganda. This is not the kind of fear one hears every day. In fact, I have been listening to a number of mixed metaphors, unhinged anecdotes, historical allusions out of place, speaking beyond context. It has been surreal and amazing and if that is the case, then I might as well add my voice to the chorus. [*Laughter and desk thumping*]

Mr. Deputy Speaker, I love Parliament. I love debating. The cut and thrust of speaking here intrigues me so it is my intention that you will never, at any point,

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see me sleeping here because this is, to me, very interesting and very intriguing. But there is proof that every rule has an exception. Today is, perhaps, an exception to that. Today, we are in the midst of debating a very important Bill, a very important Bill in the midst of a very interesting historical context, and I expected that—or maybe foolishly, I expected that to be treated with some level of gravitas. So I expected a certain calibre of discourse and discussion this afternoon, and what I have heard from the Opposition Bench has been, in my own estimation, tremendously wanting.

Now, I could stand here and add more than a grain of sense to state why this Bill is significant, to talk about its intricacies, the changes that it intends to make, the potential ramifications of them. I could do that just as well as any other Member on this side but that has already been done and it has been done sufficiently, so I am going to do something else. I am going to reduce this to minutia because it is easy to forget but tremendously important to remember that Government policy has tangible ramifications, has serious tangible ramifications, and the things that we do or do not do, discuss or do not discuss, vet or do not vet, analyze or fail to critically analyze, has tremendous ramifications for the 1.3 million people of this beloved Republic of ours. And I will use my constituency to give some context, some much-needed context to the discussion this evening, because what we are discussing in terms of this Bill, it has ramifications for people who live on the ground.

It might pain me to admit that there is something that myself and the hon. Member for Naparima have in common, it is that we are from the same community of Moruga/Tableland, more specifically Moruga. Everyone in this nation knows that this is a tremendously rural community so notions of crime and criminality do not really register or resonate deeply with people from that community or traditionally did not. In fact, if one hails from Moruga/Tableland, the idea of crime is something prosaic. So in my former profession when I was a lecturer, I was involved in a very interesting oral history project where I interviewed people about their lives and of course, I really do believe that charity begins at home and ends abroad.

So I went around interviewing people and one of the issues I discussed with them was their attitudes to crime, and in that constituency for most of its history, we are talking as serious crime, you are talking about probably “stealing ah yard fowl or riding ah bicycle without reflectors” or another case which I will not mention in here because you will be forced to castigate me, so I will not go that way. But basically, things that are perhaps more romantic than serious in nature.

**5.10 p.m.**

So much so that last year, at the cusp of the election, during the heat of the election period, there was a survey done in Moruga/Tableland as to what national circumstances or what community circumstances people found most disturbing. I was surprised, I was tremendously surprised to note that the respondents in my constituency from my community said crime. In fact, my response was to laugh. I laughed, because I have that romantic and prosaic view of what crime is in Moruga/Tableland and, at that time, the idea of crime being a scourge in Moruga was something unthinkable.

Subsequent to that, I have, of course, been proven wrong. I have had the distinct displeasure of having to record that in the last, perhaps, eight months, we have had a scourge of crime in Moruga/Tableland that has been unprecedented in the history of my constituency and my community. In fact, we have recorded, at this point—if my rudimentary maths is decent or sufficient—something like perhaps 10 murders in 10 months. That is a minute number, perhaps, by national standards, but in terms of my constituency and my community, it is a number unheard of. In fact, in the last 10 months, we have probably had more murders than we have had in the last 50 years in my constituency.

I contrast that with my childhood when my mother, for whatever reason, deeming it knowledge worth knowing, recounted to me one day every single murder she could remember and details concerning them, and it was not a very long discussion, because in my constituency this is not something that one thinks about, but this situation has now come to my constituency, has now come to my door, and the end result of that is that in a very short time I have lost a classmate, I have lost someone who attended school with me. I have lost a former student, all of whom have been murdered. Now this has had tremendous ramifications in my community.

I am not accustomed to living in fear. In fact, the house I grew up in has no burglar proofing. In fact, it is customary for people in my community to leave their homes and leave their windows and doors unlocked.

**Dr. Khan:** Put some now.

**Hon. Dr. L. Francis:** Thank you so much, hon. Member for Barataria/San Juan. Your advice is truly, truly appreciated, if totally redundant. [*Laughter*] Mr. Deputy Speaker, I am not accustomed to living and being concerned with this thing called security. It has been an alien concept, but now the people in my community actually live in fear.

In fact, just two weeks ago, I had the singular displeasure of attending the funeral of one of the very young people who campaigned with me during the last campaign. He was murdered. He was shot to death. I went to a funeral where an entire community came together and literally standing there amidst all the pain and all the anguish that one could observe, I could also palpably sense their fear, so much so that I was constrained to go and speak and try to reassure them that the circumstances that they were facing, which is so alien to them and their culture would not go unaddressed, and the next day when we had Parliament, I came to the Parliament and I spoke with the Minister of National Security asking him to lend me some support in that constituency if only to allay the fears of my constituents.

Now, why am I telling you this story? Because I am sure any Member here could recount to you something similar, because crime is only abstract until it affects us. Crime is not an abstract discussion that we come here and we bandy around things that we do not understand, encroaching dictatorship.

**Hon. Member:** Creeping.

**Hon. Dr. L. Francis:** Well, I am adding a word that you might not know, so you will learn—encroaching dictatorship, creeping dictatorship. Clichés that have no meaning beyond the context or are used outside of the context in which they are meant.

**Mr. Deputy Speaker:** Members, I would like to hear the discourse of the hon. Member. [*Crosstalk*]

**Hon. Dr. L. Francis:** If it is to make you happy, I will go even slower. Thank you, Mr. Deputy Speaker. Crime is only an abstract idea when it is bandied about and you try to score political points, but the things that we discuss here have tangible impacts.

Now, one of the reasons why a very, very rural community which has no history of violent crime is suddenly facing a scourge of crime is because of the fact that Moruga is a coastal community. It has an open coastline. I have stood here and argued that maybe if we had done what we should have done and ordered the OPVs we might have been more protected, and then the illegal guns creeping into my community [*Desk thumping*] might not be there in the volume that they are just perhaps, Mr. Deputy Speaker, perhaps.

Now, I know enough not to assume that one singular cause is going to make an entire cultural change, but the point I am trying to make in the larger context is

that when we make policy it has impact. I would say to the hon. Member for Barataria/San Juan and the equally hon. Member for Naparima, when we do not make policy, it also has tangible impacts. Why? How?

Mr. Deputy Speaker, we all have to face a reality that we are facing a scourge of crime in this nation that is unprecedented. We have never faced anything like this in our short history as an independent nation or in our longer history as a society. Perfect frankness, total honesty will say that crime, corruption, criminality and the evasion of the law have been parts of our culture since there has been something called Trinidad and Tobago, and I could give you a number of historical examples.

Few people know today that the Red House building that we all would like to return to as quickly as possible—the first building—there was a roof on that building that had to be removed after it was constructed. The first roof of the Red House had to be removed. Why? Because the person selected to build the building was a joiner not an architect. So he put on a roof that was too heavy because he was related to somebody in government and he got a contract that he did not deserve to have. So at the great cost of the taxpayers back then, they had to remove the entire roof and replace it with another roof.

I could explain, for example, why there is something called a pothound in Trinidad. There was once a law stating that if you had a dog of pedigree that you had to pay a tax, so that Trinidadians and Tobagonians created a dog with no pedigree to avoid paying that tax. Criminality, crime, to some extent, disrespect for the law and evasion of the law have been part of our culture forever. [*Crosstalk*] If one is cynical, one might pretend, one might suggest as well, it might be well into the future. [*Crosstalk*] But. Mr. Deputy Speaker, as a nation [*Crosstalk*]—why is the hon. Member for Couva South mumbling in my ears when I am speaking? [*Crosstalk*] He is yet, yet unable to speak with his mouth open. [*Crosstalk*]

Mr. Deputy Speaker, there is no [*Crosstalk*]—he is mumbling again—way as a society we can hope to solve the problem of crime unless we understand its implications and the way it has been transformed. I could remember not too long ago where murder was something that you looked at the papers and you could follow a serial, and people were intrigued because it was an unusual thing. I could remember a time when crime was something that a man would climb into your house and steal something when you were not there. Those days have gone. Today crime in Trinidad and Tobago is an industry. It is organized—[*Crosstalk*]

**Hon. Member:** Probably by the PNM.

**Hon. Dr. L. Francis:** No more criminal than that statement, that vacuous statement you have just made, Member for Couva North.

**Miss Ramdial:** No, I did not say that.

**Hon Member:** Is Cumuto.

**Hon. Dr. L. Francis:** Crime is organized—sorry—they are interchangeable. Crime is sophisticated, crime is an industry and crime is interwoven. We have been discussing why we have opted to change the term “drugs” or dealing with the drug trade into serious crime, it is because the drug trade no longer exists as a singular entity. Where drugs are concerned you also have human trafficking, you also have guns and they aid and abet each other. The idea of a drug trade being a singular crime no longer exists, because crime is now interwoven, crime is now interconnected and it is affecting all of us. [*Desk thumping*] It is affecting urban centres, it is affecting rural centres, it is affecting the rich and it is affecting the poor.

What are we to do? Are we to stand and quibble about semantics, creeping dictatorships or are we as a Government given a mandate to act to make the kinds of changes to empower those who are tasked with enforcing the law to ensure that we can get a grip and over time reduce this scourge of crime facing us? Mr. Deputy Speaker, I contend that no responsible Government, no reasonable Government, given the circumstances that are being faced in Trinidad and Tobago today, can stand idly by, twiddle its thumbs and do nothing.

The greatest threat to our nation today is not the ISIS of the imagination of the Member for Naparima. [*Desk thumping*] The greatest threat to our nation today is a crime scourge that is unlike anything we have ever seen, and unusual circumstances demand unusual prescriptions, and this is not even unusual. This is simply a case of a Government tasked with a difficult responsibility making the kind of choice it must make to ensure the safety of its citizens. So I could go back and forth and banter with those on the other side or we could sit and face the seriousness of what is before us.

If a government in this situation—either side—is facing the problems we face and you stand and do nothing, you can be engulfed by a tide that is already poised to sweep us away. We cannot allow that. So I stand here proud today, giving my two cents on behalf of my constituency, which is facing its own minor but significant crime wave, but also for the people of this nation who are weary of the crime that affects them every day.

I am proud to stand in support of the amendment to this Act because [*Desk thumping*] those who are tasked with dealing with serious crime cannot do so with one hand tied behind their backs. They need information, they need intelligence, and if this Bill would provide them the kind of intelligence they need to ensure that that creeping tide of crime is halted and then reversed, all responsible Members of this House should be chomping at the bit to lend it their support, verbal or otherwise. [*Desk thumping*]

I grew up in a rural community where my father had a small cocoa plantation, so I am accustomed to seeing him dancing the cocoa, and it is a metaphor I could leave with those hon. Members on the other side, that those who have cocoa in the sun are most afraid of rain. Thank you, Mr. Deputy Speaker. [*Desk thumping*]

**5.25 p.m.**

**Mr. Deputy Speaker:** I recognise the Member for Caroni Central. [*Desk thumping*]

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Thank you very much, Mr. Deputy Speaker. The Member for Moruga/Tableland ended on the same note that many of his colleagues on the other side used at some point in their contribution, which is, that if you do not support this Bill it is because you have something to hide; if you do not support this Bill it is because you “fraid” the police; if you do not support this Bill it is because you do something and you are going to get catch. I want to tell you that it is not the police we “fraid”, we “fraid” the Government. [*Desk thumping*]

The world [*Crosstalk*] in which we live is a world from which we are not divorced. [*Interruption*] Would you let me speak, Minister Hinds. The world in which we live cannot be divorced from our reality, and we cannot be divorced from the reality in the world. Most of us, most of our citizens have heard the revelations of a man called Edward Snowden, and these revelations of Edward Snowden, these revelations have shown that massive surveillance of ordinary citizens, on an unprecedented scale by law enforcement and national security agencies has become commonplace and a way of life in the countries that are most highly regarded as being countries that practise democracy.

So the issue of the kind of world we live in and the surveillance states that are emerging, is something that we need to take seriously, and if you bring a Bill here that seeks to expand the powers of an agency and seeks to expand the jurisdiction of an agency, that addresses the issue of legislation, that addresses the issue of the approval and jurisdictional processes, that addresses the issue of how

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much power people have and where they have it, and what they can do with it then we have to take such a bill seriously. If such a bill raises questions like how is the innocent to be protected, and how do they have recourse to justice; if the bill raises the question of where are the checks and balances to ensure accountability, and to protect and safeguard the citizen, then you have to take such legislation seriously, and take the issues that we raise on this side seriously.

We are not here to pick a quarrel with you, and we are not here to do anything that would not advance this country in terms of managing crime in the country, but we cannot surrender power and control to an SSA over an extended jurisdiction with the only check and balance being the Minister of National Security, and then swallow that and say, we are going to support you. [*Desk thumping*] President Obama, after the excesses that happened in the United States where a number of ordinary citizens were found to be spied upon based on the Snowden revelations and, then subsequently, the revelations about leaders of other countries being spied upon, made a statement sometime in January 2014, in which he said, look, we have got to address this issue, and we have got to address the issue of the privacy of the citizen, the human rights of the citizen, and we cannot have agencies that have this kind of power and jurisdiction and no accountability. And the Congress of the United States took him at his word and they began the process by which they are looking at safeguards that would harness these agencies and limit the extent and the methodology that they would use in order to get information and to secure intelligence.

This is a very important thing. It is a worldwide phenomenon, and I want to say that Trinidad and Tobago is not a banana republic. Trinidad and Tobago is a serious sovereign State that has been, by and large, well governed. Every Government has had their ups and downs, but it has been well governed, and we are certainly not going to facilitate the creation of a banana republic in Trinidad and Tobago. [*Desk thumping*]

So when I read this Bill, which is really a series of amendments to amend the Strategic Services Act and to expand the functions of the Strategic Services Agency, having raised those issues on the context in which we are globally, and having been in a situation in Trinidad and Tobago where we know that citizens' rights have been violated, and yet, at the same time, we know that there have been challenges to national security, the 1990 issue has been mentioned, for instance. It is important, therefore, to see how this Bill relates to the Constitution of the country. The reason I raise the Constitution of the country, and I know that many Members opposite indicated, including the Attorney General who presented this



Bill, said that there is no need to look at constitutional violations in this, it does not arise, and he said that for this reason we do not need more than a simple majority, but I want to say that the Constitution is a serious document. I want to say that one of the things that the Constitution talks about is free men and free institutions.

