



REPUBLIC OF TRINIDAD AND TOBAGO

Debates of the House of Representatives

3rd Session – 10th Parliament (Rep.) – Volume 15 – Number 10

**OFFICIAL REPORT
(HANSARD)**

THE HONOURABLE WADE MARK
SPEAKER

THE HONOURABLE NELA KHAN
DEPUTY SPEAKER

Friday 26th October, 2012

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*Leave of Absence**Friday, October 26, 2012***HOUSE OF REPRESENTATIVES***Friday, October 26, 2012*

The House met at 1.30 p.m.

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

Mr. Speaker: Hon, Members, I have received the following communication: Hon. Nizam Baksh, Member of Parliament for Naparima is currently out of the country and has asked to be excused from sittings of the House during the period October 19 to October 28, 2012; and the Member for Tobago West, Hon. Dr. Delmon Baker, has asked to be excused from sittings of the House during the period October 23 to October 30, 2012. The leave which the Members seek is granted.

PAPERS LAID

1. Value Added Tax (Amendment to Schedule 2) Order, 2012. [The *Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal)*]
2. Trinidad and Tobago International Financial Centre Management Company Limited—Annual Audited Financial Statements for the period ended September 30, 2010. [Hon. Dr. Roodal Moonilal]

To be referred to the Public Accounts (Enterprises) Committee.

3. Administrative Report of the Siparia Regional Corporation for the period October, 2010 to September, 2011. [The *Minister of Local Government (Hon. Dr. Surujrattan Rambachan)*]

COMMITTEE OF PRIVILEGES**(DR. KEITH ROWLEY)**

The Minister of Sport (Hon. Anil Roberts): Mr. Speaker, in accordance with the provisions of Standing Order 27, I seek your leave to raise the following matter as a question of privilege:

“On 18th September 2012, the Member of Parliament for Diego Martin West and the Honourable Leader of the Opposition met with His Excellency the Acting President of the Republic, to present a petition to His Excellency, calling for an investigation into the proclamation of Section 34 of the Administration of Justice (Indictable Proceedings) Act.

His Excellency, the Acting President, on 28th September 2012, issued a press release concerning the matter raised with him by the Member for Diego

Martin West. He also dispatched a confidential letter to the Member, detailing the results of his investigations into the matter raised by the Member for Diego Martin West.

The Member for Diego Martin West, upon receipt of the confidential letter from His Excellency, wrote to the Acting President, seeking leave to make public the contents of the confidential letter. In this letter the Member purported to deliver an ultimatum to the Acting President, indicating that should he (the Member for Diego Martin West) not receive a reply from the Acting President within two days, he would make public the contents of the letter, without regard to His Excellency's imposition of confidentiality.

At a public meeting held on Thursday, 18th October 2012 in the car park of the Starlite Shopping Plaza, Diego Martin, the Member of Parliament for Diego Martin West proceeded to discharge his ultimatum by selectively quoting extracts from the letter he had received from the Acting President.

The Member for Diego Martin West then proceeded to launch an unwarranted and scurrilous attack on the Office of the President by imputing that the Acting President was attempting to: 'rubber stamp' what he referred to as 'the Prime Minister's attempt to sweep this matter under the carpet.'

Further, the Member for Diego Martin West called into question the legitimacy of the constitutional arrangements for the selection of an Acting President as contained in Section 27 of the Constitution, when he said:

'It calls into question immediately, is it acceptable in Trinidad and Tobago that an arrangement is such, that a politician from inside the Parliament who is an active politician in the COP.(Congress of the People) could end up in the Office of the President where the rule of law is being undermined by the Cabinet?'

Mr. Speaker, the privilege of freedom of speech carries with it the need to exercise responsibility and such responsibility does not start and end with a sitting of the House of Representatives or with the Standing Orders.

The utterances of the Member for Diego Martin West were carried in a live radio broadcast and widely reported in the media.

Mr. Speaker, Section 39 of the Constitution states as follows:

‘There shall be a Parliament of Trinidad and Tobago which shall consist of the President, the Senate and the House of Representatives.’

Section 27(1) states as follows:

‘27 (1) Where the Office of President is vacant or the is incapable of performing his functions as President by reason of his absence from Trinidad and Tobago or by reason of illness, the President of the Senate shall act temporarily as President.’

And section 38(1) states as follows:

‘38(1) Subject to Section 36, the President shall not be answerable to any court for the performance of the functions of his office or for any act done by him in the performance of those functions.’

Notwithstanding these provisions in the Constitution, and without regard to constitutional conventions which attend these provisions, the Member for Diego Martin West by his reckless utterances committed contempt when he:

- (a) Scandalized and brought into odium, ridicule and public distrust the Office of the President of the Republic of Trinidad and Tobago, by imputing improper motives to the holder of that Office;
- (b) Impugned the integrity of the President of the Senate in the legitimate exercise of his constitutionally mandated function as Acting President, by ascribing to him, improper motives;
- (c) Reflected adversely on the conduct of the holder of the high office of President of the Republic of Trinidad and Tobago.

Mr. Speaker, His Excellency the President or Acting President, as Head of the Parliament, must be protected from reflections upon his character or conduct by Members of Parliament; as such reflections constitute a direct attack not only on His Excellency but on the very institution of Parliament. Such reflections can degrade the Parliament in the public’s estimation.

Mr. Speaker, the Standing Orders of the House of Representatives provide at Standing Orders 36(9) and (10) as follows:

- ‘(9) The conduct of Her Majesty and Members of the Royal family shall not be called into question.

- (10) The conduct of the Governor, Members of the Senate or the House of Representatives, or of judges or other persons engaged in the administration of justice shall not be raised except upon a substantive motion moved for the purpose; and in any amendment, question to a Minister, or debate on a motion dealing with any other subject, any reference to the conduct of any such person as aforesaid shall be out of order.’

Indeed, Mr. Speaker, while these Standing Orders apply to the conduct of Members of the House during proceedings, it is well established that outside of the House, in matters pertaining to his functions as a Member, every Member of the House should be guided ‘mutatis mutandis’ by principles enunciated in the Standing Orders governing his conduct during proceedings of the House of Representatives.

Mr. Speaker, I submit that a consequence of the foregoing is that by his utterances, the Member for Diego Martin West has committed contempt when he:

- (1) Scandalized and brought into odium, ridicule and public distrust, the Office of President, by imputing improper motives to the Acting President
- (2) Reflected adversely on the conduct of the Acting President
- (3) Impugned the integrity and conduct of the President of the Senate in the legitimate exercise of his functions as Acting President and
- (4) As a further consequence of the foregoing the Honourable Leader of the Opposition has, by his conduct undermined the dignity of the House of Representatives.

Mr. Speaker, I beg to move that this matter be referred to the Committee of Privileges of the House of Representatives for consideration and report.” [*Desk thumping*]

Mr. Speaker: Hon. Members, the matter raised before me requires careful consideration of whether a prima facie case of breach of privilege has been made out. I will announce my ruling on this matter at a subsequent sitting of the House.

1.45 p.m.

**ATTORNEY GENERAL
(BREACH OF PARLIAMENTARY TRUST)**

Dr. Keith Rowley (*Diego Martin West*): Thank you very much, Mr. Speaker. I beg to move the following Motion standing in my name:

Whereas section 76(2) of the Constitution specifies—and I quote—“that the Attorney General shall, subject to section 79, be responsible for the administration of legal affairs in Trinidad and Tobago and legal proceedings for and against the State”;

And whereas the Attorney General participated in the presentation to Parliament of the Administration of Justice (Indictable Proceedings) Bill, 2011, which contained a clause that created an amnesty for certain legal proceedings (referred to as section 34);

And whereas the Attorney General had knowledge of and supported the Government’s solemn undertaking to Parliament that no part of the Bill would be brought into force until such time as all supporting rules, administrative and physical infrastructure were in place and stakeholders consulted;

And whereas in the absence of the discharge of the said undertakings, the Attorney General had knowledge of and/or involvement in the unexpected proclamation of section 34, thereby prematurely bringing into force an amnesty with consequences for certain legal proceedings involving certain persons;

And whereas earlier, the Attorney General made certain decisions in an extradition matter involving those said certain persons;

And whereas as a consequence of this series of developments there is widespread unease, anger, disappointment and a general sense of loss of confidence in the Attorney General among a large cross section of the national population;

And whereas the Attorney General has accepted no responsibility for the improper discharge of his functions under the Constitution;

Be it resolved that this honourable House express its strongest disapproval of the flagrant breach of parliamentary trust by the Attorney General’s involvement in the premature proclamation of section 34;

And be it further resolved that this honourable House express its loss of confidence in the Attorney General and call on the Prime Minister to immediately relieve him of his portfolio of Attorney General of Trinidad and Tobago.

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Mr. Speaker, this matter, which I have just outlined, is a matter which is the subject of conversation in virtually every household in Trinidad and Tobago and many mouths outside of Trinidad and Tobago because the outcome of the matters I have just synopsisized there have shocked the Parliament, the country and, I dare say, those who know us—the world.

Permit me to present a summary of the story of what we are dealing with by referring to the history of facts surrounding the clause 34 problem. I will do it in two parts: part one, which would relate to prior to 2012; and part two, which would relate to what happened in 2012. So I will go back to 2010 and give you some timelines.

I want to say to you, Mr. Speaker, that any picture that you ever see is made up of a series of dots—millions or billions of dots—and if you are able to separate the dots, the picture becomes blurred or without form and structure; but when you bring the dots together and you connect them, then the picture emerges. It is the same thing with a television screen—a series of lines and as the lines come together in the proper way, then you get a picture and motion and you can see what is on your television screen. That is why when your TV is not functioning properly you normally end up with a series of lines and the minute you fix it so that the lines come together, you get a picture. That is why I am asking you, Mr. Speaker, to connect the dots as I make my contribution.

In the second half of 2010, the Attorney General replaced the team of attorneys, which, to date, had successfully resisted all approaches to the court, which were intended to stall a particular extradition to the United States of certain persons who were facing criminal prosecution there.

In or around June 15, 2010, the Judicial Committee of the Privy Council dismissed applications for habeas corpus rendering such persons then liable to be placed into custody pending extradition. In light of the decision of the Privy Council, it was the Attorney General's responsibility to instruct that such persons be placed into custody to await extradition. He failed to do so with alacrity. It was only after the insistence of the Director of Public Prosecutions were they placed into custody pending extradition. Contrary to extradition practice and procedure here in Trinidad and Tobago, which proscribes that requested states should resist bail applications, the Attorney General adopted the position that the State should not support nor oppose the application for bail, but merely assist the court.

According to various press releases and news reports, the Legislative Review Committee, the DPP, the Law Association and the Criminal Bar Association were

all consulted with respect to the Administration of Justice (Indictable Proceedings) Bill; but the controversial clause 34 and the Sixth Schedule were not in the Bill and, therefore, were not considered by these public authorities and bodies.

Justice Boodoosingh delivered his judgment with respect to the extradition on November 07, 2011. The Administration of Justice (Indictable Proceedings) Bill, carrying an amnesty clause—the infamous clause 34—was laid in the House for its first reading on November 11, 2011, four days after the extradition efforts were quashed.

In this version of the Bill, clause 34 and the Sixth Schedule provided for the amnesty to begin to run from the date of being charged. In this version of the Bill, a particular legal matter known to the Attorney General would not have been affected; but another one, known to the Attorney General and of great interest to those certain persons, would have been subject to dismissal.

The Bill was laid in the Senate for its first reading on November 22, 2011. On November 29, debate on the Bill began in the Senate. The Bill from the Lower House contained clause 34 in the same terms as debated and passed in this House; but in the Senate, Senators, one in particular, alluded to the possible impact on fraud and bid-rigging cases, and that was done in the presence of the Attorney General.

Immediately after that was done, the Attorney General joined the debate in the Upper House and he made his contribution and from his contribution, which is recorded in *Hansard*, it was clear that he understood what the Independent Senator had said and the reference to the particular cases, which related to certain particular individuals, who are commonly called party financiers.

An amendment to clause 34, providing that the amnesty would commence 10 years from the occurrence of the offence instead of from the laying of the charge, was introduced by the Minister at committee stage, having mentioned it at the beginning. On this version, the charges in the particular matter, which the public is incensed about, would now be subject to dismissal. At no time during the contribution of the Minister of Justice did he explain the difference between the version of the clause 34 which left this House and what arrived in the presentation of the Minister in the Upper House. That is important.

That Minister has since been dismissed from the Cabinet for misleading the Cabinet, but I want to make the point that this failure to explain and present the

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effect of the change of clause 34 as introduced as government policy in the Upper House was done in the presence of the Attorney General. The Attorney General remained silent on this point throughout the debate in the Upper House.

Before the committee stage was concluded, discussions took place behind the President's Chair in the Upper House about the impact of the proposed amendment to clause 34 on the pending particular cases for the particular persons who were to be beneficiaries as we know. The Senators agreed that once section 34 came into force, certain persons would be entitled to apply to have the cases against them dismissed.

I am making this point in detail because I want to put to bed this whole notion that is put out there by the Government, the Attorney General and his supporters, that this matter was one of oversight on the part of the Parliament. It was not a matter of oversight. [*Desk thumping*]

It was raised by Senators of the Opposition and Independent Benches that clause 34, as being amended by the Government in the Upper House, would entitle the particular persons of government interest to have their matters dismissed. The Attorney General assured the Senators—and, Mr. Speaker, I want you and the country to listen very carefully to what I am going to say now because it is becoming quite aggravating to hear the Government spin and their supporters' misrepresentation of this travesty—that before the Act was proclaimed, there would be full consideration of all issues raised by them; that all conditions requested in the debates in this Lower House and in the Senate would be met; that a further review would be had, including an amendment to the Sixth Schedule to the Act, to make the offences with which those persons were charged exempt from the application of section 34.

He pointed out that the amendment to the Sixth Schedule could be done under section 27(3) by the Minister's Order or by way of amendments to the Act prior to proclamation. That was repeated in the Upper House on national television. Subsequent to this position being told to the country, the Attorney General spoke in the Upper House and he never denied that position as put there by the Independent Senator. So we took it as fact; uncontested.

By the end of November 2011, it was clear, therefore, that the Attorney General knew or ought to have known that section 34 would free the UNC financiers, and that would happen if the parliamentary assurances were violated. He knew that if the assurances given to the Parliament were violated, as they have been, that the financiers would be free.

2.00 p.m.

Indeed, Mr. Speaker, with all his knowledge and involvement and commitment to the Parliament, it was incumbent upon the Attorney General to take immediate steps to effect an appropriate amendment to section 34 of the Sixth Schedule to ensure that certain persons were not the beneficiaries of the amnesty. He was obliged to do so, because this is what he had undertaken to do in his discussion behind the Speaker's Chair in the Senate. He was obliged to do so because the State had expended substantial resources in prosecuting the cases against them in relation to serious charges of fraud and bid rigging.

It was also imperative that he do so, because it was obvious that the discharge of certain persons would cause grave public disquiet and embarrassment to the country, both at home and abroad. It was, therefore, expected that he would take it upon himself to initiate appropriate amendments to the Act unless, of course, he already knew that it was his Government's intention to allow these certain persons to go free.

On December 16, the Act was assented to; on December 17, there was a comment of the advisor to the Attorney General with respect to the extradition, and the comment was this:

On the other hand, I am informed that the claimants can be tried in Trinidad and Tobago almost immediately on the same conduct.

This is the AG's technical advisor of law, advising him with respect to an appeal against the extradition case which he had lost after he changed the lawyers.

Given that Mr. Lewis, this advisor, was advising the Attorney General, one must assume that Mr. Lewis had got that information from the Attorney General himself. Who else would have given Mr. Lewis the assurance that the case could have been tried immediately and would have been tried immediately here? But, of course, we heard the Attorney General himself saying that after the case was dismissed.

It was equally clear, therefore, that Mr. Lewis's advice was based upon false or incomplete information, because on December 19, 2011, the Attorney General announced his decision not to appeal Justice Boodoosingh's ruling on the basis that, and I quote him:

The ends of justice will be served by foregoing the appeal and allowing the criminal prosecution currently before the local courts to proceed.

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But, Mr. Speaker, that decision not to appeal, effectively, gave the certain persons their first victory against the State with respect to their extradition proceedings, and meant that they would not be tried in the United States. So, these certain persons of the UNC interest, up until this matter started in the House, they had two dates in court, one abroad and one local, and this AG's decision put an end to the one abroad, and we will proceed to see how the ending came for the one locally.

Mr. Speaker, the reason for this dramatic event that they would not be tried abroad is that it was said, according to the Attorney General, that they would be tried in Trinidad and Tobago. It must be clear that at the time the Attorney General was taking that position—remember the time I gave you, the timeline?—vis-à-vis the extradition, and some expectation for a local trial that the Attorney General was clear—it should have been clear to him—that once section 34 was proclaimed, these persons would be entitled to apply to the court to be discharged of all offences.

Miss Mc Donald: “That’s right!”

Dr. K. Rowley: If nobody else in this country knew that or could have worked that out, the Attorney General—because he had a foot in each camp: extradition camp, all the details; PI camp; in the Parliament; he is the AG in the Cabinet. If there was one person in this country who knew that what was coming down the pipeline in clause 34, and what came down in Justice Boodoosingh's judgment, it was the Attorney General, and that there was no chance of them not having an amnesty to escape the court, and now there was no extradition.

He could, therefore, have done two things: he could have appealed the judge's decision and introduced fresh evidence before the Court of Appeal, telling the Court of Appeal that section 34, which he was guiding by way of his portfolio, through the Cabinet, once proclaimed, would have undercut the foundation of Justice Boodoosingh's decision. He could have done that, he did not do that, or as he had promised the Senate, as he had promised his colleagues in the other House, he could have taken steps to ensure that section 34 was amended so that there would, in fact, be a trial; he did neither.

It is either that he never intended to take steps to amend section 34, because it was his Government or his own personal intention that certain persons should escape justice, in which case, he deliberately misrepresented to the public, and I dare say the Government of the United States of America, that there would be a

local trial, or he was grossly negligent in taking steps to ensure that there would be a trial. It is not surprising that as soon as this happened and we got to this point, the United States Embassy in Trinidad, by way of a press release, expressed disappointment at the outcome of the extradition matter relating to those certain persons.

We come now to 2012. On July 24, 2012, a number of Ministers had a meeting with the Chief Justice, the DPP and others with respect to this matter, and in a publication which the DPP put out to the public of Trinidad and Tobago—it was put out there in response to the Government spinning the facts to misrepresent the situation—the DPP had this to say—and that is the meeting of July 24, and I dare say at least four Ministers were there, one of whom was the National Security Minister, another one was the Acting Attorney General, Sen. Ganga Singh, and there was at least one other Minister and, of course, the Minister of Justice. The DPP told the country, and I quote: During this meeting, the effect, and to some extent, the import of section 34 of the Act were raised. This prompted a response by the Minister of Justice that Cabinet had made a decision. That decision was the decision to proclaim section 34—to proclaim the Act, to proclaim clause 34—and when the DPP, since July, was saying to this group of Ministers, this is going to cause serious problems specific to particular cases that they all knew about, the DPP was told, “The Cabinet has taken a decision.” In other words, it is a *fait accompli*.

I want you to take that in the context of the Prime Minister’s statement to the country, when she very sanctimoniously in her address to the nation talked about being told about this matter and its outcome—this oversight and all of us guilty, and what would happen and she took immediate action to put an end to it. Remember the DPP said a significant portion of her Cabinet met with him in July, and when he pointed out to them what they were doing and where they were heading, they said the Cabinet has taken a decision.

In relation to that very same meeting, the Minister of National Security went public and said that in the meeting it was to be that the Act was supposed to be proclaimed in its entirety. So, in the consultative process with these high and protective offices, the DPP and others, the Minister of National Security knew that the nature and tenor of the consultation was that the Act was supposed to be proclaimed in its entirety. Yet, in the Cabinet, a note comes where the Act was being proclaimed in part, and if we are to believe them, it was an oversight.

Mr. Speaker, I want to fast-forward to put a few questions to the Attorney General, and the questions are: why did he not appeal Justice Boodoosingh’s

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decision and apply to put fresh evidence before the Court of Appeal that section 34 [*Desk thumping*] now renders the local trial impossible and that accordingly, the basis on which Justice Boodoosingh decided that he was unjust and oppressive to extradite these persons no longer existed? Why did he tell the public that he decided not to appeal because there was to be a local trial when he knew that once section 34 was proclaimed these certain persons would be discharged? Why did he not take steps to amend the Sixth Schedule or section 34 so that these persons could not rely on it to escape the court? The amendment to section 34 was simply a ministerial order. That is all he had to do—get a ministerial order done, and the Minister said: “Bid rigging and fraud, add to the Schedule, case closed, cannot approach the court.” Why did he not do that? He made a promise to his colleagues in the Upper House to do that, and had he done that, this matter would never have been in the public domain or have us in what we are today? He must tell us why did he not do that.

Based on what my colleague from St. Augustine said, we are now in an environment in this matter, the veil of Cabinet has been lifted, so we could talk about what happened in the Cabinet, and they have been talking a lot about what happened in Cabinet. Why did he not advise Cabinet on August 06 that the proclamation of section 34 would mean that these certain persons would be entitled to be discharged? Because the Prime Minister pretends to have been informed of that development only when the DPP spoke and when the matter came out in the public.

Why when the matter was before the Cabinet he, as Attorney General, did not advise that the effect of this was to discharge persons whom he knew the State was trying to extradite and who had been taken out of an opportunity to appear in a court abroad, and who were supposed to appear in a court locally, and he knew now that this matter going through the Cabinet would have the effect of discharging them? What did he do? And since the Cabinet has not told anybody in this country that that was the advice he gave, we have to assume that he remained silent or did not give that advice. And then, we want to ask him, did he fail to do all of these obvious things because it was his Government’s intention that those favourite persons, those certain persons should go free, or was it his own private intention?

At the very least, Mr. Speaker, the Attorney General knew that once section 34 was proclaimed, these certain persons would be freed. His failure to do anything whether by advising Cabinet of this eventuality or otherwise, represents gross dereliction of duty on his part or worse, and the worse is, an expectation and

an intention that they should be freed. The nation clearly cannot trust this Attorney General [*Desk thumping*] and, therefore, under that scenario, we need to look at the resolutions that I have put before this House.

Mr. Speaker, we have heard a lot said about who is responsible. If this were a matter in the Ministry of Health to do with doctors and lawyers and so on, it would have been the Minister of Health who would have been held accountable. If this were a matter in the Ministry of Education, it would have been the Minister of Education responsible. If it were a foreign affairs matter, it would have been the Foreign Affairs Minister responsible, because in every area of governmental activity there is a Minister responsible. [*Desk thumping*]

This is a matter having entirely to do with the origin, the nurturing, the genesis and the manipulation of the Parliament—I dare say probably the Cabinet—but, at the end of the day, this matter is entirely about the passage of legislation and the handling of certain persons’ interests, and it all falls under the portfolio of the Attorney General. [*Desk thumping*]

He has made the most amazing fancy footwork to try and evade, but I would tell you—I want to take you to section 75(2) of the Constitution, because section 75(1) creates a Cabinet; section 75(2) creates two positions. They are the only two Cabinet positions that the Constitution demands: one is Prime Minister and the other is Attorney General, and they are probably the only two.

2.15 p.m.

In fact, the Attorney General is the only Member of the Cabinet whose duty is spelt out in the Constitution, every other Member could do what they are doing now, which is “enjoy the job and do nothing”, but the Attorney General, under the Constitution, section 76(2) says:

“...subject to section 79,”—and that subject means, unless the Prime Minister takes away his responsibility in any part—“...subject to section 79—The Attorney General shall...be responsible for the administration of legal affairs in Trinidad and Tobago and legal proceedings for and against the State”—and that—“...shall be taken—

- (a) in the cases of civil proceedings, in the name of the Attorney General;
- (b) in the case of criminal proceedings, in the name of the State.”

When this matter started to provoke the public, we had the amazing position of the Attorney General—that well, you know, you cannot hold me responsible

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because I am not really a criminal lawyer; I only did one criminal case since I left law school. Absolute hogwash! Once he took the post of Attorney General, this 76(2)(b) of the Constitution says he has to take responsibility. [*Crosstalk*]

Mr. Speaker, what was worse is how the Attorney General set out to mislead the population in light of what happened when this thing became public. When it became public, the Attorney General started to say, “Not me, it is somebody else”, but I want to clarify once and for all—because up to this morning, I saw a senior lawyer on television saying that it could not be the Attorney General because the Prime Minister had taken away that portfolio and given it to the Minister of Justice.

Mr. Speaker, just for the benefit of the public, I want to take you to the *Gazette* of June 2010, when the first Cabinet of this Prime Minister was presented to the country. If you look at *Gazette* No. 74A, Vol. 49 of June 16, 2010, you would find that the Ministry of Justice—if I take you to the Minister of Justice, Hon. Herbert Volney—in his portfolio when the Cabinet was formed in 2010, under Criminal Justice System, you would see two subunits: one, Criminal Legislation and the other one, Reform and Transformation. That is how it was when the Cabinet was first formed—gazetted.

There was a Cabinet reshuffle and a new set of gazetting was done on July 13, 2011. There was still the Minister of Justice, but if you go to his schedule you will see that the hon. Prime Minister—Senior Counsel, AG—Senior Counsel, who would know about this *Gazette*—you would see under the portfolio of the Minister of Justice, under Criminal Justice System, all you would see there is Reform and Transformation, because criminal legislation was removed from the Minister of Justice in July of 2011 and it transferred to the Attorney General. [*Desk thumping*] And, that having been so, if there is one person in this country who should and must know that, it must be the Attorney General. [*Desk thumping*]

So you have to ask yourself; why then has the Attorney General been carrying on the charade of telling the country that it was the Minister of Justice who was responsible?

Miss Mc Donald: Lame duck excuse! Lame duck!

Dr. K. Rowley: This Prime Minister also knew that, because here it was a Minister—any Minister could bring any Bill to the House—the Minister of Justice brought the Bill, but the portfolio responsibility over and above the section 76(2)—it did not even bring into account subject to section 79, because section 79

was not invoked. It was invoked in 2010 when criminal legislation was given to the Ministry of Justice, but the minute it was removed in July 2011, during the reshuffle, section 79 did not come into play and, therefore, the Attorney General had full and total responsibility for that piece of legislation.

Miss Mc Donald: That is right.

Dr. K. Rowley: So, I want to make that very clear and I want you to take that, Mr. Speaker, in the context of all that has been said by the Attorney General and those who were trying to give you strange information about this matter.

Mr. Speaker, I want to take you to the Attorney General's position—October 04, 2009. I just gave you a synopsis of his responsibility. I gave you, in the recitals, how things went and how we view it. Let me tell you what his thought process is—October 04, 2009—and I am quoting here from the Attorney General writing in the *Guardian*. Listen to what he says:

“Political financiers and investors held secrets for men and women who, in their bid for power, made promises and accepted favours.”

And he went on to say:

“A measure of indirect political control is always desirable to prevent prosecutions.”

And he went on further to say that you require that to:

“...influence the outcome of sensitive cases involving supporters or financiers...”

Those were the views of the Attorney General. He held those views a few months before he thought he could have been Attorney General, and he made specific references to the specific cases—Panday and the airport. You understand, Mr. Speaker?

When he had those views and he published them, and then he now has the responsibility for the Attorney General's office, and the office failed to prevent these things from happening, and he set out on a crusade with his colleagues to tell the country it was an oversight—“We say we don't buy that half-pick duck”, it was a conspiracy. [*Desk thumping*] It was no oversight; it was, in fact, a brilliant manoeuvre to a particular end because he himself outlined it here as to how it could happen. In this case, as Attorney General, we have to ask if he set out to make sure that is how it should happen.

Mr. Speaker, some interesting positions were taken by my friend from St. Augustine, who is absent today. I am not surprised he is absent, because when we came here to hurriedly try and put our finger in the dam to see if we could prevent

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the flood, when we came to repeal for whatever it was worth, I said to my colleague from St. Augustine, in the face of a document released by his party—because they released a very strong statement, initially, on this matter—I said to him, “I want to hear you, my colleague from St. Augustine, respond to what your party has put out.” Some of it in code, which I interpreted—the Prime Minister said to me across to floor, “He can’t talk, he speaks through Joe Toney. Is Toney does talk for him.” And I said “oui foute”. [*Laughter*] That is the head of another piece of the coalition that is running our country—[*Interruption*]

Miss Mc Donald: He lost his tongue.

Dr. K. Rowley:—and the Prime Minister in front of me could say that the head of the COP “cyar talk, is Joe Toney does talk for he.” [*Desk thumping*] But let me tell you what he said on September 19, having not spoken in the Parliament.

Miss Mc Donald: That is right.

Mr. Speaker: I just want to be very clear; this is a specific Motion on the Attorney General. I want to remind Members, do not bring other Members of Parliament into this matter—like the St. Augustine Member you are going to. This is not a matter involving the Member of Parliament for St. Augustine. I have approved a Motion that deals with the conduct of the Attorney General, and I am saying to the hon. Leader, if you want to make reference en passant, you can do that, but I do not want you to dwell on the matter and pull another Member into this particular Motion. This is about the conduct of the Attorney General and I would like you to be guided accordingly.

Dr. K. Rowley: Thank you, Mr. Speaker. As a matter of fact, I made my en passant comment and I was moving straight into the Attorney General—[*Desk thumping*]—and I hope that you would give me a little injury time there—we are on the same page. You will find no resistance from me on that.

Mr. Speaker, I just pointed out to you what is published in the *Gazette*, and I want you, against the background of what is published in the *Gazette*, why would the Attorney General of Trinidad and Tobago have this to say to the *Newsday* reporter, Lara Pickford, on September 26:

“...‘when we created the Ministry of Justice, the criminal portfolio was assigned to that ministry and the gazetted allocation of ministerial responsibility placed criminal legislation and the reform of the criminal justice system under that particular ministry.’”

Why would the Attorney General have that to say? And he went further. He said:

“There are many lawyers who serve in Opposition and it ought not to have escaped their attention. The ancillary matters which had to be put into place which were promised during the course of the debate could not have nullified the legal right which was created when the law was passed, those things are merely procedural’...”

Mr. Speaker, he is trying to minimize, to dismiss the trust that the Parliament placed in the Government, which the Government breached. It was no mere procedural matter. We even had an understanding of a timeline of three to four years, and it is there I was going when I said to you that we were not the only ones who understood that this was so; that this trust that the Parliament placed in the Government—it was not just a little procedural matter to happen, as the AG is trying to mislead the public through that article in the *Newsday*. My friend from St. Augustine had this to say. He said:

“...but I did raise the issue...”

So it is not “no oversight” as I said earlier on.

“...I did raise the issue and on the basis that the coming into force of the Act would not have come (until) an extended period (lapsed) we voted on it, all of us.”

This is the reporter here—Andre Bagoos, again, from the *Newsday*—saying that my friend from St. Augustine said:

“He raised concerns”—he did not say with whom—“and was assured that the legislation would not be proclaimed, thus allowing the passage of time in which indictments of pending matters could be brought.”

In other words, he is saying that he took it to mean, as was given to the Parliament, that this proclamation will not take place in any foreseeable future, and when that happens, these matters which are annoying the public would have long been dealt with.

Mr. Speaker, when you take that as the position of the Member for St. Augustine, you would find that the Attorney General’s position to the country, that whether it was proclaimed in August or next year January, it mattered not. Why is the Attorney General trying to mislead the public? Because you see, Mr. Speaker, I want to take you to—in that particular matter with those certain persons, there was a position of the DPP which was known to all, that when those

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matters were concluded—there was a part one and a two—when they were concluded, together, there would have been an indictment to be tried as one. So we all knew that. Item two was finished, item one was about to be completed and had a day in court in September. I want to repeat this for the benefit of the country who might have listened to the Attorney General who said, it did not matter when it was proclaimed, whether it was August this year or next year, or the year after.

In fact, he went on to say, the longer it took to be proclaimed, the better it would have been for them. That is the Attorney General trying to mislead the population because it was proclaimed against the background that an indictment of these certain persons was imminent, and that a day in court was coming in September. And, therefore, that proclamation in August was the only way that that PI in September could have been influenced by these developments of section 34. [*Desk thumping*] It was the only way.

2.30 p.m.

You see, Mr. Speaker, when one looks at the Cabinet Note, there is an interesting thing that happens in the Cabinet Note. The Cabinet Note asks the Cabinet to proclaim—I need some guidance, Mr. Speaker. How much time do I have left?

Mr. Speaker: You finish at 3.00.

Dr. K. Rowley: The Cabinet Note which caused—in fact, let me go back a bit, just for clarity. This creation of an amnesty for the purposes for which it was used and for the effect that it had on certain persons in those particular matters, had to involve the Parliament, because there was no other place in our system for a law to be created, for an amnesty clause to be part of a law. From that standpoint, what was put to the Parliament—Mr. Speaker, you were here—was such that we never expected this would happen, and we have to be held responsible for creating the law—any law. But after that, the operation of the law and the intent of the law should be of interest to the people of Trinidad and Tobago. When the law was put here in the respective clauses, and we took issue with those clauses, our vote was obtained by this Government on the basis that our concerns would be met, and if those concerns were met, this amnesty clause could never have benefited the financiers of the ruling party. [*Desk thumping*]

Remember that this Cabinet, which is a subset of the Parliament, is answerable to the Parliament. Under the Constitution Cabinet is answerable to the Parliament. So when Cabinet Ministers come here as a government and be

Members of this House, and they give the Parliament an assurance as to how they would act as a Cabinet, that is a serious matter. Having obtained our vote on a trust that they would not do certain things as a Cabinet, and then go as a Cabinet and do exactly what they told the Parliament they would not do, they should not be in office at all. [*Desk thumping*]

Miss Mc Donald: Exactly!

Dr. K. Rowley: What they have done is gutted our administration, they have undermined our institutions. We do not begrudge them their place in the Cabinet, but the system of governance in this country holds the Cabinet accountable to the Parliament. While we sit here as parliamentary colleagues and our Cabinet colleagues give us an assurance in the Parliament that they will not do certain things as a Cabinet, we at least should be expected to trust them.

In this case we had to go back and understand that we are not accepting that all of this is happenstance and oversight, as they are trying to get the country to believe. It was well organized, well orchestrated, well executed and the Parliament was involved. [*Desk thumping*] Once the Parliament came out of the picture, it went to the Cabinet. Hear what happened to the Cabinet: in order to kick-start the amnesty in the particular time to be of use to the court hearing in September, the amnesty was kick-started on August 31, and that is why today the whole country knows who did it. They know who benefited. What they do not know is why clause 34 was pulled out and proclaimed in the way it was. [*Desk thumping*]

Miss Mc Donald: That is right, and up to now they would not say.

Dr. K. Rowley: Today is another good day for the Prime Minister, head of the Cabinet, to tell the country why it was expedient, as the Cabinet Note says, to proclaim clause 34. But worse than that, the Attorney General who is supposed to be the legal expert, as required by the Constitution, sat there in the Cabinet, saw a Cabinet Note which said that clause 34 was being proclaimed because it was expedient to hire Masters for the court, when in fact, Mr. Speaker, you and I know that clause 34 has absolutely nothing to do with Masters and everything to do with an amnesty which would benefit the party financiers. [*Desk thumping*]

He sat there and said nothing; he who gave assurances to the Parliament that he would allow the Minister to use the Minister's Order and add fraud and bid rigging, and therefore put out of the reach of certain persons any access to amnesty. He sat there and saw a Cabinet Note that had no mention of the word

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“amnesty”. If you go through the Cabinet Note you would not see anything about amnesty. More interestingly, when you look at the Cabinet Minute you would see every clause mentioned except clause 34.

Mr. Speaker: What is the date of that?

Dr. K. Rowley: The Cabinet Minute? August 09, 2012.

You would see every clause mentioned, but not clause 34; as if somebody did not want you to know that clause 34 was being put into effect. You have to deduce that clause 34 is being—because the Cabinet Minute says all that you are not—“look how it read”:

In accordance with the provisions of section 2 of the Act fix August 31, 2012 as the date on which the Act...

So you think, “Well, the Act is being brought into force.” And then it goes on: “with the exception of...”—and it outlines basically the whole Act and does not mention clause 34.

Then, of course, the only time you would see the word “amnesty”—you go to the Proclamation and you would see:

“Whereas it is expedient that sections 1, 2, 3, 32 and 34...”

The first time clause 34 forms part of the documents is in the Proclamation. It never appeared in the Cabinet documents; you have to deduce it. An amnesty is being proclaimed. And I would not be surprised if there were people in the Cabinet who, in their sleepy self, did not understand that an amnesty was being proclaimed. But the Attorney General had a duty to know; he had a responsibility to know and he was behind it. [*Desk thumping*]

Miss Mc Donald: Chief legal advisor.

Dr. K. Rowley: He had a duty to protect the State from this outcome, and that is why in the Constitution that office of Attorney General is placed there, and put there, and not left to chance. It is to prevent this kind of thing from happening by accident or happenstance. He has a responsibility to do that.

Mr. Speaker, the Attorney General did something else which I want to draw your attention to. When he was speaking in the emergency session of the Senate, when the repeal was done, he said this. You may recall that this House passed clause 34. Clause 34 was never part of the document that went for consultation with the stakeholders; “remember that eh”. Clause 34 was never a part of it. This amnesty was never a part of it, but it got life and came here from the Government.

It left this House and went to the Upper House saying that if you are charged and after 10 years you are not tried, then you could approach the court for a discharge. On the arrival in the Upper House, the Minister of Justice, overseen by the Attorney General, presents to the Upper House a new position, that if you committed the offence 10 years ago and you were not tried, then you go free. That was put as an amendment in the presence of the Attorney General who knew what the Lower House had put. It was only after the Minister of Justice was fired that he is now telling the country that it is he as the Minister of Justice, his Ministry, that changed that from 10 years since you are charged to 10 years since you committed the offence. Because we were asking all along: where did this come from? Nobody in the Government would answer.

It is the Minister of Justice—since he is now behind my back here—who is now saying it is his Ministry, and you ask yourself: where was the Attorney General when a Minister was entering the other House with a new position, quite different from what the Lower House had passed? But listen to what the Attorney General said when he spoke as the singular Government spokesman in the Upper House, and pay attention to that. When it went to the Upper House where the assurances were given, where the breach took place as in this Lower House, the only Government spokesperson in the Upper House was the Attorney General, as if to say, “Leave it to me, I will bramble them.”

Mr. Sharma: As you are “brambling”?

Dr. K. Rowley: Listen to what he said, and I am quoting him here. This is the Attorney General talking in the Upper House:

“Section 10 says if 10 years pass since you commit an offence or 10 years pass since you get charged and ‘yuh eh face the trial court yet, then you shall be discharged.’ That is precisely the amnesty by a different name, but a rose called by any other name shall smell just as sweet.”

I want to repeat this. This is Trinidad and Tobago’s Attorney General, and I am talking to my colleagues on the other side, because you all represent people in this country, you all have a responsibility in this country. I want you all to hear this:

“Section 10 says if 10 years pass since you commit an offence or 10 years pass since you get charged and ‘yuh eh face the trial court yet, then you shall be discharged.’”

I want to ask the Attorney General: wherever in this Parliament was there ever a section 10 that those two conditions where it is either/or? It was never an either/or; those two conditions were never in any clause. It left this House as 10

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years since you were charged, and they changed it in the Upper House: “Ten years since you commit de offence.”

So for the Attorney General, after this fracas took place in the country, and the whole country is up in arms against him, to go back to the Parliament and unashamedly continue to mislead the Parliament by telling the Parliament about some section 10 where you have two conditions, either/or, so you can be discharged in either/or; trying to “bramble” you so that you would not focus on the fact that something unusual took place, where between here, the Lower House and the Upper House, the 10 years since charged became 10 years since you committed the offence— And the words of the Attorney General recorded in *Hansard* about some section 10, where it says either 10 years since you committed the offence or 10 years since you were charged—once again, the Attorney General of Trinidad and Tobago, untrustworthy, trying to mislead the people of Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, I can go through a whole lot. The Prime Minister speaks about—listen to the Attorney General. The Attorney General is talking here now on September 26, long after the “ting” became public. He, the Attorney General, insisted that he attended Cabinet meetings when section 34 was being discussed, but believes the right Ministry has been held accountable. What a word. This is the Attorney General of Trinidad and Tobago, after all I just pointed out, telling the press he believes that the right Ministry has been held accountable. We understand very clearly what happened.

The Prime Minister, having reneged—her Government having reneged on a commitment to the Parliament, they having manipulated the situation to get financiers to not face court—was facing a political disaster.

Mrs. Persad-Bissessar SC: Mr. Speaker, Standing Order 36(5), imputing improper motives on the part of the Prime Minister.

Mr. Speaker: Yes, I sustain that point. I just want to remind the hon. Leader of the Opposition, do not rope in Members of this honourable House, because we have a substantive Motion on the Attorney General. I say you could do it en passant, but you are imputing improper motives. So I sustain that; move on, please.

2.45 p.m.

Dr. K. Rowley: Thank you, Mr. Speaker. I strayed slightly there en passant. [*Laughter*] [*Crosstalk*]

Hon. Member: Slightly, slightly.

Dr. K. Rowley: But, Mr. Speaker, the point I am making—[*Interruption*]

Dr. Moonilal: Stray more.

Dr. K. Rowley:—is that this Attorney General, a man who gets his office from the Constitution, who was there in a Cabinet reshuffle, who knows what is in the *Gazette*, who did all that he has done—I do not have time to go through it, “look ah have a pile here. I doh have the time”, but there will be other times—he is telling Shervon Williams of the—which paper is that?—the *Guardian*, that the right Ministry has been held accountable, because up to that point it has been the Government’s position, that having fired a Minister, who did not expect to be fired, that the matter ends if we all accept that “is Volney who do it.”

What they are trying to feed to the population is that if you accept that this individual, whose head they have given you on a platter, is the person who is singularly responsible, we can now move on. Mr. Speaker, “if ah carload of fellas commit ah rape or ah robbery, and police happen to hold one”, what is the police supposed to do after that? Go and look for the rest; and that is why I am here today. I am looking for the Attorney General. [*Desk thumping and laughter*]

You know, you have to understand the kind of person he is. Your colleague has been dismissed when you carry the portfolio of responsibility; you failed the country in the way you have failed the country, but you are telling the young reporter, the right Minister. [*Desk thumping*] Then he goes on to say, the point is at the Cabinet meeting you have had the individual responsibility of the Minister—this is the AG talking, you know—at the Cabinet meeting, you have had individual responsibility of the Minister. Like he did not hear the Minister saying that there was a Cabinet meeting, where the Minister was asked to leave, and during the Cabinet meeting members of the COP put down an ultimatum that there has to be a scapegoat, and the Prime Minister had an option of—[*Interruption*] [*Crosstalk*] I am reporting what the Minister—[*Interruption*] [*Crosstalk*]

Mrs. Persad-Bissessar SC: Mr. Speaker, once again, indeed imputing improper motives on the part of all the Ministers, Standing Order 36(5), again, Mr. Speaker. [*Crosstalk*]

Mr. Speaker: Member for Diego Martin West, hon. Leader, you are going well, but you are making insinuations as you go and you want to rope in people here and there. I think that we need to be a little more—you were going very well earlier, but I want to advise you—[*Interruption*]

Hon. Member: He is straying too much.

Mr. Speaker:—just come back to base, and focus on the substantive Motion and the conduct of the individual that is being addressed here, please.

Dr. K. Rowley: Thank you, Mr. Speaker. I come back on the individual. The Attorney General, again, he is talking to the media because the public got all of this through the media. He is talking here to the *Express* and he says: Both Rowley and another Opposition Member, MP, had given their qualified, unconditional support for the abolition of the preliminary enquiry Bill [*sic*]. Mr. Speaker, I quote this just to show you how the Attorney General is trying his best to escape responsibility, even if it means passing it on to other persons.

If you give an assurance that is qualified, what do you understand by that, Mr. Speaker? It means that there are caveats to it. On the other hand, if you give an unconditional guarantee, it means there is nothing restricting it. Our Attorney General is the only person who knows about the phrase of “a qualified unconditional support.” What is a qualified unconditional support? [*Crosstalk*] Qualified means, he knows that we gave qualified support when we asked for certain assurances from the Government, got them, so our support was qualified. Why is the Attorney General adding to that, “unconditional”? “Yuh cyant have qualified unconditional support.” It is either it is qualified or it is unconditional and, as far as assurances are concerned, this House, by way of this Motion, must take serious umbrage at the fact that assurances given to this House were so breached in such a vulgar and cavalier manner.

I hope that I do not offend the Prime Minister, I am just paying note. When the Prime Minister addressed the nation and took issue with her Minister and fired him, in that text she referred to assurances six times in making the case against the Minister who was fired. Six times she made reference to assurances of the Minister to the Cabinet—the Prime Minister.

Mr. Speaker: I think you made your point. Move on.

Dr. K. Rowley: So, Mr. Speaker, an assurance is a valuable thing and if it was valuable to be so used when a Minister breaches an assurance to the Cabinet, how should we take it when the Government breached the assurances it gave to the Parliament? How should we take that? [*Desk thumping*] I simply want to— [*Interruption*]

Mr. Speaker: You have nine more minutes.

Dr. K. Rowley: Thank you. I want to tell you that I am not the only person who has a point of view on this. Joe Toney, Chairman of the COP—[*Interruption*]

Dr. Moonilal: Campaign for him.

Dr. K. Rowley:—says something is smelly. [*Crosstalk*] He talks about removing the veil of secrecy. He talks about Ministers, by their conduct, brought the Government on this path, ought not to hold office in Government. He said maybe there is a good reason, but so far we have not heard it. He goes on to say that the entire issue raised grave questions about the bona fides of the Government in this affair, and he is not comforted by any repeal, and he said the saga of section 34 is about blunders or manipulation of Parliament. Which one?

Mr. Speaker: Which paper are you are reading from?

Dr. K. Rowley: This is from the *Express* of September 12. Mr. Speaker, and he goes on to say that the Parliament—[*Interruption*]

Mr. Speaker: Please, please, Member for D'Abadie/O'Meara.

Dr. K. Rowley:—that the Parliament was taken advantage of and the trust of all legislators was damaged. These are people who understand what went on, but most importantly, Mr. Speaker, while I am making the point that, over and above all that could be said about the Attorney General, it is important to note that this matter has not ended. This matter has not ended. Persons approached the court on September 07; the amnesty came into force on August 31. It first became available to the public by viewing on the Net—the gazetted Net—on September 10, and it was in the newspapers on September 09, but at least one person had approached the court on September 07.

Think about that, Mr. Speaker, and persons are going to take this matter all the way to the Privy Council. The only way the State's interest can be protected is if it can be argued, and argued truthfully, that the public interest was undermined by the behaviour of persons in and around the Cabinet, and that the office of the Attorney General failed the country. Therefore, when these matters reach before their Lordships of the Privy Council—[*Interruption*]

Mr. Speaker: Let us not breach Standing Order 36(3) if I am not mistaken. Let me just get it correct—(2)—[*Interruption*]

Mrs. Persad-Bissessar SC: 36(2).

Mr. Speaker:—the sub judice rule. We make laws, we pass laws. We are not judges of the High Court to interpret the laws. The separation of powers demands

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and establishes that the courts do that. I would like to advise the hon. Leader of the Opposition, and any other Member to follow, stay clear, stay clear of matters that are actively before the courts, especially criminal matters, and let us not determine how judges are going to think—[*Interruption*]

Hon. Member: Yes.

Mr. Speaker: That is not our business. So, I just want you—because you are breaching 36(2), the sub judice rule. So I want to guide you.

Dr. K. Rowley: Mr. Speaker, I am—[*Interruption*]

Dr. Moonilal: You are not on the bench yet.

Dr. K. Rowley:—I am making my point as to why the Attorney General, this Attorney General, should not remain in office. To make the point, I am saying—I am not dealing with evidence, I am not dealing with case, I said the public's interest in this and other matters of this nature, for it to be protected, it would require an Attorney General who does not have the conflict of interest that this one has.

Hon. Member: What conflict of interest?

Dr. K. Rowley: Because, Mr. Speaker, to make a case to protect the public interest will require that the truth be told to any court of law, and this Attorney General cannot be expected to go to a court, or advise lawyers to go a court, to argue the public case, and put himself in the position that he should be put in, as he is being put here in the Parliament today where his responsibility as Attorney General was not properly discharged. That is the point I am making. If the public's interest is to be protected, as it must be protected, the Prime Minister has a duty to relieve this Attorney General of this position and replace him with somebody else. [*Desk thumping*] To hold on to him in that office, so as to allow him to be the maker of our case, as the people of Trinidad and Tobago, where his personal involvement and shortcomings in this matter cannot be reasonably expected to be part of the submission in any court, is to say that from today, or long before today, it is the expectation of this Government that the State's case, wherever it is, would fall.

This Attorney General, Mr. Speaker, has gone forward with the State's case before, and one of the things he did, and so far has not properly explained to the country, is that he changed the lawyers in the extradition matter, and the first time they appeared before the court the successful lawyers' record was broken, and we lost the case. So, I do not want to wait until that repeats itself, Mr. Speaker. I am saying, move him now. [*Desk thumping*] What is to prevent him from doing the same thing again, appointing lawyers who may not have what it takes to argue?

Justice Boodoosingh made the point that it was the Attorney General's lawyers who did not properly argue certain points presented by these certain persons that caused him to rule against the State. [*Desk thumping*] That is part of the judgment. In the judgment he makes that point, that the lawyers failed to argue particular points, and here you have a situation where these lawyers inexplicably, were picked by the Attorney General, they go to court, and did not argue certain—particular—points, and the judge says they have lost the case. [*Desk thumping*] Up to that point, we had resisted every single challenge by those certain persons who sought to evade the court, and if he stays in office, I have no confidence, and the country by and large has no confidence, that he can do differently, and will do differently—[*Desk thumping*]

Hon. Member: Yes.

Dr. K. Rowley:—and on that basis alone—he might be a very good man, he might be somebody's friend, he is somebody's father, that is not the point at all. The bottom line is, the way this thing has played out, the way the country sees it, the way we know they are required to go forward in protecting the public interest, it would be a travesty indeed if this Attorney General is left in charge of this process, to continue to try to fool us that it was some oversight, and we should all man up to some oversight. I do not know where this verb “manning up” come from. I know the whole English dictionary, I have never seen that before. [*Crosstalk*] The bottom line is—[*Interruption*]

Mr. Roberts: “You wouldn't know bout that.”

Dr. K. Rowley:—we are required; and I will tell you something, it was the Prime Minister herself who made the statement that Parliament is not the Cabinet, and the Cabinet is not Parliament. So where we in the Parliament may have passed a law which, in fact, by itself, would not have met with total satisfaction, one has to see this problem in the context of how the Cabinet functioned in treatment of the premature and secretive proclamation of section 34 which resulted in a benefit to persons who have been trying to evade the court.

The Attorney General cannot, Mr. Speaker, in any good conscience, be allowed to remain in office to be in charge of this process to the end, when he is so implicated in failing in his duty. Mr. Speaker, I beg to move. [*Desk thumping*]

Mr. Speaker: This Motion requires a seconder.

Miss Mc Donald: Mr. Speaker, I beg to second the Motion, and I reserve the right to speak.

Question proposed.

3.00 p.m.

The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal): Thank you very much, Mr. Speaker. I join this debate this afternoon on a very critical Motion framed and placed on the Order Paper by no less a person than the Leader of the Opposition, the Member of Parliament for Diego Martin West.

Mr. Speaker, before us is a very important Motion, because this Motion speaks to the conduct of one of the most important constitutional office holders in the Republic of Trinidad and Tobago. You see, Mr. Speaker, if this Motion succeeds this afternoon, tonight or tomorrow morning, it means that the Attorney General is fired, he is dismissed, he goes, and it means all the implications of that. *[Interruption]*

You see, Mr. Speaker, a Motion of no confidence, a motion of censure is a critical tool in the weaponry of Members of Parliament, particularly Members of the Opposition, because it calls into question the personal conduct of a Minister in matters of grave public importance. *[Interruption]*

Mr. Speaker, I have had the opportunity to review the record to see over the years when and how such an instrument has been used in the Parliament. Over the years we have had about 20 motions of no confidence and censure in various Ministers of Government—in the Prime Minister at different times—from our records since 1977 when a Motion was filed by the then Member for Couva South against the Prime Minister.

Mr. Speaker, I also took the opportunity to look at some of the issues raised in those Motions and a few key and critical areas stand out. There was actually a Motion by the then Member for Diego Martin Central, deceased hon. Kenneth Valley, against a sitting Speaker, and I do not want to dwell on that too much. But the Speaker of the House of Representatives, Mr. Speaker, someone who occupied your Chair, was the subject of a Motion of no confidence in 1992/1993; by 1995 a Motion was brought by the then Prime Minister against the Speaker of the House; on that occasion there was a claim that the Speaker, someone occupying your Chair, attempted to remove the democratically elected Government.

There was a Motion of no confidence as well in Ministers of Government over the years, and Mr. Speaker, the issues are important. In one case it was claimed that a Minister came to Parliament and gave inaccurate, wrong information to the Parliament and therefore was liable, and a Motion was filed. In another case,

recently, I think 2009, it was an issue of the conflict of interest of a then sitting Minister of Finance, Member of the House for D'Abadie/O'Meara—not you—*[Points to the Member for D'Abadie/O'Meara]* *[Interruption]*

Mr. Roberts: Not me. Not me.

Hon. Dr. R. Moonilal:—but it was an issue of conflict of interest that that Member sat in a Cabinet, participated in a matter in which that Member had some beneficial interest that was not declared and disclosed.

Mr. Speaker, over the years Motions like these have been raised when they affect the presentation in the Parliament, conduct in the Cabinet, and indeed, an attempt allegedly by a Speaker of the House to remove a Government. Today the Attorney General stands being accused and we must examine the charges. What are these charges? What are the specifics? What is the evidence? Mr. Speaker, there is a reason why I have taken the opportunity to address you now and not the Attorney General—because the Attorney General, of course, is the subject of this matter—because I think, the Attorney General would like to listen to all 11 Members. I read in the newspaper, I think we expect all 11 to take their good 75 minutes, and the Attorney General would want to listen, because, Mr. Speaker, a day like today they line up with daggers in hand looking to pierce his back, and he would like to listen and respond. You see, Mr. Speaker, because they operate that way.

Mrs. Mc Intosh: Not at all.

Hon. Dr. R. Moonilal: Mr. Speaker, there are charges that we want to hear; we want the evidence and we want the specifics.

Mr. Speaker, let me begin by making some categorical statements which I intend to prove. Mr. Speaker, this Motion is sinister and nefarious. It is self-serving and it reeks of hypocrisy. There are wild allegations, unsubstantiated statements that will lead to this Motion being declared null and void and of absolutely no effect. *[Interruption]* It has no merit; it is based on—fraught—anger and hate.

Hon. Member: Oh yes.

Mr. Sharma: Quite true.

Hon. Dr. R. Moonilal: Mr. Speaker, there is an attempt in this country today to use the Attorney General as a red herring, but maybe more than a red herring, maybe to use him as a red grouper, bigger, *[Laughter]* and, Mr. Speaker, this Motion attempts to do that. It is ill-conceived; it is loud in condemnation, but very, very soft on specifics—very soft.

Hon. Member: And content.

Hon. Dr. R. Moonilal: You see, Mr. Speaker, what is the Attorney General faced with here today? What are the charges? What are the charges, if we believe, would lead this evening or tomorrow to the dismissal of the Attorney General? What are the charges? What merit is there that today would be the last working day of the Attorney General? What have they come with?

Mr. Speaker, I listened for 75 long minutes—[*Interruption*]

Mr. Roberts: Painful.

Hon. Dr. R. Moonilal:—and I want to say that there is not one issue raised by the Leader of the Opposition that was not in the public domain before today. [*Desk thumping*] Not one issue! Not one issue!

I will raise a couple issues not in the public domain, but they are the same issues that we have been hearing all the time. So, Mr. Speaker, I want to deal first with the motivation of this sinister Motion. What motivates it? You see, it was more or less six months ago, March 02, I believe, there was a Motion of no confidence in the Prime Minister.

Mrs. Persad-Bissessar SC: It failed, miserably.

Hon. Dr. R. Moonilal: It failed miserably. [*Interruption*] Six months later a Motion of no confidence in the Attorney General; six months from now or before there will be a Motion of no confidence in a next Minister.

Mr. Warner: Me.

Hon. Member: Somebody else.

Hon. Dr. R. Moonilal: Mr. Warner wants to take in front, “he says is him”. [*Crosstalk*] It will be next another Minister, and then another and another. That is the approach! That is the approach, Mr. Speaker: to take every Minister, one at a time, subject them to this and hope that you can build some campaign outside.

Mr. Speaker, I want to tell you categorically, some of them opposite are inciting citizens of this country to burn tyres outside and to protest every day. [*Desk thumping*]

Mr. Speaker: I would not want us to impute improper motives to any hon. Member of this House. Please!

Hon. Dr. R. Moonilal: Mr. Speaker, I withdraw that statement. But, Mr. Speaker, their propaganda will not last six months again. It will die. It will not last six weeks and it will not last six days.

You see today, Mr. Speaker, we look and we examine what are the charges, and there are several issues in this Motion which I want to deal with—one recital at a time—to look at the deception and hypocrisy. You see, in the first “Whereas”, the first premise of this Motion, states section 76(2) of the Constitution specifies that:

“The Attorney General shall, subject to section 79, be responsible for the administration of legal affairs in Trinidad and Tobago and legal proceedings for and against the State...”

Mr. Speaker, subject to section 79.

In the beginning—and I will make a point, I took the opportunity in preparation for this debate today to look through the portfolio assignments of every single Government of Trinidad and Tobago dating back to 1981, so I have here the portfolio assignments for the ’81—’86 administration. The NAR administration ’86—’91. Mr. Speaker, it is not my intention to read every single ministerial portfolio, although some appear to be very interesting: the Ministry of Health, Welfare and Status of Women.

Mr. Speaker, the point I want to make is that in the operations of the Cabinet system, historically, my friend opposite and his colleagues in his political party, they have had a monolithic approach to Cabinet organization, so when they demit office and another Government comes in, whether it is the NAR or the UNC at the time, and attempts to reorganize the business of Government for greater efficiency, greater delivery, greater priority focus for policy and programme, if and when they return to office they return to what they know best—not LLoyd Best—they return to the archaic titles of ministerial office holders from 1962. They always return to that.

Hon. Member: Always.

Hon. Dr. R. Moonilal: So if there is a portfolio of works and infrastructure or one of information, communications and technology, they return to communication or information, or Ministry of Information; they will return to works and transport; they will return to what they know best, which is the archaic, traditional, neocolonial department structure. [*Interruption*] That is what they do.

Mrs. Persad-Bissessar SC: “Same old, same old.”

Hon. Dr. R. Moonilal: “Same old, same old.”

Mr. Roberts: “Doh rough them up too much.”

Hon. Dr. R. Moonilal: But, Mr. Speaker, I will just draw your attention to when the People's Partnership took office in May 2010 and the Prime Minister, pursuant to her constitutional prerogative, and section 79 in particular, assigned the responsibility for the criminal justice system, criminal legislation. The Prime Minister in her wisdom, and consistent with her commitment to the national community to meet and treat with the level of crime, which they left us with—which they left us with, which we inherited, that level of crime—the Prime Minister organized the Government in a way that there was for the first time a Ministry of Justice. [*Desk thumping*] And in that Ministry of Justice we found, and I am reading from the June 16, 2010 *Gazette*, Vol. 49, No. 7 74(a), a Ministry of Justice with responsibility for:

- Criminal Justice System
- Criminal Legislation
- Reform and Transformation.

Mr. Speaker, a Ministry of Justice.

You know my friend opposite held up all of these *Gazettes* and so on, and attempted to mislead. By July 2011, if you look at the Ministry of Justice, you had Criminal Justice System, Reform and Transformation; but if you look at the Attorney General, you had Legislative Agenda, Law Reform, and so on.

Mr. Speaker, at all material times, matters pertaining to the Criminal Justice System were under the ambit of a Ministry of Justice. At all times! [*Interruption*] And they can say what they want, it is here. What they latched on to—and I will confront it—is by—what is this, 2011; it was the criminal justice system and they did not see criminal litigation. That is what they are trying.

Mrs. Persad-Bissessar SC: Criminal legislation.

3.15 p.m.

Hon. Dr. R. Moonilal: They are trying a smart thing to suggest to people who have not read this that somehow criminal legislation went to the Attorney General. But, Mr. Speaker, under the portfolio of the Attorney General there is no criminal legislation, there is none.

Mrs. Persad-Bissessar SC: So when it was not there. It was not transferred.

Hon. Dr. R. Moonilal: So, Mr. Speaker, it was not there in that form, but it was never transferred to the Ministry of the Attorney General, to the Ministry of

Housing, Land and Marine Affairs, to the Ministry of Works and Infrastructure, but the Ministry of Justice retained that function of oversight over the Criminal Justice System—Reform and Transformation, and the Administration of Justice Bill is a fundamental pillar in the portfolio of the Ministry of Justice, Criminal Justice System—Reform and Transformation. Now, what is hard to understand about that? What is hard?

Mr. Roberts: Say it in Spanish.

Hon. Dr. R. Moonilal: Mr. Speaker, we will translate if they need to understand, but this is the position, the responsibility was always with the Minister of Justice, but why do you come and attempt to misrepresent? The motivation, I am coming to that. You see, I want to say at the outset, and you know I want to be frank and open and say to my friend opposite and to the national community, we know what they are about. You see, I will come to deal with some matters involving section 34, but I want to say at the beginning that the Member opposite believes that section 34—he has an opening, a gateway to return the PNM to power in section 34—[*Laughter*] that section 34 will return the PNM to political power, that is what they believe.

Mr. Warner: That and God face they will not see.

Hon. Dr. R. Moonilal: And that, and the green donkey you will not see.

Mr. Roberts: Florescent green.

Hon. Dr. R. Moonilal: They believe that and this is why, to use the Play Whe analogy, “they minding de mark”, they minding it as a mark—“blind man”. So my friend the Member for Diego Martin West “minding blind man” in the hope that if you play this mark every day it must play and by then you can accumulate more. [*Desk thumping*] That is the mark. So, for the next three years we will hear that every single day they “minding the mark” and they believe that.

Mr. Warner: Blind man, blind man.

Hon. Dr. R. Moonilal: Mr. Speaker, they believe blind man—Member for Diego Martin West held on to blind man. Thank God he did not hold on to 36 and 16, you see. Mr. Speaker, thank God.