This Constitution says at the very inception, it talks about the position, it talks about:

“...fundamental human rights and freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person and the equal and inalienable rights with which all members of the human family are endowed by their Creator;”

One of the Members on our side, the Member for Naparima talked about the making of the Constitution. This is our Republican Constitution of 1976, and he spoke of the 1962 Constitution which was actually made at Marlborough House. This Constitution also talks about enshrined rights, and it talks about those enshrined rights in the context of arbitrary detention and exile. So the enshrined rights that it talks about are things like:

“freedom of movement;  
 freedom of conscience and religious belief and observance;  
 freedom of thought and expression;  
 freedom of association and assembly; and  
 freedom of the press.”

There are other things that it mentions, of course:

“the right of the individual to equality before the law...  
 the right of the individual to respect for his private and family life;  
 the right of the individual to equality of treatment from any public authority in the exercise of any functions;  
 the right to join political parties and to express political views;”—et cetera.

Now why do I raise these things? I raise these things because these rights that are enshrined here are at risk if we do not manage the checks and balances associated with the institution that we are trying to create. [*Desk thumping*] Because there is nothing that prevents—under the current law that is being proposed, the amendments—interference in the life of someone who has a certain

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religious belief. There is nothing that prevents interference in the life of someone who has a certain position on some issue in the country at the level of ideas that you might not like, and that you may not feel appropriate, and there is nothing that prevents interference if you belong to a political party, or you express political views that are regarded as not palatable to the persons who are in charge of these institutions. [*Interruption*] You want me to give way? Sure.

**Mr. Hinds:** Just for my benefit, would the Member be willing to demonstrate what in these measures brings about a new condition in the matters you have just raised?

**Dr. B. Tewarie:** Of course.

**Mr. Hinds:** What?

**Dr. B. Tewarie:** You know that I will not come here and say something just because it sounds nice, if I say something I will show you. I will show you, but in my time, not yours. [*Desk thumping*]

I looked up the Constitution and I looked up the meaning of a Constitution, and I would not dwell too much on it but if I could just quote one explanation of what a Constitution is from the Oxford, British, and World English Dictionary, it is:

“A body of fundamental principles or established precedents according to which a state or other organization is acknowledged to be governed.”

So we must take this Constitution seriously. When I looked up the Constitution of Trinidad and Tobago, and I see on a website, [trinicenter.com](http://trinicenter.com), it says that the Constitution of Trinidad and Tobago is the supreme and highest law of the land, and it says that the Constitution guarantees rights and freedom.

It says that—the Constitution says that:

“...Parliament may not—

authorise or effect arbitrary detention, imprisonment or exile of any person;”

Then I went to the Ministry of the Attorney General, there is a section there called “The Law and You”, and that section talks about human rights and how they are protected in Trinidad and Tobago. It says that you cannot:

“deprive a person charged with a criminal offence of the right—  
to be presumed innocent until proved guilty according to law...”

Then I read this Bill. This Bill, when you look at the sweeping powers that it wishes to give without any checks in the process, the Bill is really hostile to the constitutional freedoms that I just espoused. [*Desk thumping*] This Bill can facilitate arbitrariness, Mr. Deputy Speaker. This morning I went to an occasion at the University of the West Indies and when I was coming out I bought a newspaper, and when—[*Interruption*] I would not take you on, but suffice to say that the University of the West Indies never flourished as it flourished under my care. [*Desk thumping*] Having said that, when I came out I saw the newspapers, and I did not get a *Guardian* because it was not available—[*Interruption*]

**Mr. Deputy Speaker:** Hon. Members, I would like to hear the discourse of the hon. Member for Caroni Central and, please address the Chair. Proceed.

**Dr. B. Tewarie:** Thank you very much, Mr. Deputy Speaker, and I will in fact address you.

So I did not get the *Guardian* because it was not available there, but I did get the *Express* and the *Newsday*, and when I turned to the *Express*, as I am going through, I get to page 4 and I read these two really disturbing articles, “Axed SSA directors threaten suit”, “Al-Rawi: No Cabinet directive to fire based on race”. In the front when I looked it says, weed out Indians, fired “...SSA directors threaten lawsuit”, and I could hardly believe what I was reading. I pulled my car aside to read the two stories, because I could not believe what I was reading. Then I looked at the *Newsday* and I found that there was another story where it says on page 10, “Too many Indians in agency”. Mr. Deputy Speaker, anybody who knows me know that I do not play around with issues related to race and divisiveness, and so on, in my society. [*Desk thumping*] I do not encourage it. I do not provoke it. I do not facilitate it. I am never part of it. I am not part of that. [*Desk thumping*]

**5.40 p.m.**

But I want to say that if there is a story like this in which the protocol that they have sent basically to warn of the intention to go to court, which would have to be sworn by affidavit—[*Interruption*]

**Mr. Hinds:** Anand Ramlogan is—

**Dr. B. Tewarie:** If people—[*Interruption*] The issue is not the lawyer. Do not “obfuscate”. I am reading an article. [*Laughter and desk thumping*]

**Mr. Hinds:** Standing Order 48(6), use of the Queen’s English. [*Laughter and desk thumping*]

**Mr. Deputy Speaker:** Proceed, Member, proceed.

**Dr. B. Tewarie:** We are basically talking about a situation that is reported in the press and I am not making a big thing of it. The source is the *Express*, the source is the *Newsday*.

**Mr. Hinds:** Who are they quoting?

**Dr. B. Tewarie:** But having read—Mr. Deputy Speaker, and I now ask for your protection—it raises the question of the arbitrariness that I just mentioned and we have not yet passed the Bill. [*Desk thumping*] It does not exist. People are named in it and we have the situation in the country, and it may not have been as it is there having to do with race. Suppose it was with something else? Suppose it had to do with political affiliation? Suppose it had to do with religious affiliation? Suppose it has to do with ideological orientation? These are important things that one cannot ignore in dealing with a piece of legislation of this kind.

Now, this Bill creates an institution which is likely to assume guilt and leave the proof of innocence to the affected person, I want to say. [*Desk thumping*] So, in my view the Bill is reckless to the requirements of governance and disrespectful of citizens' rights. And based on what I read from the Constitution, which is written in the Constitution, it is in violation of constitutional protection of [*Desk thumping*] these rights. This Bill has absolutely no countervailing checks and balances. It has no counterbalance to, nor redress against, excessive powers that it grants to the Executive branch of Government and the SSA, the Strategic Services Agency, as an institution.

I cannot believe that a Bill of this nature was presented to this House by the current Attorney General. I thought it was the Minister of National Security. But when I looked, it was him who presented it. I was absent when he presented it but I got a copy of his presentation and the reason I say that is because in the Opposition he articulated so many issues on behalf of human rights and freedoms, and so on.

Now, the first thing this Bill does is expand the remit of the parent Act by replacing a specific mandate, that is, detection and prevention of illicit traffic in narcotic drugs, psychotropic substances and precursor chemicals, to a broader, ill-defined, in my view, category of serious crimes, which includes any crime which can result in a five-year sentence. Now, that makes it very broad. It covers a lot of ground and it makes the situation even more tenuous in the context of what I am saying.

So, when I think of the Member for San Fernando West, now Attorney General, when he was in the Opposition advocating on behalf of people's rights and here now bringing this Bill before this House and advocating his position, which I have his presentation so I would raise some of the issues that are in it, I find it incongruous that it comes from the same person. And, therefore, I want to examine some of the issues in this Bill, because the Bill talks about this agency dealing with homicide. And when the Member for Oropouche East was talking and he talked about the fact that this institution is being created to do police work. And I ask you, if you have a situation like "homicide" falling under the jurisdiction.

**Mr. Hinds:** Not "homie-cide", homicide.

**Dr. B. Tewarie:** Well if I say "homie-cide dah is how ah say it nah man." That is my pronunciation. All right? If we have a situation like homicide, is that not police work? Is that not police work? What about kidnapping? Is that not police work? What about gangs? That is not police work, Mr. Deputy Speaker? Why are you giving powers to the SSA to do police work? [*Desk thumping*]

So let us take a look at the amendments. They will say that, that is not true, but I will look at the amendment.

**Mr. Hinds:** You are losing it.

**Dr. B. Tewarie:** "Yeah ah sure ah losing it. Ah not going to lose this though. Because if all yuh passing dis Bill all yuh passing it by all yuh self." [*Desk thumping*] Because either you send it to the Joint Select Committee, let us do a good Bill with checks and balances or "all yuh pass it by all yuh self because I not supporting this Bill." [*Desk thumping*]

So, I want to say look at this thing. It says it replaces drug trafficking with serious crime. But let us look at how this issue is. It says, I am reading now out of the explanatory note—I suppose you would tell me I did not pronounce that right—so, basically it says:

"...would be empowered and charged with the responsibility to deal with matters relating to the prevention of serious crime..."

Now it says "responsibilities" all right, but it does not address the issue of authority. The reason I raise this is because a lot of the things in this Bill are quite nebulous and uncertain and open, therefore, to arbitrariness, as I said, and in a situations like that the strongman always emerges and I want to say the culture of the strong man is very, very present in West Indian society.

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And, therefore, I want, in this particular thing:

“...responsibility...relating to the prevention of serious crime, including...aspects relating to its detection and prevention...”

You see, it does not say how it is going to play the role in relation to detection and prevention. [*Desk thumping*] We hear the “ole talk” here about intelligence-gathering and we hear the “ole talk” here about surveillance. But when you come down to brass tacks it does not say clearly how it is going to deal with this responsibility for detection and prevention.

It talks about:

“...coordination of crime prevention operations...”

It does not say how. It does not say how it is going to do this. What we hear is the loose talk that you have that these institutions operate in silos and you need something to bring it together. It does not say how. It says;

“...the development of strategic intelligence...”

Well what does strategic mean? Does that mean the identification of specific persons for surveillance and how that is going to be determined?

**Mr. Hinds:** Let me tell you what strategic means.

**Dr. B. Tewarie:** These are very important—I know what “strategic” means; that is why I am asking you the question. [*Desk thumping*] Did somebody say if I know what intelligence means? Do not insult my intelligence. Okay. [*Desk thumping*] I try to be very humble with what my assets are and I try to be very straightforward with the citizens of this country so I can deal with citizens at the level of their existence. But do not come there with me. “Doh try dat wit me”. All right?

But I have some of the quotations from you, “Mr. Representative for Port of Spain North/St. Ann’s” so we will get there. Then it says:

“policy formulation advice...”

Okay. Now that, again, it does not say how.

“deepening of domestic and international cooperation...”

So this institution is now doing that.

“information sharing...negotiating foreign technical assistance...capacity building through specialised training...”

Now that is a very important thing, which is, how does this agency do that? Does the agency do the picking and choosing in the police service and in the military, or is this done through some other process that is not defined? Or is there going to be a protocol? I know what I am asking, Member for Laventille West. And the people—[*Interruption*]

**Hon. Member:** He is rambling.

**Dr. B. Tewarie:** I am not rambling. I am dealing with the issues that are dangerous in this Bill. [*Desk thumping*] You feel I am the people that you are accustomed fooling. Let me tell you something: you can only fool some of the people some of the time. [*Desk thumping*]

**Mr. Hinds:** Member, Member.

**Dr. B. Tewarie:** No I am not giving way. I am not giving way. All right, but, Mr. Deputy Speaker, what I am saying is that, when I outline all of these things and see the nebulousness of it, what I am really saying is that the lines between advisory role, intelligence-gathering role, and the operations role; those three lines are blurred: policy, intelligence, operations. They are blurred. And you cannot have an agency like this that is capable of doing all three functions without checks and balances. [*Desk thumping*]

They raised the issue of clause 5 of the Bill. It talks about no problem of sources. It deals with the issue of funds. I do not have any problem with the sources of funds that are articulated here but I do have a question of accountability, that is to say there must be some measure to indicate to us how the funds have been spent. It is one thing to say how the funds are gotten. It is important to identify how the funds have actually been spent. And by that I do not mean simply to account and to give the notion but since this is going to be an intelligence-gathering agency that has implications for surveillance and, therefore, has implications subsequently for operations, it is important to know how the money is spent. Is it spent on wiretapping? Is it spent on tapping—whatever it is. It is important to know that. The details of that are important.

This issue of crimes carrying a penalty of not less than five years, I think it is something that you cannot just say send a first-year law student to find out what that is. It really raises important questions.

**Mr. Al-Rawi:** Thank you first of all for giving way. I sincerely appreciate it; a gentleman you are and continue to be. May I please just encourage. I do want to hear the debate but I am hearing the same points over and over again. I do not mean to be disrespectful but we have—not to curtail you in any way, but please if

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Members have made the point, I have heard the point a few times, I would be very pleased to hear. Some of the points you have raised are very novel. I thank you for them but I do not want to invoke any Standing Orders and I would like to exercise the courtesy as you always do with me. Thank you.

**Dr. B. Tewarie:** Okay. Thank you very much, hon. Attorney General. But I did not. I thought that I was—any points that I may have been repeating that other people have made, I am repeating them in the context that I have said, which is one, the constitutionality issue; secondly, the opportunity for arbitrariness that I mentioned; thirdly, the transparency issue, not just the accounting issue and that is why I am raising these issues. [*Desk thumping*]

**Mr. Deputy Speaker:** Hon. Member, your speaking time has expired. Do you care to avail yourself of the additional 15 minutes? Proceed.