Now, section 34 and the issues that emerged—no not 16—section 34 and those issue are serious issues, issues that caused a Prime Minister of a country to act within 24 hours to amend a law. It has never happened in the history of Trinidad and Tobago. [*Desk thumping*] They will not recognize that in 75 minutes

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we did not hear one word about the swiftness of the Government to meet and treat with this issue, in September, 12 and 13 I believe. The House met one day and the other place met the next day. They will not mention that, they will not. But they will delve on the Attorney General—[*Interruption*]

Mrs. Persad-Bissessar SC: Conspiracy theory.

Hon. Dr. R. Moonilal:—because they believe that they can conspire to politically prosecute the Attorney General of Trinidad and Tobago. That is what they believe. They speak about extradition, and all the plots and the conspiracy. You know what they do not speak about, is that the intent of this section 34 was an intent known to everyone, the Government and the Opposition. They stood, they sat and they voted for it. They voted knowing the intention whenever it is proclaimed, whether it is in August, September, January, July, next year, next five years, they knew. Today, the Leader of the Opposition comes and tells us that the Attorney General, in another place, went behind the Chair and spoke to some unknown person—[*Interruption*]

Mrs. Persad-Bissessar SC: Did they have a tape recorder?

Hon. Dr. R. Moonilal:—in the company of an unknown witness and said A, B, C. What is that?

Mr. Sharma: That is blindness.

Hon. Dr. R. Moonilal: Now, if you listened to the speaker and did not know better you would think he was quoting from *Hansard*, the official record. Mr. Speaker, he is putting on record, he is alleging that the hon. Attorney General went behind the Chair and met an unknown person, with an unknown witness and said A, B, C, and that is where we are. That is where we are. That is evidence; fire the Attorney General, he went behind the Chair. You understand?

Mrs. Khan: That is the blind man thing.

Hon. Dr. R. Moonilal: I want to tell you he said something else. He said assurances were given. In another place it was very clear on assurances and which office holder gave assurances. We have it here, Mr. Speaker, it is in *Hansard*, November 29, 2011, Administration of Justice Bill. There was a statement from the then Minister of Justice, the assurances on behalf of the Government, but the Attorney General did not give those assurances. You know in the Motion, Mr. Speaker, there is a “next” line I took note of, in the recital:

“And whereas the Attorney General had knowledge of and supported the Government’s solemn undertaking to Parliament that no part of the Bill would be brought into force...”

What no part of the Bill? The assurances were that the Bill will not be brought into force, “not no part of the Bill”. That was a next attempt, a deception in the Motion. You know, you put it in there so you pigeonholed the Attorney General. They brought the evidence that they spoke behind the Chair to someone, in the company of someone. But you know, Mr. Speaker, we cannot dwell too much on the other place, we can dwell on this place. But in December this matter came to us—December 2011. You know they were all present, all. One was absent and the one absent said he would not have voted for it had he been here, the one absent.

Mrs. Persad-Bissessar SC: San Fernando East?

Hon. Dr. R. Moonilal: Yes, San Fernando East. They were all present and they understood the intent. They understood everything. Why did you vote for the Bill? Why? Who were you trying to protect? Who were you trying to get out? Who?

Hon. Member: And they wanted it for seven years.

Hon. Dr. R. Moonilal: And in fact we had a debate about the time whether it is 10 years or seven years, but they voted. Today, if you hear them they had nothing to do, they abdicate the responsibility that they were part of the Parliament of Trinidad and Tobago and supported the measure. They would have us believe that they did not know. We did not know, we were innocent here, we were duped. But, Mr. Speaker, they were here with their eyes wide open—*[Interruption]*

Mrs. Persad-Bissessar SC: And ears.

Hon. Dr. R. Moonilal:—and ears working, functioning properly. They sat here and they voted knowing the intent, knowing that, and today they stand self-righteous, we did not know, we did not know, we got assurances, we did not know. But you knew and you voted. Then it means that the Member for San Fernando East was probably right, maybe you ought not to have voted if you believed this to be some conspiracy and so on.

When it came in December that troubling amendment raised by my friend, that was part of the amendments brought from the other place. There is a procedure, you stand, you speak to the amendment and then you put it to the vote. It was brought, so it was not a surprise in December 2011. You knew it and you supported it. Today, you will hear my friends opposite, they will make us believe, look, we did not know, we were not part of that, we got assurances. Yes, Mr. Speaker, we got assurances; you got assurances from the Attorney General.

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Where? Behind the Speaker's chair, "behind whoever chair, on the Brian Lara"? Where did you get these assurances? You got assurance from the then Minister of Justice and that is clear, the record is clear, but not the Attorney General.

You see, Mr. Speaker, I began by saying this is self-serving. There is a remarkable coincidence, the timing for this debate was determined and communicated several weeks ago. Yesterday, the THA was dissolved—24 hours before this debate. If you wanted to start your campaign you could go in the Grand Stand Sunday and start your campaign, not in the Parliament of Trinidad and Tobago.

Mr. Roberts: Yes man.

Hon. Dr. R. Moonilal: This is not a place for that. You have moved away from the historic Chaguaramas Convention Centre to the mas-playing Grand Stand. So you could have done that Sunday, you did not come today to campaign. But this is self-serving, it has to do with their own challenges, because the Leader of the Opposition said just last week, he said the Tobago House of Assembly election is the most important in his life. He knows if he loses that that is it. That is the end of political life, Mr. Speaker. So they come now with the Attorney General, they say he went behind a table or a chair somewhere, and he gave assurances, that is why they came. And on that he must be dismissed; dismiss him. What else, Mr. Speaker, extradition?

You know coming down to the end my friend made a remarkable assertion because you know he has a scattergun approach, meaning just fire at anything that moves and you will hit something. So coming down to the end he said look, there is a conflict of interest now—the AG must go. Now, Mr. Speaker, what conflict of interest? Where?

Mr. Roberts: "Look I call him and he reach here."

Hon. Dr. R. Moonilal: Mr. Speaker, a conflict of interest arises generally when a person exercising a public function were to make or participate in the making of a decision in the execution of his office and at the same time knows or ought reasonably to have known that in making that decision there is an opportunity, either directly or indirectly, to further his private interest and that of a member of his family. What private interest the Attorney General will further? What interest of his family? Is his family before a court somewhere? What further interest he can further? What interest? But you hear—[*Interruption*]

Mr. Warner: Further interest he could further.

Hon. Dr. R. Moonilal: What further interest he could further?

Mr. Warner: He could further.

Hon. Dr. R. Moonilal: I mean I do not want to get into his personal business. I do not know of any family member there, but when they could not scramble on anything they hold on now to conflict of interest. So we go with that, go with anything you get. That is the approach.

The Attorney General of Trinidad and Tobago, Sen. The Hon. Anand Ramlogan has acted in this matter with a high degree of diligence, with consideration.

You see, Mr. Speaker, I have in my hand here and I will begin by this and develop—I have in my hand and I will not read names, and so on. I will not read names, but I just want to indicate what I have. I have in my hand extradition orders for persons and the reading of this is frightening, “eh”. Even reading this I could get frightened.

Now, therefore the Attorney General hereby orders that the prisoner be returned to the custody of police, and I command you marshal to receive from the said inspector into your custody the said person and convey him within the jurisdiction and place him in the custody of any person or persons appointed by a foreign government.

This is an extradition order. Who signed this?

Mrs. Persad-Bissessar SC: Date.

Hon. Dr. R. Moonilal: Mr. Speaker, I have this here, dated October 9, 2010. I have another one, extradition order. Who is signing this? Is it John Jeremie? Is it Glenda Morean? Is it Bridgid Annisette-George? Mr. Speaker, it is signed by the Attorney General; Anand Ramlogan SC.

Signed the extradition order. [*Desk thumping*]—which led to jail.

Mrs. Persad-Bissessar SC: They said we allowed persons not to go to jail.

Hon. Dr. R. Moonilal: Mr. Speaker, they come today and claim with deception that the Attorney General allowed persons to escape from jail, when the first time they ever see a jail cell was because of the Attorney General of Trinidad and Tobago—[*Desk thumping*] first time ever. Mr. Speaker, this is how he began to conduct the matter. How long it due?

Hon. Member: Nine months.

Hon. Dr. R. Moonilal: Nine long months in jail. But you see, Mr. Speaker, they come with another issue of the Attorney General changing lawyers, you know. “So he get in there and he look at the lawyers and they doing well,” and he changed them because there is some conspiracy and so on. So I have the plan, let us keep all the lawyers who were there since 2001—2010, let us keep them; keep them and continue to pay them. So then we will have good conduct of matters. Then there would be no objection there.

Mr. Speaker: Member for Point Fortin I am hearing you very clearly and if you want to continue to talk we have a very long night and a very long morning, you can retire early but do not disturb this honourable House. I am hearing you very clearly. Continue, hon. Minister.

3.30 p.m.

Hon. Dr. R. Moonilal: Thank you very much, Mr. Speaker. So Mr. Speaker, they raised that issue—and it is a current issue now as well—that no Government has any right to change a legal team. When you get into office, you could change anything you want, but not the legal team that they appointed.

Mr. Speaker, the Leader of the Opposition did not tell the House—because it was not in his interest—that when that legal team was changed, the matter that they were dealing with had come to an end—that issue. It was a matter that led to the Privy Council, and there was closure on the matter, and when another legal matter arose, another team came in. They would not tell you that. They would tell you—they would want you to believe that this legal team was doing well; they were coming to the finishing line to win gold and suddenly we tripped them. But all the time “they never sent nobody to jail, eh”—never! But they were doing well.

So no government has the right under their approach to change a legal team; we must keep them all. Whatever you find, keep it, and then they will be happy. Because, you see, Mr. Speaker, they wish that we would change nothing. If we would change nothing, we would achieve nothing and they would come and say, “You do nothing.”

Mr. Warner: And they will be here and we will be there.

Hon. Dr. R. Moonilal: We will be trapped, “yeah”.

Mr. Warner: They will be here and we will be there.

Hon. Dr. R. Moonilal: So the legal team was changed, Mr. Speaker, and that is a problem they are having. It is a problem.

Mr. Speaker, I want, for the record again, to indicate that on September 20, 2012, the Prime Minister addressed this nation and indicated that the Prime Minister had conducted an enquiry to examine the facts. When the Prime Minister addressed the nation on the 20th, do you know what they said? The Prime Minister was conducting a secret enquiry. Now, if the Prime Minister said a week before, “I conducting an enquiry”, they would say, “Look, the Prime Minister talking too much; she should not be telling people what she doing because it might lead to prejudicial gathering of evidence.”

The Prime Minister announced that the Prime Minister conducted an enquiry and so on, that involved important office holders—important office holders—outside of the Government who themselves are leaders of another estate. So, Mr. Speaker, there was the issue of the separation of powers. It is a sensitive matter that you tread lightly in conducting such an enquiry.

[*Phone rings*]

Mr. Speaker: Whose phone is on? Yes, continue.

Hon. Dr. R. Moonilal: Mr. Speaker, the Prime Minister dismissed their notion of a grand conspiracy, because they were saying that—a grand conspiracy and so on; dismissed that because it could not be a conspiracy between the Opposition, the Government, the Independents, everyone.

The Prime Minister announced on that evening the action that she took. Mr. Speaker, it is the strongest action taken by a Prime Minister, confronted by something like this, in the history of Trinidad and Tobago. [*Desk thumping*] But you know, Mr. Speaker, they drafted that Motion for another Member of Parliament, and when the action was taken they had to change it and put in the Attorney General because the initial subject of that Motion was no longer in a position. That is what they did, and if this Motion succeeds today, in six months or less, it is another Minister; and it is the same section 34, and they intend to go along merrily and every week come with this thing.

Mr. Speaker, the Prime Minister indicated that the Attorney General could not have participated in these matters. Apart from not being in the jurisdiction to begin with, the portfolio assignment did not provide for that. But why do you tear after the Attorney General? Why? I will come to that. I have “ah nex” file here to deal with that.

Mr. Warner: I will tell you why. “Doh worry.”

Hon. Dr. R. Moonilal: You see, Mr. Speaker, they will not accept this. You know, in their world, every day you hear a PNM, “Tell us, tell us, tell us the truth, rationalize. Why? Why?” As if they did nothing; they are innocent.

Mr. Speaker, the country has spoken on this matter. We have heard from all. We took the action; we have heard, but I want to tell the PNM, “If you think that you will mind this mark till 2015 and get into power, you have a next think coming. You have a next think coming.” At the end of the day people will support this Government knowing what this Government has done, which is correct, and knowing that if and when any mistake has been made, this is the only Government in the history of Trinidad and Tobago that has taken corrective action. [*Desk thumping*]

You see, Mr. Speaker, I come back to the Motion. When previously Ministers of Government were fingered taking out money—bailing out money—and sitting in Cabinet and not disclosing, what did they do? They did nothing. They defended that. Mr. Speaker, it also creates another problem for my friend opposite, who was a member of a government for a long time—over a decade; more years; but 2001—2010 was a member of a government. He came in and out of the Cabinet, but he was certainly a member of the Government, and there were issues involving conflict of interest and the conduct of other Attorneys General. What was the position of my friend? What was the position?

You see, Mr. Speaker, I read this Motion—studied it carefully—and I saw:

“Whereas in the absence of the discharge of the said undertakings”—et cetera—“bringing into force an amnesty for consequences for certain legal proceedings involving certain persons:”

Mr. Speaker, I do not know who these “certain persons” are. I want to tell you “one time”. I see “certain persons” here; I do not know who they are. I came to this House today without the benefit of knowing who these “certain persons” are because for one reason or another, the Member did not place on the Order Paper who these persons are. I can only speculate; I do not know. If it was in the Motion, I would have known. So, Mr. Speaker, in the absence of that, I have to speculate as to who these persons are. Because, you see, Mr. Speaker, these persons could include a former Attorney General. I do not know. It could be anybody. We do not know. It could be a former Attorney General.

You see, Mr. Speaker, the tensions, conflict between a former Attorney General and the then independent office holders: Director of Public Prosecutions

and Chief Justice, those tensions came to the fore. Now, I am speculating this could be one of the “certain people” that we are dealing with because that “certain people” may have a matter.

You see, Mr. Speaker, I want to point out the hypocrisy, the self-serving nature of the Motion. That is where I am going to—the Motion—because my friend opposite participated in a government where the records suggest that time and time again the former Attorney General had cause to write the then Director of Public Prosecutions. I have letters in my possession by the former Attorney General John Jeremie addressed to the former Director of Public Prosecutions, Mr. Geoffrey Henderson. I assume that would be one of the “certain persons”. I do not know. Mr. Speaker, in a letter dated November 03, 2006, the Attorney General writes in a most aggressive way, indicating on matters of criminal justice issues:

I should like to urge you for obvious reasons to desist from making statements and comments...

Hon. Member: What?

Hon. Dr. R. Moonilal: That is it, Mr. Speaker. And in another part of the letter:

If I may be permitted to close by remarking on the development of the human resource capital of your department—

And hear what he says—this is the Attorney General writing the DPP in November 2006. He says:

On matters relating to human resource capital of your department, quite frankly, this is none of your business.

That is the Attorney General writing to the DPP. Mr. John Jeremie, writing to Mr. Henderson again, December 28, 2006 and indicating:

I am to advise you that all communications between the office of Director of Public Prosecutions and the central authority, office of the Attorney General, should be directed through the general offices of the Attorney General.

You know what he means there? “Do not communicate with the central authority of the Ministry; communicate with me.”

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Mr. Speaker, in dealing with the then DPP on matters relating to public statements on January 08, 2007, in a matter where the DPP raised an issue over the withdrawal of an Attorney General's reference, he said—and this is his language:

I should point out that it is no concern to the office of the Attorney General whether you find the reasons for my withdrawal of the reference puzzling. I therefore dismiss the first page of your letter.

John Jeremie, writing to the DPP, Geoffrey Henderson. But, you know, my friend had no difficulty with that.

Mr. Imbert: Mr. Speaker, Standing Order 36(1).

Mr. Speaker: I think he is talking about some “certain persons” in terms of the actual document before us. [*Crosstalk*]

Hon. Dr. R. Moonilal: Mr. Speaker, let me proceed and I will get to the point immediately. Of these “certain persons”, unless the Member for Diego Martin North/East knows these “certain persons” in the Motion, I do not. I am assuming the former Attorney General, John Jeremie, was one of the “certain persons”.

You know, Mr. Speaker, I want to end this matter by stating that on June 28, 2004 in a Cabinet Note and subsequent Minute, the then Attorney General took a policy position to the Cabinet. And hear this. He states in this policy position in 2004—what was happening in 2004? You had matters before the court involving several former Government Ministers before the court. The then Attorney General goes to the Cabinet with a policy and it states—for Cabinet to agree:

“The prior consent of the Attorney General is a precondition of hiring persons from the private Bar. The attorney hired without the prior consent of the Attorney General shall not be paid. The Attorney General may decide that any matter involving the State is one such that would require the employment of a person from the private Bar. Attorneys from the private Bar should be hired as a general rule only where they have attained the rank of senior counsel.

Mr. Speaker, this is an attempt by a former Attorney General to take control of the criminal prosecutorial system.

Hon. Member: 2004.

Hon. Dr. R. Moonilal: 2004; goes to Cabinet—the whole Cabinet, “eh” and asked for an agreement that the Attorney General determines in which matter members of the private Bar should be recruited; the fees they are to be paid. And, Mr. Speaker—[*Interruption*]

Mr. Imbert: Mr. Speaker, 36(1). This Motion is about the present Attorney General—[*Interruption*]

Mr. Speaker: All right, just 36(1). Sit, sit, sit, sit, sit. [*Crosstalk*] 36(1)—continue. Overruled! Continue.

Hon. Dr. R. Moonilal: I have to remind you, my friend opposite raised the issue of legal briefs and fees.

Mr. Speaker: Overruled. Continue. I have ruled. [*Crosstalk*]

Hon. Dr. R. Moonilal: Mr. Speaker, he raised the issue of the change of legal team. I am raising an issue of the change of legal team, how they changed it, and I am saying—I do not know—if you can tell me who are these “certain persons” I will be happy. But I do not know. This has to do with changing legal team, when an Attorney General goes to an entire Cabinet and the Cabinet, which included the Member for Diego Martin West, agreed that the Attorney General should have control over prosecutions by way of recruiting attorneys-at-law. And this is Cabinet policy—their policy. They concocted it.

I am asking now, Mr. Speaker, was this part of a conspiracy to prosecute someone, to release someone, to discharge? Was this part of a conspiracy, and was the Member for Diego Martin West part of it? I do not know. I just do not know; I am asking. But for an Attorney General to go to Cabinet and use the Executive—John Jeremie, the “certain persons”—use the Executive to control the criminal justice system, and prosecution, this deserved a Motion of censure; Motion of no confidence.

And you know, Mr. Speaker, it came in 2009—I believe July 2009. There was a Motion of no confidence in the then Attorney General. What did my friend from Diego Martin West say and do? What did you do when the members of the legal profession voted on the conduct of the then Attorney General?

Mr. Imbert: Standing Order 36(1), Mr. Speaker.

Mr. Speaker: I have overruled that. Continue. Continue.

Hon. Dr. R. Moonilal: You are now making a nuisance of yourself. [*Crosstalk*]

Mr. Speaker: Do not raise it again, please, because I have overruled.

Hon. Dr. R. Moonilal: Mr. Speaker, so they passed a Motion of no confidence and the Motion of no confidence arose because of the tendency of a former Attorney General to interfere with the independent institutions of the Constitution.

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3.45 p.m.

You know, I had to sit here today and hear the leader of this PNM—I had to sit and hear him talk about this Government undermining critical institutions. I had to sit and hear that, you know. Mr. Speaker, I want to tell you something, that was a bitter pill to swallow, to hear the PNM talk about a Government undermining institutions.

Mr. Speaker, the very Attorney General—let us get to the current one—of this country had cause to go to court on numerous occasions to defend the rights of citizens and institutions. [*Desk thumping*] Who did he go to court against, “eh”? Who he went to court against? The People’s Partnership Government? He went against you, the Member for Diego Martin North/East, the Member for Diego Martin West—who else was there—the Member for Point Fortin was there, the Member for Diego Martin Central was there. My friend, the Member for Port of Spain South, was there for a short time.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

Motion made: That the hon. Member’s speaking time be extended by 30 minutes. [*Hon. A. Roberts*]

Question put and agreed to.

Hon. Dr. R. Moonilal: Thank you very much, Mr. Speaker. We are dealing with the conduct and the professional diligence of the Attorney General. The current Attorney General, Sen. Ramlogan, had cause to take the PNM Government to task several times. You can call names—plenty: Marlene Coudray, Devant Maharaj—[*Interruption*]

Mr. Roberts: Maha Sabha.

Hon. Dr. R. Moonilal: The Maha Sabha matter. They all had to do with undermining public institutions, victimizing and discriminating against citizens of Trinidad and Tobago. He took the former PNM Government to court.

Mr. Speaker, today there is a Motion of censure on Sen. Ramlogan, but there was no Motion of censure when the Law Association condemned Attorney General Jeremie on three counts. They condemned him in the strongest manner because of reported attempts by then Attorney General Jeremie to improperly and illegally interfere with criminal prosecutions for political purposes. They condemned him in the strongest manner for undermining and threatening the

constitutional independence of the Office of Director of Public Prosecutions. They condemned him, Mr. Speaker. They said they had no confidence in Jeremie as the titular head of the Bar.

You had a situation where the legal profession, the Law Association condemned an Attorney General and he never raised issue of Motion of no confidence in Parliament. That never arose. In fact, the then Prime Minister had a comment. You remember his comment? He said that Law Association matter was politically motivated. He dismissed it—critical institution.

Today, the Leader of the Opposition wants us to fire the Attorney General because of something he is reported to have said behind the Chair, when the conduct of these matters are under the constitutional jurisdiction of a Ministry of Justice and he fails to tell us that. He fails to tell us that.

You see, there is a certain build-up to this matter. There is a build-up. It did not start today and it will not end today. You see, my friend, the Member for Diego Martin West—[*Interruption*]

Mrs. Persad-Bissessar SC: “He mindin ah mark.”

Hon. Dr. R. Moonilal: “He mindin a mark.” What happened is, on several occasions he has come to the national community and blatantly—well, I cannot use that word, although “yuh not listening.” [*Laughter*] Mr. Speaker, the Member for Diego Martin West—[*Interruption*]

Mr. Roberts: “Yuh cudda drop it.”

Hon. Dr. R. Moonilal:—has been a stranger to the truth in matters pertaining to the Attorney General, when he accused the Attorney General of making comments in New York, when the Attorney General “never went New York.” It was then sent to the Committee of Privileges. He came back and apologized to say, well, “somebody tell him” this there, and he thought the person meant that, and the person really meant this. “Now he come back with the same type of concoction, a cock and bull story bout how the Attorney General made undertakings as opposed to the Ministry of Justice.” The same type of cock and bull story they come with today.

Mr. Speaker: Please, please, please.

Hon. Dr. R. Moonilal: Well, the same type of convoluted logic, he comes with today—the same type. I put it a little better there, Mr. Speaker—he comes with. There was no issue of Motion of no confidence, no issue of Motion of no confidence when the former Attorney General misbehaved that way. I do not want

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to get into it, but just to remind them of their sins, when their former Attorney General was also fingered in a matter involving the former Chief Magistrate in a land deal with the HCL, involving a man who is on the front page of a newspaper today, who I understand collected \$200 million. [*Desk thumping*]

Mr. Roberts: “Ooh gawd!”

Hon. Dr. R. Moonilal: Yeah. But there was no Motion of censure—no Motion of no confidence then. That is fine. That is fine for him. This Motion is sinister, reeks of hypocrisy.

Mr. Speaker, my friend opposite has brought a Motion and we are looking at the motivation for it. They believe that they can target the Attorney General. They believe they could target that, so they spoke about mission in New York and what is said. They then come with issues from the judgment of Justice Boodoosingh, which are not true, and later in the proceedings another Government Member will speak to that. At the heart of this issue, is the issue of governance.

Hon. Member: Not Calder Hart, “eh”.

Hon. Dr. R. Moonilal: Not Calder Hart, Mr. Speaker. At the heart of this issue is governance. My friends opposite know that they will not defeat this Government on performance in terms of the delivery of goods and services. They know that.

Mr. Speaker, a few days ago I went to Diego Martin—I am not sure which part of Diego Martin in terms of the seats. I do not know—but, there was a lady there, Miss Lydia Quamie, 100 years old. She waited 27 years for a Certificate of Comfort—27 years. We presented the Certificate of Comfort to this lady—100 years old. [*Desk thumping*] She was very clear. She was happy because she knew what it meant in terms of security.

Mr. Imbert: How is this relevant to the debate?

Hon. Dr. R. Moonilal: They believe that they cannot remove us in terms of delivery of goods and services. They would not be able to do that. So they hook on to governance and this is a governance issue.

Mr. Warner: Blind man.

Hon. Dr. R. Moonilal: Blind man on to governance. Mr. Speaker, I want to tell you because my friend opposite also raised matters pertaining to that, that this is a Government that every single year produces booklets on our achievement.

You know, we have produced these booklets and not one Member opposite has come to this House in two and half years and indicated to us that something here is wrong.

Mr. Imbert: Mr. Speaker, 36(1).

Hon. Dr. R. Moonilal: Mr. Speaker, I am speaking to the issue of governance. [*Interruption*] Like you, I will ignore him. [*Laughter*] In the issue of governance—this is an issue of governance, because if this Motion is carried, it speaks to the lack of proper governance. This is a Government that in one year, promoted social justice. We have passed several pieces of legislation. Quite recently the Prime Minister spoke to the issue of the Financial Intelligence Unit where six pieces of legislation were passed to allow this country to graduate from that grey list—six pieces. The Prime Minister spoke to that.

Mr. Speaker, you will recall that we established the Extractive Industries Transparencies Initiative Steering Committee to deal with transparency in the energy sector.

Mr. Imbert: “Yuh talkin about gas prices, talk bout premium.”

Hon. Dr. R. Moonilal: The issue of governance, we did not buy a boat called the *Su* that cannot float. We are talking about governance.

Miss Mc Donald: Mr. Speaker, I rise on 36(1). At least he could connect the points because I am totally lost now.

Mr. Sharma: “You always lorser.”

Mr. Speaker: Connect the points, please.

Hon. Dr. R. Moonilal: Mr. Speaker, I have only the kindest remarks for my friend from Port of Spain, because it is not often she is lost.

Mr. Roberts: Find her.

Hon. Dr. R. Moonilal: I will find her wherever she is.

Mrs. Persad-Bissessar SC: And bring her here.

Hon. Dr. R. Moonilal: The Member for Diego Martin West made a case today to fire the Attorney General. He said the Attorney General—[*Interruption*]

Mr. Warner: Made a case?

Hon. Dr. R. Moonilal: He attempted to make a case—[*Interruption*]

Mr. Warner: Or.

Hon. Dr. R. Moonilal:—and failed miserably because he sought to raise issues concerning the conduct, but those issues he is raising, flimsy as they may be, speak to the issue of governance. So therefore, we have a right to return and speak to governance. I do not want to go far, I just want to stay with the conduct in the Parliament. Again, my friend opposite said—you could tell me if I am wrong—when he was talking about the Government undermining institutions he said the Parliament as well in the context of undertakings and so on—undermining the Parliament. I sat here and I listened. When I heard him say that, I drank some water to revive from hearing that.

Mr. Speaker, I just want to remind my friend opposite as he made this statement that the former Member of Parliament for Caroni Central, now Excellency Hamza Rafeeq, came to this Parliament in 2009, when my friend was part of the Government and moved a Motion, a Private Motion, on the Government's failure to convene meetings for Private Members' Day and today he is telling us we are undermining Parliament and governance.

Mr. Speaker, they had questions on the Order Paper, one about the—Brian Lara, in particular, “a year come, year go”, they never answered these questions. We came in; out of 97 questions filed in the First Session—97 answered. [*Desk thumping*]

I want to say this because today was the first proper day when this Motion could have been heard. Today was the first day. The Government did not do as they did. We could have said, “Look, this is the last Friday of the month, forget October, let us deal with this in November. When November comes, we meet the first three Fridays of November and we meet the first Friday of December.” You know, we would never debate this matter, which is what they did.

So Hamza Rafeeq, former Member, had to write in 2009—a private Motion about the failure of the Government to have private Motions; of that Government, the PNM. He says—and I just want to remind you—in June 2009 at the conclusion of the sitting on Wednesday, June 24, 2009 the House was adjourned to July 03,—notice that, “eh”—you move from the 24th to the 3rd, so you skipped some time in the middle there. A Motion was moved by the Leader of Government Business at the time. Who was this? The Member for Diego Martin North/East, who with monotonous frequency denied the then Opposition the right to their Private Members' Day. Today the Leader of the Opposition of his party, the PNM, accuses this Government of undermining Parliament.

Mr. Roberts: Amazing.

Hon. Dr. R. Moonilal: Mr. Speaker, when they said they brought it to his attention they continued in July at the conclusion of the sitting on the 22nd. It was adjourned to a date to be fixed, again, by the Member for Diego Martin North/East bypassing July 24, the last Friday.

In August they continued doing that, so that the Opposition never had the right and never had the opportunity to come to Parliament and raise any matter. Today, the very first occasion where a Private Members' Day is expected, we debate the Motion that they filed. We are not hiding from this. We are not hiding. [*Desk thumping*]

Mr. Speaker, that is not all. They had an opportunity—we were debating the budget, I think it was. They adjourned the Parliament. Instead of 30 minutes for tea, I think for an hour, an hour and a half, because the then Prime Minister had to go to Woodford Square to address members there. Today they accuse us of undermining Parliament. That is what they said today, you know—today. This is why I want to remind you of their sins because they have no moral authority to accuse this Government of a lack of integrity and credibility. None!

The procurement legislation, a major governance issue stymied for several months because of the failure of the Opposition to participate fully in procurement legislation.

Mr. Speaker, again, I do not want to touch on any matter concerning the Chair but they had—I do not know what word to use, the audacity—[*Interruption*]

Mr. Roberts: The gall.

Hon. Dr. R. Moonilal:—the gall, temerity, to seek to lock up a Speaker of the House.

4.00 p.m.

Mr. Speaker, a little lady, they put her down by a house in St. Clair. Poor lady had to drink coconut water for five days.

Mrs. Persad-Bissessar SC: House arrest.

Hon. Dr. R. Moonilal: Yes. Under house arrest. They cordoned off a street. That is their history. Today they come to say, “Fire the AG”, undermining Parliament and the Chair. Mr. Speaker, I have to remind them of these sins.

Mr. Speaker, on this matter, we have to state for the record the action of this Government, and I think a poll recently suggested that 76 per cent of all

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respondents were pleased with the swift action of the Prime Minister of Trinidad and Tobago [*Desk thumping*] but you see they will not talk about that at all. They prefer to dwell on the Attorney General and this matter before us as if they play no role in it. They mix up dates and confuse dates. They mix up everything with date and knowledge to pin the Attorney General as if he—You know, when they are finished with the Attorney General it will be somebody else. They will never be satisfied on this because they are “minding this mark.” “Dey minding it.”

Mr. Speaker, the Leader of the Opposition also made a couple more statements that I want to respond to. He said, “You know, you have to connect all these dots.” Connect the dots. Today we are connecting the dots, and I am demonstrating that there is a political motivation here. This is about politics because by bringing such a serious Motion, we thought that the Leader of the Opposition had new information, fresh evidence to lay new charges at the feet of the Attorney General. We believe they came with something that was not in the public domain before concerning the conduct of the Attorney General, only to be told the same thing. Why? Because there is a political motivation of the People’s National Movement, and that is why that brought them here today. Mr. Speaker, the deliberate misrepresentation on this matter, the failure of the Opposition to take responsibility on this matter, speaks to a bigger crisis.

Mr. Speaker, the Leader of the Opposition did not tell us in 75 minutes what he would have done otherwise; what would be his course of conduct otherwise. He did not tell us, and we waited, as I said recently, two and a half years for a policy prescription to be told that they will come back with the “racket” rail.

The Leader of the Opposition then makes another incredible jump to suggest that the Attorney General should not continue to occupy his office because of these matters arising and he was not capable to do so because of his own subjective beliefs, but brought no evidence to show that. Absolutely none! Brought nothing!

The Motion itself lacks specifics. It was vacuous. It lacked substance. It was just an attack with bitterness, and I think with hate as well, and malice against the Attorney General today. I am hoping that this does not continue. I am hoping that this does not continue in these proceedings where the Attorney General is subject to that venom. I am hoping that Members—I understand 11 will talk—will bring some fresh evidence, some new issues so that the Parliament may consider, but not on the same issue, not with the same repetition, not with the monotonous repetition and not by ultimatums.

Mr. Speaker, do you know what has happened here now? I do not know if it is because somebody comes from Diego Martin West, but it is like a Western movie now. Every Monday morning is an ultimatum. There was a 1948 Western called *Panhandle*—you know it? [*Laughter*]—with Rod Cameron. You remember?

Mr. Warner: That is right.

Hon. Dr. R. Moonilal: He said to a bandit, “Look on the horizon. There is a dark cloud coming this way and you must get out of town. I don’t want you to get wet.” [*Laughter*] Mr. Speaker, the Member for Diego Martin West comes with Western rhetoric, do this or else, do that or else—[*Interruption*]

Mrs. Persad-Bissessar SC: Meet me at high noon.

Hon. Dr. R. Moonilal:—meet me at high noon, get out of town, get into town—[*Laughter and desk thumping*]—believing himself to be in a Western.

Mrs. Persad-Bissessar SC: Showdown at high noon.

Hon. Dr. R. Moonilal: Showdown, telling everybody. We spoke to the Opposition Members the morning of September 11, indicating to them at 9.00 in the morning that we are convening the Parliament to deal with this matter. At ten o’clock he declared to the Prime Minister, “Call the Parliament or else.” That is it. I do not want to go further, but that has the possibility to get my friend in a lot of trouble. I say no more on that matter, but my friend can get into a lot of trouble with that approach. It is an approach that the Member for San Fernando East alerted us to. He alerted us to that approach; when you cannot get something your way, what? So I want to say that this Government will not succumb to ultimatum, to high west showdowns—[*Interruption*]

Hon. Member: Threats.

Hon. Dr. R. Moonilal:—to threat. We will continue to govern this country pursuant to our manifesto.

Mr. Speaker, my friend from Port of Spain South is muttering something, but I will tell you. There are two grounds upon which Governments have changed in this country and you know them. Arrogance in office and point to arrogance: who, what, where, when. This is not a Government where Ministers in an elevator would tell the staff at the Ministry that this elevator is only for Ministers, nobody else could come in. This is not a Government like that. This is not a Government where a Prime Minister tripped and rushed into the radio station. This is not. What arrogance from who, when, where. And corruption, that is the second limb, corruption.

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Mr. Speaker, where? There have been allegations and every single time allegations rear its head, the Government and the Prime Minister take action immediately. So even if there is something, there is some wrongdoing or hanky-panky going on, the Prime Minister and this Government act swiftly to prevent wrongdoing in the Government and in the State sector. You know, at the end of the day, citizens of Trinidad and Tobago who are probably more intelligent than my friends opposite—give them credit too—will determine that. They will determine, when confronted with a crisis, with allegations of corruption, which administration is likely to act quickly and deal with it? Is it the PNM administration?

Hon. Members: No!

Hon. Dr. R. Moonilal: Is it the Partnership administration?

Hon. Members: Yes!

Hon. Dr. R. Moonilal: The people of Trinidad and Tobago will determine that because their track record is there. When they plundered, who took action? What action? They were promoted. Mr. Speaker, they were promoted going back to O'Halloran. They were promoted when wrongdoing emerged or even with serious allegations they took no action, and at the end of this day, the people will decide on matters of governance, matters such as these.

The section 34—and I do not want at any time to be misinterpreted, because they will stand and say that Government Members come and ridicule them and so on. Let me tell you something. Government Members may ridicule you, but not section 34. That is a very serious matter and that is why the Government acted very seriously, and that is why we acted swiftly. If there is more to be done, we will do that. If there are other steps to be taken to ensure the course of justice, this Government stands prepared to do all and anything to ensure that persons who perpetrate criminal action are held accountable through the rule of law. We will do all and anything.

Mr. Speaker, could you ask the same of the former administration? Would they have done all and anything? No! Blatantly no! Because as I demonstrated earlier when their own Attorney General was guilty of misconduct, they did nothing. I remember now, as I am on my legs, there was a former Attorney General who went into Port of Spain, saw a truck with paper—you remember—stopped and blocked the truck in the middle of Frederick Street. It was carrying documents from the EBC.

That former Attorney General—I think it was Glenda Morean, I am not sure—[*Interruption*]

Hon. Member: It was. It was.

Hon. Dr. R. Moonilal:—”run down” a truck in the middle of the road, stops it saying they are taking paper from her Ministry—something like that. You will forget, 2002.

Mr. Speaker, if you go to the '90s, there was an Attorney General in their Government—they murdered a man when an appeal was pending at the Court of Appeal, Glen Ashby.

Mrs. Persad-Bissessar SC: Privy Council.

Hon. Dr. R. Moonilal: It was at the Privy Council. He had an appeal at the Privy Council and they committed murder—a former Attorney General. Where was the motion of censure; where was the motion of no confidence? No, but they had confidence then. They had confidence and condoned, by their actions and by their presence, they condoned that activity, that action. Today, this Prime Minister has taken action to relieve a sitting Member of Parliament from a ministerial portfolio on this matter. There were other options, you know. There were other options: forget it ever happened; move along; move Minister from portfolio A to portfolio B and say, “Look, forget that. Nobody will remember that.”

Mr. Speaker, the highest action was taken as a Prime Minister could in the circumstances. That is the action and, today, they do not whisper a word about that. They run down and chase down the Attorney General, holding him liable, and they come today for the Attorney General. Tomorrow national security, day after next transport—[*Interruption*]

Mr. Warner: “Dey go fail.”

Hon. Dr. R. Moonilal:—then they will come with sport, then they will go to people and social development—[*Interruption*]

Hon. Member: Then they will come for the Speaker.

Hon. Dr. R. Moonilal:—and, Mr. Speaker—[*Interruption*]

Mr. Speaker: Do not get me involved. [*Laughter*]

Hon. Dr. R. Moonilal: And, Mr. Speaker—[*Laughter*]

Mrs. Persad-Bissessar SC: When there is no one left.

Hon. Dr. R. Moonilal:—then there will be no one left. That is their DNA. Not Kirk Meighoo, but that is their DNA. It is a DNA of dictatorship, of authoritarian conduct. If today they could give ultimatum—could you imagine someone in Opposition giving ultimatums like that? What happens when they get power?

Mrs. Persad-Bissessar SC: To be President.

Hon. Dr. R. Moonilal: What in God's name will you do if you have Executive power, control of the State? Even in Opposition you could give an ultimatum. But you see, they will be known for their actions.

I regret to say that this Motion at first blush will fail—[*Interruption*]

Mr. Speaker: You have three minutes.

Hon. Dr. R. Moonilal:—will fail miserably because the Members of this Government are prepared to speak on this Motion, and it will fail not because of the majority that we have, it will fail on the merit of the Motion. [*Desk thumping*] That is why it will fail.

They could take extradition and beat it how much they want, and change of lawyers, we have the extradition order. “Unless they could come and say Karen Tesheira sign dat, unless they could come and say John Jeremie sign dat, unless they could come and say Glenda Morean or Anisette-”Bridgisetete” something sign dat, unless they could come and say dat, it is Anand Ramlogan who sign dat.” [*Desk thumping*] “Take dat!”

You see, the very formation, the very form of this Motion is to deceive us. It is to bring the hypocrisy, it is to campaign to see who is leader and build their stocks towards Tobago. They think they could go to Tobago, declare and mind 34 in Tobago as well and that will help. They think so, but they have something else coming. The Members for Tobago East and Tobago West understand the politics there better than all of us, and they will tell you that there are other matters there.

To alert you, Mr. Speaker, that for the Government, this is not the end of the matter in dealing with white-collar crime and the criminal justice system. We have other pieces of legislation that we will in the very short term bring to the House to deepen the legislative infrastructure, the policy architecture to address white-collar crime, to address some of the fraud that takes place. And if our commitment as demonstrated by the Financial Intelligence Unit package of legislation is not testimony to our commitment to deal with white-collar crime, what else can it be?

So, Mr. Speaker, I thank you and I look forward to the contributions of other Members. [*Desk thumping*]

4.15 p.m.

Mr. Colm Imbert (*Diego Martin North/East*): Mr. Speaker, I know the Member for Oropouche East fancies himself as a weapon of mass distraction, but his attempt to divert us from the matter at hand by bringing a series of irrelevancies into this Motion, adopting a scattershot approach, engaging in obfuscation, if this is going to be the approach of hon. Members opposite to this very, very serious matter, to this very, very serious Motion, where we are dealing with the proclamation of section 34 and the role of the Attorney General, the legal advisor to the Cabinet with respect to that and related matters, if this is going to be the approach of the Government as presented by the Leader of Government Business who occupies quite a senior position on the Government benches, if that is going to be their approach, rather than dealing with the substance of the Motion, it is no wonder that we have dropped 18 places in the Corruption Perception Index [*Desk thumping*] since this Government came into power from 73rd to 91st. If this is going to be the approach of the Government to just throw out wild and irrelevant statements, it is no wonder that we are now considered by Transparency International to be as corrupt as Albania.

But, Mr. Speaker, let me just deal with some of the issues that have been raised in this debate. I will, after the break, deal with the less serious points made by the Member for Oropouche East, the trivia; but let me go to the statements that he made.

Mr. Speaker, the first inaccurate statement made by the Member for Oropouche East with respect to the Attorney General's conduct was a statement where the Member for Oropouche East alleged that the Motion filed by the Member for Diego Martin West had said that the Attorney General gave an undertaking to the Parliament that no part of the Bill would be brought into force before certain things were done.

Now, Mr. Speaker, I took notes. He said that the Minister of Justice gave assurances of that nature but the Attorney General gave no such assurance, and as a result, this preamble was mischievous, misplaced and so on. Let me read into the record the actual preamble because the Member for Oropouche East has been very politically mischievous here today. The preamble reads as follows:

“...*whereas* the Attorney General had knowledge of and supported the Government's solemn undertaking to Parliament that no part of the Bill would be brought into force until such time as all supporting rules, administrative and physical infrastructure were in place and stakeholders consulted;”

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The Motion, at no time, says that the Attorney General gave an assurance to this Parliament that no part of the Bill would be brought into force, it says he had knowledge of the Government's undertakings. During my contribution, I will prove that the Government gave an undertaking and that the Attorney General had knowledge of it. So that is the first inaccuracy and the first misleading proposition made by the hon. Leader of Government Business. He tried to absolve the Attorney General from the process by saying that the Attorney General did not give the undertaking, but that is not the Motion. The Motion says that the Attorney General knew that the Government had given the undertaking.

Now, let us go to the second piece of political mischief. The next preamble speaks about consequences for certain persons. He had a long song and dance who could these certain persons be and he took us back in time, and he took us back to the former Attorney General, could it be John Jeremie, and so he went on and on and on ad nauseam. Let us look at the preamble. What does it say contrary to the misleading information put into the system by the Member for Oropouche East?

“...*Whereas*...the Attorney General had knowledge of and...involvement in the unexpected proclamation of Section 34”—so that gives it a timeline. The proclamation took place on August 30, 2012—“thereby prematurely bringing into force an amnesty”—that took place after August 30, 2012—“with consequences for certain legal proceedings involving certain persons;”

So the preamble speaks to the unexpected proclamation and the creation of an amnesty, all of which occurred in 2012.

Who was the Attorney General in 2012? Not John Jeremie. John Jeremie was not around when this thing was proclaimed, he was not involved in the case, he was no longer the Attorney General, so that the “certain persons”, which this early proclamation had consequences for, had to be the accused. Simple English; simple comprehension. How on earth could John Jeremie be associated with the unexpected proclamation of section 34 and the bringing into force an amnesty in 2012? The man has gone out of office since May 2010.

Hon. Member: Cannot be relevant!

Mr. C. Imbert: But you see, Mr. Speaker, the Member for Oropouche East has a habit of doing this: selectively extracting bits and pieces from matters that are on the Order Paper, [*Desk thumping*] misquoting the Order Paper, misleading the public, and those who are watching who do not have access to this Order Paper would think that he is speaking the truth but he is not. It is clear that the

preamble that deals with certain persons are the persons who are before the courts right now. [*Desk thumping*] It is clear that the Motion speaks to the Attorney General having been aware of the fact that assurances were given by the Government and even tripped himself up in his statement that the assurance was given by the Minister of Justice.

When a Cabinet Minister stands in this House and pilots legislation, he does not do so on his own behalf, he is merely the instrument, but he is speaking on behalf of the Government of Trinidad and Tobago. [*Desk thumping*] When the line Minister gives an undertaking, he does so on behalf of the Government; he does not do so on his own behalf. [*Desk thumping*]

I notice that some of those Ministers have problems with personalities. I saw something on the TV the other day, some confusion with some email, a Minister said, “Well, I didn’ know that ah couldn’ do things in meh personal name”. It seems that this confusion is endemic in this Government because when the former Minister of Justice spoke, he spoke on behalf of the Government, and all the assurances that he gave, were given on behalf of the Government.

So that when the Member for Diego Martin West makes the point that the Attorney General had knowledge of and supported the Government’s solemn undertaking, it is a correct point, because the Attorney General would have to be blind, deaf or deluded, not to be aware of the assurances given in this place, and in the other place when he was present listening to the undertakings given by the former Minister of Justice on behalf of the Government of Trinidad and Tobago. It is absurd for anyone to suggest that the Attorney General had no knowledge of and was not involved in the undertakings given by the Government with respect to the proclamation of this legislation.

What were those undertakings, Mr. Speaker? You see, there is a lot of “ol’ talk” in the system and I am afraid that contribution we just got really did not help and the reason I was objecting, Mr. Speaker, was really I would prefer that Members opposite deal with the matter at hand. [*Desk thumping*] If you want to talk foolishness—sorry, Mr. Speaker, I understand that is an unparliamentary word. But if you want to delve into trivia and inaccuracies, well do it on some other Motion. Can we please stick to the subject matter? It is unfortunate that we did not have the benefit of information from the Leader of Government Business as to exactly what transpired. But, in order to understand the nature of the undertaking given by the former Minister of Justice, all we have to do is go to the *Hansard* and you will see the undertaking that he gave.

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I have in my possession the *Hansard* from November 18, 2011. I was looking at it this morning and something struck me that I had not seen before. This is on page 126 of the *Hansard* of November 18, 2011. This is the undertaking that is referenced in the preamble that the Attorney General must have known about and must have had knowledge of, and must have been in support of, because you are right there. So let us read what the undertaking given by the former of Minister of Justice on behalf of the Government with the knowledge of the Attorney General is:

“...what is proposed, Mr. Speaker, is that within the shortest possible time, as soon as is practicable this measure will be proclaimed. We will put in place what needs to be put in place”—and this is the thing I had not seen before—“First, for example”—and this is an undertaking being given by the former Minister on behalf of the Government—“the Attorney General”—the subject of this Motion—“will have to bring a measure to amend the Supreme Court of Judicature Act to allow for the appointment of a number of masters.”

Let me repeat that because it seems over there “dey doh read”, “dey doh understand”, they are easily duped, they are confused, “dey trust everybody, dey doh listen”; that is what I am picking up in the literature. They are duped, they are confused, “dey doh know wha’ going on”. But let me read the *Hansard*. This is the former Minister of Justice speaking, giving an undertaking on behalf of the Government with reference to the Attorney General who is the subject of this Motion.

“First”—and that only has one word in English language, “first”, it means before anything else—“for example the Attorney General will have to bring a measure to amend the Supreme Court of Judicature Act to allow for the appointment of a number of masters. That is going to have to be done.”

Now, he said many other things and I will deal with it after the break.

But the fact of the matter is the Government, speaking through the mouth of the former Minister, gave an undertaking that before this Bill was proclaimed, the Attorney General would bring an amendment to the Parliament amending the Supreme Court of Judicature Act to allow for the appointment of masters. Now, you and I know, Mr. Speaker, that was not done. That was not done.

Dr. Rowley: “Lying in the Cabinet!”

Mr. C. Imbert: So if the Minister of Justice is telling us in this Parliament and the Prime Minister is right there, the leader of the Cabinet is right there, that before I could proclaim this Act or before we as a Government could bring this

Act into the force, the Attorney General must amend the Supreme Court of Judicature Act to allow for the appointment of masters; what happened? This is something that we have to look at later on. The Attorney General was right there, the Prime Minister was there, the whole Cabinet was there when these words were uttered by the former Minister of Justice, and transformed into a solemn undertaking, as has been stated by the mover of this Motion to the Parliament. What happened? I mean, it makes a lot of sense. How can you bring this law into effect if you do not have the necessary judicial officers to interpret and to implement the legislation, Mr. Speaker? How? How can you do it? So it makes practical common sense that before you rush into the proclamation of something as dangerous as this, that you at least have the necessary judicial officers to deal with the new legislation.

The former Minister of Justice also said that the rules will have to be made, Mr. Speaker. He alleged that rules were in the process of being formed, they were being looked at by a committee, but he said that nothing is going to be proclaimed before all the necessary measures required to make it succeed happens.

Mr. Speaker: Hon. Members, I think this is a good time for us to suspend for tea. This sitting is now suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Speaker: Hon. Member for Diego Martin North/East, you have 30 more minutes of your original speaking time available.

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

Mr. Speaker, before we took the break I was recording, for the purpose of *Hansard*, the assurances given to the Parliament by the former Minister of Justice, acting on behalf of the Government, which I assume the Attorney General had knowledge of; he must have, he was here.

Let me go now to what was said in the other place with respect to clause 34 of the Administration of Justice (Indictable Proceedings) Bill, 2011. This is in the Senate, November 29, and the Attorney General was present. [*Interruption*] No, November 29, 2011. This is the debate on the Administration of Justice (Indictable Proceedings) Bill, 2011, piloted by Hon. Herbert Volney in his then capacity as Minister of Justice; page 448 of the *Hansard* record. At the bottom of this page, are the following words which is the speech of the former Minister of

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Justice; which would have been heard by the hon. Attorney General because he was sitting right there; probably very close to him at the time.

“Clause 34 would provide for the discharge of the accused on the grounds of delay...where the time of coming into force of this Bill, the trial at the assizes has not commenced within 10 years of the commission of the crime...”

[*Interruption*] Mr. Speaker, Mr. Speaker, there is a conversation going on over there.

Mr. Speaker: You have my protection.

Mr. C. Imbert: I am not sure, you know, because they are talking.

“Clause 34 would provide for the discharge of the accused on the grounds of delay...where the time of coming into force of this Bill, the trial at the assizes has not commenced within 10 years of the commission of the crime...”

And the Attorney General would have been listening to all of this. He was there.

One would assume that he would have understood immediately, that the Bill that left the House of Representatives had in it a time frame where the time of reckoning for the limit, beyond which a person must be set free—In the House of Representatives it was from the date that proceedings were instituted. However, in the other place—where the Attorney General sits, normally—the former Minister said that the timeline would run from the date of commission of the crime. He must have heard this. I assume, as a competent lawyer—he has demonstrated his competence in many areas of law; he “cyar” fool me and make me think that he is not competent. He would understand that there was going to be a fundamental shift in the meaning of clause 34.

He goes on to say:

“My friends on the opposite side in the other place indicated their willingness to revert to the original provision, which stated that where proceedings were instituted prior to the coming into force, of this Act, and the trial has not commenced within seven years, the accused shall be discharged.”

This is the Minister speaking on behalf of the Government in the presence of the Attorney General.

“Our Government has chosen to extend the period to 10 years as a matter of public policy.”

So, the former Minister of Justice, in the presence of the Attorney General, makes a statement in the Senate that the Government, of which he is a part, has chosen to extend the period to 10 years; but, prior to that he indicated the 10 years would run from the commission of the crime. It should have been obvious to the Attorney General then that the effect of clause 34 was being fundamentally changed from the time of charges laid to the time the offence was allegedly committed.

Now, the Attorney General and other people have sought to tell us that the Attorney General is not responsible for this fiasco because the responsibility for criminal legislation was given to the Ministry of Justice.

Mr. Speaker, even though the Leader of the Opposition has raised this matter, I think it is necessary to put it back into the record and repeat, for the sake of emphasis. I have in my possession a copy of the *Trinidad and Tobago Gazette (Extraordinary)*, Vol. 49, dated June 16, 2010, No. 74A, the heading is Assignment of Responsibility to Ministers:

“It is hereby notified for general information that His Excellency the President, acting in accordance with the advice of the Prime Minister...has assigned to the following Ministers, the responsibility for the Business and Departments of Government hereinafter mentioned:”

Let us go to the Attorney General. Now, a lot has been said about what the Attorney General is responsible for and what he is not responsible for, but what he is responsible for is written. So, let us see what is written, rather than what has been said by people such as the Member for Oropouche East.

The Attorney General, one of the things he is responsible for is:

“—Legal Advice to the Government”

That is in the *Gazette* of June 2010. Another thing that he is responsible for is:

“—Legislative Drafting”

So, the *Gazette* of 2010 makes it crystal clear that the Attorney General is responsible for legal advice to the Government and for legislative drafting.

Let us go now to what the Minister of Justice was responsible for. If you go to page 796—11 of this *Gazette* you see that the Minister of Justice was given responsibility for the:

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including

“—Criminal Legislation”

and

“—Reform and Transformation”

So that is the status quo as of June 16, 2010.

Putting aside the constitutional responsibilities of the Attorney General—which I will come to in a little while—an argument could be mounted—if we forget the Constitution—that there was some confusion created by the *Gazette* of June 2010 where the Attorney General was given responsibility for legislative drafting, but the Minister of Justice was given responsibility for criminal legislation. So, some confusion could have existed even though the Attorney General has constitutional responsibilities; and the Constitution was never amended by this Government to change the constitutional responsibilities of the Attorney General which exist to this day.

Mr. Speaker, I have heard *sotto voce*—You see, the Member for Oropouche East has a degree in law and he would be better placed doing legal research rather than being superficial. [*Interruption*] The fact of the matter is I am reading the *Gazette* where, in accordance with section 79, the Prime Minister assigned certain responsibilities to certain Ministers and, therefore, this is in the context of section 79 of the Constitution. The problem with Members opposite is that they do not listen.

So, let us go now to *Trinidad and Tobago Gazette (Extraordinary) Vol. 50, Wednesday, 13th July, 2011, No. 89*:

“In exercise of the power vested in His Excellency...by section 79(1) of the Constitution...”

You heard that?

“of the Republic of Trinidad and Tobago and acting in accordance with the advice of the Prime Minister, has assigned to the HONOURABLE KAMLA PERSAD-BISSESSAR...”

the following offices and then it goes on to talk about Attorney General, Arts and Multiculturalism, Community Development and so on and so on and so on.

The *Gazette* of July 13, 2011 continues; on page 679 it says that the responsibilities of the Attorney General are as follows, among others:

“—Legal Advice to the Government

—Legislative Drafting”

So that the responsibility for legal advice to the Government and legislative drafting remained the same in June 2010 and in July 2011. The Attorney General retained his assigned responsibility by virtue of section 79 of the Constitution for legal advice to the Government and legislative drafting.

However, a substantive change was made to the portfolio of the Minister of Justice on Wednesday, July 13, 2011. When one looks at the portfolio of the Minister of Justice on that day, one sees that criminal legislation no longer appears as a responsibility of the Minister of Justice.

So, very simply—there is a lot more to this—if the Attorney General had responsibility for legislative drafting throughout, but during the period June 2010 to July 2011—[*Interruption*] Mr. Speaker, come on, the two Members are continuously interrupting me.

Mr. Speaker: All right. The Member is complaining about both the Member for Chaguanas West and the Member for Oropouche East. So, undertones, do not disturb and allow the Member to speak in silence, please.

Continue, hon. Member.

Mr. C. Imbert: I just heard some—I cannot use the word foolishness—about 36(1). Clause 36(1)? I am talking about the gazetted responsibilities of the Attorney General and the Motion speaks to the responsibilities of the Attorney General.

Yes, Mr. Speaker, let me move on. So, one could end the argument right there because the Attorney General had assigned responsibility for legislative drafting throughout. He continues to have responsibilities for legislative drafting. The ambiguity that might have been introduced by the *Gazette* of June 16, 2010 was removed by the *Gazette* of July 13, 2011. There is nothing in the *Gazette* of July 13, 2011 that even gives a scintilla of an impression that the former Minister of Justice retained responsibility for criminal legislation. It is a simple reading.

Now, the Attorney General could complain, he could say it is unfair; they gave him constitutional responsibilities for legal affairs then they assign criminal legislation to another Minister. That might have applied between June 16, 2010 and July 13, 2011. I could see somebody mounting argument but that disappeared on July 13, 2011. So, on July 13, 2011 we have the Attorney General responsible for all legislative drafting in Trinidad and Tobago.

Mr. Speaker, you do not have to take my word for it, you know. The new Attorney General—that this Motion is about, not the old one—has done a lot of work on his website. There is a nice picture of him here. So, I went to the website

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of the Attorney General under the current Attorney General to see what we have there. Here we have a page that says “Organizational Overview” and it says as follows—it has a picture of the hon. Sen. Anand Ramlogan:

“The Ministry of the Attorney General is the arm of the Government of Trinidad and Tobago responsible for providing legal services to the Government...The Ministry’s obligations are primarily derived from the constitutional directives given to the Attorney General...”

You see, even he knows that he is a creature of the Constitution:

“To act as an independent Guardian of the public interest.” [*Interruption*]

“...Independent Guardian of the public interest...”

“What do we do?”

The Ministry of the Attorney General provides the following services:

Advising Cabinet, Ministries and State agencies on all”—repeat—“all local and international legal matters”

So, he knows because he put on his website that the Attorney General is responsible for advising the “Cabinet, Ministries and State agencies on all local...legal matters.” It is there in black and white.

5.15 p.m.

In addition, Mr. Speaker, the present Attorney General has caused to be put on his website that he is responsible for, drafting primary and secondary legislation, on behalf of the Government; right there, black and white.

So let us move now to another page—nice picture of the Attorney General, again, the present one not the former.

“Roles and functions

What are the roles and functions of the Attorney General?

In accordance with the provisions of the Constitution of the Republic of Trinidad and Tobago, the Attorney General is responsible for the administration of legal affairs in Trinidad and Tobago...”

“It is not I say that, is he say that.” So let us move on now to the history of the Ministry. Next page, from the Attorney General:

“Upon attaining Republican status in 1976, the Constitution declared the Attorney General a Minister, and assigned him/her responsibility for the administration of legal affairs in Trinidad and Tobago.”

So, it appears the Member for Oropouche East is not aware that the Attorney General is responsible for advising the Cabinet on all legal matters and for drafting all legislation on behalf of the Government, but the Attorney General knows, because he put it on his website. I am not just going to use the Attorney General's website as evidence. I have further and better evidence.

So let us move now to another page on the Ministry of the Attorney General's website. It has: "What are laws?" As you go down it says, "Drafting of laws". Two departments, both falling under the aegis of the Attorney General and the Ministry of Legal Affairs are responsible for the drafting of public bills. These are: the office of the Chief Parliamentary Counsel Legislative Department, a department of the Attorney General's office and the Law Commission, the function of which, is to keep all laws applicable to Trinidad and Tobago under review. So the Parliamentary Counsel, who reports to the Attorney General, is responsible for drafting of all original legislation. The Law Review Commission, after the law has been passed, keeps it under review.

"In order to ensure that a bill when enacted is legally sound"

—listen to this, it is not me saying this, "is he saying that":

"In order to ensure that a bill when enacted is legally sound and functional, before the drafting is commenced, parliamentary counsel"—reporting to him—"undertake a detailed study of a number of factors, including the circumstances which gave rise to the need for the legislation, the state of the existing law, and to determine whether there is a real need for additional legislation.

While the bill is being drafted, consultation is done by various personnel for the Ministry, at whose request the bill is being prepared."

It is not me saying this, it is the Attorney General saying that his department is the primary drafter of legislation, and they consult with other Ministries to get their input into the legislation. The fact is that he has confirmed on his website that his department is the primary drafter of legislation.

As I said, an ambiguity might have existed up to July 13, 2011, but it disappeared on July 13, 2011. This was downloaded from the Attorney General's website this morning, so it is up to date to today.

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So let us go now to the Constitution, Mr. Speaker, because it is important to understand the Constitution. What does the Constitution tell us? Section 76:

“Where there is occasion for the appointment of a Prime Minister, the President shall appoint as Prime Minister—a member of the House of Representatives...”

That is section 76(1)(a). And 76(2):

“The Attorney General shall, subject to section 79, be responsible for the administration of legal affairs in Trinidad and Tobago...”

What does section 79 say? It says:

“The President, acting in accordance with advice of the Prime Minister, may, by directions in writing, assign to the Prime Minister or any other Minister responsibility for any business of the government of Trinidad and Tobago...”

Now, what does that mean? It means that until and unless the Prime Minister assigns responsibility for a specific function that is within the remit of the Attorney General, whose remit is overarching and broad, he is responsible for the administration of all legal affairs in Trinidad and Tobago, everything. That is what the Constitution says, and says that can only be circumvented by assignment of specific responsibilities to another Minister by the Prime Minister. At no time did the Prime Minister assign the responsibility for legal advice to the Cabinet or legislative drafting to anyone else. So that throughout the life of this Government, the Attorney General retained responsibility for legislative drafting. I have just indicated what he said on his website. They draft the law, and if they need to know something, they will talk to a line Ministry to see what their views are.

And, specifically, Mr. Speaker, from July 13, 2011 the situation was made crystal clear, criminal legislation, the only element of the portfolio of the Ministry of Justice that had anything to do with legislation, and, therefore, could impinge in some small way on the concept of legislative drafting, was removed. So there was no other reference to legislation in the portfolio of any other Minister, other than the portfolio of the Attorney General.

So the Attorney General can say what he wants, the Member for Oropouche East could say what he wants, you cannot magically, by hypnosis or some other means, implant a specific portfolio responsibility into a Ministry, unless it was gazetted, Mr. Speaker. It was gazetted in 2010, and it was removed in 2011. So the Attorney General has had responsibility, at least since July 13, 2011, for legislation in Trinidad and Tobago, all legislation, Mr. Speaker.