**Dr. B. Tewarie:** I would like to proceed. Thank you very much. Mr. Deputy Speaker, there has been a lot of injury time here, I want to say. At the risk of repeating what others have said, this thing about persons involved in serious crime, the word “involved” there is very imprecise and subject to all kinds of considerations and that really needs to be cleaned up. For instance, current or projected drug trafficking transactions and substituting the word transactions related to serious crimes. How do you determine the link? Those are issues that have been raised before. So I am saying in the text of the Bill itself, in the amendments, there is some tidying up that needs to be done because it does not do justice to a Bill that is of this import. Okay?

What is the purpose of this Bill, really? The first thing is that what is the problem that we are dealing with, trying to solve? It cannot be the problem of just getting all these silos together to function and getting an SSA that would have all the intelligence that you need so you could solve all the crimes. When you look at one of these reports that I have here—there was another one that came out today that basically said that things were pretty, pretty bad and out-of-hand. But in this particular report it said:

“Violent crime remains a major concern. The majority of violent crimes (homicides, kidnappings, assaults, sexual assaults) are gang/drug-related or domestic. A significant and growing portion of this violence is attributed to the influence of gangs, illegal narcotics, and firearms. Not all crimes are recorded... Most reported crimes occur within the metropolitan areas...”—et cetera.

And it goes on to analyze the situation.



The Barbados Attorney General talked about Trinidad and Tobago and he said he does not want Barbados to get like that. And then they had an editorial in the Barbados Nation basically saying keep an eye on Trinidad and Tobago because that is not where we want to get to, and so on.

But having said all of these things, I want to go back to the Minister of National Security on September 10, 2015.

My number one priority is to do a review of the security architecture of Trinidad and Tobago, to look at the people, systems and procedures to ensure that they are still relevant to the threat environment to Trinidad and Tobago. He noted that the controversial Special Anti-crime Unit will be looked at and may return.

Okay.

Then the PM says, this is on March, 01<sup>st</sup>, a Tuesday. He says:

The level of violent crime and criminal conduct is objectionable and continues to attract the full attention of the Cabinet. National Security Council and all other arms of the State, whose duty it is to work assiduously to ensure that we return in the shortest possible time to good order, peace, safety and security in Trinidad and Tobago.

In Caricom, of course, they are involved in part of a Caricom security strategy in which the big issues are countering transnational organized crime, illicit trafficking and terrorism, countering corruption and money laundering, preventing crime and reforming criminal justice, drug use prevention and treatment of HIV/AIDS, et cetera.

And the end result of all of this is that you ask yourself: is this piece of legislation, if we pass it, going to deal with the crime situation? One hundred and forty-two today. I just saw one on facebook, somebody wrapped up in a piece of plastic or something in Manzanilla, really frightening. And together with that I get the terrible news that we have again been downgraded by Moody's and when you look at Trinidad and Tobago, I mean you really, really worry about the state of the country. It is a problematic situation. [*Desk thumping*]

The situation in the economy, as I said to one of the reporters not too long ago, when you are dealing with an economy, you cannot deal just with accounting, even if you must do accounting. But it is political economy that you are dealing with. And when you are dealing with crime, you cannot just deal with something like the SSA

to deal with the crime on the street. One hundred and forty-two murders now in Trinidad and Tobago in the few months that have gone in this year and this is not going to solve the problem.

I want to say that this issue of the balance between privacy issues and the authority that you give and the institutions that you create is very important. You have to strike that balance or else we are going to have nothing in the country. We will have no democracy. We will have no society. All we will have is a police state and a police state is not created by the police, I want to say. [*Desk thumping*] A police state is created by the kind of government that you have and they create the conditions in which you have a situation in which the arbitrariness that was reported in the *Express* and the *Newsday* can actually take place, [*Desk thumping*] even without legal status.

So privacy protection is a difficult issue but I want to deal with it a little bit. In the European Union, privacy protection is a human rights issue and the trend in Europe, even in a context of terrorism and terrorist surveillance, is to enhance privacy protection standards even further. So you see in a democratic state you do not come down with the clamp of the law to terrorize an entire nation in order to deal with terrorism. You deal with that aspect, yes, but you deal with the issue of privacy because the main job of the Government is in fact to protect the citizens, not to imprison them. [*Desk thumping*] You see, in some countries in the world they do not even acknowledge something called the protection of privacy. I want to say that, and that is why I read the constitutional elements before, because in some countries the privacy laws are not covered in the Constitution. [*Desk thumping*] The privacy issue is not covered in the Constitution but we are covered in the Constitution by this issue of human rights and privacy. And, therefore, the standards by which we conduct ourselves in law-making have to be as high as the United States, the United Kingdom and the European Union when it comes down to this kind of thing. [*Desk thumping*] And we are no more threatened than they are threatened.

Then some countries in the world, they do not even acknowledge something called the protection of privacy. Who cares about privacy in China, with all due respect to them? What safeguards for privacy protection exist in Russia? Do you think that the Mugabe regime in Zimbabwe has any concerns whatsoever about privacy of citizens or privacy protection? Even in countries considered enlightened in this matter such as the United States, such as Australia, they have challenges maintaining a balance between privacy protection and the need to gather intelligence. I mentioned the Snowden issue. I mentioned President Obama's speech. I mentioned the role of the Congress in all of this.

Now, they have a problem, a challenge with the maintaining of a balance between privacy protection and the need to gather intelligence and manage surveillance. As the terrorism threat becomes more intense the challenge to balance these concerns will be even greater. The difference is that these countries have strong traditions of democracy and they are committed to the protection of democracy. They do research and they have research institutions. They make findings available to the public. They have a press that leans more towards individual liberty than it does to any kind of authoritarian entity within the society and they have NGOs and advocacy groups that are dedicated to civil liberties.

The world has changed dramatically since 2011, and the terrorist attack on New York, which traumatized not just the US but the whole world, the need for intelligence-gathering and surveillance has emerged as a dominant concern, but counterterrorism initiatives have been on the global agenda since 2001. So it is not something that has just emerged today. This law, the first one that dealt with drugs and so on, was done based on relationships with the United Nations and their insistence in the 1990s. I think it was 1993, I am not sure, but it was done around that time, you know. But the intelligence agencies and the law-enforcement bodies have been leveraging the issue of national security to develop systems of mass surveillance that deeply intrude in the lives and freedoms of ordinary citizens.

The point I am making here is that if this could be excessively done in the United States, if it could be excessively done in Europe, if it could be excessively done in Australia, what is to prevent us from also being excessive if we have these institutions? [*Desk thumping*]

So you cannot tell us you are going to be good guys and you would not break the law and you would not abuse the law, and so on. We might believe you but we cannot go along with you. We cannot go along with you on that because we do not know who is going to be the governor of this state 50 years or 100 years from now. And, therefore, the laws have to protect the citizens for a long time. [*Desk thumping*]

This has become an issue of great contention, this business of privacy, and so on and how you protect it, where in countries in which the public discourse is strong and across the world, among individuals and institutions to whom the balance between individual privacy and liberty on the one hand, and the need to be prepared to protect a community, a country or a world system from imminent danger through intelligence-gathering and surveillance, is a real and urgent necessity.

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I am not saying that this Bill does not address some of the issues that we must address. We have had a 1970 here. We have had a 1990 here. We have our citizens involved in terrorist activity abroad. We have people who have been imprisoned in other countries coming back to Trinidad and Tobago, not knowing where that is going to end up. This is very real. But the way the legislation is framed and the way it is not contained makes it a dangerous little piece of legislation.

Now, real questions emerged in this sphere. Should we—you know in this thing you could—*[Interruption]*

**Mr. Deputy Speaker:** Hon. Member, you have two more minutes, please.

**Dr. B. Tewarie:** Okay. I will have to close, Mr. Deputy Speaker, in the two minutes, and what I would say is this, I have before me the statement of the Attorney General and I am not in a situation where I can go through the entire thing but I do want to emphasize some of the issues that he raised. What did I do with it now? The reason I raised it, I cannot find it now, but he raised the issue of legitimacy. He raised the issue of the properness of this legislation. He raised the issue of proportionality in the legislation. He raised all the issues that are important to raise in relation to the legislation, but what he did not raise, he raised the issue of legitimate aim, proportionality, the issue of Executive power. He mentioned the Auditor General. He said the purpose is intelligence only and I pointed out that the nebulousness of this legislation makes it hard to say that it is for intelligence only. He dealt with the issue of judicial warrant and when you would not use warrant. But what I would say is the ability to interfere with people without warrant is excessively expanding in this legislation. You can do it almost for anybody and you now have more people who can do it in the system, in the SSA and you have other people who have been given that power under the old legislation already.

Now, I want to close by saying, Mr. Deputy Speaker, that I have no problem with the legislation in intent. We on this side do not have any problem with dealing with the issue of crime in this country and dealing with it well. We have no problem with creating a good intelligence-gathering agency, which can make a difference to crime, but if we are going to do that, we need to have the checks and balances that are necessary and we need to have clean language in the legislation in which the language is precise and finally, we have got to have a legislation that can make people more, rather than less secure. *[Desk thumping]*

**Mr. Deputy Speaker:** Thank you hon. Member.

**Dr. Surujrattan Rambachan** (*Tabaquite*): Thank you, Mr. Deputy Speaker. Let me take the opportunity to congratulate my colleagues on this side for their contributions that they have been making to this very important but what could be very dangerous; a dangerous piece of legislation in the country, in terms of what my colleague, Dr. Tewarie, the Member for Caroni Central, mentioned, in terms of the rights, protecting the rights and freedoms of people.

### **6.10 p.m.**

Mr. Deputy Speaker, allow me a moment to just mention something, I think it is important, about my colleague, Dr. Tewarie. During his contribution, in the crosstalk, unsavoury comments were attempted about his tenure as the principal of the university, and it happened on the floor there. Mr. Deputy Speaker, in my view, Dr. Tewarie advanced the University of the West Indies and, particularly, [*Desk thumping*] the internationalization of the relationships of the university and the building of what today is one of the best business schools, not only in the Caribbean, but internationally, the Lok Jack School of Business. [*Desk thumping*]

Having said that, Mr. Deputy Speaker, let me also pick up on a point made by the Member for Laventille West, when he tried to insinuate that we are not patriotic; that we will not be patriotic or acting with patriotism—if we did not support this Bill, we will not be patriots, and I think the Member for Naparima also spoke about this. You know, to be patriotic is to love your country, but to be patriotic also is to stand in defence against dictatorship. And any time that any group of persons, whether it was in the coup of 1990, or whether it is in the attempts of this Government to undermine the fundamental rights and freedoms of people like is enshrined in some of this legislation and has been attempted, then standing against that is also being patriotic because you are being patriotic to the values of the country, of freedom and democracy. [*Desk thumping*]

The hon. Prime Minister speaking to the Convention of the PNM, he made a very interesting statement speaking at that convention, where he said—this was the last convention of the PNM:

“We invite the Opposition to join us in”—this—“battle against the criminals...”

The next few lines of his are very important:

“and with or without them, we are going to go ahead and pass that law...”

And the article continues:

“making reference to the amendments to the...(SSA)”—and so on.

And this was at the special convention of the ruling PNM on Sunday, that would have been the 3<sup>rd</sup> of April.

Mr. Deputy Speaker, when you can say that you are going to go ahead with or without them and pass legislation of this nature, and ignore—the them that you speak about represent over 340,000 persons in the country, [*Desk thumping*] then you are treading very dangerous ground. Because what you are signalling is that you do not have respect for the Opposition and for those who stand against you as the Opposition, and that has been a characteristic of the PNM: “who do not like it get the hell out of here”. This is not what this country is about. We have come a long way from 1956 to today to turn back the clock, and what we should be doing is achieving consensus in the country, consensus as we move forward, rather than the kind of divisiveness that is being promoted by the other side, and the contempt.

What we are seeing developing in this country, in the statement of the Prime Minister with respect to the treatment of the Opposition, we are going to go ahead with or without them, is not different to what we are seeing in today’s *Newsday*, where the Minister of Labour and Small Enterprise Development is quoted as saying that they did not consult with the unions because time did not permit that. And then apologizes, we are really sorry about a situation. It is not different to what the *Trinidad Express* has now begun to pick up in its editorial on today’s date:

“Imbert talking-down style stirs up dissent”

And concludes by saying:

“In time, it will become clearer if Finance Minister Imbert has got his economic sums right. What is...”—[*Interruption*]

**Mr. Deyalsingh:** Mr. Deputy Speaker, I rise on Standing Order 48(1).

**Dr. S. Rambachan:** You do not want to hear what I am saying because it is hurting? It hurting for being contemptuous.

**Mr. Deputy Speaker:** Again, hon. Member, let us keep on the topic that is being debated today, please, the Strategic Services Agency Bill.

**Dr. S. Rambachan:** Sure, Mr. Deputy Speaker. With due respect, and with all respect to you, Mr. Deputy Speaker, I am making a very important point on the tone with which this debate is being conducted and the way that the views of the Opposition are being dispensed with, and the entire country that opposes the PNM

is being dispensed with, and I am arguing that a pattern is developing that we are seeing in the country of arrogance and contempt towards everything that they do not agree with [*Desk thumping*] and that is the point I am making. I think it is important because I quoted the Prime Minister as saying, with or without us we are going to get this—[*Interruption*]

**Mr. Al-Rawi:** Mr. Deputy Speaker, 35(1). Mr. Deputy Speaker, I heard this a thousand times now.

**Mr. Deputy Speaker:** Members! Members of this honourable House, again, I will not be tolerating the excessive crosstalk that has been happening since after tea. Okay? So I am going to make a ruling. Which Standing Order you quoted, Sir?

**Mr. Al-Rawi:** 35(1), Sir. [*Interruption*]

**Mr. Deputy Speaker:** Hon. Member for Naparima, I just spoke. Overruled! Proceed.

**Dr. S. Rambachan:** Thank you, Mr. Deputy Speaker. Let me reiterate a very important point because I will be one of, maybe the second to last speaker and I want to make this point clear on behalf of the Opposition once again, that the Opposition has every intent to support legislation which will cause an abatement in criminal activity. I want that to be a fundamental.

But, Mr. Deputy Speaker, while we will not stand in the way of legislation which will positively impact upon the security of citizens and national security, at the same time we are not going to allow legislation that affects in any form whatsoever—especially negatively that is—the fundamental rights and freedoms of our citizens and I must say that. I will repeat it because it is important for the population to realize it, because perhaps until we have drawn this matter to the attention of the media by a media conference, even the media did not realize the extent to which this legislation would be affecting the rights and freedoms of people.

Mr. Deputy Speaker, we are, in this Parliament, facilitators of the efforts of the security forces through legislation, we are facilitators of the court through legislation, the justice system, and we need to pass legislation to push back what can only be described now as growing lawlessness in the country. You know, maybe my colleagues on the other side do not want to hear it, but the lawlessness has increased tenfold since the PNM won election. [*Desk thumping*] People are just doing what they want to do. Lawlessness is just too much.

There is a total loss of respect for law, and there is a loss of respect for life as a whole. So do not think we do not understand the importance of legislation to deal with crime. But we must see the stark reality of what is facing us, and the stark reality is for some reason the police service and the security forces have not been able to get a hold of law and order in the country, and the Minister of National Security needs to explain to the country why. Why is it that the criminals have gained the upper hand to such an extent?

We have come here today to argue there is a matter of lack of intelligence. I will address that, but, you know, Mr. Deputy Speaker, the question still has to be asked: why is the police service charged with gathering information? Why is it that even since 1990—if you want to go back so far—they have not been able to improve their intelligence gathering? Why? Is it that somebody charged with that responsibility is not doing their job in the service itself? What is wrong? And therefore, the Minister of National Security needs to bring in the heads of the service and ask that question, what is wrong?

Mr. Deputy Speaker, in my mind there are areas of the police service that have been doing well, for example, in the removal of firearms from the street. They have done well and they must be congratulated. Yet, why is it more and more firearms are coming into the country almost on a daily basis? Children have now firearms in their hands, less than 16-year-olds are found with firearms. And in the context of the debate here today, I am therefore forced to ask where is the intelligence in the police service that it appears not to be able to identify the gunrunners, the suppliers?

Yes, why is it that—People in Cedros can tell you on the streets that guns are coming through Cedros. You have a coast guard post there, you have all kinds of posts there, and yet you want to tell me that they cannot intercept and gather information from the people on the ground, the information that will allow them to make the arrest or make the interceptions with the gunrunners that are coming across the main? That is open information on the ground. You do not have to go and buy that information. The people of Cedros are telling you that.

Mr. Deputy Speaker, I have some other questions. When you examine the scope of matters being brought under the aegis of this amended SSA, you are also forced to ask the question as to whether the current Government has lost faith in the ability of the police service to deal with the current situation. And what they are really doing is in a very subtle manner, or more than subtle manner, placing power elsewhere in a parallel entity over which the Minister will have wide



powers and authority, and be protected in the exercise of those powers, given the weak oversight which we talked about; the weak oversight, weak checks and balances, if any.

**Mr. Al-Rawi:** 55(1). Fifth time it has been said.

**Mr. Deyalsingh:** Specifically, 55(1)(b).

**Mr. Deputy Speaker:** I am on my feet. Members, again, each individual will be given the opportunity to debate. And with regard to repetition, please, according to particular Standing Order 55(1)(b):

“persists in irrelevant or tedious repetition either of his own arguments, or...the arguments used by other Members...”

I know we are discussing the SSA, but, please, Members, let us try to ensure that repetition is minimized. Right? I will not, when I say, continue to give information on it again. Kindly proceed, Member for Tabaquite.

**Dr. S. Rambachan:** Thank you, Mr. Deputy Speaker. Thank you. Mr. Deputy Speaker, I am fearful, given the history of the PNM, that a parallel entity is being—[*Interruption*]

**Mr. Al-Rawi:** 55(1)(b), 44(10); 48(6).

**Mr. Deputy Speaker:** Hon. Member—Attorney General, the Member has just started his statement by issuing the title, so let us hear what he has to say, please. Proceed, hon. Member.

**Dr. S. Rambachan:** Mr. Deputy Speaker, what it is in the DNA of PNM that whenever they are in Government they effect or seek to effect measures which transgress the rights of citizens? I do not want to go back to the dreaded Public Order Act because that will be a good place to go back, but I will not go back. Strong legislation is necessary in the fight against crime, but—and they are going to say I am repeating again—there is a real problem when a Government attempts to widen the powers which is civil—[*Interruption*]

**Mr. Al-Rawi:** 55(1)(b). This is the tenth, Mr. Deputy Speaker—[*Interruption*]

**Dr. S. Rambachan:** You are trying to shut me down?

**Mr. Al-Rawi:** I am allowed to under the Standing Orders.

**Dr. S. Rambachan:** You do not want me to speak? You do not want the country to speak? You do not want me to speak on behalf of my constituents?

**Mr. Deputy Speaker:** Hon. Member for Tabaquite. Standing Order, proceed.

**Mr. Al-Rawi:** Yes, Sir. Under the Standing Order 55(1)(b), where I make the point to succinctly, this is the umpteenth speaker to raise the same point again [*Desk thumping*] and the scope of the debate cannot just be continuously the same point. I respectfully do not intend to interrupt the hon. Members, but the points—I am making notes, Mr. Deputy Speaker, and it is the same points over and over again. Much obliged.

**Mr. Deputy Speaker:** Hon. Members, I am also making my notes, but the Member has started to make his point. Once it is that it has been expounded, I will be in a position in order to say whether it is that it is being repetitious or not. Kindly proceed, hon. Member for Tabaquite. [*Desk thumping*]

**Dr. S. Rambachan:** Mr. Deputy Speaker, it is clear that no matter what we say on this side with respect to this Bill, they are going to shut us down, they are going to pass the Bill against the will of more than half of the people of this country. [*Desk thumping*] That is what is going to happen, and that is unfortunate. I thank you, and my respect has grown for you that you have seen at least what I am trying to say and recognizing my freedom to express here in the Parliament.

Mr. Deputy Speaker, what I would like to also say is that I believe that since it is going to affect the rights of citizens and since it is expanding the range of things which can be intercepted and what have you, I think that this Bill requires a constitutional majority. I think it requires that, and I think that a case can be made for that wherever under the Constitution people's rights are affected, and therefore, I want to raise it. [*Desk thumping*] That is one of the reasons we are asking here that this Bill be carried to a joint select committee which will be able to deal with that, or put in the checks and balances which will avoid—  
[*Interruption*]

**Mr. Deyalsingh:** Mr. Deputy Speaker, 55(1)(b). This is the millionth time we are hearing about checks and balances, joint select committee and constitutionality. If they have nothing new to say—“Oh gosh man”, Mr. Deputy Speaker, they have nothing new to say. They are just regurgitating the same things over and over and over.

**Mr. Deputy Speaker:** Hon. Members, it is a debate dealing with a specific Bill. I am of the opinion that, yes, there would be certain points that will have to be raised, and all I am saying is that the Members on the other side will also have their points to raise. Each Member will have their opportunity. Again, as the Speaker in the Chair, I will determine the extent of the repetition, and I am saying

that the Member has only begun to make his point. Once he goes into it, I will be able to make an assertion as to the validity of being repetitious or not. Kindly proceed, Member for Tabaquite. [*Desk thumping*]

**Dr. S. Rambachan:** So, Mr. Deputy Speaker, what are the checks and balances required? Let me make reference to two Acts: the Data Protection Act and the Interception of Communications Act.

Mr. Deputy Speaker, I really want to know, you know, what is the problem with the hon. Attorney General; why he is trying to shut down discussions— [*Interruption*]

**Mr. Deputy Speaker:** Member! Member, make your point, please. I do not need any assistance, Members, in order to make my judgment. Proceed, make your point and I will determine accordingly, Member for Tabaquite. Make your point, please.

**Dr. S. Rambachan:** Mr. Deputy Speaker, I have made my point for the evening and the population of this country has seen the environment in which I have made my point, because now they know that laws are going to be passed in this country, contrary to the will of maybe the majority of the citizens using the simple majority that they have on that side.

**Mr. Deyalsingh:** Member, would you give way? [*Crosstalk*]

**Dr. Tewarie:** No. Sit down, man.

**Dr. S. Rambachan:** Mr. Deputy Speaker, I have very little to say again, but what I want to say is that it is very interesting to me that this Bill that they are talking about, the SSA, and expanding it to include all of these things, flies in the face of their failure over the last seven months to deal with the criminal situation in the country. [*Desk thumping*] It flies in the face.

You wonder what has happened to all the training of the police officers who have been sent to Cambridge University and all about for training. What has happened to all that training? Have they not been able to effect that training?

**Mr. Hinds:** You fired— [*Interruption*]

**Dr. S. Rambachan:** We do not fire people that cause us to get these kinds of headlines, very disturbing headlines on the newspaper, claims of unfair dismissal, racist request. We have not engaged in that kind of thing.

**Mr. Deyalsingh:** Mr. Deputy Speaker, 55(1)(b). That letter has been aired by at least three Members opposite. Are we going to be hearing about this letter from every single speaker?

**Mr. Deputy Speaker:** Member for Tabaquite, please, no reference to that letter and also to the newspaper articles with regard to the firing of the officers and so on, please. Kindly proceed.

**Dr. S. Rambachan:** Thank you, Mr. Deputy Speaker.

**Dr. Khan:** Can I just ask for your guidance. If a situation arises that you need information to bring your point forward and you need to utilize the letter as well as the information, is it not correct that you could utilize the letter and information to bring your point across, although it may be the same letter and information that the previous speakers utilized, but the information you are bringing may be different?

**Mr. Deputy Speaker:** According to the Standing Order, Member, 55(1)(b), “persists in irrelevant and tedious repetition”, and this would be about the third time that a Member would be utilizing the said letter and also reference to the newspaper article. Whether it is that he is making a similar point, or a different point, but it is reference to the same documentation, and I prefer that he desists from it.

**Dr. Khan:** I just seek your guidance, Mr. Deputy Speaker. If the fact is that the letter and the information of the letter is a finite thing and has to be utilized for a discourse, we have to utilize the finite letter for a different interpretation. So it is not the same point. The letter may be the same, but the argument is different.

**Mr. Deputy Speaker:** Member, I will determine as we go along. Kindly proceed, Member for Tabaquite.

**Dr. S. Rambachan:** Thank you, Mr. Deputy Speaker. This legislation has not even been passed and the population has had a very, very good opportunity to see the attitude of our friends on the other side [*Desk thumping*] with respect to how they intend to govern.

In conclusion, Mr. Deputy Speaker—[*Interruption*]

**Mr. Young:** 55(1)(b). Point of order, please. 55(1)(b), continues to refer to it; and we can throw in 55(1)(a) as well, objectionable, abusive, insulting and offensive words that seem to always come from the other side, Mr. Deputy Speaker.

**Mr. Hinds:** I would like to add 48(6), Mr. Deputy Speaker.

**Dr. Khan:** Could I, Mr. Deputy Speaker—[*Interruption*]

**Mr. Deputy Speaker:** Hold on one second. [*Crosstalk*]

**Dr. Khan:** No, I am on 48(4) for this one. For Member for Laventille West, 48(4).

**Mr. Deputy Speaker:** Member for—Chief Whip, please, have a seat, please. I overruled. Member for Tabaquite, kindly proceed, please, and let us get on with the debate.

**Dr. Khan:** Mr. Deputy Speaker, on a point of order. 48(4) on the Member for Laventille West. [*Desk thumping*]

**Mr. Deputy Speaker:** With regard to?

**Dr. Khan:** 48(4).

**Mr. Deputy Speaker:** He stood on a point of order, Sir. Kindly proceed, Member for Tabaquite.

**Dr. S. Rambachan:** Mr. Deputy Speaker, I have made my points, but there are two points I want to make in conclusion. One, I just said that the country has had a chance to see the behaviour of the Government on matters of important legislation like this, and they now know how they expect to be treated. Secondly, what is there to give us hope that this revised SSA will be any better and it is not really intended to be a Gestapo type organization? And finally, I leave it for the population's judgment as what is the real reason for disbanding the SSA as currently constituted, and reconstituting it in the frame of mind that they have determined.

Thank you, Mr. Deputy Speaker. [*Desk thumping*]

**Mr. Deputy Speaker:** Hon. Member for Cumuto/Manzanilla.

**Mrs. Christine Newallo-Hosein** (*Cumuto/Manzanilla*): Thank you, Mr. Deputy Speaker. I rise on this debate to really bring about a matter that is very personal to me. [*Crosstalk*]

**Mr. Deputy Speaker:** Member, can you have your seat please. Members, please. As the Deputy Speaker, I think I deserve to be respected. [*Desk thumping*] All right? Let us continue with the debate, but please, Members, we can have the little crosstalk, but please let us ensure that we hear the individual and, again, the repetition will not be tolerated. I have made my notes so I have jottings as to what can be considered as we proceed. Member for Cumuto/Manzanilla, I recognize you.

**Mrs. C. Newallo-Hosein:** Thank you. Thank you very much, Deputy Chair. Mr. Deputy Speaker, as I indicated earlier and you might have missed it, I have a

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very personal interest in this debate. In 2005, my son had been kidnapped, and as a result of it I had been privy to a number of matters that were affecting the police service and the SSA at that time. So much so, that I was moved to write some articles that were published in the *Trinidad Guardian* in July of the same year, and there were three things that would have been highlighted at that time.

One, there was an extremely high crime rate; two, there was a very low detection rate; and three, there was a very low conviction rate. As a result of it, there was a concern in the country because there was at that time very well known to the population, that there was this surveillance unit that was operating in Trinidad and Tobago. Oftentimes persons would hear, not necessarily see, but hear the blimp passing overhead, and therefore, we felt that a lot of criminals had time to hide or put away whatever it is. But the point about it is that there was that level of intelligence gathering at that time and yet it was not put to use in terms of reducing crime.

As a matter of fact, Mr. Deputy Speaker, it is under what we would refer to as spying, we were of the opinion, at least the population was of the opinion that this level of spying did not bring about any reduction in crime, but rather it allowed and promoted crime. It did nothing to bring my son back. As a matter of fact, when the hon. Attorney General made the point that the unit, the SSA, would be responsible only for intelligence gathering, it did nothing then without working with other units. It must be in the context of solving crime.