So that when I referred to the *Hansard*, where the former Minister of Justice said to the Senate that a change was going to be made with respect to clause 34, and he said it in the presence of the Attorney General, who subsequently contributed to the debate, the inescapable conclusion when the former Minister of Justice said that he was doing it with the consent, the acquiescence, the knowledge, the agreement and the confirmation of the hon. Attorney General, Mr. Speaker, that was on September 29, 2011.

It is incredible that we hear a year later that the Attorney General was not aware of the implications of the proclamation of section 34, until the DPP had a conversation with him, sometime around September 10 or September 9 or something like that. It is incredible, because he knew that he was responsible for legislative drafting. He knew that he was responsible for all legislation, certainly since July 2011. He was there when the former Minister of Justice said what he was going to do, with respect to the change.

Mr. Speaker, when it came to committee stage he voted for it. [*Interruption*] I am talking about in the Senate. When the clause, the original clause 34, which had come from the House, and which gave the timeline from the date charges were laid, was removed at the committee stage, and replaced with a new clause, which said that the timeline will run from the date the offences were allegedly committed, he voted for that.

Hon. Member: “You too vote.”

Mr. C. Imbert: Not in the Senate. Mr. Speaker, you know, I have a difficulty with Members opposite. We are dealing here with events that transpired in this Motion. Mr. Speaker, this Motion, lest the Members opposite have forgotten—I know they want to forget, you know—deals with the knowledge of the Attorney General, the conduct of the Attorney General and the behaviour of the Attorney General. So I am dealing with a situation where the intent, import and effect of clause 34 was changed in the presence of the Attorney General, and he acquiesced to that, then he voted for it, and then he came back a year later and said he did not know anything about it. It is too incredible to believe. Was he sleeping? No, I do not think so, Mr. Speaker, because he gave a full presentation after that in the Senate, and he said some things, which are a little inconsistent with some of things that he said afterwards.

Hear the Attorney General on November 29, 2011, page 521, Administration of Justice (Indictable Proceedings) Bill, 2011, Senate. This is the Attorney General speaking. That is why I was shocked when I heard that a luminary of his

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prohess, who has been to the Privy Council so many times and has been successful, I had to hear mostly—[*Interruption*]

Hon. Ramlogan SC: Mostly against the PNM.

Mr. Speaker: Attorney General, could you just take notes, please?

Mr. C. Imbert: Thank you, Mr. Speaker. A legal luminary of his record, who has been to the Privy Council so many times dealing with matters of complex law, I had to hear with my own ears this Attorney General telling this country, “I have no experience in criminal law. I do not know anything about that. Doh ask me nothing about that.” I have to hear that.

Mr. Speaker, let us hear what he said in the Senate. He was talking about the changes that would be brought to the criminal justice system, not the civil procedure, to the criminal justice system, by the Administration of Justice (Indictable Proceedings) Bill. It is amazing how knowledgeable he was then. When he was talking, he was talking as if he was a fountain of knowledge, and talking from personal experience of the criminal justice system. Yet a year later we have to hear he knows nothing about criminal law.

Let us hear what he said as opposed to what he said afterwards.

“This is a matter which would bring immense relief to many, and it is not just limited to the magistrates and the accused. You see, the police prosecutors, we have to spare a thought for them. They form an important link in the administration of the criminal justice system in the magistracy;”—surprising he is talking about something about which he knows nothing—“the aggrieved victims and their families, and, indeed, the defendants and their families as well.”

Look at this shocking statement:

“I”—this is him talking—“I practised in the courts...”

This is the man who says he has no knowledge or experience of criminal law. He is saying to the Senate that he practices in the criminal courts.

“I practised in the courts and the worst thing that you could experience as an attorney, is having to calm a witness who has to relive the trauma, the anxiety and the distress in their mind, of the crime that was committed against them, and each and every time that matter comes up in the Magistrates’ Court, the night before they cannot sleep. In some cases the week before, they cannot sleep. They have to sit, wide awake, reliving that experience...because they come to court knowing—everybody knows”—and including him; he included

in everybody—“the matter cannot start; they already have another trial to go on; it is part heard, but everybody has to come to court. What the system does, it frustrates and wears them out and eventually they lose interest in the matter...

In highly complex and technical matters, in particular, in relation to financial crimes”—he is an expert now; he is testifying that he is an expert on financial crimes, “fraud matters”—that is what he is telling the Senate from a position of knowledge—“this abolition of preliminary enquiries will serve us well, because we have known”—and he has to be part of we—“we have known that matters have taken a meandering, endless path through the labyrinth of our criminal justice system for quite some time now, with no end in sight. The endemic backlog that presently exists, this will hopefully dynamite the log-jam and it is going to free up the system, and have knock-on benefits down the road.”

If that was not enough, Mr. Speaker, later on, on page 528, he says:

“...system must be user-friendly and the philosophical underpinning for the criminal justice system”—the one he says he knows nothing about—“must be that the courts are there to serve the interest of the people...

I had clients”—this is the man who never practiced in a criminal matter, but all of a sudden he had clients—“and it is a very very cold and intimidating experience to appear in a Magistrates’ Court. You are herded together like cattle, sheep, goats and fowl—everybody in one—and then they call your name, and there is a police officer by the door calling your name, and the man—and they are going down the road; it is a relay; they are echoing it, your name calling throughout that courthouse and poor you—and God forbid that you happen to go to use the washroom at that point in time”—they call your name—“well... ‘crapaud smoke yuh pipe’.”

5.30 p.m.

This is the man, giving us an intimate, comprehensive, detailed analysis, explanation and account of what happens in the criminal justice system from his own personal experience, who comes a year later and says he is not a criminal lawyer; he knows nothing about the criminal law. And this is in the same Bill, you know. This is in the same administration of justice Bill.

So, I am sorry. I do not accept. I know that attorneys who do the LLB course, or if they go the other route where they do a pupillage, or they are apprenticed to some senior lawyer, I know—

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Diego Martin North/East, has expired.

Motion made: That the hon. Member's speaking time be extended by 30 minutes. [*Mr. N. Hypolite*]

Question put and agreed to.

Mr. C. Imbert: Yes, Mr. Speaker. Thank you very much. And I thank all Members opposite, including the Member for D'Abadie/O'Meara, who wanted to jump up and extend my time. It was a little late.

So, Mr. Speaker, as I said, attorneys-at-law who approach the profession by way of the LLB and the Certificate of Legal Education, at least 50 per cent of their instruction is about the criminal justice system. I know that the Attorney General is an attorney-at-law and has been called to the Bar, and, therefore, he would have been trained—and, in fact, he is a senior counsel, so he would have been trained in the criminal justice system, and from his own testimony, he practised in the courts, and he has a great memory. He has an excellent memory. I have seen in his articles where he could remember things that happened 20 years ago. So I am sorry, Mr. Speaker, I do not buy the argument that such a distinguished attorney could expect anyone to believe that he has no knowledge or experience of criminal law. I just do not buy the argument, Mr. Speaker.

Mr. Speaker, all sorts of strange things have occurred with respect to the proclamation of section 34. And what happened, Mr. Speaker? If we go to the Motion—let us take a good look at the Motion. The Motion speaks about the Attorney General having knowledge of and supporting the Government's undertaking in Parliament that no part of the Bill will be brought into force. Well, that was made by the former Minister of Justice on behalf of the Government in the presence of the Attorney General.

But there is also the question of trust, Mr. Speaker. Now, where does this whole concept of trust come in? One of the problems with this whole debacle is the question of trust, Mr. Speaker. [*Interruption*] “Whether in America or England, it doh matter.” One of the problems with this debacle is the whole question of trust. The question is—the Member for Diego Martin West has made the point that the proclamation of section 34 was a breach of trust.

Mr. Speaker, who is the Member of the Government that brought in this concept of a breach of trust? It was the Member for St. Augustine who, in this month, or not too long ago, said that section 34 was a clear violation of trust. And

we have here an article which speaks to the circumstances surrounding the proclamation of section 34, which was agreed to by the Attorney General. The Minister of Legal Affairs tells us:

“There was a clear violation of the trust of the people and Parliamentarians.”

This is a story by C News—the Government station. So I think we could accept that if the Government station is publishing something about a Government Minister, we could accept it is an accurate record of what was said.

“There was a clear violation of the trust of the people and Parliamentarians.”

He went on to say that:

“The COP was not comforted by the mere repeal of the Section and put forward the following for action:

The repeal had to be done in a way to plug any loopholes...

Any future attempt by the US to have those indicted...in connection with the Piarco Airport scandal must not be resisted by the government.”

So that is the message to the Attorney General:

“...no Government amendments to Bills being debated in Parliament must be introduced without express prior consideration thereof by the appropriate governmental body.

Any person found to have acted with mala fides...must be removed and not allowed to act on behalf of the government.”

And what the Motion from the Member for Diego Martin West seeks to do is to deal with who was responsible for this fiasco.

The Member for St. Augustine also confirmed what I know, and what the Attorney General knows, and what the Member for Oropouche East tried to deny. And I repeat what the Member for St. Augustine—the Minister of Legal Affairs, a Cabinet colleague of the Member for Oropouche East—said, with respect to the undertakings given to the Parliament, that the Attorney General was aware of in the context of the third preamble to the Motion, Mr. Speaker.

This article is headlined “I humbly apologize.” And in it the Minister of Legal Affairs is apologizing for his role in the fiasco. But that is not the relevant thing. What is relevant is what were the undertakings given by the Government that the Attorney General was aware of. He goes on to say:

“...on reflection there was an awful thing (that took place)...I did raise the issue...”

This is the Minister of Legal Affairs.

Mr. Speaker: Hon. Member, do not refer to any Member of this Parliament unless you are doing it en passant. You see, you made reference, but now you are going into quotation. So you are going to rope in other Members. And I am trying to avoid other Members being involved in this debate. So I am just asking, hon. Members, even if you want to make reference to what the Prime Minister said in a statement, or what the Minister of Legal Affairs said in a statement, you do it and you move on. But do not linger to the point that you rope this particular Minister into this debate in terms of the Motion before us.

So I am just asking you to be guided. Thank you.

Mr. C. Imbert: Mr. Speaker, I am dealing with preamble No. 3 of the Motion, and I will repeat preamble No. 3.

“...*whereas* the Attorney General had knowledge of and supported the Government’s solemn undertaking in Parliament that no part of the Bill will be brought into force until such time as all supporting rules, administrative and physical infrastructure were in place and stakeholders consulted;”

That is the third preamble. And it speaks to the Government’s undertaking. And I am now speaking about—I am not trying to rope in anyone. I am producing this as evidence of the Government’s undertaking, not of what the Member said. [*Desk thumping*]

Mr. Speaker: I notice there is the tendency developing on that bench. It started with the Member for Point Fortin—and I saw it in the *Mirror* yesterday—where you are questioning and challenging my ruling. I have ruled; I have asked you not to bring the names of any Member of this honourable House into this debate, unless you are doing it en passant. Do not get into any deep details on those other Members. The Motion that we have before us, the resolution that we have before us is very clear. It is about no confidence in an individual office holder called the Attorney General. And I am not prepared to preside over a sitting where Members are going to be brought into this debate who are not before us, properly speaking. I am saying you can make en passant reference. But do not query my rulings. I notice that is a tendency on your part in particular. That has ended from now, as of now. You can move on. Move on. Do not query my ruling, or do not try to challenge me. Bring a substantive Motion if you have a problem.

Mr. Imbert: Thank you, Mr. Speaker. Mr. Speaker, I think I have presented sufficient evidence that the Government gave an undertaking to Parliament that no part of the Bill will be brought into force until such time as all supporting

rules, administrative and physical infrastructure were in place and stakeholders consulted, confirmed by a Member of the Government, Mr. Speaker.

Now, let us move on. It is in the Hansard record of the debate—both debates—where the Attorney General was present. In one debate he fully participated, because it was in the other place; in the other one, he was present, Mr. Speaker, where undertakings were given by the Government and a Member of the Government has confirmed that fact. So let us move on. Let us move on to something that is much more dangerous, Mr. Speaker, because what I have just spoken about there is common knowledge. Let us move on to something that is not common knowledge.

Mr. Speaker, an Independent Senator made a statement, which is published in the public domain, with respect to the Attorney General, the subject of this Motion, and the whole question of the timeline with respect to the publication of the legal notice that gave effect to the proclamation, and the *Gazette* that had the legal notice as a supplement. And I have the actual documents in my possession. I have Legal Notice No. 8 of 2012, which is Legal Notice No. 348, which has on it—it is written on it, “Legal Supplement Vol. 51, No. 142—30th August, 2012”. I also have in my possession the *Trinidad and Tobago Gazette Vol. 51, No. 142*, which has on it the date, “30th August, 2012”. I also have a printout, Mr. Speaker, from the Government website with the archives of the Government *Gazette* as of 2012.

Now, Mr. Speaker, it is a little known fact—it is a little known fact that you can do some forensic work and establish exactly when a document was created. You see, somebody can put any date they want on a document. But each document has a digital signature. [*Desk thumping*] You see, being aware of the fact—I was aware of that fact; not in the way that the Attorney General appears to be unaware of the undertakings given by the Government with respect to this legislation, but I was aware that every electronic document has a digital signature. You simply perform certain commands on your computer, and you will get a screen coming up telling you the time and the day on which the document was created. So having downloaded the Legal Notice No. 348 and the *Trinidad and Tobago Gazette No. 142*, and the archives of the *Gazette*, Mr. Speaker, I then did the necessary input on the computer to find out when these documents were created. Legal Notice No. 348 which has on it a date of “30th August 2012”, was created on September 03, at 8.41 a.m.

Trinidad and Tobago Gazette No. 142 which has, as a supplement, the Legal Notice that was created on September 03, was created on September 06, 2012 at

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12.42 p.m., Mr. Speaker. And the *Gazette* was archived, last modified before publication—because you have to understand these notations. The last date of modification is prior to the actual availability of the document.

5.45 p.m.

Gazette No. 142 of 2012 was last modified on September 10, 2012—
[*Interruption*]

Hon. Member: What?

Mr. C. Imbert: Yes, the September 10, 2012, at 5.41 p.m., Mr. Speaker. [*Crosstalk*] What this means, Mr. Speaker, it means that the proclamation was still being worked on and finalized by the Government Printery up to 5.41 p.m. on September 10, 2012. [*Desk thumping*] But the applicants were before the court on the morning of September 10, the same day, Mr. Speaker. So when Sen. Baptiste-Mc Knight said that she went to the printery and she discovered that the date was September 10, even though it is not printed, Mr. Speaker, the digital signature proves that the document was last modified on September 10, 2012.

Hon. Member: The signature was Ramlogan.

Mr. C. Imbert: Now, I never said that! Never said that! I am simply making the point that the electronic evidence tells you this document was not available to the public before September 10, 2012.

Hon. Member: What tells you it—

Mr. C. Imbert: Mr. Speaker, please. This speaking always harassing me, come on. I beg your protection, Mr. Speaker.

Mr. Speaker: Members, allow the hon. Member for Diego Martin North/East to speak in silence, please. Continue hon. Member.

Mr. C. Imbert: Now, Mr. Speaker, as I said the digital signature of these documents shows legal notice created on September 03. *Gazette* created on September 06, and the archive last modified on September 10. It does not matter what date is on it. You could put January 01, 1995, the digital signature is going to catch you.

Now, let us deal with facts, Mr. Speaker. We had a debate in this Parliament, I believe it was September 12, when we went to repeal the legislation, and we had to repeal it because the Attorney General told the country that he had only just realized the implications and effects of the new section 34. He did not know

before. The DPP called him and he woke up the Prime Minister at five o'clock in the morning or something like that, and by seven o'clock there was a decision made to have an emergency sitting of the Parliament.

Mr. Rowley: “Yuh hear lie. That is lie.” [*Laughter*]

Mr. C. Imbert: I, went to the—I, myself, this person here, walked into the Government Printery the day before the debate, the same day, September 11; The debate was on the 12th, the applicants were in the court on the 10th, so I walked into the Government Printery in person on September 11.

I went to the counter as I have done many times in the past, as a member of the public. I said, “I am looking for the proclamation of the Administration of Justice (Indictable Proceedings) Act. Can you show it to me, please?” So they went and they checked all the shelves where they have the paper copy; not there. Now, I know that sometimes, if the paper copy is not being printed and it is not available, they will have it on the system. So I say, “Check the system.” The attendant goes through every single *Gazette* that has been published. Not there. So I say, “But what is going on? They have some people before the court yesterday with this thing. I am here now and you are telling me there is no paper copy and it is not on your system?” He said, “Look for yourself”, and he turned the screen and he showed me.

Mr. Speaker, I could say without any fear of contradiction that on September 11, the proclamation was not available to the public and was not on the register or in the records of the Government Printery. [*Desk thumping*] I went there myself. And it is consistent with what you see in terms of the digital signature of these documents.

Eventually, I had to call the Parliament and say, “Look, we are debating this thing tomorrow, have you all got a copy of this thing?” And I was able to secure, eventually, the following day, a copy of the proclamation in time for the debate, Mr. Speaker.

So, I am putting this information into the public domain. The fact of the matter is that the accused persons—I am not accusing the Attorney General of anything—the accused persons had foreknowledge of this proclamation which was not available to the general public. There is no two ways about it, no two ways about it, Mr. Speaker.

And let us go now to the Cabinet Minute because in doing an investigation of what has happened, we must do all the work that is necessary to find out what happened. I have in my possession a copy of a Note J 1229 Cabinet No. 2119 MOJ

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5/3/1, August 6, 2012. Note for Cabinet: Proposed proclamation of the Administration of Justice (Indictable Proceedings) Act, 2011. Paragraph 6 of this Note says as follows:

In order to facilitate a seamless operational transition, it is necessary for the Act to be proclaimed in part on August 31, 2012, in order to inform the need, inter alia, for the creation of eight new positions of Masters by an amendment to the Supreme Court of Judicature Act. This will give authority for the recruitment and appointment of Masters of the High Court

So if you did not know anything about Cabinet, if you did not know anything about Parliament or law or legislation and you were just reading it from an English interpretation of this, you would think that what Cabinet is being asked to agree to is an amendment to the Supreme Court of Judicature Act.

Miss Mc Donald: Cleverly written.

Mr. C. Imbert: But let us go now to the Cabinet Minute. Cabinet Minute No. 2119 of August 9, 2012: Proclamation of the Administration of Justice Act. Note J 1229 was considered. Cabinet agreed. In accordance with the provision of Section 1(2) of the Administration of Justice Act, the President, by proclamation, fixed August 31, 2012, as the date on which the Act, with the exception of sections 3(2) and 3(4), 4 to 31, 33, 35, Schedules 1 to 5, 7 and 8 shall come into—
[*Interruption*]

But, Mr. Speaker, you see, I just want to make a point. I was a Cabinet Minister for an aggregate total of the twelve and a half years. I do not think there is anybody in this Parliament today who has more Cabinet experience than me. As a matter of fact, I know that there is nobody in this Parliament today who has more Cabinet experience than me. I had the privilege to work with Attorney General Keith Sobion. In the Opposition I had the privilege to witness the operation of Attorney General Ramesh Maharaj. I had then, again, the privilege to work with Attorney General Glenda Morean, John Jeremie and Bridgid Annisette-George, Mr. Speaker. And in those twelve and a half years that I was in Cabinet, it was known to me and everybody else in the Cabinet and the Cabinet Secretariat, and everybody, that the Attorney General is the legal advisor to the Cabinet, and the final arbiter on all legal matters that come before the Cabinet, Mr. Speaker.

So even though this was cleverly written, what does it say? Fix the date on which the Act, with the exception of sections 3(2), 4, 31, 35, et cetera, shall come into operation. What does this mean? It means all the other provisions, Mr. Speaker; all the other provisions. So any Attorney General worth his salt, one would assume that when you are taking a decision to proclaim an Act, you have

the Act in front of you. I have never been in a Cabinet meeting, Mr. Speaker, where especially you are dealing with controversial legislation, and you are asking the Cabinet to agree to proclaim it partially, that the Attorney General does not present for the information of Cabinet the Act. So do not tell me that “nobody” in that Cabinet, and the Attorney General in particular, was not aware that what this meant was that section 34 was going to be proclaimed on August 31. I refuse to accept that.

I refuse to accept that a Cabinet could be so incompetent, and that an Attorney General could be so undisciplined that you have a Note and a Minute dealing with proclamation of parts of an Act, and the Attorney General does not know what these parts are, and he is the legal advisor and the final arbiter on legal matters in the Cabinet, Mr. Speaker. So the Attorney General must have known on the August 9, 2012, that this decision would cause section 34 to be proclaimed, and the proclamation of section 34 would create the “get out of jail free” or “amnesty clause” for certain accused persons, Mr. Speaker.

Now, go back to the Note, the Note speaks about an amendment to the Supreme Court of Judicature Act, to create positions of Masters. In its text it speaks about that, but when you go to the recommendations, there is nothing about that. What is the significance of that, Mr. Speaker? Let us go back to the *Hansard*. Let us go back to the *Hansard*.

What did the hon. Minister of Justice have to say on November 18, 2012? I repeat again. “We will put in place what needs to be put in place. First, the Attorney General will have to bring a measure to amend the Supreme Court of Judicature Act to allow for the appointment of a number of Masters. That is going to have to be done.” So you have the Minister of Justice, former, stating as a fact that the Attorney General will need to amend the Supreme Court of Judicature Act. You have a Note that speaks to an amendment to the Supreme Court of Judicature Act to recruit Masters in order for the operationalization of this Act, but the recommendations and the Minute say nothing. The Attorney General had two opportunities on August 09, and in the following week, whatever week that was, August 16, first when the Note came before the Cabinet, and secondly, when the Note came for confirmation. The Attorney General had two opportunities to understand the import and effect of this decision of Cabinet, which was to allow accused persons who have allegedly committed crimes ten years ago to go free. It is preposterous! Preposterous!

We are not talking about any fly-by-night junior attorney here. We are talking about somebody who gave themselves Silk in recognition of their own brilliance.

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We are talking about a distinguished attorney who has been to the Privy Council—how many times, 50? That is what you told me? So how many attorneys in Trinidad and Tobago have gone to the Privy Council 50 times and have been successful in the majority of those matters? There are not very many, not very many.

It is preposterous for the population and the country to accept that the Attorney General did not know, did not understand and was not aware that this decision of the Cabinet would lead to the proclamation of section 34, and would lead to the application before the court of accused persons. I do not accept that, Mr. Speaker. And on that basis alone I do not believe the Attorney General was sleeping in the Cabinet. I do not buy the argument about how you do not second-guess the line Minister. That could work if you are dealing with a road. That could work if you are dealing with a trade union dispute. That could work if you are dealing with a food card. But it “cyar” work when you are dealing with legislation. [*Desk thumping*]

I mean, on that basis alone, that preposterous theory that is being put before the country that the Attorney General, the legal advisor to the Cabinet, the person responsible for legislative drafting, sat down in a Cabinet and did not understand that when you proclaim an Act, with the exception of certain sections, you have to go and check and see what are the other sections that are being proclaimed, so you would understand what is being done, so you could advise the Prime Minister, advise the Cabinet, so the Cabinet would understand what is going on. It is preposterous that somebody who has constitutional responsibility for the administration of legal affairs in Trinidad and Tobago would put forward such a silly explanation for the inadvertent oversight that occurred in that Cabinet meeting. It is preposterous. For that reason alone the attorney should walk, for that reason alone, [*Desk thumping*] for putting forward that preposterous scenario that he did not know, he does not second-guess.

Now, Mr. Speaker—[*Interruption*]

Mr. Speaker: You have two more minutes.

Mr. C. Imbert: Certainly; I am nearly finished. I have almost reached the end despite interruption and interference.

Mr. Speaker, in preparing for this debate I had a look at what is the role of the Attorney General in the Commonwealth, because the Attorney General of Trinidad and Tobago does not stand alone. He is in the family of the Commonwealth. So I had a look at the Attorney General’s role in Australia, and I

got a paper, a speech done by the President of the Law Council of Australia in 2008, on the role of the Attorney General in Australia. And it says to us:

“The office of the Attorney-General was transplanted to the Australian colonies with the reception of English law.”

Exactly what happened in Trinidad and Tobago. The Office of Attorney General, which apparently first appeared in Britain in the year 1243—so it is nothing new, it is over 800 years old, or it is about 800 years old—was first transplanted to the Australian colonies and Trinidad and Tobago as a British colony for the reception of English law.

6.00 p.m.

And it goes on to say what the functions of the Attorney General in Australia are:

“The Attorney General is the principal legal adviser to the Cabinet.”

Now, I saw that in the website of the Attorney General; were you copying the document from Australia? “The Attorney General is the principal legal adviser to the Cabinet.” You said that on your website.

Hon. Ramlogan SC: [*Inaudible*]

Mr. C. Imbert: You, yes—does not matter. In terms of legal advice, the Attorney General is the principal legal advisor to the Government. So I decided let us go to the mother of our Parliament, “yeah”, Attorney General for England and Wales. What is the position of the Attorney General of England and Wales, Mr. Speaker?

Mr. Speaker: Member, your time is up but I will give you a few seconds just to wrap up.

Mr. C. Imbert: No problem. In England, Mr. Speaker, the Attorney General is the legal advisor to the Government, Mr. Speaker.

So to end my contribution, Mr. Speaker, the experience in the Commonwealth is clear, the Constitution is clear, the *Gazette* is clear, the Cabinet Minute is clear, the Attorney General should have, ought to have told the Cabinet that this proclamation was wrong and would cause accused persons to escape justice.

He has no excuse for that, Mr. Speaker, and, therefore, I support this Motion which, essentially, says that we express our disapproval of the breach of parliamentary trust by the Attorney General’s involvement in the premature proclamation of section 34.

I thank you, Mr. Speaker. [*Desk thumping*]

The Minister of Sport (Hon. Anil Roberts): Thank you, Mr. Speaker.

I must say that over the years while I was not in Cabinet for 12 and a half years, I did have the privilege and honour on the Parliament Channel especially since the advent of the Parliament Channel to pay attention and to learn a lot about the debating skills of the Member for Diego Martin North/East.

Hon. Sharma: He failed. He failed.

Hon. A. Roberts: No, it is true, so I must repeat it. You are brilliant, you have great experience and knowledge, but it just seems to me that lately you are slipping; day after day you are slipping and disappointing me. [*Desk thumping*]

The main crux of the argument in a very serious Motion, a Motion as stated by the member for Oropouche East that can force the Government to fire the Attorney General. The Attorney General and the Prime Minister “formulate” the Cabinet; Cabinet does not need a Minister of Sport. The Attorney General and the Prime Minister form the Cabinet and the Government. So this is very serious. So I listened quite intently to the Member for Diego Martin North/East because by far he is that side’s best debater; by far, there is nobody else in his class.

Hon. Member: He is the Leader of the Opposition.

Hon. A. Roberts: And when he comes, and his major point after an hour and 17 minutes—and I hope I could get two minutes extra also—his major point was that the printery didn’t print the *Gazette*. “He went there on the 11th, he couldn’t find the paper; they turn the screen, he read the screen, they didn’t have it, he was panicking, what is this? How could—these men went in court on the morning of the 10th, somebody had to tell them, somebody who knew.”

Hon. Member: Ask Anil.

Hon. A. Roberts: “Well, you could ask Anil but Anil didn’t tell them nothing.”

But we are here today to deal with the Attorney General. So he is trying to subtly imply that the Attorney General had knowledge when the public could not have known about this at all, the Attorney General ran by some long-time financiers, “eh”. Now, this is a People’s Partnership Government. They say they are UNC financiers; we have COP, we have TOP, we had MSJ back then and still have half the MSJ now, and we have NJAC, but they are talking about UNC financiers. So the public “didn’t” know at all, they could not have known;

therefore, these two gentlemen were given privileged information by somebody and they are trying to throw the Attorney General, that he ran to them and say, “Aye, fellas—” [*Interruption*]

Mr. Imbert: Mr. Speaker, Standing Order 36 (5), I distinctly said I was not accusing the Attorney General.

Hon. A. Roberts: No, I not talking about you.

Mr. Imbert: 36 (5).

Mr. Speaker: The Member has said that he did not state and he did not imply so his word is his honour—

Hon. Member: “Wha?”

Mr. Speaker:—and we move.

Hon. A. Roberts: We move on. Thank you, Mr. Speaker. Well, we move on.

They got advance knowledge from whoever, “it fall out the sky”. Right? “The men who build the stadium in Grenada came and told them that this thing proclaim, so run to the Court.” There is no way the population, the public could have known about this thing, no way. Except that on September 01, Asha Javeed, in the *Express*, wrote:

“President George Maxwell Richards has proclaimed The Administration of Justice (Indictable Proceedings) Act...in a move to end preliminary inquiries into...”

“I doh know how she know, but my point is that the public know, how she find out you could ask she;” but once she wrote this on September 01, ladies and gentlemen, the whole world, up to Obama and Romney, everybody knew since the September 01 that it had been proclaimed. And if that is my member, the Member for Diego Martin North/East’s main point, after an hour and 15 minutes, Mr. Speaker, in a serious censure Motion that can force the Attorney General and the Government to fall, I say he is slipping. I am saddened because I try to improve and impress on you, Speaker, and everybody, the kind of skills that the Member for Diego Martin North/East used to possess.

So just to repeat, and if the population—“because *Express* does only sell 77, 000 papers a day—so if somebody miss that and maybe somebody didn’ share dey papers, because you know when I read my papers, I share it so about three

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people does read my papers, so maybe two hundred thousand people might read an *Express* on a day; then it online, then it was on TV because *Express* and TV6 is the same thing, so it does be on TV, and TV6 news is about 300,000 people; so you reach about 550,000; and if some cyar read, some woulda get the message, so ah tink de public would have known.”

So your point is moot, Member for Diego Martin North/East because the whole population knows. And those who missed it on the 1st, they could have read it in the *Express* by Keino Swamber now on the 4th. Look Keino Swamber say that, “The Administration of Justice (Indictable Proceedings) Act which was proclaimed last week,…”

Hon. Member: How he know that?

Hon. A. Roberts: “Wait, how Swamber know?” So Member for Diego Martin North/East, that was very weak. And let us move on now.

He also went on—the Member for Diego Martin North/East started off, sarcastically, but to open up the debate and say that since this Government has come in, the Corruption Perception Index, we have gone down, we have fallen. I sat very quietly, you know, Mr. Speaker.

Mr. Speaker: Member for Diego Martin North/East, the crosstalk, you are disturbing the member for D’Abadie/O’Meara, and I am giving him my full protection.

Hon. A. Roberts: Thank you, Sir.

Mr. Speaker: Continue, hon. Member.

Hon. A. Roberts: I request and I need your protection, I do not like to battle, and I will take a little injury time, please, Sir.

The Member for Diego Martin North/East said that since this Government came in, the Corruption Perception Index, we dropped 18 places. Yes, that is true because we are unearthing all the PNM corruption “one after de nex, after de nex.”
[Desk thumping]

So people must say—in the world of government, they do not know that it was a PNM Government and now there is a People’s Partnership Government; there is one Government of Trinidad and Tobago, and if every day we are hearing about BWIA slot and Calder Hart getting charged and UTT, and Uthara Rao and Clico, and so on, and eTeck, well, of course, because the information is now coming out about you all; so, yes, we will pick it back up and we will improve as soon as we get rid of all of what you all did first.