So intelligence gathering now will not impact unless you have the policies, and the procedures, and the connections in terms of how each unit, each agency will work with each other, and that has not been articulated as stated by Members on my side, which are the Member for Caroni Central and the Member for Oropouche East. So I am not going to repeat it, but I just want to let you know, Mr. Deputy Speaker, that we can see the future by looking at what happened and transpired in the past, and one of the things that we can do is look at a trend analysis, and the trend has always been that crime has always flourished under the PNM. [*Desk thumping*]

What has been very clear, and this is maybe how the Member for Moruga/Tableland would understand why crime has flourished in such a short time.

**6.40 p.m.**

And so—I will not give way. So, Mr. Deputy Speaker, it is important for us to address the concerns of the population. [*Crosstalk*]

**Mr. Deputy Speaker:** Members, please. Members, please. I want to hear the contribution of the Member. Proceed.

**Mrs. C. Newallo-Hosein:** Thank you so much for your protection, Mr. Deputy Speaker. As I indicated, the persons who prosper are the criminals and there is no assurance in this Bill that it will not continue. There is no assurance. [*Crosstalk*] I will continue to address you, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Members, please.

**Mrs. C. Newallo-Hosein:** Thank you. You know there is something about when you make a public statement, Mr. Deputy Speaker. When you make a public statement it remains in the public domain. And so I know that the Member for La Horquetta/Talparo would be able to agree with me when I say that, in light of the fact with the rapid rail he had opposed it. And so in the public domain I had made this statement in 2005 and it was this:

“I begin to ask myself questions such as; why does the Anti-Crime Unit have equipment necessary for surveillance and not the AKS? What is their purpose? Why do they answer only to the Minister of National Security?”

It is my opinion Hon. Minister of National Security...”

Because I was speaking to the Minister in my article:

“...that when an entire unit answers only to you, it raises grave concerns. Now mind you, I am not placing any attacks on your character.”

And still to the hon. Minister of National Security current, I am not casting any aspersions on your character as well. I continue:

“I am just saying that no political entity should be in charge of the defences of a nation because there is the potential for victimization and unscrupulous means.

Remember...”

and I continue:

“...when you put a structure in place it is for further administrations as well. As the unit has already been set up then mechanisms must be put in place to protect its integrity.”

And so, Mr. Deputy Speaker, what I said then is still relevant and applicable now that in its current state there is not anything to protect the integrity of this unit.

Members on this side spoke about the Israeli system that was brought to light by their Government and Member for Oropouche East spoke of those methods are like methods of torture. I recall a constituent raising a matter on the Appropriation Bill that the Minister of National Security spoke on, where he said and I quote:

“So what would be immediately done is the creation of a specialized joint unit designed specifically with all the necessary qualified personnel, the appropriate equipment and the legal framework, most important, to treat with the possession of guns and activities of gangs in Trinidad and Tobago.

You see, what we are sending there, Madam Speaker, is a message to those who choose to bear arms illegally in Trinidad, this specialized unit would be knocking at your door. This specialized unit would make your life in such a way that you”—would—“have to give up that gun, Madam Speaker. It would be based on intelligence used, and I repeat, within a legal framework and so those who choose to bear guns illegally in Trinidad and Tobago, this specialized unit, which would be based throughout the length of Trinidad and Tobago, would focus specifically on retrieving, or dealing with those individuals who choose to bear guns in Trinidad and Tobago, Madam Speaker.”

**Hon. Member:** Mr. Deputy Speaker.

**Mrs. C. Newallo-Hosein:** Sorry. No. No. No. Madam Speaker was the end of the quote.

And so, Mr. Deputy Speaker, when my constituents heard that, they were concerned that there would be a mongoose gang. That was there concern, that we would have sat on this side and given our unequivocal support to this Bill not understanding that our fundamental rights might have been interfered with. And so this is the concern on our side and we stand here representing not only in my constituency, not only in our constituencies, but we stand here as what we are expected to do and that is to ensure that the Government is accountable and transparent.

And as such when we speak about intelligence gathering, I want to remind the Government that there are Members who are on that side who were in Government during that time of surveillance when the Prime Minister, Patrick Manning, made the comment that he knew “Mr. Big”. Did he not say he knew “Mr. Big”. And yet today we do not know who is “Mr. Big” and “Mr. Big” has



not been apprehended, prosecuted or incarcerated. Nothing like that. And so we on this side are very concerned about the level and the usage of the intelligence that they seek to bring a legal framework for.

Back then in 2005 when my son was kidnapped, Mr. Deputy Speaker, there was no coordination. There was no coordination. There was not even proper assessment of what transpired. There were police officers who came, different police officers, those who were attached to the AKS, those who were attached to the Anti-Crime Unit, various. I mean, they were—I could not even keep up with the amount of units they came from. But they did not work together as the other side is saying and we agree with it. But we do not support having a unit that is brought on arbitrarily, unilaterally and then come to the Parliament for a rubber stamp. That cannot happen. There must be an engagement with the necessary stakeholders.

And I want to explain. If I may be allowed to speak about best practice. And I am not quoting from anyone from my side. It comes from a gentleman by the name of Jim McNeely. This was a paper done from Homeland Security dated December 18, 2007. It speaks about privacy best practice. It really speaks about CCTV, but at the same time they had to give an overview of what is necessary to protect when you are dealing with surveillance and I quote:

“What we’ve found, in practice, is it’s fairly easy to reach agreement on most of the legal principles. It’s a lot harder to come to agreement on policy issues and to come to agreement in the very difficult area of operationalizing the legal principles that we believe in. We seem to have a lot of disagreements in those areas.”

And so, Mr. Deputy Speaker, that is what is happening today. We have disagreement in those areas. But he continues and this part is important. He said:

“My personal belief is that the solution probably isn’t in a detailed statutory regime, but in building up good practices. Good practices become habits on the part of the operators. And the habits will govern the operators in routine circumstances and in dealing with circumstances that they don’t foresee at the time the systems are set up. Good habits and having a good culture of respecting that vast area of freedom and human activities, good habits can govern the operators better than a set of rules can govern them, because they will do the right things. It can work better than any audit or any set of rules that we can apply from our heights...”

[MADAM SPEAKER *in the Chair*]

And he was speaking from their point of view. And what we do not have in this country is good practice. We do not have that ability to trust one another, Madam Speaker. We do not have that in our culture.

We said on this side that we are not afraid of the police; we have not been afraid of the police. We have indicated that we are afraid of the Government. And everyone is afraid of the Government. [*Desk thumping*] And I do not mean that as an insult. I mean it, that throughout the world people do not trust governments. And as such for the trust to come, for the ability for us to be able to work together, must be based on good practice. But the history has shown, as I indicated, Madam Speaker, you were not here, but I spoke about the trend. And looking back. And we can see forward where we are going based on the trend, and the trend has not indicated to us that the Government of the day has not had a good relationship in terms of speaking with clarity and putting in place the things that are necessary for the benefit of the people, for the benefit of the citizens of Trinidad and Tobago.

And as a result of it, for us to go forward, because we understand we need this, do not get me wrong, Madam Speaker, we know that we need to bring crime down. We had crime down. We on this side had crime down. [*Desk thumping*] We understand about a low detection rate. We on this side increased the detection rate.

**Hon. Member:** What?

**Hon. Member:** Yes.

**Mrs. C. Newallo-Hosein:** We understand about lower prosecution rate and we recognize that. And as such, Madam Speaker—[*Interruption*]

**Mr. Al-Rawi:** Tell us the statistics year by year.

**Mrs. C. Newallo-Hosein:**—Madam Speaker, I will address you. I continue from the report I was reading, and they were saying that there were some recommendations. And the first recommendation they had spoken about was:

“...showing fiscal responsibility and policy leadership.”

And I said to myself, well we said on this side, during elections that there was really no leadership, no vision. So that might have been a little problem, but I mean, there is always the case of learning.

And they spoke about, in their second recommendation, that one needs to show:

“...leadership to restore the proper process...Proper planning often does not occur when there is not actually a public process, and a process where elected officials and the public and the police department and all the stakeholders involved come together and discuss thoroughly...”

I do not know if the other side knows what “thoroughly” means, but thoroughly is used.

“what it is we’re trying to accomplish, why we’re trying to accomplish it... what resources we have available to us...”

**6.55 p.m.**

Most importantly, the public is allowed to discuss issues of effectiveness, issues of impact on civil liberties. Because, at the end of the day in our attempt to solve crime, and in our attempt to utilize intelligence surveillance to identify those who commit crimes should not be at the expense of our civil liberties. And, I am not going to go there, as it has been spoken about already.

I am not going to take very long, Madam Speaker, all I am saying today is that I am of the firm view, based on best practice, that this SSA Bill should go to a joint select committee [*Desk thumping*] so that the necessary processes can be followed. There must be accountability, there must be transparency, and there must be in place a system where citizens can go and give their concerns if they have been unfairly targeted. Because, if we do not have that, Madam Speaker, then our civil liberties would be violated in no small way.

And, so, I want to join with Members on this side to simply state, yes, we are about supporting the Bill, but not in its current form, and we will work towards reducing crime, increasing the detection rate, and increasing the prosecution rate, and we would like to see that this country is left in a better place as a result of it.

And with that, Madam Speaker, I thank you. [*Desk thumping*]

**Dr. Fuad Khan** (*Barataria/San Juan*): Thank you, Madam Speaker. I want to thank you for allowing me to join this debate. I would not be lengthy, but I would just like to say to the colleagues on the other side, I have been here since 1995 and I have seen Prime Ministers start off normal and become different people somewhere in-between the system. I have seen it.

And I have seen it happen time and time and time again, being on the Opposition side, and I have also been on the Government side. I have been a Deputy Speaker, and I have been a Minister, and what I would like to share with

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the Members, this legislation is good legislation, make no bones about it, but there are arguments for it on both sides, arguments on the side of the Government and arguments on the side of the Opposition. And, if one looks at it in a different context, rather than being Government and Opposition, obstructionist and pro-activeness, one will see there are merits to the both arguments.

And, I just want to say that when I was a Government Minister, I brought a Bill to this honourable House called the Nurses and Midwives Registration (Amdt.) Act, and the then Attorney General was in the Senate, but not in the House, and the Member for Diego Martin North/East was a previous Minister of Health, and we both sat down with the problems that I was encountering with the actual legislation, and worked together.

I withdrew the Bill and came back through the Senate and fixed the Bill, and today we have a very good Nurses and Midwives Registration (Amdt.) Act. [*Desk thumping*] But, the nursing intern programme, which is something that is unique to Trinidad and Tobago, sometimes Members, and to you, Madam Speaker, when you are on the Government side it is akin to walking in a jungle with a flashlight. You have the flashlight and the flashlight is pointing at where you want to go, so you see the base of the tree in the night. But, what you do not see are the side angles that are in the darkness, and that is what we are speaking about here today.

We are speaking about the sides. The sides are what is not being seen because your direction to solve crime, because it has gone into a horrible state in this country—I would not say it is your fault. I think it is a fault of what has been ongoing over the last couple years, and it has now reached what they call critical mass. And I have seen the United States advisory say it has reached a critical point, and that is where it is at. It has been going on for years.

So, what I am saying, we are here to help. I would like to see this amendment Bill, together with the SSA Bill and the interception of communications, be given enough teeth, not only to work on criminals, but also work on rogue elements. There are a lot of rogue elements in the protective services. This Bill, if done correctly, will make sure that both sides, Government and Opposition come together to determine exactly a proper Bill that will deal with the holistic part of it.

I understand what the Attorney General is doing. He needs to pass this legislation because it will eavesdrop on the criminal element. But I will tell you something, a lot of the criminal element they are steps ahead of us. Once I was walking through my constituency and I overheard a lady saying that she was

given a cell phone by the bad boys on the hill, and all she was given is a hundred dollars or so per week for phone cards, and once you see a police squad car comes on they would call to tell the bad boys or the drug dealers, there is a police car in the area.

So, that is something they have to fight against. So, things such as that I would say that targeting serious crimes is very important. But, how do we do it? What do we do? And, how is the mechanism? We have heard about checks and balances through tedious repetition as the Member for San Fernando West said. Yes, it was done as repetition, but with repetition in Parliament, it is important because if it is only said once nobody hears it. And marketing techniques will tell you for something to be understood and for something to stick, you must say it three times or as much as six times. So, that is what is being done.

So, one could understand that the method of approach is good on both sides, and I would suggest to the Attorney General that you take it into consideration as we did in the past and let us send this to a joint select committee, and come up with a Bill that would be beneficial as a whole to fight crime in this country.

Thank you very much, Madam Speaker. [*Desk thumping*]

**Mr. Barry Padarath** (*Princes Town*): Madam Speaker, I am happy to be able to join to contribute in this Strategic Services Agency (Amdt.) Bill, brought to the Parliament today.

Madam Speaker, we have heard from many different speakers, both on the Government and the Opposition put forward their arguments. The Government has made the point about tedious repetition, and I would like to take the debate in a slightly different way, in that, I would like to use it as the opportunity to summarize some of the points the Opposition has made, but also to introduce two or three new points into the debate.

Madam Speaker I would like to go into the meat of the matter with respect to what are the Opposition's issues with respect to the Bill itself, and outline what are our main concerns, what we would like to see addressed in particular and, also, some other grey areas that continue to remain in the public domain that we believe that should be answered by the Government.

The first being, Madam Speaker, one of our main concerns with the Bill is the national security Minister, his ability to instruct the director of the SSA, whether or not, to intercept a particular person's emails—

**Madam Speaker:** Member, I want to remind you, and you have said it, Standing Order 55(1)(b). The point about the Minister of National Security being able to instruct the SSA director, has been beaten in the last two sessions and in this. I have tolerated some of it, because, for maybe continuity. I am strictly going to enforce Standing Order 55(1)(b). So, maybe you would like to start at your three new areas.

**Mr. B. Padarath:** Thank you, Madam Speaker. When I started I indicated that I just wanted to summarize for the Attorney General's purposes with respect to what were our particular areas that we were concerned about. Having ruled on that matter I would go into the new areas of discussion.

Madam Speaker, we in the Opposition are very concerned about the appointment of the head of the SSA with respect to the person that has been appointed to head the SSA, and that is one Colonel Robinson.