Now, continuing to move on. I saw he made heavy weather—you know, he is brilliant, you know. And I remember in this Parliament, he is a genius, he will read from a law—[*Interruption*—yes, and he will change one word, remember in the Red House, I caught him changing one word, “shall” to “will”, and changed the whole debate, you know. But if you don’t check him, but I like to check him, here he is—[*Interruption*]

Mr. Imbert: Mr. Speaker, 36 (5), that never happened.

Hon. A. Roberts: What?

Mr. Imbert: He is imputing improper motives. I do not—

Mr. Speaker: Yes, yes. The Member is accusing you of imputing improper motives. Do not go there. Do not go there, please.

Hon. A. Roberts: “Ah done pass there, Mr. Speaker, ah gone, ah going fast.” Mr. Speaker, he is trying to throw me off; that is another skill he is using. Could you watch the clock carefully, please?

Mr. Speaker: No, you go ahead.

Hon. A. Roberts: Thank you Sir. And he went on and made heavy weather of the *Gazette* and the job specs, so to speak, and the responsibilities of the Attorney General on July 10, 2010, and July 11, 2012—oh, Mr. Speaker, he plays games with semantics. The fact of the matter is that, yes, in the Constitution, section 75, the Attorney General has certain responsibilities—76—and after that, what he did not put and what does not exist in the Motion is section 79. And it has been clear since the advent of the People’s Partnership Government, when the Prime Minister had the intellectual capital, the understanding of the governance of Trinidad and Tobago and understood that some drastic remedies had to be put on the administration of justice in order to solve and transform the justice system, so that we can have an impact on crime and that criminals would not be operating with such arrogance, as they knew that they could not get caught, because under that previous administration, the detection rate was at about two per cent of heinous crimes—so the Prime Minister, in her wisdom, understood that and created a Ministry of Justice; Ministry of Justice. And, in the *Gazette*, it says quite clearly that the Minister of Justice will deal with the Reform and Transformation of the justice system and the Quicker Justice Initiative Programme.

What is quicker justice? If we are eliminating preliminary enquiries that normally take three to five years, and sometimes 10 years before an indictment is laid, and you are getting rid of that; is that going to make the justice quicker or

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slower? I think it makes it quicker. So, therefore, it falls under Quicker Justice Initiative Programme. It never moved from the Minister of Justice. That was his ambit and he handled it.

So to say that the Attorney General, because it says that he is in charge of legislative drafting; the Member for Diego Martin North/East knows that the population, who is not as experienced as him, is watching, but he knows the process for a piece of legislation to reach this Parliament. He knows that when a law, when an idea comes into someone's head, after consultation and they want to change law, he knows what goes on, that the initial thought processes come in, they start to put it and start to create a Bill; you then go to the LRC, which is the Legislative Review Commission. Yes, you go in the Attorney General's building but the Attorney General is not in charge of drafting and bringing and promoting and putting in every clause of the anti-doping bill. It falls under his office like the Equal Opportunity Commission. Is the point of the Member for Diego Martin North/East that the Attorney General controls the dealings and judgments and caseload of the Equal Opportunity Commission and the DPP and the Industrial Court? I think not. He is playing semantics with some people who may not understand, but the fact of the matter is, the Ministry of Justice—the Minister of Justice piloted the Bill and was in charge of it. Why go looking for something that is not there? But they continue to attack the Attorney General and we do not know why. The Member for Oropouche East proffered some reasons why, but we do not know why; but they continue to do it.

Furthermore, I go on now—and the Member for Diego Martin North/East, brilliant, he said that the Attorney General did not know and the Cabinet did not know that the Cabinet Note that came to Cabinet would proclaim section 34. Mr. Speaker, not one Member on this side has ever said that that Cabinet Note, they thought or we thought or individuals thought would not proclaim section 34. In fact, the Prime Minister's statement made it quite clear, and I will get into that in a moment, but that was never an argument used. So to try to beat that argument, as the Member for Diego Martin North/East did, he is arguing with himself because nobody made that argument. "We moving right along."

The Member for Diego Martin West came, Mr. Speaker, and I was listening, and you would say that I behaved very well, "I didn't even give him any crosstalk, I didn't shout any 'renaissance', anything like that;" I was listening because this is a serious debate and I wanted to hear what he was coming with because the Prime Minister was presented with a problem, she dealt with it with alacrity, swiftest we have ever seen; she conducted an investigation and removed a sitting Minister

who is an MP. Never before has that been seen in the country. So I am here listening to the Member for Diego Martin West to see why he is going after this Attorney General once again, this Attorney General who he said went to New York and made some claims, and so on, when he was not even in New York, he was right here in his office.

6.15 p.m.

Then I noticed, while I was listening—as you see many Members here take up the *Hansard*, do a lot of research. The reason we have the *Hansard* is because the debate process, the parliamentary process, when you have something to say “yuh doh go behind ah chair and make ah deal”. That is not parliamentary, Mr. Speaker. If you have something to say and a point to make, and a commitment to make, you make it here. So when I am listening to the Member for Diego Martin West saying “dat up in de Senate de Attorney General went behind some chair, and talk to somebody who wasn’t dey, and what dey say is what—and bring hearsay here in ah serious Motion”, I am shocked that I even have to respond to that sort of debate in this august House. “Not ah *Hansard* record, not ah claim of anything but behind ah chair?”

Mr. Speaker, I do not want to know what anybody does behind a chair. That is of no interest to me in this Parliament. That is why we have the *Hansard*, so that you can record clearly what I have said and know if I have stayed to my word, and what I have said and upheld the highest principles. So to talk about something behind some chair and so, I am disappointed in the Member for Diego Martin West.

He also went on to speak about July 24 is a key date, when you go through the timeline in this proclamation. “Now, the hon. Attorney General was out ah de country. Doh take my word for it, call immigration, call um—call, what, is immigration will have it? When yuh go out at de airport? Call dem and check.” He left on July 20, came back August 04. There was a meeting on July 24, and there was an acting Attorney General and other Ministers there meeting with the Chief Justice and the DPP and so on.

The Member for Diego Martin West made a claim that I cannot wrap my mind around. He said, and he said it about five times and I quote that “In that meeting people were saying, Ministers who were there—and the other Minister was the Minister of Public Administration that he did not call—that Cabinet had taken a decision to proclaim and Cabinet had taken this, and Cabinet had done that.” Sir,

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the Cabinet Note arrived on August 06. Is it August 06 or 09? Sixth? August 06 was a Cabinet Meeting with the Cabinet Note. There was no Cabinet decision to proclaim anything on July 04.

So if anybody was talking about a Cabinet decision and Cabinet decide, they had to have spoken to Juliana Pena and they were seeing into the future [*Laughter*] because there was no decision, and the Member for Diego Martin is saying that, and in the same breath he is talking about the Cabinet Note on August 06 and confusing himself totally. There was no Cabinet Note, no Cabinet decision to proclaim anything before the Cabinet meeting of August 06. So in the meeting of July 24 where the Attorney General was away—now, remember this is a serious thing to deal with, to fire the Attorney General, and “now dey want to fire de man”—he was not there.

Number two, there was no Cabinet decision to discuss anything until August 06. Furthermore, again, the Member for Diego Martin West—he quoted, you know, and he did not just quote this time here. I think it was—“dey had some public meetings because election heating up, Tobago in jeopardy, we get rid ah de PNM in Tobago shortly, after 12 years of sufferation. Ah know is not ah word, but ah want dat on de *Hansard*.”

“De PNM are having many meetings and dey going live, and you know me, Mr. Speaker, I like to listen, so ah could improve on my skills as ah public speaker and so on, so I listen to talented people, like the Member for Diego Martin West, an experienced politician.”

He read from an article that he claimed the hon. Attorney General wrote before he became Attorney General in 2009 in the *Guardian* and he quoted, and he said: “Listen, listen my people, this is the mind of the Attorney General before he became Attorney General”, and he took out—and ah have the article here—he took out a couple lines and he said that the Attorney General believes in his heart and soul back then, or believed, before he became Attorney General—“that political financiers and investors hold secrets for men and women who, in their bid for power, make promises and accepted favours in our political culture. This cultivates and breeds political corruption. A measure of indirect political control is always desirable to prevent prosecutions”.

Now, when I read that like that, Mr. Speaker, do you not get frightened? You say, “Buh what kind of man will discuss dat? Wait nah, we want to have some control over de Judiciary so we boys and dem could get off.” I mean, anybody listening to that would say, “But wat is dis?” There is one big problem. When you

read the article, you would see that the Attorney General, when using those words, was referring to the history and put examples of how “de PNM use to govern, and how dey operated in circumstances, [*Desk thumping*] using political influence to impact on de Judiciary. He was speaking about dem and dey say dat he—dis is from inside his heart and, therefore, when he took his oath, he was coming with dis. No! He cyar come with dat because it belong to dem!”

So, Mr. Speaker, I cannot understand how the Member for Diego Martin West will come in this Parliament, live on TV and say things like this. I mean, I cannot use unparliamentary words, but I wish I was outside so I could drop some normal language, because that is unfair, to put it lightly. [*Laughter*] “Dat is not nice, dat is, dat is—leh mih stop before ah go, eh.”

Mrs. Khan: You may say the wrong word.

Hon. A. Roberts: “Yes, ah might say de wrong word.”

Then he went on to speak about the Chairman of the COP, my Chairman, Joseph Toney, and there is a brilliant son of the soil. He went on to speak about him and quoted from a statement that he made, but he forgot to tell the population that while we were debating here, and it is on the *Hansard*—we were debating here on the 12th when the Prime Minister acted with alacrity to call Parliament to repeal the section, and over there was the Member for Diego Martin West reading from a press release of Joseph Toney of the Congress of the People, and he said, and I quote: “This press release, this statement by the Chairman of the COP on September 11, states”—there is one problem with that.

The last time I checked—“dey aint throw me out yet”, so I am still a COP Minister, I am still on their email and press release list. I checked with my colleague from Arima, and we as COP Members of Parliament and Ministers got that press release and statement at 9.06 a.m. on the 12th. “So how Dr. Rowley, the Leader of de PNM, have it on de 11th, only Joseph Toney and Dr. Rowley would know. So leh dem talk about dat.”

Hon. Member: “Ohhhhhhh!”

Hon. A. Roberts: Moving along; now, the Member for Diego Martin West also—I do not know, I mean, he is brilliant. I know that in his—since he came into politics since 1986, and I think he got in the Senate and so on, in Parliament in 1991 and so on, he has acted as or has been the Minister of Housing, Minister of Integrated Planning and Development, Minister of “all kinda ting”, but I never remember—I think they made a mistake—”they should ah made him” either a

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Minister of Justice or an Attorney General, because, in his statement today, the Member for Diego Martin West said, “that he know, dat the whole world know, dat the indictment on those two gentlemen for Piarco one and two was going to be done jointly—so even though one was completed, two would be completed and dey had ah court date for de indictment to be laid in September.”

Now, how the Member for Diego Martin West knows that, I do not know that the DPP shares that information on any website or in any newspaper, so how he knew that to state that so categorically baffles me. The last time I checked my watch, today is October 26, I did not see any indictment yet in the papers. “I doh know if anybody could help me. Any indictment was laid yet?” But the Member for Diego Martin West gets up and “tries to make ah point”, that everybody knew that these charges were going to be laid in September, therefore, the conspiracy is, we had to rush to go and proclaim, “because man going an get charge in September, buh we nearly reach November. So de case falls down one brick at ah time.”

6.30 p.m.

Now, the Member for Diego Martin North/East, brilliant politician, brilliant debater, understands this stuff better than most—*[Interruption]*—I have seen him over the years—but somehow, in his contribution, he forgot to say that we came here; we all debated this Bill; it went upstairs to the Senate, to the other place; they added in an amendment, clause 34. One thing he forgot to tell everybody is that it came right back here. Right back here! The air condition was not as cold on that day—it was a little warmer—but it was right here. And then, the Minister of Justice was right here where I am standing and I was where the Member for Chaguanas East was and he would read out each amendment and they would debate it and discuss it.

When that clause 34 came here, it stated, as it finished off, that the stopwatch would begin at the alleged commission of the offence. That is what it said when it reached here. While the Member for Diego Martin North/East, who is so brilliant, read that; while the Member for Diego Martin North/East, in his contribution, was the only one in this august House out of everyone who spoke to mention Piarco 1 and 2—think about it; when you are formulating mens rea, you have to have a motivation to do something. What would motivate the Attorney General, who has worked so hard in his life to aspire to serve people; he has now gotten the confidence of the people and the Prime Minister to become Attorney General; he has won cases in the Privy Council, from Maha Sabha, from Feroza Khan, the public servant who Manning did not want to give promotion, down the line,

Ramjohn, and about five cases, five out of five Privy Council—[*Interruption*]—Marlene Coudray, come down the line? He worked hard; he did cases pro bono to reach to this august place and he would take such a risk to throw away his life's work, his life's career; it had to be a real strong motivation for somebody to do that. What could it be?

Then, when you see and you listen to what the Member for Diego Martin North/East said, it came back here, and instead of putting his knowledge to work and saying: Listen, how come this thing change from 10 years of when you first enter court or change to 10 years when the commission of the offence was alleged to happen, instead of saying, “nah” man, take out that “dat”—because he talks a lot. I think, if you check the *Hansard*, the Member for Diego Martin North/East is the number one talker inside “ah” here—motion after motion, talk after talk, full time; all the time. He never once said: “Well, listen, one: take out that and put it back normal; or two: go 15 or 16 or 20 years.” You know what he suggested? Go down to seven years. Take a little bit.

Understand what I am saying. If you go to seven years; “if the whole plan is to get man off, then you are assisting”. So, therefore, the Member for Diego Martin North/East had to be in the conspiracy. According to them, the Member for Diego Martin North/East had to be part and parcel of the conspiracy to not mention this change in this section; to not mention the wording; and to even suggest, to bring it down lower, “it mean that the Member for Diego Martin North/East in de ting”. So you see this conspiracy theory does not hold water.

The PNM cannot take that a Prime Minister, when confronted with a problem, after bringing good law and all Senators upstairs, PNM Senators, all Members out here, said it was good law; it would assist the system; it would cut out the backlog; it would allow magistrates to function; it would allow criminals to feel that if they get caught, they would serve some time—everybody thought so. Everybody thought it was good law and when you come now, you are trying to say, after a Prime Minister dealt with the situation, called Parliament, did an investigation, got aside quietly and handled the situation, you are coming now to run down an Attorney General who has absolutely nothing to do with it any more than all of us in this House; all in the House before; all in the LRC; all in the DPP office; all over the place.

Let me move on now to what I was planning to say before I was forced to listen to those two Members. Let us deal with the Motion quickly. The Motion starts:

“*Whereas* section 76(2) of the Constitution specifies ‘that the Attorney...’”

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Well, we already touched on that. The Prime Minister has the prerogative to assign duties to Ministers. If tomorrow the Prime Minister puts on my schedule that I am in charge of ensuring that Ministers and Senators dress properly under my portfolio, I will call in a few of them—Sen. Dr. Henry and so on—and sort it out because that would be my job. But the Prime Minister has that prerogative under the Constitution. So, to say that section 76 gives the Attorney General all of that and that is the be-all and end-all is disingenuous; so at the start of this Motion it fails because it fails to recognize section 79 of the Constitution.

We “done” know it fail, let us continue to beat it into the ground so that they would know not to come here and waste Parliament time again. They went on. It says:

“...the Attorney General participated in the presentation to Parliament...”

Yes, he did. Yes, I did. Yes, the Member for Port of Spain South did. Yes, the Member for Diego Martin North/East did. Yes, all the Independent Senators did, all the PNM Senators and all the Senators on the Government; everybody did. But the key to this Motion is: did the Attorney General have extra to participate? Did he participate as if he were piloting? Did he bring it? Did he have some superman cape to fly over more than myself or the Member for Chaguanas East or West? No, he did not. He participated just like all of us, so if you are censuring him, censure from that side first, starting with the Member for Diego Martin North/East.

We then went on and we said that the clause “created an amnesty for certain legal proceedings”. Well, everybody now focus on two people, but what it did also was allow people who were sitting there languishing without being charged, without getting their chance in court, to also get justice. It would have also cleared the backlog of cases so that fresh cases could start and the system, the wheels of justice could start rolling. That was possible, too.

Now, we move on to July 24. Well, we spoke about that. We spoke about the mens rea and a very important principle that I want the population to understand: when you are in a Cabinet—most people have understood collective responsibility, which means that Cabinet will discuss a matter and everybody will be given free rein in this Government. It did not occur in that Cabinet because the other Prime Minister would not tolerate any sort of discussion. We all know that when you discussed too many things with him, many of them were removed. In this Government, under this Prime Minister, everybody is free to air their opinions

on any matter. When you are in that room, you argue. I will shout and argue; bring my points and the decision is made. Once that decision is made, everybody stands by that decision.

But there is another principle that is not often spoken about. It is individual ministerial responsibility, which means that if I am bringing a Note to Cabinet, the assumption is that I bring it in good faith. I do my research and I bring it with a pure heart that I truly believe it will have an impact on the citizens and the Republic of Trinidad and Tobago and I bring it as a good decision, a good investment, a good programme; that I bring it with a pure, clean, mind, in good faith. That is a very important principle.

In other words, a Cabinet Minister—because the Member for Diego Martin North/East was trying to say that the Attorney General should have stood up in Cabinet and questioned his colleague and grilled him. This is not a witness box. When you understand individual collective responsibility, when each one of us swore on the Bible, the Bhagavad Gita or the Qur'an, we swore to do our duty, so we operate in the Cabinet on that principle. We do not operate probably like the Member for Diego Martin North/East.

He has been in many Cabinets; he boasted, but maybe their operation was a little different because they never “like” each other so they always “doh” trust each other; but here, on this side, we believe that each person has come here to serve the country to the best of their ability. So do not tell me that an Attorney General must grill a colleague Cabinet Minister when he or she is asked a specific question and gives an answer. How ridiculous! The Prime Minister made a statement and it is clear.

They tried to suggest on that side that the hon. Attorney General was involved in the proclamation. So, they realized that he was out of the country from the 20th to August 04. They realized that he did not bring the Cabinet Note. They realized that the Minister of Justice was asked questions by the Prime Minister and gave answers. That is on record; but they still want to “hound down” the Attorney General for whatever reason.

So what are they saying now? That in the proclamation, meaning that when Cabinet approved the Note that they had been reading, that the Attorney General was involved because the Parliamentary Counsel falls under his portfolio. What they failed to tell the population is that the Parliamentary Counsel is a quasi-independent office and when the Cabinet Minute is confirmed, the Cabinet

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Secretariat sends it to the lead Parliamentary Counsel, who “does up” the proclamation; sends it back to the Cabinet Secretariat, who forwards it to the President.

Please tell me, at what juncture does the hon. Attorney General get involved in that process? And anybody who pretends that the Attorney General is involved in that process is being disingenuous. So he is not involved in that process. So exactly where, why, when and how has this Attorney General acted in bad faith to come here to discuss a Motion of no confidence or censure in the Attorney General?

And all they come with today is talk behind a chair—who was behind a chair; who was under a chair and was next to the chair; but the population will judge because parliamentary time is very serious. We could be discussing Bills to move forward—more maternity leave; higher wages; raise minimum wage. We could be doing things to boost the economy—tourism, bringing legislation on anti-doping in sport, when you see Lance Armstrong. All the time we could be doing things to serve the country, but we are here debating because the Member for Diego Martin West is worried that when we beat him in THA, he “cyar” lead the PNM again; that “all man jack go jump up to want to lead; but no big ting. We go debate; leh we debate.”

The other point to be made, ladies and gentlemen—[*Interruption*]

Mr. Speaker: Hon. Members.

Hon. A. Roberts: Hon. Members. I looked too far over there. Sorry, Sir. “It kine ah hard to look here all the time. Leh me look at you.” Yes, Mr. Speaker.

The point that the Member for Diego Martin West was trying to drill at; you see, he had to respond to the fact that to do this big, grand conspiracy where everybody is involved, from the Legislative Review Commission to the lawyers, the legal staff at the Ministry of Justice, to the Minister of Justice, to the Cabinet, to the Parliament, to the Senators, Independent, PNM, Partnership; where all these people conspired to get two gentlemen off; what he had to do was to make the timeline tight; there had to be an urgent need for this thing to be rushed to proclamation and the Member for Diego Martin West attempted in this House to say that somehow he got inside the DPP’s mind and office and knew that and indictment was coming in September.

I came out of the womb of a lawyer, put inside by a lawyer and “de two fellas who shared there with me is lawyers and I never know or heard that they could

ever know when a DPP going to lay an indictment because the DPP doh advertise that. He doh advertise like KFC or Royal Castle on TV: ‘Ay, ah going an indict on September 26’.”

The Member for Diego Martin West came here today and tried to tell us that he knew; that all of us knew; and the whole country knew that September was going to be indictment time. We are nearly in November, no indictment, so his case falls flat. It is absolutely ludicrous to come in a Parliament and talk this tripe, Mr. Speaker. It is not fair. The Attorney General is an honourable man who has been doing great work. Is it that he is coming down hard on the Calder Harts and the Ken Juliens and the e TecK board? Is that why they are humbugging; is that why they are going after the young man? [*Desk thumping*] It makes no sense. The Prime Minister has dealt with the issue and yet we are here debating, but I will continue to debate. We move on.

We must also remember, while they like to say that it is only the Cabinet and PNM—the MPs had nothing to do and nothing to say—well, let me tell them that their leader, their real leader, their leader who is not here and we wish he gets back well—learned a lot of debating skills from him also—the Member for San Fernando East stated:

“I was also not present for the vote when the amended bill came from the Senate on December 09, 2011. I am now making it absolutely clear that if I had been present, I would not have voted in support of the Bill either in its original or amended form.

I totally reject Section 34, which would have paved the way for corrupt persons to escape the law. I would never had [*sic*] agreed to Schedule 6 omitting corruption. My position would have been completely different from the rest of the Parliament, including my own party colleagues. They said, ‘Yes’. I would have said, ‘No’, Manning...” said.

Now, what does this mean? You see, the Opposition would like the country to believe that they have no part in this because if you have a conspiracy, you have to nail it down to as few people as possible; but I have already showed that it was open debate. The clause came down here. The Member for Diego Martin North/East suddenly lost his debating skills and his knowledge and his brain. He left it outside at security and here now you are hearing a parliamentarian, a PNM, former Prime Minister saying if he were here, he would have said no.

What this means is that the Opposition had the opportunity to say no and it would have all stopped right there and none of this would have continued. It could

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have ended there with the Opposition, but it did not because it was good law. There was not a conspiracy. It was not a law made for two men; it was a law to move Trinidad and Tobago forward where we could enjoy safety and security in Trinidad and Tobago without criminals running our lives. That is what the law was about; “not about no two man getting off”. Be real in this country; we do not come here to make law for one or two people. We come to make law for Trinidad and Tobago and the Opposition understood that, too. Now, they “frighten” because election coming, “licks” coming and they trying to make “ting”. All right; no problem; politics good, we go deal with dat.”

I now move on to the hon. Prime Minister’s statement, and this forms the crux of the matter. Members opposite and to the population viewing, the Prime Minister was presented with a serious issue. The DPP and other Independent senior counsel wrote her and explained the ramifications; but what was critical—and I will read from the hon. Prime Minister’s statement, Wednesday, September 19, 2012:

“I chose to remain silent”—says the Member for Siparia and Prime Minister—“on the matter since any premature pronouncement could have been...injudicious...”

Members opposite and their supporters were saying: “You know what? Well, the Prime Minister, she act good you know; she solve it, but she take too long.” *[Interruption]* That is what you all said. That is how you all refer to her; not me. I refer to her as the hon. Prime Minister. I am speaking in your words, but the problem is that when you rush, when you are Prime Minister, you make injudicious decisions, such as when the Member for San Fernando East stood up in this Parliament and accused the Member for Diego Martin West when they were in Government about the Cleaver Woods project and \$10 million here and then when it was proven that there was nothing missing; he said it was \$20 million.

Mr. Speaker: *[Inaudible]* about San Fernando East.

Hon. A. Roberts: All right. Just en passant. *[Laughter]*

“As Prime Minister”—the Prime Minister continued in her statement—“my first task was to convene a special sitting of Parliament to repeal the proclamation of Section 34 as soon as the views of the DPP on this matter were made known to the Attorney General. This action was taken within twenty four hours of the DPP’s expressed views to the Attorney General.”

Now, do you all hear the clear, precise words? The DDP did not write to the hon. Prime Minister. The DPP wrote to the hon. Attorney General. Now, Members opposite would like us to believe that the hon. Attorney General was involved in a plot to get off these two men. He had reached so close to his goal; men had placed in the court on the 10th, their application under the new law. The DPP wrote him a letter. He is now, according to those on that side, on the verge of success; the Olympic gold is but a javelin throw away and what does the Attorney General do? “He take de letter from de DPP and run down by de Prime Minister and get de ting catspraddle.”

6.45 p.m.

Hon. Member: That is not a parliamentary word.

Hon. A. Roberts: That is not a parliamentary word? Okay—“and de whole ting mash up; de whole plan mash up.” Now, understand, ladies and—“ah mean” Members, people, listen! We are here because the Member over there, the Member for Diego Martin West, is saying that the hon. Attorney General was involved in some sort of plot to use this House and to use all the institutions for nefarious means, but here it is when he was presented with an explanation, 27 pages, by the DPP, an independent office, what did he do? “He grab it; he bump his starter and he run down by de Prime Minister.” This is not the way that people who are trying to conspire to get off people, that is not the way they act. This is how people of integrity act when information is brought and they have to correct an issue. [*Desk thumping*]

The Prime Minister continued:

“...three important institutional pillars, the independence of each being is vital and fundamental to our democracy. These pillars are the Executive, the Legislature and the Judiciary or put another way, the Government, the Parliament and the Courts.”

Now, Mr. Speaker, the Member for Diego Martin West spoke about governance issues: that this strikes at the heart of governance and our democracy. Let us talk about this governance. Since the People’s Partnership came into power, the first thing that the hon. Prime Minister did—[*Interruption*]

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

Motion made: That the hon. Member’s speaking time be extended by 30 minutes. [*Hon. Dr. T. Gopeesingh*]

Question put and agreed to.

Hon. A. Roberts: Thank you, Mr. Speaker. [*Desk thumping*] Time flies when you are having fun. I did not know I have so much more time, let me focus now. Governance: Member for Port of Spain South, you are a great Member of Parliament, pay attention. The first thing the Prime Minister did was to take the silver coat of arms off the Prime Minister's vehicle. [*Desk thumping*] "People, remember, the next thing she did was to take" the 12th version of an executive president constitution that nobody claimed to have written except the Member for San Fernando East—he said it was the former President and the late President; he said it was a committee. Nobody knew; nobody claimed.

The Prime Minister took that constitution that had certain powers in it that would become beholden unto that executive president that would impact on the separation of powers, where that executive president would control the Judiciary, the army, the Legislature and the Executive; our Prime Minister, the Member for Siparia, took that and dropped it in the bin.

When you are talking governance, the hon. Prime Minister said one chairman to one board—"no 10 boards with Calder Hart on 10 boards as 10 chairman and executive chairman; Ken Julien on six boards and executive chairman, no minutes and so on." None of that! This is about governance, Member for Port of Spain South. Understand this!

When you put people in charge of billions of dollars and they go with it, and Trinidad's corruption index goes up, because they are getting caught one by one, that is why you come here and blame us [*Desk thumping*] but it is your Government that squandered billions of dollars, and you have to stand here and understand that this Prime Minister put governance [*Crosstalk*]—"Leh me go down slow; leh me go down low. The Member for Port of Spain South get meh a lil rile up. Doh do meh that nah. Treat meh nice, thank yuh."

Hon. Member: She is angry.

Hon. A. Roberts: Not angry, but I know that she believes in good governance. She just happens to sit on the wrong side, but she is a good lady.

Miss Mc Donald: I am on the right side, do not worry.

Hon. A. Roberts: The Member for Oropouche East also reminded us that the PNM called a state of emergency to "lock up" a Speaker in Woodbrook and let her drink coconut water. That is bad governance. We have good governance. [*Crosstalk*] I know, Member for Arouca/Maloney, you would not know about that. Now, also, there was a big [*Interruption*]—Port of Spain South—
[*Interruption*]

Mr. Speaker: Please, please, Member for Port of Spain South, you are disturbing the Member.

Mr. Cadiz: “And Oropouche, he encouraging it.” [*Laughter*]

Hon. A. Roberts: Thank you. Understand where we have come. We have a Government that has put systems in place to ensure the independence of certain institutions; to ensure that the checks and balances to protect the taxpayers’ money are in place; and that there are no interlocking directorships.

This hon. Prime Minister has many powers under the Constitution, but she has not vetoed anybody’s appointment. The DPP was not appointed for years. The PNM refused to put a police commissioner in place. They had a police commissioner acting for three consecutive terms; 18 to 20 months acting. We have ensured that the institutions that are here to protect us are in place. So, do not come here and talk about governance. The Attorney General has been instructive in making sure that all the institutions work properly and are there to protect the people.

On page 9 of the Prime Minister’s statement, this summarizes a Government and the principle of the Cabinet. The Prime Minister said:

“There is no political consideration, no personal ambition, greater than public confidence in the good governance of our nation. I will never lack the courage or willingness to forego any political gain in pursuit of the integrity demanded of all us who are called upon to serve the people. The integrity of my government will not be compromised by anyone regardless of the office they hold. The consequences of such action are clear. I hold everyone who is entrusted to their job to be accountable and whenever I feel such trust is compromised or integrity breached I will act decisively.”

And the hon. Prime Minister has done that, and yet we are here listening to a debate where the Member for Diego Martin West brings as evidence “what somebody tell him”—somebody behind a chair said to somebody whom he does not know exists.

Now, the backbone of the conspiracy theory that states that the hon. Attorney General was involved in some nefarious plot to help people who are charged under the law get off, even though he was the one who made them spend nine long hard months in jail. When the PNM was there, they were out eating steak and shrimps. [*Laughter*] There is one problem, the entire case—[*Crosstalk*]—we would put it on film for the Member for Laventille West—Member for Pointe-a-Pierre, I want you to listen to this one. “Ah going down soft like my Prime

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Minister has instructed, Mr. Speaker. We are going soft, so ah doh want to be disturbed”—is based on the secret proclamation of section 34. Right! Secret! In the dead of night, Cabinet, Attorney General went to proclaim section 34. It was a secret. There is one problem.

In my hand I hold a letter of February 22 from the Ministry of Justice signed by the Permanent Secretary in the Ministry of Justice. Mr. Speaker, I beg to just quote a little from it. It is written to Mr. Roger Gaspard SC, Director of Public Prosecutions and it says:

I wish to request your kind assistance in providing information pertinent to the recent passage of the Administration of Justice (Indictable Proceedings) Act, 2011, for which your contribution during the consultation process is greatly appreciated. The said Act was assented to on December 16, 2011 and is awaiting proclamation. Section 34(3) of the said Act provides as follows:

It quotes it verbatim and then goes on to say:

The section cited purports to create a cut-off period for which matters can be tried and applies where the offence allegedly occurred more than 10 years prior to the initiation of proceedings.

Further, it provides for a discharge of the accused on the grounds of delay for certain offences.

Now, “Oropouche East”, you want to hear this part.

Dr. Moonilal: “Ah must!”

Hon. A. Roberts: Yes. This is a letter dated February 22 this year, from the Ministry of Justice, the Permanent Secretary there, to the hon. DPP, Roger Gaspard and it says:

It is the intention of the Ministry of Justice that there should be proclamation of the said Act by the middle of this year i.e. approximately around the month of June 2012, as part of the Ministry’s mandate to oversee the implementation of the legislation.