Madam Speaker, I would like to speak to some of the issues that we are concerned about with respect to this particular appointment. In 2004 Colonel Robinson was attached to the army, and at that point when he was attached to the army, in 2004, he was sent on training in Kansas, and this training was to the tune of several hundred thousands of Trinidad and Tobago dollars, for training in the area of engineering and combat engineering. In 2004, Colonel Robinson left the army. It is alleged that Colonel Robinson was sent on this expensive course by the army to Kansas when he was a lieutenant colonel, he would therefore have returned to serve his time in the army just like any scholarship recipients. While on the course, however, it is alleged that he sent an application for employment in Petrotrin.

Madam Speaker, I am advised that the chairman of Petrotrin, at that time, was one Malcolm Jones of World GTL fame. Madam Speaker, when Robinson returned after completing the course, he was promoted and then he subsequently resigned from the army to take up the post at Petrotrin. What is interesting to note is that when Colonel Robinson left the army without paying his dues to the State for the training, et cetera, the Chief of Defence Staff, at that time, was none other than the Member for D'Adabie/O'Meara. Further, the commanding officer at that time in the regiment was none other than the Member for Point Fortin. I am further advised that Colonel Robinson had no follow-up action from the army through the CDS and the commanding officer with respect to serving out his time in the service of Trinidad and Tobago in the army. His transfer to Petrotrin was seamless.

Madam Speaker, the information left in my postbox indicates that Colonel Robinson has no experience in intelligence gathering since he spent his career in primarily engineering, and he is qualified as a combat engineer.

**Madam Speaker:** Member, again, I am going to rule on tedious repetition. The issue with respect to the particular office holder at this stage and his qualifications have already been espoused in this debate, might have been on the second or the first occasion. But this has already been dealt with. So, you can proceed on another point.

**Mr. Al-Rawi:** Madam Speaker, not to interrupt my friend's flow, the Member for Princes Town. If I may, and thank you hon. Member for giving way. Could the hon. Member just indicate in relation to those very serious allegations just made, what the source of that information is? Because, I accept that under the standing rules and privileges that he not only has the right to say it, but he has the right to own it. So, I would very much like to understand where this information comes from, so that someone who is not in this House would have the opportunity to have it addressed if necessary.

**Madam Speaker:** Purely to say your source, because it is on the record.

**Mr. B. Padarath:** Madam Speaker, I use the word alleged, because of the fact that this information was left in my postbox, but I am sure—[*Crosstalk*]

**Mr. Al-Rawi:** Madam Speaker, recognizing privileges under section 55 of the Constitution, the Member must hold a genuine belief in the allegations being made in this House under the privileges of this Parliament under the Constitution of Trinidad and Tobago, under May's standing orders, and therefore I am now extremely concerned that the Member is not saying, as he is required to say, that he believes the information that has been given to him, because privileges like this, the right under 55(1) cannot be abused at all, Madam Speaker.

**Madam Speaker:** Hon. Member, are you prepared to accept your belief in this statement?

**Mr. B. Padarath:** Madam Speaker, I said it in the context that I was leading up to ask a question whether or not these things were true from Members.

**Madam Speaker:** So, therefore, I can ask you now to withdraw the statement.

**Mr. B. Padarath:** Sure. Madam Speaker, I will move on to the other issue—

**Madam Speaker:** Excuse me.

**Mr. B. Padarath:** Yes, sorry.

**Madam Speaker:** Have you withdrawn?

**Mr. B. Padarath:** Yes, Madam Speaker, withdrawn.

**Madam Speaker:** Thank you very much.

**Mr. B. Padarath:** Madam Speaker, the hon. Attorney General through crosstalk—

**Brig. Gen. Antoine:** Member, would you give way?

**Mr. B. Padarath:** No—had indicated that he wanted us to go through and specify the detection rate with respect to serious crimes during the lead-up to the 2010 general election.

**7.10 p.m.**

Madam Speaker, I will list for you from 2007 the detection rate for serious crime. In 2007 the detection rate was 23; in 2008 it was 17; in 2009 it was 17; in 2010 prior to May, 2010 it was 16. Madam Speaker, this information was provided by the Trinidad and Tobago Police Service.

Madam Speaker, there is one area that I would like to touch on before I take my seat and that is an area that the Member for La Horquetta/Talparo recently raised in the public domain. And I found it to be rather peculiar that he chose to raise this particular issue at this particular time.

I would like to deal with the issues of social media privacy and public networks. Madam Speaker, social media—texting, WhatsApp, emails, et cetera—is a new medium of communication over the past few years. Wi-Fi has become the greatest craze, not only among the younger demographic but among every one. The SSA amendments will give persons the ability to hack into photos, private messages, videos, WhatsApp chats. It will be a case where persons' private lives will no longer be private.

Madam Speaker, recently, I believe it was this week, the Member for La Horquetta/Talparo spoke about the Government's initiative to provide free Wi-Fi and broadband throughout the country. I thought it was particularly interesting that the Government has chosen to embark on this particular programme at this particular time, especially at a time when they are telling us that there is no money, as the Member for Arima has indicated, that there is no money at this time to deal with the Arima hospital. There is no money at this time to deal with the Point Fortin Hospital. But, Madam Speaker, they have indicated that they are going ahead with the initiative for free Wi-Fi and broadband in public spaces.



Madam Speaker, the timing as I said—

**Mr. Cuffie:** Would the Member—

**Mr. B. Padarath:**—of the pronouncement is very strange.

**Mr. Cuffie:** Would you give way?

**Mr. B. Padarath:** No. In an article published on forbes.com on April 3, 2014, it says:

“It takes zero hacking skills to surreptitiously monitor and/or hijack communications over a public Wi-Fi network.”—It is—“Widely available freeware makes eavesdropping on emails and web browsing as simple as pressing a button.”

David Kennedy, founder of information security firm indicated and I quote:

“‘A hacker can monitor the network traffic of an entire store with an iPad-sized device hidden away in his backpack.’ The issue isn’t just that the networks are so easy to attack. With little public awareness that the threat even exists, users routinely expose valuable personal data over Wi-Fi hotspots, making the networks an even more attractive target.”

**Mrs. Robinson-Regis:** Sorry. What is that source?

**Mr. B. Padarath:** David Kennedy from the Johns Hopkins’ technology centre.

**Mr. Al-Rawi:** What date?

**Mr. B. Padarath:** It was published on April 3, 2014.

**Mr. Al-Rawi:** Thank you.

**Mr. B. Padarath:** He further went on to say, Madam Speaker:

“Security experts point to a number of options that hackers can use to gain access to personal information. But they all stem from the fact that the public network is, well, public. ‘The fact that anyone can join the network is what makes it so unsafe,’ cautions Matthew Green, an assistant professor at Johns Hopkins’ Information Security Institute. ‘A password login to join the network might feel reassuring,’ he adds, ‘but if everybody knows the password, that’s no better than not having one at all.’ A hacker’s first task is simply getting on the same network that you’re using. Whether the network password is doled out by the barista at the counter or printed...”

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Madam Speaker, we are particularly concerned at this time as to whether or not these public hotspots, these networks could be used for illegal tapping and access to one's personal information. Those were some of the other areas that I wanted to go into, in my short contribution. Madam Speaker, one colleague said to me earlier, he said that those that are on the other side are saying, well the only people who have anything to worry about are those who probably have cocoa in the sun.

Madam Speaker, I want to caution my friends across the aisle, in that, the all intents and purposes of this Bill may not be for those on this side but rather for those that are sitting across there. We spoke about rumours, gossip and so on, and the Member for Siparia and the Member for Oropouche East spoke about the amalgamation of the old guard. And we are particularly concerned about the amalgamation of the old guard, because you are hearing about meetings of former Ministers with sitting MPs on the other side and that is why we are particularly concerned whether or not this Bill is really intended for those sitting down opposite. [*Desk thumping*] But, Madam Speaker, those that want to beat their chests loudly and talk about cocoa in the sun and jail and so on, you know my grandmother always has this saying, she tells me, "when dog accustom sucking egg they keep going back to suck more whether or not that dog is a Pompek, a Pit bull or a Rottweiler. I thank you, Madam Speaker. [*Desk thumping*]

**The Minister of Communications and Minister of Public Administration (Hon. Maxie Cuffie):** Madam Speaker, I had not intended to enter this debate but I have been goaded by the Member for Princes Town. He mentioned my statement on the Wi-Fi initiative for the PTSC. Now, when I made that statement I was responding to a question from a Member from the other side in the other place.

On March 26, 2012, and I am quoting here from the *Express* newspaper, the then Minister of Transport announced an initiative to put Wi-Fi on PTSC buses. That is where this comes from. Now, I cannot be held responsible for the fact that the PP failed in its attempt to do a simple thing like putting Wi-Fi on PTSC buses.

So when the Member accuses us of using Wi-Fi to spy on the public, what we are simply doing is fulfilling an election promise to do something which the PP attempted and failed miserably with. [*Desk thumping*] With that, I take my seat. Thank you.

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. [*Desk thumping*] I rise this Friday, April 15, 2016 at 7:17 and 28 seconds p.m. to

close my first ever Bill in terms of piloting Bills as Attorney General and Minister of Legal Affairs in this the Eleventh Parliament. [*Desk thumping*] We have heard from 12 speakers on the Opposition Bench in this debate and we have heard from several speakers on our own Government Bench. And this debate, Madam Speaker, is geared squarely upon an amendment to the Strategic Services Agency Act, Chap. 15:06.

Madam Speaker, you would notice that we spent a certain amount of time in days dealing with this debate, because in piloting the Bill I was at pains to ensure, hopefully, and achieve the statement of the legitimate aim of legislation. That is a requirement and the first requirement in dealing with the proportionality of legislation as it deals with constitutionality under the laws of Trinidad and Tobago and the Constitution. With that said, Madam Speaker, we next move to the issue of the amending legislation going only so far into the intrusion of rights, if there are any, as it ought to go, and then they must be reasonable in the intrusion, if any.

Now, I have said that because there was one editorial read out by Members opposite that suggested that I have not bothered to put forward proportionality in terms of checks and balances in legislation and that, Madam Speaker, I wish to say, is entirely the opposite of the contribution given. I do not know, most respectfully, if those who reported did not have access to the Parliament and its website and the *Hansard*, but Members opposite, in particular, the hon. Member for Caroni Central, in fact, traversed the very arguments that I put forward. What he went on to say after that was that in the hon. Member's opinion, he did not think that the argument went far enough.

So let us deal, Madam Speaker, firstly with this issue of constitutionality. The issue of constitutionality was raised by approximately 12 Members opposite. Members opposite alleged that this Bill requires a special majority, that would fall under section 13 requirement of the Constitution of the Republic of Trinidad and Tobago, that where there is an intrusion in section 4 or section 5 rights—those are enshrined rights in the Constitution—you need to have three-fifths majority of the Parliament in this type of situation and that it must also be right for a democracy such as Trinidad and Tobago. That, in law, second limb is translated as it must be proportional. It must have a legitimate aim, the aim must only go so far as it needs to go and it must be proportionate or balanced in its intrusion. That is why I started that way.

None of the Members opposite, however, have bothered to speak with specifics as to the current state of the law. There is a simple allegation made by

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Members opposite and I do not want to be uncharitable, but that allegation basically is that somehow this amending piece of law which is in its entirety five clauses long and which, according to the very jovial contribution of the Member for Oropouche East, well-lettered man who resides well in comedy—according to his contribution, “It is a cut and paste piece ah law. It is a lazy piece ah law. In all his years he has never seen laziness like this in Parliament”.

I recalled distinctly, Madam Speaker, sitting in the Senate when the hon. Member for Oropouche East, as Minister of Housing and Urban Development came to the Parliament, came to the Senate and chastised the Parliament then for saying, why are we debating a particular piece of law, it is only the changing of the word “and” to “or”. He delivered his contribution and I gave the response for the Opposition and the debate ended immediately after that response and the Bill was allowed to lapse and never came back again.

And I have raised that example, because then, the Member for Oropouche East came in as Leader of Government Business, quite bombastically, residing in these simple barbs that he is very comfortable with, making a bold statement that the law is this simple and you do not know what you are saying. But I wondered why he walked away then, as the piloter of the Bill, for a whole four years never to bring the Bill back after only one contribution was made. And I made the point then and I make it now, the law is not as simple as you make it out to be and we must therefore be careful as legislators that we get it right. I am very, very concerned to make sure that we pass laws for the good governance of our country and that our laws can pass muster. [*Desk thumping*]

But on the basis of constitutionality, if one were to disaggregate the arguments presented and say perhaps that there has been an intrusion in a section 4(a) or 4(b) of the Constitution rights, where the Constitution speaks to the respect for private life, there is no statement in our Constitution for a right of privacy. That is a matter of fact in the laws of Trinidad and Tobago. There is a recognition for private life and in recognizing private life there has been a plethora of law that has evolved in our Court of Appeal and also at the Privy Council which essentially, and I will put it in summary form, says, first of all, it is a fact that there has been no serious local judicial consideration of the right to respect private life, that is section 4(c) of the Constitution. Helpful statements in our own appellate jurisdiction tell us in relation to section 4 that it is not every Act of Parliament which may impinge upon section 4 rights of the Constitution. Sections 4 and 5 rights may in fact be qualified and limited by general legislation, not three-fifths majority legislation, provided that it is in pursuit of a legitimate aim. Those

rights are always subject to being given away, that is sections 4 and 5 rights, if they are tested against the public interest. And that is where proportionality comes in.

**7.25 p.m.**

The dicta in the Privy Council in particular, in the case of *Suratt v the Attorney General*, 2007—that is to be found in *71 West Indian Law Reports* at 391—Baroness Hale’s dicta there is very persuasive in speaking to the fact that you cannot just stand up and say, “Look, this thing infringes a 4 and 5 right. Automatically you need a three-fifths majority”. I have stressed on the point of the public interest because we have heard the hon. Member for Princes Town stand opposite and boldly say, together with the Member for Cumuto/Manzanilla—and I ask the Member for Cumuto/Manzanilla, “Tell me your statistics”. The hon. Member for Princes Town said it was the TTPS statistics he read. And they said, “Somehow crime flourishes under the PNM. Never under the UNC. We solved crime”.

The Member for Cumuto/Manzanilla was bold enough to say: “We brought it down. She was bold enough to say. She did not reflect when she was telling us that very tragic story—and I mean not to be pejorative in relation to her expressing and sharing her story of that very unfortunate incident in her family, but she did not even reflect upon the fact that kidnapping for ransom under a PNM Government went down to zero. [*Desk thumping*] And that it did not happen by mistake. It happened, in fact, as a result of the use of intelligence-led policing. [*Desk thumping*]

So what is the state of public interest in Trinidad and Tobago? They say, “What have you done in the PNM”? Well, the first thing I would like to do is to correct the facts that the Member for Princes Town put on the record. It is a fact that the detection and conviction rates in 2008 were at 15.9 per cent for homicide. In 2009 they stood at 26.8 per cent. In 2010, at 22.8 per cent, down from 26; 2011, down to 21.9 per cent; 2012, down to 16.6 per cent; 2013, down to 10.3 per cent; 2014, down to under—as the Member for Oropouche East put it—down to under inflation rate. And today, with that downward trend coming straight down from 2010, they have the temerity to ask us: “What are you all doing about crime? How has it flourished?” The fact is, the report that has gone out in relation to Trinidad and Tobago—the United States Report—says that there have been over 2,400 and something murders between 2010 to 2014.

It is not true and honest, and respectful to say that crime flourishes because one political party is in or another is not. [*Desk thumping*] And let me tell you

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why. Because the Trinidad and Tobago Police Service, the protective services, they are the ones charged with responsibility for doing detection, conviction and police work. No Minister—or no Minister ought to be caught dealing with policing himself. It is not a Minister’s prerogative—hon. Member for Point Fortin—to go and lock up people, or the Attorney General to be prosecutorial in prosecuting crimes, as I called them in the past “pap smears”—Pre-action Protocol Smear Campaigns—that bear no result, and you spend millions of dollars on it.

What it is, Madam Speaker, it is important to enable the security forces to do their job, and when you eliminate the mechanism by which you surveil your borders: tier one, tier two, tier three; as an island sitting in the Caribbean Sea next to trans-shipment points in South America for drugs, arms, ammunition, trafficking in persons, and you shut it off, and you shut off the surveillance systems in Trinidad and Tobago, no wonder you cannot understand what happens to crime if you cannot understand that when you cannot police your borders, crime is going to increase. [*Desk thumping*]

And it was a government’s decision—the last UNC Government’s decision—to cancel border patrols. The Trinidad class vessels of the OPVs now called so by BAE Systems, because Brazil bought the Trinidad class vessels and are using them and building two more. [*Desk thumping*] And the Royal Navy is building two Trinidad class vessels, but we in Trinidad, “doh have one”—Trinidad class vessels. Apart from that, what did a government incoming do? This Government, Madam Speaker, was very certain to take immediate control and delivery of vessels purchased by the last government. We did not even bother to say, “Well, you know what? The vessel is one-tenth the size, cost the same price as the Trinidad class BAE systems, but we ‘go’ take it.” You know why we took it, the Chinese vessel included? You know why, Madam Speaker? Because the borders need protecting.

And, Madam Speaker, you want to know why crime goes up? I want to share with you a statistic. I would like to share with you a statistic, as I hear a drone, wont often to crosstalk and not contribute, ringing in my ears opposite me. But I want to say this. When you have security surveillance systems designed to stop communications from your prisons, where the anecdotal information and certified information at National Security Council is that hits—people’s lives are being extinguished by instructions at the telephone in a prisons system, where you are supposed to be deprived of liberty, and you have the equipment, as a UNC government had, and “yuh doh” bother to turn it on, then you must expect something to happen.

And you want to know what this Government has done? This Government has certainly turned on the monitoring, jamming and grabbing equipment. And I want to share with this nation, through you, Madam Speaker, a little statistic. Ninety-nine days of operation—because believe you me, the Minister of National Security, leading the charge, ably supported by those of us that support him—Prime Minister, head of National Security Council said, “Get it done”. And the systems went on. But hear what the traffic flow looks like. Ninety-nine days of operationality, listen to the number of calls blocked: 1,530,535 calls; SMS blocked: 126,247 SMS text messages blocked; phones registered in the system, 364 phones in one out of eight detention centres—jails—in Trinidad and Tobago. In one, not the other seven yet. Thirty-five days of operation in another location: 379,864 calls jammed; text messages blocked, 48,581 text messages blocked. You want to know what we doing? We are operationalizing the laws of Trinidad and Tobago and we are making sure that when “yuh in jail, yuh in jail”. [*Desk thumping*] You are deprived of your liberties.

Madam Speaker, I went to the prisons myself on a tip-off that I received from a phone call from no less a place than death row. After the prisons had been publicly speaking to the fact that no contraband was found in the prisons, front page article—silence opposite now. Do you know what we found, Madam Speaker, in contraband at the prisons? The prisons officers—I compliment them—did the search whilst we observed them, because I have no locus to do any search at all and I do not want it to be misquoted here, but I made sure in discharging my duty that I stood side by side with the Minister of National Security and suggested to them what they ought to do in their own powers. And we took a piece of equipment in the prisons, a scanner, where you could take pictures of the entire thing that you wanted, and I said, “I want images of the entire thing. I doh want a hand wand moving.” Lo and behold—I would not tell you the thousands of items, but I will give you the descriptions of them: shavers, Wi-Fi spots, smoking devices, earpieces, cash, memory cards, SIM cards, headsets, razor blades, knives, digital scale, rounds of ammunition, lighters, cigarettes, cocaine, marijuana, cell phones, chargers, batteries—and get this—a 22-inch flat screen TV, in our jails, in death row, under surveillance.

Well, what we have decided to do as a Government, the Prime Minister has said to us—and I do not often like to do this because he is not a man that looks for applause or for any praise, but he says to us: “You have a job to do. If you in charge, be in charge. ‘Doh’ worry to threaten nobody because I was taught at school”, he says, “If you have to threaten somebody, ‘yuh wasting yuh time’. Just do it.”

So what we have been doing as a government is going down to the ground and dealing with the state of play in Trinidad. Now, I have not just put this out for sensationalism. I am addressing the point that I raised in law. Let me tie it in now. I have said, section 13 of the Constitution, dealing with proportionality in a society such as ours, that the public interest can outweigh a section 4 and 5 right in the Constitution. That is the premise. That is how you tie statistics in with the law. For the record, Members say they are going to challenge it in court. I welcome the challenge. But the fact is, Madam Speaker, there is nothing in this legislation that could speak to lack of proportionality.

Madam Speaker, in dealing with further arguments raised, we were told that there is no due process in this argument. We were told that there is no balance in the argument. Let me explain the system as it exists right now. They complain. They said, boots on the ground, operational entities. The Member for Naparima, who is no longer with us, said boldly, “The NOC was designed to be an entity for operational security”. Really? Where was the NOC? Where is it currently? Who was running the NOC? How much staff they had?

I want to start with where it is. The National Operations Centre is a creature of supposed operability—from the Member for Naparima—parked in the Office of the Prime Minister, taking directions and funding from the Office of the Prime Minister, having an operational capacity set out in a UNC budget of \$80 million. To do what? SAUTT helicopters, operational capacity. Really? They are comfortable with that? Billions of dollars spent in surveillance systems, CCTV cameras, doing surveillance of citizens, using civilians. Two thousand-plus cameras operated under their watch by three people by the time we got there—that is not the system now—because they could not pay the salaries for the officers required to operate the surveillance cameras, CCTV in Trinidad.

Big boasting “bout” CCTV. Three people manning 2,000 cameras? And they have the temerity to tell us today, “Tell us about the manpower, and tell us how you are going to pay for it, and tell us about the organizational structure, and let us go to joint select committee, and let us appoint the director in the same manner in which you appoint a Commissioner of Police with selection criterion”. Really?

It is the Member for Princes Town himself, now leading a charge in the courts of Trinidad and Tobago—if his pre-action protocol is to be believed—to try to set aside the appointment of a Commissioner of Police mechanism that we just brought to the Parliament, where we said it is intolerable to take three years and \$13 million to bring no Commissioner of Police to the table. The Commissioner of Police is required to supervise and run the police force under section 123 of the



Constitution. And we say it is intolerable for the police force to have a detection and conviction rate under 3 per cent, under 5 per cent, where that includes, for homicides, suicide and killing. So you know two people there right there. One kill somebody and one kill himself after. That is the fact.

We say it is intolerable. We say it is improper to have a National Operations Centre which sits down under the Office of the Prime Minister. We say bring that asset into the SSA and put it into the pure light of two very important things: the Auditor General of Trinidad and Tobago. The reports that come to Parliament from the SSA, as one category, having the constitutional ability to have that Auditor General's report stripped apart. And they ask: "Doh tell us about Auditor General." What will that do? It was the Auditor General that dealt with LifeSport. What happened with LifeSport? Where was the chorus line when Gary Griffith, as Minister of National Security, was in an open war with the Minister of Sport, Anil Roberts, saying, "You are producing criminals by funding them in LifeSport." They "fire de man" for telling the truth, and they come to tell us today about that? "Doh" tell us about Auditor General?

**7.40 p.m.**

But what is the second limb? The second limb is under the Standing Orders of Trinidad and Tobago's Parliament, House of Representatives, section 103: There shall be a "Committee on National Security".

For those who do not know, section 111, Standing Orders speaks to the "Powers of a Joint Select Committee", and when you talk to the powers of a Joint Select Committee and you bring people before you, and you have them accountable to the Parliament of Trinidad and Tobago on live TV where you make sure that you call for papers, for accounts, for documents, for personnel as we did with the total day of policing, you are talking about bringing some shining, pure, cleansing light to the situation, and I consider that, most respectfully, proportionality by way of inspection, Madam Speaker. Certainly, I do. They asked us—Madam Speaker, may I ask how much more time I have till the absolute end of my contribution?

**Madam Speaker:** You stop at 7.47 p.m.

**Hon. F. Al-Rawi:** And there is no extension?

**Madam Speaker:** No extension.

**Hon. F. Al-Rawi:** Much obliged, Ma'am. I wish I had more time. Let me address a few. Madam Speaker—*[Interruption]*

**Mrs. Robinson-Regis:** He still has an extension of 15 minutes.

**Dr. Rowley:** He has 15 minutes.

**Hon. F. Al-Rawi:** Fifteen minutes after that?

**Madam Speaker:** Yes.

**Hon. F. Al-Rawi:** Much relieved and much obliged. Thank you, Ma'am.

Madam Speaker, we heard the hon. Members opposite, apart from dealing with constitutionality, basically prescribe to us, methodology to go to a joint select committee, when lying in front of them are volumes and volumes of documents which speak to plans by the UNC Government, policies by the UNC Government to amend the Strategic Services Agency Act. In five years nothing was dealt with under that legislation, but right now as the country is literally desperate for solutions in terms of crime and criminality, we are told, "Let us go and think about it a little while longer because you are going too far."

They say to us, Madam Speaker—listen to the point. They tell us that you should not have any form of expansion of powers. I would like hon. Members to refer to the annual reports on the Strategic Services Agency of 2009, 2010, 2011, 2012, 2013 and 2014, which chapter and verse of them speak to the SSA, firstly, being the entity which is in law authorized by the Interception of Communications Act to surveil persons within due process; secondly, it speaks to the SSA under their watch of having a director appointed in the manner that the law continues to say he shall be appointed; thirdly, it is the same situation for the deputy director; fourthly, and very importantly, it says that the business of the SSA over the years, in these annual reports, also includes surveillance for money laundering, firearms, trafficking. The very things which we are putting into the Act now, in broadening the definition of serious crime, the very things are in the annual reports under the hand of their own people. But you see, they do not read their own material I am convinced. It is easy just to stand up and say anything, and I would like as a person with some mixed ethnicity to raise and address squarely, a very ugly issue.

I heard today, Madam Speaker, of something which upset me seriously. I heard speakers talk to the issue of race. Person after person raised an article written about unfair dismissal; racist request; axed SSA directors threaten suit; Al-Rawi: No Cabinet directive to fire based on race. For the record, I abhor the concept of racism, but I find it quite curious that when painted into a corner of having no ideas, no policies and no explanation for what you did for five years, the first bogey to fly out your mouth is race. "Look at what they say about Indian;

rid the place about Indian”. The Member for Oropouche East conveniently left out the fact that the lawyer acting for these allegations of race is none other than Anand Ramlogan. And, Madam Speaker, they have raised this issue of letters supposedly being written and who is this person, allegations being made.

I would like to put on the record: where was Anand Ramlogan, “give himself SC,” Attorney General of Trinidad and Tobago, when two letters were written? One, headed “Secret” to the hon. Prime Minister, Mrs. Kamla Persad-Bissessar from Senior Superintendent Surajdeen Persad; date: October 15, 2010; subject: “Security Intelligence Agency (SIA)...Illegal Tapping of Telephones”.

“At 12.15 p.m.”—I read—“Monday 11 October, 2010.

I was contacted by the Honourable Prime Minister, Mrs. Kamla Persad-Bissessar at Special Branch Headquarters...via telephone number 624-...”—whatever.

“...the Prime Minister voiced her concerns over illegal activities of”—Mr. Nigel—“Clement”—Director of the SIA—“whom she said was in the process of transcribing tapes that contained her private conversations with persons.

‘The Prime Minister instructed that the matter be investigated and steps be taken to stop Mr. Clement from carrying out his illegal activities’...”

The Prime Minister, calling a policeman, without going through the Commissioner of Police, to say she, as an Executive Member, has evidence on somebody who doing something which in her opinion is a fact, off to deal with them. This letter—approximately 130 employees, watchful eyes of Mr. Clement for the Opposition, People’s National Movement; reports that they shared with the former Head of Special Anti-Crime Unit, Brig. Peter Joseph, Mr. Clement.