Conspiracy theory “buss”, no secret, no quiet surreptitious rush to proclaim—February 22 to the DPP, stating that the Ministry of Justice, the permanent secretary wanted to move toward proclamation by June. So, when it was proclaimed on August 30, it was not early, it was late!

Miss Mc Donald: That missing something.

Hon. A. Roberts: What is it missing?

Miss Mc Donald: When I rise.

Hon. A. Roberts: When you rise. “You could talk now, yuh know. Like yuh want my time.” So, the DPP was asked and responded. They responded on March 26 and May 22. So, the fact is that it was not a secret. The plan was to move forward with the proclamation. So, what conspiracy? What plan of the Attorney General? This is not the Attorney General. This has nothing to do with the Attorney General. This came from a separate Ministry, from a permanent secretary, not “cc” to the Attorney General; absolutely nothing to do with the hon. Attorney General and it was made clear that they were trying to accelerate and move forward.

Now, when you are talking about governance, and you talk about the Prime Minister, when she found out, the Prime Minister dealt with the situation immediately. I take you to 2007 to show that this hon. Attorney General, this Government, when presented with a problem deals with it. In 2007, the PNM amended the Home Mortgage Act and then—just to cut a long story short—because of the amendments made in this House which the Opposition voted for—they voted for a certain member, PNM treasurer was able, through interlocking directorships—that is why I talked about governance; governance is very important—was able to purchase from himself to himself—with the assistance of Calder Hart being on the Home Mortgage Bank, TTMF and then a small company—110 million shares from the Home Mortgage Bank. Now, that was really upsetting to the population and it showed that people used their position to profit.

The hon. Prime Minister then, the Member for San Fernando East stated:

“I intervened and said that these reports had been referred to the Commissioner of Police; the Director of Public Prosecutions and the Integrity Commission. Mr. Speaker, on checking that information, it was not correct.”

So, when the issue came up, and it was brought as a substantive Motion, the hon. Prime Minister then got up and misspoke. What he stated was, as soon as he found out, he had done the right things. You see, the Member for Siparia did not say it. The Member for Siparia did the right thing immediately, but then it gets worse. The then Prime Minister goes on to say:

“Once again, I wish to apologize”—that was nice of him—“to Members of this House and the national community for that error. It was always our intention to refer it to these bodies.”

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So, you see, on that side, they intend to do things: they intend to bite the bullet; they intend to bring procurement legislation since December 24, 2001. They got voted out on May 24, 2010; they did not “bring no procurement legislation”, but they intended to, but here on this side, “the Attorney General run by the Prime Minister” when the DPP wrote, and within less than 24 hours Parliament was summoned to repeal, and then an investigation went on and she handled the situation; no talk, action on this side. [*Desk thumping*]

7.00 p.m.

The hon. Prime Minister then, Member for San Fernando East, said:

“When I made my statement in this honourable House what, perhaps, I did not do was to convey the extent of the Government’s displeasure over this transaction, whether or not it was legal.”

He went on to say:

“What I will say is this: it was at the instance of this Government that hon. Members opposite supported us...”

So, just like this, we brought good legislation. The Opposition supported back then, they brought good legislation. The Opposition then supported, but what happened was that one or two individuals used the good law—because I would not say it was a conspiracy; I am not going to do that—to profit for themselves. But did that side, the PNM Government, did they come to Parliament and deal with it? Did they do anything about it? No, they did not. The then Prime Minister said that he would ensure—he says:

“What has now emerged with one individual or one company substantially owning the shares of Home Mortgage Bank is contrary to the Government’s policy. Just as legislative action on the part of the Government facilitated that transaction, so we intend”—this is the PNM Government—“to resort to legislative action to correct it, and in correcting it, we are going to ensure also that the shares are now retransferred at the same price the shares were transferred in the first place.”

That was what they wanted to do, they intended to do. You know what actually happened? “Monteil sell back de shares and make \$20 million profit on top ah it, and no legislation eh reach here.” They never brought anything. Before the 2007 election they did not bring it. They had a 2007 election, “he win the election.” He brought—[*Interruption*]

Miss Mc Donald: Mr. Speaker, I rise on 36(1), please.

Mr. Speaker: Member, I think I know you are going through a long piece on San Fernando East and the former Prime Minister, but if you could connect it to the Motion before this floor—you are moving dangerously close to being irrelevant, so connect it for me, please.

Hon. A. Roberts: I would never want to be irrelevant here, Sir, so what I am doing is connecting.

Mr. Speaker: Yes.

Hon. A. Roberts: I am connecting—it is—[*Interruption*]

Hon. Member: Anything could be more irrelevant than the [*Inaudible*]?

Hon. A. Roberts: [*Laughter*] This Government brought legislation to the Parliament which is the reason—we brought legislation here which is why we are here in this Motion of censure and no confidence in the hon. Attorney General. When we brought that legislation, the honourable Opposition supported us. Then it was seen that two individuals—that was not intended—would benefit from this law. This Government acted immediately through the Attorney General and the hon. Prime Minister to correct the flaw.

I am showing, Mr. Speaker, that the Opposition, when they were in Government, they were presented with “the exact same” situation. They came to the Parliament with law that they thought was good law. The Opposition then thought it was good law and voted with them to pass the law, but, then, one or two individuals used the good law to gain financially from that law. And what happened at that time is—nothing! That is the point. So you ask if the country has no confidence in the Attorney General. You ask if the country has no confidence in the hon. Prime Minister. You ask in this Motion if the country has no confidence in this Government, and, I tell you, the country has more confidence in this Government because it deals with issues; it deals with problems; it does not say it is going to do something and does nothing. It acts with alacrity to solve problems and ensure good governance, and that is what this Motion is about.

Mr. Speaker, there is a little case. It is the same because they brought about Cabinet—the Member for Diego Martin West was excited to say that we have been allowed inside the cloak of Cabinet privilege, and so on, and he went on to discuss Cabinet matters. Now, while we understand—and we spoke about individual ministerial responsibility and collective Cabinet responsibility. Again, when you bring a Motion of no confidence in the hon. Attorney General, who

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forms the Cabinet with the hon. Prime Minister, you are speaking about the governance, the Cabinet's ability, moral authority and mandate to govern this country, and the people who are bringing the Motion were in Government, and they were in a Cabinet.

Here we have another situation where the Cabinet, under the PNM, was presented with a Cabinet Note, just like our Cabinet; their Cabinet Note came on November 09, 2006, and it was not brought by the then substantive Minister of Finance, who was the hon. Prime Minister and Member for San Fernando East. It was brought to the Cabinet in 2006 by a Minister in the Ministry of Finance, the hon. Conrad Enill, and this Cabinet Note purported to tell the Cabinet that £5 million was the best price that the Government could get for two Heathrow slots.

Further investigations have been done, and I hold a report on that entire transaction and the recommendations of this committee, and it has been proven that there were serious breaches in the procurement process when an RFP—no open invitation was sent out—that the then chairman, Mr. Arthur Lok Jack, only invited three companies to tender or to offer bids for the slots, when it was well known that the Open Skies Agreement was coming through in 2007, which would make these assets very valuable, and that the price would average between £25 million and £44 million.

Yet, the Cabinet—that Cabinet—and they are talking about this Attorney General—sat with a Note brought by the Minister in the Ministry, not by the then substantive Minister of Finance, who was the Prime Minister, which is totally abnormal. Furthermore, the chairman of the board—this reports states—Arthur Lok Jack, was not reporting to his line Minister, which would have been the hon. Prime Minister. He was, in fact, reporting to the Minister of Public Administration who had no authority, whatsoever, over the then BWIA, and he and his board went through processes that did not conform to the Ministry of Finance's and Trinidad and Tobago's taxpayers, and the people of Trinidad and Tobago lost out on between £20 million to £39 million.

Mr. Sharma: What a shame!

Mr. Ramlogan SC: Shame!

Hon. A. Roberts: And they sit here and talk about trust, Cabinet process and the hon. Attorney General? Everything I have said here, the hon. Attorney General has absolutely nothing to do with this situation. He has been doing great work for this Government and for the people of Trinidad and Tobago. [*Desk thumping*]

How much time I have? I will wind up.

In conclusion, Mr. Speaker, a system of checks and balances exists in our system of governance. In this case, unfortunately, 99 per cent of the checks and balances failed. It may not be coincidence that 34 is “blind man” in Play Whe, because we were all blinded—blinded by the need to save a failing justice system; blinded by the desire to make good law; blinded by the need to protect our citizens from criminals; blinded by the love of our country; blinded by the principle that all men are good and honest until proven to the contrary.

We were blinded by individual ministerial responsibility to Cabinet. The only group who was not blinded was the highly paid to see, to search, to find pathways to freedom for their clients. The highly paid lawyers of the individuals were the only ones who were not blinded. I do not come down on them. They were paid to do their job and they did it well. They found a light through the tunnel and they went for it. Their actions removed, though, which was good, the cataracts from all of our eyes, whether it be the Government, the Cabinet, the Opposition, the Independent Senators, the PNM Senators, the Senate, the Chief Justice, the DPP, the LRC, the Law Association. The cataracts were removed from our eyes so that we could see.

And we thank God for the *Guardian* reporter, who then saw. We thank God for the DPP, who then saw. We thank God for the Attorney General, who then saw and immediately acted—[*Desk thumping*—]—and we thank God for the Prime Minister and Member for Siparia who summoned Parliament, repealed the section, investigated the matter and acted with alacrity—[*Interruption*]

Miss Mc Donald: Oh God, take down the desk thumping.

Hon. A. Roberts:—ensuring the checks and balances in our governance system—“ah getting ready for election; Tobago we coming”—while almost defeated—we are ensuring—the Prime Minister’s action ensured that the checks and balances in our governance system while almost defeated, Mr. Speaker, the Prime Minister and the Attorney General ensured that our system of governance prevailed in the end, so that our citizens can have confidence in our entire system of governance and its institutions designed to maintain and strengthen our democracy.

Thank God it happened under this Prime Minister, who has the fortitude, strength, maturity, character, class, conviction, love, spirituality, selflessness and patriotic zeal to act, and to act decisively.

Mrs. Persad-Bissessar SC: That is a fact.

Hon. A. Roberts: Thank God we have this Attorney General—[*Desk thumping*]*—*who acted in the best interest of Trinidad and Tobago, immediately, and thank God it was not those on that side because we would be here crying, we would have done what we would have done, and should have done. Mr. Speaker, I thank you. [*Desk thumping*]

Mrs. Paula Gopee-Scoon (*Point Fortin*): Mr. Speaker, let me start by wishing the Muslim community of Trinidad and Tobago, Eid al-Adha greetings.

Hon. Member: Eid ul-Adha!

Mrs. P. Gopee-Scoon: That is okay. I mean, it is not a laughing matter, Member for Mayaro. Eid ul-Adha, known as the feast of sacrifice which is celebrated by Muslims all across the world, so this is, I understand, a festival commemorating the willingness of Abraham to sacrifice his sons, and it also marks the end of the Haji [sic] pilgrimage to Mecca.

Mr. Indarsingh: Hajj!

Mrs. P. Gopee-Scoon: So that the Hajj pilgrimage to Mecca—[*Interruption*]

Mr. Ramlogan SC: “Oooooooh!” That is an insult to the Muslim community.

Mrs. P. Gopee-Scoon: I am not insulting the Muslim community. So many are celebrating, today, with prayers and social gatherings, and I am sure most of them are all sharing their traditional dishes and will be in their traditional clothes. I noticed that no one from this Government is wearing any traditional Muslim clothes today, and I am quite surprised.

Hon. Member: “I like your one. Ah like yours.” [*Crosstalk*]

Mrs. P. Gopee-Scoon: Mr. Speaker, but we do recognize the contribution of the Muslim community in Trinidad and Tobago in the areas of business and education, and, of course, their social contribution as well. [*Interruption*] I mean, really, you all should have done something very special on behalf of the community, like issue a commemorative stamp or something like that, but you have done nothing and when we return to office we will celebrate with the Muslim community in the way that we should. [*Desk thumping*]

Dr. Moonilal: This is the first time they celebrating any big [*Inaudible*].

Mrs. P. Gopee-Scoon: Again, special Eid greetings to all of the Muslim community of Trinidad and Tobago, and especially those in Point Fortin and the children of the Point Fortin ASJA School.

Mr. Speaker, may I have your protection?

Mr. Speaker: Hon. Members, would you allow the Member for Point Fortin to speak in silence, and let us observe 40(a), (b) and (c)? Continue, hon. Member.

Mrs. P. Gopee-Scoon: Thank you, and I do apologize for saying Hajj as against Haji, Mr. Speaker. [*Interruption*] [*Crosstalk*]

Hon. Member: Gone back again.

Mr. Indarsingh: [*Inaudible*] familiar with Haji.

Mr. Speaker: Please, Members, on the other side, please.

Mrs. P. Gopee-Scoon: Mr. Speaker, someone before, I think it was the Member for Oropouche East, spoke about—and I laughed a lot and I think we all laughed a lot about these Western movies and books, and “meet me at high noon”, but somewhere along the lines I laughed, and I immediately remembered another comic strip that people around our time would have known of, and that is the *Li'l Abner* comic strip. I do remember that there was this character who always had a cloud over his head, and somehow the discussions today remind me of that character in the *Li'l Abner* comic strip, with a cloud hanging over his head, and that cloud hanging over his head, I think the Prime Minister ought to be warned of and certainly look at.

We witnessed a lot of talk here today from the previous speaker, and, of course, he deviated a lot from the Motion. He seemed to be going back to 2009 and somebody else went back to 2004, and, I mean, if I am to assess his contribution at all, I would want to say that it was abysmally poor. [*Desk thumping*] I need to remind the public, through you, Mr. Speaker, and remind them more than ever, that we can all speak. It is all right for us to speak and we can speak in comfort. The public has already judged us, and what we are doing is causing you to respond, so that in fact when you respond in such a poor manner, it is, in fact, the public that is judging you and you do have to be careful about your responses. It is not us.

7.15 p.m.

Therefore, we really failed to understand what the Member for D'Abadie/O'Meara came here with today. For the most part he did not address the Motion which was at hand. How many times are we going to hear about Calder Hart, Ken Julien and so on? Every debate it is the same thing. It is about time that the Government starts acting on its own defence and speaking of matters that have occurred within their time in office.

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The Member in his contribution spoke as well of somebody on this side “speaking tripe”, and the Speaker did not object. All of us come here, and it takes a lot of preparation. Even after many years of doing this, sometimes you never feel comfortable about doing it, but we make a lot of effort, and we come here in the interest of our constituents. To hear that a Member is referring to us as “speaking tripe”, I find that statement very, very offensive. [*Desk thumping*]

Mr. Sharma: What are you doing now?

Mrs. P. Gopee-Scoon: It is about time he stops with this joke about “strimps” and “flim” and so on. You said it once, you said it twice. [*Desk thumping*] I mean, at this hour—7.17—many people, many young people are listening, it is not a joke, and they are really judging you. I would not want them to think you are a comedian, Member for D’Abadie/O’Meara. I think you are worth a lot more. Let us see you shine.

I think there was some concern about whether we are on the right side or not. I want to assure you that we are on the right side. [*Desk thumping*] We have no discomfort about our present situation at all. It is all about sacrifice, and we know that it will not be too long again. As a matter of fact, things will begin to unfold as early as late December early January. [*Desk thumping*] We will begin to see the signs. [*Desk thumping*]

There was something else that the Member may have discussed about the justification for the timing of the proclamation of section 34, but I think I want to deliberately leave that back for a particular colleague of mine who I think can deal with it in a most comprehensive manner. So that would be dealt with then.

Mr. Speaker, why are we here? We are here because of section 76(2) of the Constitution which specifies, and I quote:

“The Attorney General shall, subject to section 79, be responsible for the administration of legal affairs in Trinidad and Tobago and legal proceedings for and against the State...”

We are here because of a series of events surrounding certain persons who are connected to the Government; events which are too interconnected to be mere happenstance. These events brought a shame on the Republic of Trinidad and Tobago; shame on the Republic internationally and shame on the Republic domestically. If I am to quote from the actual Motion it has engendered:

“...unease, anger, disappointment and a general sense of loss of confidence in the Attorney General among a large cross-section of the national population.”

We are here because of the series of events. We are here, of course, because we must recognize the very important constitutional office which the Attorney General holds. Because the Constitution makes the Cabinet and makes the Ministers of this Government accountable to the Parliament, that is why we are here; because where they have erred, we have to call them to account. [*Desk thumping*] We are here lastly because section 34 has turned into C43; that is why we are here. [*Desk thumping*]

Trinidad and Tobago, like many other States, have established mechanisms for cooperation and coordination in extraditing offenders, in order to ensure that persons who violate laws in one State do not find sanctuary in another State. So that before 1966, Trinidad and Tobago and the United States acted bilaterally through a 1935 treaty which had existed between the UK and the United States, because we were a colony then. But it was the view of both Governments that this was in fact outdated and that we needed to update that treaty that was signed so long ago. So the two Governments, the United States and ourselves, got together to improve the legal framework for coordination and cooperation with each other in extradition matters, to our mutual benefit. This is how we concluded the Extradition Treaty in 1966.

At that time also we signed the Mutual Legal Assistance Treaty, and that signalled a common desire to strengthen the legal architecture for cooperation and coordination in combating transnational crime. So that the policy which underpins that extradition treaty is to ensure that justice is done, and there is absolutely no sanctuary, there is absolutely no impunity for the perpetrators of such serious crimes as money laundering, drug trafficking, corruption and terrorism, which will always represent a significant threat to the interest of the country and to the interest of the citizens as well and even to our economy.

So cooperation and coordination between the United States and Trinidad and Tobago under the Legal Assistance Treaty and the extradition treaties arise from the common interest in ensuring that impunity does not flourish. That is what it is about. So it is firstly to ensure that we protect ourselves from internal and external security threats and, secondly, to be able to act in concert with our partner to ensure that the latter's interest is also furthered in ensuring that there is an effective criminal justice system within both countries.

These bilateral treaties serve to ensure that small, vulnerable and even capacity-challenged—I will not say that we are small, but we are certainly vulnerable and capacity-challenged, especially since you have come into office and dispensed with all the security apparatus and systems that we have put in

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place, and the OPVs and so on, but we have spoken enough about that at the time of the budget—notwithstanding the transnational character of the crime, it means that these perpetrators will not remain safely ensconced in another jurisdiction, outside of the reach of the national, judicial and law enforcement authorities of the State where the offence occurred. That essentially is what this cooperation and coordination is about.

It is somewhat ironic that States—and I move on, have—in fact, benefited from liberalization and globalization. But just as they have benefited from that, it is widely accepted that persons have been able to advance their criminal interests precisely because of that sort of liberalization and this global world in which we now live. Of course it is aided by all the successes in terms of technology, and that has created this whole impetus of a global village and the freedom and ease with which we conduct business.

In respect of the treaties which we signed, and they were signed by the hon. Basdeo Panday in 1966, I want to say that there is great doubt whether this Government has faithfully adhered and carried out the obligations contained in those instruments with regard to the request from the United States for the extradition. That is the concern, whether the Government has adhered to and carried out the obligations that are enshrined and that are contained in those instruments with regard to the request from the Government of the United States for the extradition of particular persons. I will leave it at that, Mr. Speaker.

I want to make the point that there has been failure on the part of the Government to implement their obligations in good faith. How else do you interpret the press release by the United States Government issued in September of this year, expressing concerns about this particular fraud case and the fact that it may be dropped. In fact, the release had said, and I want to quote that release from September 11, 2012:

“The United States continues to seek their extradition despite the ruling last year by the Trinidad and Tobago High Court. They remain under indictment in the United States’ ...”

As we know, I believe the United States had cause to have an initial release sometime in December 2011 when at that time the Attorney General had announced his decision not to appeal Justice Boodoosingh’s ruling which quashed the Attorney General’s Order for the extradition of particular persons from charges arising out of fraud and bid rigging and so on in the Piarco project.

So I want to say with some “definity” that the recent actions of the Government seemed designed to clothe with immunity these particular persons, these certain persons referred to in the Motion, who are still under indictment in another jurisdiction. This runs counter to the fundamental principle that there should be no impunity for crimes committed against another State. This is what underpins the extradition treaty, this is what underpins the Mutual Legal Assistance Treaties which I said were concluded in 1996.

Any action by a party that militates against the cooperation and coordination which is envisaged by those treaties, the Government is really defeating the object and the purpose of the treaties, and then it really calls into question whether or not the party is implementing in good faith the obligations that it freely assumed in the exercise of its sovereign will.

In the particular case which I am speaking about, I do not believe that there has been strict adherence to the obligations under those particular treaties that our Government committed itself to. I do not see that it has been evident in the particular case that we are speaking about. So that even after Justice Boodoosingh’s ruling and in the light of section 34, the US Embassy had cause to say that they still wanted these certain persons extradited, so indeed the matter is not closed at all. It is not closed. That really does not augur well for the continued coordination and cooperation of our obligations, which have characterized the bilateral relations between the US and ourselves.

7.30 p.m.

What has happened as a result of that is that there is going to be a price to pay for the manner in which the Government has handled this matter, and, of course, it is always the people who are the ones to pay the price. It is not the Government who, for their own political skullduggery—if I want, if I am allowed to use that word, Mr. Speaker—or shenanigans, it is in fact the people of Trinidad and Tobago who are going pay the price.

It is not a question of perhaps that all the requests for extraditions must be accepted. It is certainly not a question of that because the treaty which we signed certainly allows for exceptions, and if I can quote at all paragraph two of Article 10, it says:

“If the request is denied in whole in or in part, the Requested State shall provide an explanation of the reasons for the denial. The Requested State shall provide copies of pertinent judicial decisions upon requests.”

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So, it may even well be on account of the court refusing to grant the Order—it may be even on account of that—but the real issue will always come back to the fact of whether the current Government of Trinidad and Tobago has treated with the extradition request in good faith, in accordance with its obligations under international law and the particular treaties themselves, Mr. Speaker.

Framed in all of these terms that I have just outlined, I want to say that this Government stands exposed as having acted in a particular manner which has the ultimate effect of frustrating the request from the United States, and preventing the extradition of these certain persons. So, I want to say they knew what they were doing, and they deliberately frustrated the request of the US Government and prevented the accommodation of the extradition of these persons.

You see, Mr. Speaker, in the language of the treaties—and I am sure that the hon. Attorney General will be familiar with it, I am sure he has gone over that many times—the United States will be the Requesting State and Trinidad and Tobago will be the Requested State. So that when the Government processes an extradition request from the other party, from the US, it is in fact representing the Government of the United States of America. They present the request and the effect is that we, in putting requests at the courts, are in fact representing the Government of the United States in the courts of Trinidad and Tobago.

Then of course, according to Article 26 of the Vienna Convention on the Law of Treaties, and I am sure that the Member for Diego Martin North/East and the AG will, again, be familiar, and of course all the lawyers on that side will be familiar with the Vienna Convention Law of the Treaties. The whole question of *pacta sunt servanda*, that: “Every treaty enforced is binding on the parties to it and must be performed by them in good faith”.

So that when both Governments signed those treaties they were committed to implementing the treaty in good faith in accordance with Article 26 of the Vienna Convention on the Law of Treaties; that is international law. So that I am saying, the Government is under a duty, under an obligation to act in good faith, and to represent—this is another apart from acting in good faith—the United States to the best of its ability. That is what it is about because that is the effect of the treaty that we represent the United States in the courts of Trinidad and Tobago with regard to the particular request.

So that when hon. Leader of the Opposition, I believe he was the one who spoke about it—he spoke about the Attorney General changing a winning team of lawyers who had represented the United States successfully, and I think they all

went to the Privy Council as well. So that when he spoke about that—and this Government when they came into office and they changed that winning team, Mr. Speaker, the question you have to ask yourself is: was this Government representing the interest of the United States in good faith, and was it acting to the best of its ability of itself, of the Government of Trinidad and Tobago? Clearly they have not been doing that by simply—[*Desk thumping*—changing an excellent team of lawyers who were in place and we were meeting with much success. [*Desk thumping*]

Then again, when Justice Boodoosingh had stated that among the reasons for quashing the Attorney General's Extradition Order, and requiring that the particular persons be tried locally in Trinidad and Tobago, was the fact that the new legal team put in place by the Attorney General to represent the United States, the fact that they had failed to—and this is what Justice Boodoosingh had raised, that this new team—you should be familiar with the judgment, Member for Oropouche East, right. I am saying that the new team failed to address particular questions which were posed to them during the trial. You have to ask yourself, was this Government, was the Attorney General, were they representing the interest of the United States in the extradition request in good faith, and to the best of the ability of the Government of Trinidad and Tobago? The answer to that is, clearly, not.

Hon. Member: No.

Mrs. P. Gopee-Scoon: Not so at all. [*Desk thumping*]. Again—[*Interruption*]

Mr. Warner: Mr. Speaker, I thank you.

Hon. Member: Oh, please.

Hon. Member: We wish.

Mrs. P. Gopee-Scoon: When the hon. Attorney General, who according to the DPP, in the statement he had made in September, that the hon. AG must have had in his mind—known about the existence of section 34, when he announced his decision not to appeal Justice Boodoosingh's judgment. When the Attorney General participates in a decision of Cabinet to prematurely and surreptitiously proclaim section 34, you have to ask yourself, was he representing the interest of the United States in the extradition request in good faith—[*Interruption*]

Hon. Member: No.

Mrs. P. Gopee-Scoon:—and of course to the best ability of the Government of Trinidad and Tobago? Of course, the answer is clearly not; again, clearly not.

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So that, Mr. Speaker, if the answers to all three questions are in the negative, and I am sure a vast majority of the country is assured that these answers to the questions are in the negative, then the Attorney General stands revealed to the world as someone who knowingly participated or orchestrated or was involved in the orchestration of a grievous breach of the treaty obligation of the Republic of Trinidad and Tobago to the United States of America.

Hon. Member: “Yeah.”

Mrs. P. Gopee-Scoon: Further, Mr. Speaker, if the answer to all of the three questions is in the negative, and again, as the vast majority of people of this country believes that they are, then the hon. Attorney General stands revealed for all the people of this country to see, as the one who has flagrantly violated the oath of office he took on being sworn in when he said to the country, and we all said it, and I can quote:

“...that I will bear true faith and allegiance to Trinidad and Tobago, will uphold the Constitution and the law, and will conscientiously and impartially discharge the responsibilities to the people of Trinidad and Tobago upon which I am about to enter.”

That is the oath which the Attorney General took, as we all did when we entered public office, Mr. Speaker, and that speaks to trust and confidence.

Hon. Member: That is right.

Mrs. P. Gopee-Scoon: When you break that oath, or appear to, that speaks to trust and confidence. I want to say that trust and confidence can find no repose in this Government, absolutely no repose in this Government, and also that trust and confidence have taken flight from this Attorney General, [*Desk thumping*] if I can put it that way, as they have from this Government as a whole; trust and confidence have taken flight from this Government as a whole.

It is evident that there is tremendous—there is a stain, that there is a stigma, and that there is shame associated with this Government’s handling of the premature and surreptitious proclamation of section 34. This is far from a salubrious or healthy accommodation, Mr. Speaker. So that the Attorney General—and speaking of taking flight, I think that the Attorney General must take flight from his office, and [*Desk thumping*] of course, even though he leaves, the shame and the stigma and so on, attached to section 34, will still remain as long as this Government remains in power. It will not leave them—[*Interruption*]

Hon. Member: That is right.

Mrs. P. Gopee-Scoon:—because of the very important office which this Attorney General holds, and I am saying it is an affront to the people of Trinidad and Tobago. I think it is an open in the face contempt to the people of this country, Mr. Speaker, and therefore, I think he should resign forthwith. [*Desk thumping*] That is what in fact the Attorney General should do. [*Desk thumping*] Failing that, if he refuses to resign or he chooses not to resign, I think it is the duty of the hon. Prime Minister to dismiss him—[*Desk thumping*]

Hon. Member: That is correct.

Mrs. P. Gopee-Scoon:—if the hon. Prime Minister has any desire at all to repair the severely tarnished image and reputation of Trinidad and Tobago, Mr. Speaker, sadly, the image to the rest of the world. So I have a concern.

My colleague spoke about it. Again, the hon. Attorney General tells this country that he is not a criminal lawyer and that the hon. Prime Minister, under section 79 of the Constitution, had assigned that portfolio to the hon. Minister of Justice when the new Government took office. But then, again, he neglected to say that in June 2011, the Prime Minister had removed the criminal justice portfolio from the Minister of Justice, and had assigned it back to the Attorney General, and he neglected to say that.

In any event, by virtue of section 76 of the Constitution, he has the responsibility for legal affairs, and therefore, quite naturally, the criminal legislation must revert to him. Who else can it revert to? So that at the time of the passage—this whole imbroglio and so on—of the Act, and the proclamation of 34 and so on, he, it is only him, it is only the Attorney General who could be responsible for criminal legislation, only that Minister, nobody else, and he must have known this. [*Interruption*] Now why would you try to mock me? That is so silly.

He must have known this, you know, on the basis of this sort of transparent misrepresentation, Mr. Speaker, he could do nothing else but resign forthwith.

Hon. Member: That is right.

Mrs. P. Gopee-Scoon: That is what he should do. Of course there is also very persuasive constitutional argument, that even when the Prime Minister had assigned criminal legislation to the Minister of Justice, the Attorney General, as I said, by virtue of his constitutional responsibility under section 76 of the Constitution for all legal matters involving the Government, remains an inescapable responsibility of his, for all criminal legislation, including the very

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Bill which we are talking about here today, which is the Administration of Justice (Indictable Proceedings) Act, 2011. He cannot escape. He had, and has the responsibility for it.

7. 45 p.m.

Mr. Speaker, the incident, this entire incident, I do not think that there is anything that remotely comes close. There is nothing that occurred in any Government—in the 50 years of our history as an independent nation. I do not think that there is anything that approaches this episode in terms of its assault on the Constitution, its assault on the presidency, its assault on the Parliament, its assault on the Judiciary. [*Desk thumping*]

Dr. Browne: Unprecedented.

Mrs. P. Gopee-Scoon: Mr. Speaker, no branch has been immune from this grievous assault, and I have to tell you that section 34, to my mind, has no equal in the Commonwealth. In that, you have made history. [*Desk thumping*] You have made national history; you have made Parliament history, you have made regional history, you have made Commonwealth history, [*Crosstalk*] and I have to say that these are not the things that the people of Trinidad and Tobago would want the rest of the world to know us by.

Miss Hospedales: That is right.

Mrs. P. Gopee-Scoon: We were always seen in a good light. [*Desk thumping*]

Hon. Member: True.

Mrs. P. Gopee-Scoon: I think you should choose the things that you would want to make history over, but certainly not something as despicable as this section 34 imbroglio, Mr. Speaker. Because the Government—it is a fact—stands accused of proposing a law for passage in Parliament and then prematurely, and again as I said, surreptitiously proclaiming part of the law, not the entire thing, part of the law with the intended effect of conferring an amnesty on particular persons to forestall their day in court.

What is that? That has to be and can be nothing else more than a perversion of justice, and this is it. As I am saying, the Government has caused stain and shame on this sovereign Republic and has sought to demean and to diminish us all in this 50th year of our independence. That is what the Government has done. Again, I want to emphasize that this is an affront to the citizens of Trinidad and Tobago, indeed it is.