In addition to the above, the following persons “are very loyal to Clement and still maintain close links with the PNM and occupy senior and influential positions at the SIA”, then they name 25 persons—[*Interruption*]

**Dr. Rowley:** Highly trained.

**Hon. F. Al-Rawi:** Highly trained.

**Madam Speaker:** Hon. Member, your 30 minutes speaking time has expired. Leader of the House.

#### PROCEDURAL MOTION

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Thank you very much, Madam Speaker. Madam Speaker, in accordance

*Procedural Motion*  
[HON. C. ROBINSON-REGIS]

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with Standing Order 15(5), I beg to move that the House continue to sit until the conclusion of the matter before it.

*Question put and agreed to.*

**STRATEGIC SERVICES AGENCY (AMDT.) BILL, 2016**

**Madam Speaker:** Hon. Attorney General, your 30 minutes have expired, do you intend to avail yourself for the additional 15 minutes?

**Hon. F. Al-Rawi:** Yes, please, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** You may proceed.

**Hon. F. Al-Rawi:** Madam Speaker, 15 minutes being tight, I want to dive to the root of this. The letter from Surajdeen Persad goes on. Now I want to put a pin for a moment. Trinidad and Tobago will well recall when we were dealing with the Interception of Communications Act, that the Prime Minister, no less a person then, Mrs. Kamla Persad-Bissessar, Member for Siparia, now Leader of Opposition, came and said two unknown Israeli members were in Trinidad and Tobago, that the evidence which she had on the files that were given to her from the SIA raid could no longer be found, that these unknown Israeli people disappeared with the information. Hear the letter written to her.

At present, there are two Israeli nationals in the country assisting the SIA spy equipment. One of the Israeli nationals is identified as Haim Baruch, Project Manager from New York, arrived in Trinidad and Tobago on Caribbean Airlines flight No.—the number is a little bit blotchy here—1258 it seems, at 1.58 p.m. on 10<sup>th</sup> of the 11<sup>th</sup> on flight No. 523. He was born on 1958, 12.03 and holds Israeli passport No. 10020229. At present he is staying at the Hilton Hotel.

The other Israeli national was identified as Adam and then it goes on.

If I could only bring a Motion of privilege today for an untruth told in 2010, I wish I could, because this must have been in the hands of the Member of Siparia as Prime Minister. What we have since found out, files did not disappear. The information given to me, which I accept as information—I am showing the Member for Princes Town how to do it—is that those files were delivered to the home of Mrs. Kamla Persad-Bissessar, as the Prime Minister of Trinidad and Tobago, at her request. You want to talk about letters? You must be careful which strings you pull.

Madam Speaker, I told you there are two letters, hear the other one. The other letter is from the Senior Superintendent, Special Branch; subject, SIA Police

Exercise Wiretapping; and I will dive to the guts of it. They go on about a sting, they got a tip off, they did, et cetera. Listen to the recommendations that come out, flowing out of the Persad recommendations, et cetera. The country always wanted to know where Resmi Ramnarine came from. I am about to tell you.

Comments: the situation at the SIA warrants immediate attention. If sensitive information from that unit is allowed to be clandestinely sent to the leading members of the PNM, it would undermine the legitimate constituted Government of Trinidad and Tobago and ultimately lead to its downfall.

Recommendations:

- (a) Director of SIA as well as persons mentioned at paragraph four and five of the report should be relieved of their positions immediately in order to safeguard the flow of sensitive information to the PNM.

Stick a pin. That was done and worst yet, it was paid for when Brig. Joseph was fired at the airport. What they did not tell you after that, millions of dollars in settlement paid by the taxpayers of this country. Nigel Clement as he was summarily dismissed, as we find out now, had to bring a claim against the State. Do you know what the State did under AG Anand Ramlogan, “give himself SC”? No defence; judgment in default of defence; damages to be quantified; state of emergency.

I had a file come across my desk the other day, telling me we have to deal with certain information. I said, well ask the last Prime Minister of Trinidad and Tobago. So I wrote to the SG and had the SG write the Prime Minister to ask for the reasons for the state of emergency because we need them in court. Do you know what the answer is effectively? None! “Ah doh know”. Brig. Sandy “cyar” tell me; Anand Ramlogan “cyar” tell me; and Kamla Persad-Bissessar, and I am saying Member for Siparia, “cyar” tell this country. So I want to know what the cost of that is going to be.

Second recommendation: an interim management committee headed by SIA’s Resmi Ramnarine (technical operator); and Carlton Denny (Surveillance operator); Special Branch acting Inspector Doolam Rekha, former coordinator; and Kerron Ganpat, analyst at the National Security Council Secretariat, should be appointed immediately.

**Dr. Rowley:** Done!

**Hon. F. Al-Rawi:** Done! And today we are getting article read out from the same Denny and Ramlogan “give himself SC” as well, and they want to raise this

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head that this is some allegation of racism. I am connecting the dots for the population here, through you, Madam Speaker. This is scandalous. When you think people will not have the truth in their hands when you raise—eleven speakers in a row invoking race in this country, in 2016, and then the Member for Naparima has the gall to call my grandfather's name in his mouth. What the grandfather giveth, the grandson taketh away, he says. Well I am sure my grandfather's ashes blowing in the wind, jittery and all, that he is in fact the Member for Naparima today. [*Desk thumping*] Madam Speaker, I think it is time to put the race bogey to bed. It is intolerable.

Madam Speaker, let us deal with a few of the other observations. Members wanted to know why five years? Let me just refresh Members' memory. First of all, in the quick time that I have, the proportionality in this Bill and to debunk the argument that there is too much power being given, surveillance is conducted only under the auspices of the Interception of Communications legislation. That legislation allows for wide surveillance for anything: economic interest, national security. The Data Protection Act, which is not fully operationalized, Part I has been assented to; Part II, sections 7 to 18, sections 22, 24, and one other section have been proclaimed.

The public sector mechanisms, because the Act binds the State, have not kicked in but personal information and sensitive personal information, which includes criminal records or surveillance records, are exempted from the Act.

**7.55 p.m.**

The Interception of Communications Act says that it is only under that Act that three people can intercept: Commissioner of Police, Chief of Defence Staff and the Director of the SSA. And Anand Ramlogan and Kamla Persad-Bissessar, Member for Siparia, had nothing to say about that when they put that in the law in 2010 [*Desk thumping*] and I, too, have nothing to say about that because we did not then nor do we now, because of the proportionality of due process with judicial inspection, the fact that the law prescribes that the evidence must be destroyed, that there is limited purpose, it cannot be used in court; proportionality. But that would require discipline, hon. Members opposite, because you will have to discipline yourselves to read the laws.

You will have to read the Interception of Communications Act, you will have to read the Data Protection Act and its proclamation sections. You would have to marry those together with the existing Defence Act, with the Commissioner of Police. There is proportionality and balance. Who staffs the SSA? Police officers

under the supervision by way of secondment of the police; customs, Public Service Commission. And the police officers, when they are seconded, hon. Members, do not just lose the balance of the Police Service Commission and the Police Complaints Authority. They are still obliged to be measured by it. So what nonsense, most respectfully, must we be fed and listen to? It shows a blatant ignorance of the law. It is obstructionism.

So when you are hearing this panic and fire and prevail and mal-intent and race, Molotov cocktail, letters and they only tell you half the story. Well, Madam Speaker, you may not have noticed, this Government has been disclosing information to create statistical bedrocks on the reforms.

I heard the Members opposite—this fellow making jokes down in the corner. What is his name? The Member for Oropouche East talked about legislative agenda, “Well, we geh de statement, we eh geh de agenda”. Six years, sat down as Leader of Government Business and did not have the courage to publish one. Published today, 42 Bills this year, going straight down to 2020; he did not get the legislative agenda. Well, perhaps, he should listen. I said, most respectfully, that it will be given to the Parliament for publication. The Standing Orders provide and the courtesy provides that we circulate the statement. Was he asleep for five years as Leader of Government Business? What was he busy doing?

So, Madam Speaker, relative to offences, just let me quickly put on the record: tipping off, \$5 million fine is five years’ imprisonment; failure to disclose money for money laundering, only a three-year imprisonment; failure to report complex, unusual large transactions, two years’ imprisonment; failure—suspicious transactions, two years’ imprisonment; failure to comply with financial obligations regulations, two years’ imprisonment; company commits an offence under the Proceeds of Crime Act, two years’ imprisonment; failure to disclose information relating to property used for commission for offences under the anti-terrorism and the FIU, five-year imprisonment; Director or CEO or partner of a listed business or a financial institution withholding information, three years’ imprisonment; failure to—disclosure improperly of information received from the FIU, three years’ imprisonment; disclosure of investigations into STRs, Suspicious Transaction/Activity Report, three years. All of the money laundering and anti-terrorism offences are under five years. Why are the Members opposite so antsy and concerned to keep the bar at 10 years? Why?

Did you bother to do a traversing of the matrix of laws that apply in this country and understand that corruption and money laundering is a number one issue? Or is it that you just want the status quo to stay so? Three point seven

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billion dollars (\$3.7 billion) in suspicious transaction activities in one year in this country where the cash forfeiture is only TT \$250,000. But I will tell you this, we have the pleasure today of saying that we have put into effect the Seized Assets Advisory Committee for the Proceeds of Crime Act [*Desk thumping*] by the Cabinet which has not been done since the law was passed. Why would you want to leave that so?

So when I hear the panic come from Members opposite, most respectfully, it betrays any form of study, perspective, interrogation and it looks and smells like pure unadulterated fright because it defies logic for someone as well-lettered as the Member for Oropouche East to stand up in the manner in which he presents his comical debates and talk the way he does. I notice he never sticks around to hear what I have to tell him, not once in the Parliament. I hope he is listening.

So, Madam Speaker, most respectfully, serious crime as defined is something which is broad. It allows the SSA to have inspection of it under the Interception of Communications Act with the balance of the Data Protection Act because you must keep it but you cannot disclose it. *Marper v the United Kingdom* for DNA and privacy rights does not apply in this instance. If you read the case, you would know that because that pertains to the right to have your records destroyed. The court frowned upon the indefinite retention of fingerprints and DNA evidence. Our laws, Administration of Justice (Deoxyribonucleic Acid) Act, 2012 does not provide for that. There is a method of destruction. The Interception of Communications, method of destruction; Data Protection Act, method of destruction, but you have got to read the laws.

Do you know what the Leader of the Opposition had the temerity to say to us after the first day? “Well, I have no staff. Allyuh could draft the amendments for me? Yuh heard what I had to say, but we doh have any staff.” And I had to point out to the hon. Member for Siparia, when I had no staff, as a single Opposition Senator, they made sure and I made sure that I produced 240 amendments overnight on the Children Act, 2012 when we went to 6.30 a.m. that morning doing the committee stage. Because Dr. Rowley said to us, as Leader of the Opposition, “if yuh in charge and yuh have something to do, yuh better make sure yuh continue doing yuh job properly because you only have one opportunity to do your job right the first time”.

Madam Speaker, this Bill is proportionate. It is necessary in a society such as Trinidad and Tobago where we respect democracy. It is long overdue. The detection and conviction rates are unacceptable. It is time to give, in public interest, the assistance that we need, well balanced by the other articulating laws and I beg to move. [*Desk thumping*]



*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

*Clauses 1 to 5 ordered to stand part of the Bill.*

*House resumed.*

*Question put: That the Bill be reported, without amendment.*

**8.10 p.m.**

**Hon. Member:** Division, Madam Speaker.

**Dr. Rowley:** No division required.

*The House divided: Ayes 21      Noes      11*

AYES

Al-Rawi, Hon. F.

Rowley, Hon. Dr. K.

Robinson-Regis, Hon. C.

Young, Hon. S.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. S.

Antoine, Hon. Brig. Gen. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Cuffie, Hon. M.

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Garcia, Hon. A.

Smith, Hon. D.

Francis, Hon. Dr. L.

Leonce, A.

Jennings-Smith, Hon. G.

Mc Donald, Miss M.

NOES

Lee. D.

Karim, F.

Rambachan, Dr. S.

Tewarie, Dr. B.

Newallo-Hosein, Mrs. C.

Gayadeen-Gopeesingh, Mrs. V.

Indarsingh, R.

Padarath, B.

Bodoe, Dr. L.

Paray, R.

Ramdial, Miss R.

**Madam Speaker:** Hon. Members, I declare the result of the division as follows: 21 Members for, 11 Members against. [*Desk thumping*]

*Question agreed to.*

*Bill reported, without amendment.*

*Question put:* That the Bill be read a third time.

**Dr. Rowley:** Division.

*The House divided:* Ayes 21 Noes 11

AYES

Al-Rawi, Hon. F.

Rowley, Hon. Dr. K.

Robinson-Regis, Hon. C.

Young, Hon. S.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. S.

Antoine, Hon. Brig. Gen. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Cuffie, Hon. M.

Garcia, Hon. A.

Smith, Hon. D.

Francis, Hon. Dr. L.

Leonce, A.

Jennings-Smith, Hon. G.

Mc Donald, Miss M.

NOES

Lee, D.

Karim, F.

Rambachan, Dr. S.

Tewarie, Dr. B.

Newallo-Hosein, Mrs. C.

Gayadeen-Gopeesingh, Mrs. V.

Indarsingh, R.

Padarath, B.

Bodoe, Dr. L.

Paray, R.

Ramdial, Miss R.

**Madam Speaker:** Hon. Members, I declare the result of the division is as follows: 21 Members for, 11 Members against. [*Desk thumping*]

*Question agreed to.*

*Bill accordingly read the third time and passed.*

#### ADJOURNMENT

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Madam Speaker, I beg to move that the House do now adjourn to Friday 22 April, 2016, at 1.30 p.m., at which time we will be doing Private Members. Madam Speaker, I would like to have the Acting Chief Whip indicate what will be done on that day, please.

**Mr. Lee:** Madam Speaker, at this point in time, I would have to defer. At this point in time I do not have the information what we would be debating at this point.

**Hon. C. Robinson-Regis:** We would need to know.

**Madam Speaker:** Order, please Members.

**Mr. Lee:** We have two Motions here, Madam Speaker. We have on the Order Paper, both. We have the ADD Motion and also the other Motion that is— [*Interruption*] Pardon?

**Mr. Deyalsingh:** Which one are you doing?

**Mr. Lee:** We would be doing number one, the ADD Motion.

**Hon. C. Robinson-Regis:** Thank you.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 8.17 p.m.*