So, Mr. Speaker, it is a very, very serious matter, this Motion that is before us today, that it involves in a very insidious and corrupting way, the various branches of Government as well as the presidency, so it is very, very serious; it goes to the heart of our Constitution, and of course, the oath which the Attorney General signed, and of course, other Members of the Cabinet spoke to when they assumed office.

Yet still what they would want to do is to regale this country with this long story, this very tall tale that this is the fault of the now disgraced, former Minister of Works—Justice. That is what they would wish to convey to the nation, and certainly he has paid the price—speaking of price, Mr. Speaker, the very esteemed Member for St. Joseph. This Government wants to give the impression to the Parliament and to the people of Trinidad and Tobago through the Parliament that the Member for St. Joseph deceived—the Prime Minister has given the impression that the Member for St. Joseph has deceived her and that he has deceived the Cabinet, and he has looked them in the eye and he has looked the Prime Minister in the eye and for no reason at all he just spoke untruth and they have just suffered.

Miss Hospedales: That is not true.

Mrs. P. Gopee-Scoon: That is the story, but it cannot be a credible story.

Miss Hospedales: That is right.

Mrs. P. Gopee-Scoon: Cannot be a credible story. [*Desk thumping*]

Miss Hospedales: That is not a credible story.

Mrs. P. Gopee-Scoon: There is no doubt that the Government's treatment of this request and so on, as I said before, has hampered the coordination and cooperation between Trinidad and Tobago and the United States in security matters, and I spoke enough about that at the budget, of concern are the two press releases by the US as well.

I mean, this is not a diplomatic occurrence, but these are the interventions that are in the public domain. I have said it before, that we have every reason to believe that there have been other private interventions, at diplomatic levels, on this particular matter of this extradition request that the public does not know about.

Mr. Speaker: We have a Procedural Motion to proceed with.

PROCEDURAL MOTION

The Minister of Sport (Hon. Anil Roberts): Mr. Speaker, in accordance with Standing Order 10(11), I beg to move that the House continue to sit until completion of debate on Motion No. 1 and the matter raised on the Motion for the Adjournment of the House.

Question put and agreed to.

**ATTORNEY GENERAL.
(BREACH OF PARLIAMENTARY TRUST)**

Mrs. P. Gopee-Scoon: Thank you very much, Mr. Speaker. I was speaking to the fact that there is a view that there would have been other private interventions by the US, not known to the public, but regarding this particular extradition request, and it brings to my memory the fact that we have had a visit from the hon. Attorney General of the United States, and he is not a frequent traveller to these parts at all, but he had visited, and I have good reason to believe that one of the reasons for the visit was, in fact, to raise this whole matter of the extradition treaty and how it had been handled.

That is the effect that this Government's shenanigans had—causing the visit of the hon. Attorney General. Of course, we are always happy to have members of the Government of the US visit with us. Notwithstanding the visit, Mr. Speaker, that did not serve to prevent the Government from doing what it had intended to do, which was to prematurely proclaim and surreptitiously proclaim section 34. Not even the visit prevented them from doing that, because you see that proclamation and that action by the Government, there was a particular effect of the Government's actions, and these are:

1. The granting of an amnesty to their self-declared financiers;
2. Frustrating the request by the United States for the extradition of particular persons; and
3. Violating the undertaking given by the Attorney General that these persons would in fact have their day in court in Trinidad and Tobago.

So, taking into consideration—that was the desired effect and that, I think, held regarding—despite all of the other circumstances; the visit and so on by the Attorney General of the US. So, I want to say that this Government has really very—and I am saying it again—very successfully managed to damage our national interest by the way they have conducted themselves in this matter and I think that the Government has really sought to achieve all that it planned to achieve in terms of serving its own narrow interest and, of course, their partisan

interest, the interest of their financiers. And it is really strange credulity to believe that the Attorney General was not aware and did not participate in this matter. How can that be so, Mr. Speaker?

Miss Hospedales: That is true! That is very true.

Mrs. P. Gopee-Scoon: All of my colleagues have detailed all of the circumstances surrounding the events, Mr. Speaker. How is it that the Attorney General was not aware and did not participate in this office?

So, I would say that to be unaware would bespeak incompetence of a very high, or maybe it is very low, “I doh know”, character, and of course it certainly is a violation of his oath of office and, in any event, on either count, it would speak to the fact that he is unfit for office.

Dr. Browne: Correct!

Mrs. P. Gopee-Scoon: The Attorney General is unfit for office. [*Desk thumping*] So, as I said, I am speaking a lot about this bilateral relation which we have with the US, so there is little doubt that they would be very unhappy with the manner in which the current administration has dealt with the matter and, of course, that is attested by the media releases and so on. Mr. Speaker, then of course there was another argument which was raised. The Attorney General said—with regard to Justice Boodoosingh quashing the actual order—that he decided not to appeal the judgment on account of Trinidad and Tobago being a sovereign country. That is one of the arguments that he proffered. But the point about it is, sovereignty is not an issue here. The issue here is one of national interest. Sovereignty is not at all the issue here. It is about honouring your treaty obligations, that is what it is about.

Of course, no doubt the Government must have weighed the national interest, I would give them that. They would have sat in Cabinet or wherever they discussed this, they must have weighed the national interest as well versus the interest of the self-acknowledged financiers of the party. After weighing both the national interest and the interest of the financiers, they have come down on the side of the financiers. It is very clear that this is what has happened, and therefore, I could only find such action to be reckless; reckless on the part of the Government, Mr. Speaker. [*Desk thumping*]

Mr. Speaker: You are coming very close to the sub judice rule. These are matters that are before the courts and you are making categorical statements that can be used in the courts of Trinidad and Tobago. I want you to be very careful of what you are saying. You keep referring to the Government, the Government, the

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Government, the Government. “This Motion is not about no Government.” We have a Motion before us that talks about no confidence in the Attorney General, but your entire argument for this evening thus far is about the Government. There are matters before the courts at this time that we have to be very sensitive about, so I will advise you: just stick to this Motion and deal with the resolution as far as possible.

The speaking time of the hon. Member has expired.

Motion made: That the hon. Member’s speaking time be extended by 30 minutes. [*Miss M. Mc Donald*]

Question put and agreed to.

Mrs. P. Gopee-Scoon: Mr. Speaker, I do accept what you have said but of course I do want to make reference to the actual Motion and the third paragraph:

“*And whereas* the Attorney General had knowledge of and supported the Government’s solemn undertaking to Parliament that no part of the Bill would be brought into force.”

It is right there. So that when the Attorney General acts, he is in fact acting on behalf of the Government.

Dr. Browne: Correct.

Mr. Speaker: I understand what is here [*Indicating Order Paper*], but I also understand I have a duty and a responsibility to ensure that the sub judice rule in which guilt or innocence of any parties before the courts of Trinidad and Tobago, particularly the criminal courts, we do not engage in determining guilt or innocence or attributing blame to anybody, because that can be used in a court of law, and there is something called the comity between the courts of this country and the Parliament; the Legislature and the Parliament are separate. That is why you have the principle of the separation of powers. And I have a duty under Standing Order 36(2), and let me read:

“Reference shall not be made to any matter on which a judicial decision is pending, in such a way as might, in the opinion of the Chair, prejudice the interests of parties thereto.”

I have an interest to ensure that we do not invade the court’s space on the interpretation of the law, and you are treading very dangerously in violating 36(2) of the Standing Order.

I am just guiding you. Continue!

8.00 p.m.

Mrs. P. Gopee-Scoon: Again, thank you, Mr. Speaker, for your guidance; and what I would do is stay close to simply the extradition matter which we know is a matter which has already been concluded. So I would stay close to the extradition matter which, according to Justice Boodoosingh's presentation, has been concluded in the courts of Trinidad and Tobago. I would formulate the rest of my discussion on perhaps just the extradition and those matters of international concern.

Mr. Speaker, I was speaking about the general question of trust and confidence, and I want to say that there is definitely a lack of trust and absence of confidence which will serve to hobble the Attorney General who acts on behalf of the current administration in foreign policy and in matters of domestic policy as well. As I said, I am going to stick to the extradition matter, and I want to say again, to emphasize that this whole question of the requirements of the extradition treaty, the requirements of acting in good faith and so on, it lends itself to best effort—best effort, best effort—by the hon. Attorney General acting on behalf of the Government, insofar as securing the extradition of particular persons and in response to the request from the United States.

What I am saying is that no one in this country, Mr. Speaker, really, honestly believes that the Attorney General used his best efforts, and I am saying the Attorney General acting on behalf of the Government. So, I am trying very en passant here to leave the Government out of it, but certainly we know for whom he is acting. I do not think that there is anyone in this country who honestly believes that the Attorney General has used his best effort and that is what is required from us as a State to achieve this commitment which we had made ourselves, which we have signed to in 1996.

So in other words, the solemn charge is that the Attorney General has not acted in good faith in respect of the treaties and of course in respect of Article 26 of the Vienna Convention. That can only amount to a very grievous breach, and I want to say that the Attorney General is therefore directly responsible, and accordingly stands directly accused in this matter. [*Desk thumping*]

Mr. Speaker, he had Cabinet responsibility for the actions which he took, whether it was his own policy or the policy of the Government, and I say that en passant again, the Attorney General was undeniably the executor. He was the executor. I mean I am forced to frame the issue in this way.

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I want to speak about the time honoured tradition of collective responsibility, that it is not the responsibility directly and only of the Attorney General. There is the time honoured tradition of Cabinet responsibility and it is that all of them have thrown this collective responsibility out of the window. They have thrown it all out of the door, again, just to have us believe that it is the Member for St. Joseph who alone is responsible for this premature proclamation of section 34 and not the Cabinet of Trinidad and Tobago. Therefore, the Member for St. Joseph remains almost hapless and hopeless and they would like us to believe that he is the only party who is culpable in this matter, Mr. Speaker, and it is definitely not the hon. Attorney General.

So, this is the kind of fiction that the Government and the Attorney General would like us and, of course, the people of Trinidad and Tobago to believe, but I do not believe that this is a simple matter and I cannot believe that the people of Trinidad and Tobago would fall for this.

I mean, I make the point again that the Attorney General fired the team of lawyers who had very successfully prosecuted the case on behalf of the United States—they were acting on behalf of the United States. In doing so, he signally failed to implement in good faith the obligation which he was under by virtue of that treaty, Mr. Speaker.

So it is an indisputable fact that the Attorney General declined, contrary to established practice, to give the United States as well any advanced notice of his decision in the matter. Usually you would give the other party advanced notice of the decision in the matter and he failed to do so.

As a matter of fact when the Attorney General gave that decision he did it when it was a federal holiday in the United States. He, very cleverly, waited until it was a holiday in the United States knowing full well that he would get no immediate response from them. So I would say again that points to the fact that he failed to implement in good faith the treaty obligations.

Then further, Mr. Speaker, as my colleagues—[*Interruption*]

Dr. Ramadharsingh: Mr. Speaker, 36(5).

Hon. Members: What! What is that?

Dr. Khan: She said he supposed—he waited.

Mr. Speaker: All right, continue to speak.

Mrs. P. Gopee-Scoon: Thank you. So my colleagues—and I am not going to say much on it. My colleagues spoke a bit about the timeline in the matter of the United States request for the extradition of certain persons. The point about it, Mr.

Speaker, there had been so many coincidences that the public would want to believe that the Attorney General is just a very unlucky man.

Dr. Browne: Very.

Mrs. P. Gopee-Scoon: So many coincidences.

Dr. Browne: “How he so bad lucky?”

Mrs. P. Gopee-Scoon: “Very bad lucky man.” The man with the cloud, I was telling you about in the *Li'l Abner* comic strip. I mean, it is either that he is very “bad lucky” or he is fiendishly clever. It is either one of the two.

Dr. Ramadharsingh: Watch the implication.

Mrs. P. Gopee-Scoon: It is either one of the two, Mr. Speaker. I really think that the hon. Prime Minister should be forewarned—[*Interruption*]

Dr. Browne: She knows exactly what she is doing.

Mrs. P. Gopee-Scoon:—about the cloud. So, as I said, he was so unlucky that after firing the very successful team of lawyers would you believe that a new team was chosen—[*Interruption*]

Dr. Browne: Novices and—

Mrs. P. Gopee-Scoon:—and the very first case they lost it again—[*Interruption*]

Dr. Browne: It is a complete turnaround.

Mrs. P. Gopee-Scoon:—I mean, is this a mere incidence of bad luck? I am really concerned. In fact, anybody who believes that this is pure bad luck I think would have to be committed to some institution for observation. That is the way I would put it.

But, Mr. Speaker, what would we make of this measure of the man who now occupies the high office of the Attorney General of the Republic of Trinidad and Tobago, what would we make of this man? Of course, he has been accused—we spoke to this—of giving an undertaking, and Sen. Faris Al-Rawi—I am allowed to say this—Sen. Faris Al-Rawi confirmed to me that the Attorney General did in a side bar give him the undertaking that there would be no premature proclamation of the Administration of Justice. He did say it to him. I had that confirmation that there would be no premature proclamation of the Administration of Justice Act in part or in whole that would imperil these proceedings. I do not know that the hon. Attorney General has in fact denied giving this undertaking, but if he feels that he could deny it, well I suppose when he speaks he will do so.

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Then again I think the point was made, the State was given 42 days in which to lodge an appeal following from Justice Boodoosingh's judgment on November 07, 2011.

Mr. Speaker, the question will always remain, why did the hon. Attorney General wait after November 07 judgment, wait until December 19, 2011 after using up all his time—if you count the days, it is 41 days or something like that. He had 42 days, he waited, past 41 days—40, 41 days—before announcing that he would not lodge an appeal.

I do not believe that the issue is so complex that he needed all the time to discuss and to think clearly and so on about it. I mean, he is quite a successful attorney and history will prove that. It is very clear that he was waiting until the President had in fact given his assent on December 16. So that the President gave his assent on December 16 and it is only after that on December 19 that the Attorney General announced his own decision. So that is where we are.

Then of course there is also another matter of the Attorney General not releasing the opinion of James Lewis even though he had promised to do so. He promised that he would release that opinion and I am sure that opinion would have been ready well before December 19, and that opinion would certainly beg the question of why the Attorney General had waited all that time, until all the time for the appeal had run out before announcing his decision.

Certainly that opinion would focus attention on the inescapable connection between December 16 and the date of the assent, December 19 and so on. So really—in things large and small, and I have presented things large and small—then the Attorney General has been found exposed and found wanting and cannot escape at all what has been outlined in the Motion before us today, Mr. Speaker.

In concluding, Mr. Speaker, again we note the importance of international cooperation and coordination. We note that it is critical to the success in the fight against transnational organized crime, including money laundering, drug trafficking, terrorism, in order to ensure the security of States and the safety of all the citizens and so on. And it is a fact that one of our principal partners is the United States of America who has an interest in our region for many reasons and they are very, very keen to cooperate with us. I do not want the person who speaks after me to come and tell me about any little TT \$1.2 million or US, whether it is for security cooperation, is a sign of their pleasure with this Government. It is not so.

8.15 p.m.

What I want to say is that this whole question of confidence between the partners is really up in the air, and I think it has really hindered the growth and development of our relations with the United States, Mr. Speaker, and one must always remember that the United States is a very, very important partner to us. They, in fact, are the most important extra-regional partner, and Member for Tabaquite certainly knows that. It remains the primary destination for our exports, they are the main supplier of our imports, and they are a critical source for military and intelligence support, Mr. Speaker.

So that I can only conclude that as we will confront challenges to come, as we seek to relate to the United States on a number of bilateral issues, Mr. Speaker, that there will be some fallout on account of the performance of this Government in the treatment of the request of the United States with regard to the extradition of certain persons. And, again, it has certainly damaged the bilateral relationship, you know, it has just been a very sensitive issue.

So, Mr. Speaker, for all of the reasons that I have outlined, I want to join with all the others on this side, in calling on this honourable House to express its strongest disapproval of the very flagrant breach of parliamentary trust by the Attorney General's involvement in the premature proclamation of section 34. Mr. Speaker, I think the Attorney General has been very derelict in the discharge of his duties and his functions, and that he really has accepted no responsibility to date for his actions in the discharge of his constitutional duties. He has damaged the relations, as I said before, between the United States and ourselves, a very principal partner, and, I mean, I think he has breached the undertaking solemnly given to this Parliament, and to all us parliamentarians.

So, Mr. Speaker, I want to associate myself fully with the resolution that is before us, the Motion before us, that in light of the, and I quote:

“...widespread unease, anger, disappointment, and a general sense of loss of confidence in the Attorney General among a large cross-section of the national population”, and “this honourable House express its loss of confidence in the Attorney General and call on the Prime Minister to immediately relieve him of the portfolio of Attorney General of the Republic of Trinidad and Tobago.” [*Desk thumping*]

Mr. Speaker, I thank you.

Mr. Speaker: The hon. Member for Tabaquite, Minister of Local Government.

The Minister of Local Government (Hon. Dr. Surujrattan Rambachan):
Thank you very much, Mr. Speaker.

Mr. Speaker, if I may begin by saying what a beautiful country we live in. You know, today as I got up this morning, I just began to think about how beautiful this country is, how well we cooperate as citizens, how we share each other's celebrations, that the rest of the world is always in some kind of conflict, in some kind of war. And in some parts of the world Eid-ul-Adha comes around, they declare a truce for four days and then they get back to fighting. But here in this country, Mr. Speaker, at this moment in time the Hindu community is celebrating ten days or nine days of Ram Leela Festival, and the Muslim community is celebrating Eid-ul-Adha. What a beautiful, beautiful, beautiful feeling that exists in Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, in a couple days we will celebrate Divali and then we go into Christmas. This nation is a nation, really, that could proudly hold up itself as a model nation from the point of view of the people of this country. And, Mr. Speaker, this Government will do all that it can in order to foster that unity, foster that cooperation, foster that sense of self, that definition of what it means to be a Trinidadian amidst such diversity and in terms of the respect we hold for each other.

Mr. Speaker, before I begin the major part of my contribution, reference was made to the corruption index in Trinidad and Tobago and the Member for D'Abadie/O'Meara also referred to it. But, Mr. Speaker, it is important for us to take a moment to understand how Transparency International determines and makes a ruling on corruption in a country.

I was speaking recently to the new President of Transparency International, Mr. Deryck Murray, and I asked him the question: how does Transparency International, how do they decide that a country can be labelled to have a high perception of corruption or a low perception of corruption? And I was astonished, I was surprised to know that they use headlines from the papers, they listen to radio programmes, and they simply—so anyone can write a bad headline of a country and make a claim and they use that to determine perception. Mr. Speaker, I think that maybe Transparency International owes it to this country, to tell us exactly how they come up with this figure of perception of index.

But my worthy friend from D'Abadie/O'Meara made a comment which I want to expand upon. The Member for Diego Martin/North East said we moved ten points down, but what has happened for the last two years in this country with respect to corruption? What has happened? Many claims have been made by this

Government [*sic*], but not one person has ever been charged or taken before the court of this Government for corruption, Mr. Speaker, not one. [*Crosstalk and laughter*]

Hon. Member: Did you really hear what you said?

Hon. Dr. S. Rambachan: Not one, Mr. Speaker. Many, many claims have been made by the Opposition, but they have not been able to finger one person or one Member on this side about corruption.

Mr. Speaker, what has been happening in the country is that this Government has called several commissions of enquiry, whether it is to deal with the HCU, to deal with CL Financial, and these things have heightened the interest of people in these corrupt matters. It is nauseating to get up on a morning and read the front page of a newspaper that says a man could walk away with \$200 million, or someone can cause a \$20 billion dent in the economy of Trinidad and Tobago and say, “I did nothing wrong.” Mr. Speaker, in any other country this could not exist and we have to be very decisive as a society and deal with people who have taken from the pockets of Trinidad and Tobago what they should not have taken and enriched themselves in a manner that is unfavourable to the rest of the society. And today this society and the taxpayers of this country have to bear that burden.

Mr. Speaker, it is because we are bringing forward all of this evidence in order to expose the corruption that took place during the last administration, when in several matters—in several matters—the regulatory authorities under them failed to act when they were supposed to act, they could have probably prevented what happened in Trinidad and Tobago [*Desk thumping*] and that also includes the HCU, Mr. President.

Mr. President—Mr. Speaker, sorry, the matter of corruption, it is under this Government that the Attorney General has been fearless, fearless, and perhaps that is why the other side wants to get the Attorney General because he has been fearless in filing matter after matter—[*Interruption*]

Hon. Member: Civil suits.

Hon. Dr. S. Rambachan: Civil suits, thank you— in the courts of Trinidad and Tobago against members of boards of directors and personnel who were put in office by the PNM, and he has done so fearlessly. In the history of this country no one has sought to do that and, therefore, the Attorney General will be under attack, will be under attack because they want to take the heat off their backs, and

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they want to divert from the kind of misery, financial misery which has been caused by mismanagement of the resources of this country when they were in charge of the administration.

Mr. Speaker, the Motion before this honourable House seeks to have the House express its loss of confidence in the hon. Attorney General and is asking the Prime Minister to relieve him of his portfolio as AG. Mr. Speaker, maybe memories are short, but I do know of their Government where at least three Attorney Generals were changed during a term of office. One was sent to London, one was sent to Washington, and another one apparently got out of the mess because maybe that Attorney General did not want to do certain things that she was being asked to do.

Hon. Member: They had nowhere to send that one.

Hon. Dr. S. Rambachan: You see, Mr. Speaker, they tend to forget that it was against one of their Attorneys General that a vote was taken, and he was severely censured by members of the Bar, by the Law Association. And, Mr. Speaker, I would not waste more time going into that, but it was a very serious matter where the Law Association actually censured a former Attorney General, and talked about the lack of confidence in that Attorney General.

Mr. Speaker, the track record of Attorney General Sen. Ramlogan SC, in his current capacity as the AG, and as a private attorney-at-law, supports the view widely held that the AG is a competent professional who carries out his functions fearlessly and in the best interest of the public good. [*Desk thumping*] There is no dispute to that, Mr. Speaker. Even the Member for Diego Martin North/East, while he was speaking, complimented the Attorney General for the number of cases he took to the Privy Council, and the number of cases he won. And may I say again, he won them against the PNM. So when you talk about good governance, Mr. Speaker, when you talk about good governance, it is on matters where there was poor governance by the PNM that caused the Attorney General, who was then in private practice, to stand up on behalf of citizens who were being trampled upon by the PNM and the way that you were governing this country.

Mr. Speaker, this Attorney General is a professional whose record of fighting for the rights of the little man is well known by everyone. The records in both the local courts and the Privy Council will show a record of successes as a result of his persistence, his persuasive arguments and his penchant for researching the law and winning, winning for poor people. He had a distinguished career in private

practice, and is now developing a track record as the Attorney General which will have its own professional distinction amongst Commonwealth Governments, the 54 nation—Commonwealth countries.

Mr. Speaker, the track record of the Attorney General is endorsed by the many pieces of legislation he has piloted in the Parliament between 2010 and 2012 thus far. And it is an impressive list of laws, as I will show, that he has piloted, that has worked in the interest of the public good in Trinidad and Tobago [*Desk thumping*]. And I dare say that there has been no Attorney General, who, in the space of two years, has brought before this Parliament the significant pieces of legislation that he has brought, and which have enhanced the image of Trinidad and Tobago, and particularly the image of the Government of Trinidad and Tobago as one who is pursuing good governance.

Hon. Member: Groundbreaking legislation.

Dr. Browne: Thank you, Member, for giving way. In your tremendous salutation to the Attorney General, maybe you can indicate if any of those laws that he piloted were criminal laws, given his indication that he is not an expert in criminal law matters?

Hon. Dr. S. Rambachan: Mr. Speaker, allow me to elaborate on some of these pieces of legislation that were piloted by the Attorney General, and the implications for Trinidad and Tobago. And I do so because what is being attempted, before I was just interrupted by the Opposition, by the Member for Diego Martin Central, is that the Opposition is attempting to question the quality of governance in Trinidad and Tobago. That is what they are trying. You see, Mr. Speaker, the Opposition cannot fault this Government on its track record of delivery.

There are two things which the Opposition is able to attack this Government: one, on the question of delivery; and two, on the question of governance. But on the question of delivery, this Government has exceeded the expectations of the people of this country in terms of the needs of the people and what has been delivered to them. What we have done is created higher than normal expectations, and what we are doing is now delivering at an even faster pace than we have delivered over the last two years. And, Mr. Speaker, any objective analysis will show that this Government has exceeded expectations, will show the track record of this Government with respect to delivery and will describe this Government as a high-performing Government.

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Mr. Speaker, they are intent upon finding things to criticize this Government because the one thing that they thought they would be able to go after this Government is the Government's record on crime. Over the last few months under the distinguished Minister of National Security, we have seen a curtailing of the crime and even the police records are showing that serious crime is falling in the country. [*Desk thumping*]

8.30 p.m.

Mr. Speaker, it is these kinds of things that they cannot deal with, and, therefore, they are looking at all of these other issues, and they are going to come, as one of my colleagues said, to the AG today, to somebody tomorrow. They tried with the hon. Prime Minister, and were roundly defeated and humiliated in this House, when we debated that Motion of no confidence—one of the longest debates that ever took place, and it all fell flat; just like today, all your contributions are falling flat like a bottle of sweet drink without any gas in it.

Mr. Speaker, let us examine the legislation that has been brought to Parliament by the hon. Attorney General. Mr. Speaker, let us go back to the year 2010. The Bail (Amdt.) Act, 2010, an Act which sought to amend the Bail Act, to confer on the court the jurisdiction to deny bail to a person who is a gang member. That Bail (Amdt.) Act, 2010 meant that persons arrested can be jailed for six days without bail. They can be detained by the police for three days, and get authorization from the court for them to be held for another three days.

And then you had the Interception of Communications Act, 2010; an Act that provided the legal framework within which public or private communications can be lawfully intercepted, and on the interception of communication—incidentally, it is lawfully done pursuant to a warrant issued by a judge of the high court on an application by an authorized officer.

And then you had the Miscellaneous Provisions (Kidnapping and Bail) Act, 2010; an Act which amended the Bail Act, and the Kidnapping Act by increasing the amount of time that a person can be held with no evidence for the charge of kidnapping from 60 days to 120 days, and by changing the penalty for the offence of kidnapping, from 25 years to life.

And then you had the Miscellaneous Provisions (Remand) Act, 2010; the Act that provided that a magistrate can remand an accused person for 28 days in summary and indictable matters. And in 2010 you also had the Anti-Gang Act; an Act to enable the suppression of association established for unlawful purposes and for the better preservation of public safety and order.

So, the hon. AG, on coming to office with the Government in 2010, was able to pilot, even during those couple of months, all of these particular Bills.

And then, come to 2011, you had the DNA Act—something that the Member for Diego Martin Central is very familiar with, an Act that sought to repeal and replace the DNA Act, Chap. 5:34, and to provide for the use of DNA information for forensic purposes; to classify tissue and body samples into two categories—if you recall; intimate and non-intimate—and to distinguish the procedure by which each type of sample is obtained.

And then we came to the Administration of Justice (Electronic Monitoring) Act, 2011; the Act that was meant to make provision for the introduction of electronic monitoring in Trinidad and Tobago at different stages of the criminal justice process.

And then you had the Bacteriological (Biological) and Toxin Weapons Act, 2011. You had the Central Bank (Amdt.) Act, 2011—an important Act—where the purpose of the Act was to provide protection to investors from unfair, improper and fraudulent practices; foster fair and efficient capital markets and confidence in the capital markets in Trinidad and Tobago; to reduce systemic risk.

Miss Mc Donald: Mr. Speaker, I rise on 36(1), please.

Mr. Speaker: Hon. Member, if you can just link all those points back to the resolution before us, that would be good—the Motion.

Hon. Dr. S. Rambachan: Thank you, Mr. Speaker. Mr. Speaker, the point was made by the Opposition that they do not have confidence in the Attorney General. They made the point about governance. What I am showing here is that over the two and a half years that the Attorney General has been in office, he has been a very competent Attorney General; very professional in what he is doing. [*Desk thumping*] And what I think is amiss here, Mr. Speaker, is the fact that the Members of the Opposition are finding it hard to swallow the fact that all of these pieces of legislation have been done in this period of time under the Attorney General. It speaks of the competence of the individual; and where there is competence I will always rise and recognize that competence as I recognize it today in the Attorney General. [*Desk thumping*]

Mr. Speaker, look at where we are today in terms of the FIU. We came out of the dark columns because of the work of the Prime Minister, the Minister of Finance and the Economy and the Attorney General. [*Desk thumping*] We have come out of that, and we have brought a new image and decency to Trinidad and Tobago and the way financial transactions are done. And it was under this

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administration that the Financial Intelligence Unit of Trinidad and Tobago (Amdt.) Act, 2011 was passed. And then the Financial Intelligence Unit of Trinidad and Tobago (Amdt.) Act, No. 2, 2011 was also passed.

Mr. Speaker, in 2012 they talk about governance; they talk about care. The Children Act 2012, repealed the Children Act Chap. 46:01 in order to establish a more effective child protection regime that takes into consideration the atrocities that are perpetuated against children today and to more appropriately deal with children who offend.

Mr. Speaker, the Miscellaneous Provisions (Financial Intelligence Unit of Trinidad and Tobago and Anti-Terrorism) Act, 2012 was also passed. And this Act brought Trinidad and Tobago into compliance with the Government's quest to enhance the compliance rating of Trinidad and Tobago with the 40 recommendations on money laundering, and the nine special recommendations of terrorist financing of the Financial Action Task Force (FATF).

Mr. Speaker, it is important for me to say all of this. It is important for me to read all of this, because these speak to governance, and the interest this country has, and the interest this Government has, and the Attorney General and the Prime Minister and the Members of this Government in terms of good governance. [*Desk thumping*]

[MADAM DEPUTY SPEAKER *in the Chair*]

Mr. Speaker, I am proud to say—[*Interruption*]

Hon. Member: Madam Deputy Speaker.

Hon. Dr. S. Rambachan: Madam Deputy Speaker; sorry Ma'am—that is a tremendous record for any attorney general and any government to have brought forth in two and a half years. It is impressive. And you still talk about the competence of the Attorney General. These pieces of legislation have set up a framework to support good governance in Trinidad and Tobago.

Mr. Speaker, the reality is that the Opposition would like the population to believe that there is poor governance—[*Interruption*—Madam Deputy Speaker, in Trinidad and Tobago. Madam Deputy Speaker, that brings me to the point as to what is good governance. Good governance—if you go to a document I have here from the United Nations Economic and Social Commission for Asia and the Pacific, good governance, if I may say, is the process of decision making, and the process by which decisions are implemented or not implemented.

After May 24, 2010, governance—this word or this process—has become one of the most popular spoken words across the country. Everything now is about governance, governance, governance. You know why, Madam Deputy Speaker? You know why? It is because this Government campaigned on a platform for good governance, and for the last two and a half years, we have followed through on our commitment to good governance as a national principle.

That is why, Madam Deputy Speaker, we have pushed this concept of good governance because we believe that it is the principle by which the Government should function. And this debate that is taking place here in this House today is, in my view, my humble view, a good example of good governance, where the Government is supporting the full participation of all MPs and the public to ventilate and debate this Motion. The Government has not sought to hide from what has to be debated here. The Government has not delayed. The Government has not sent an AG overseas to be a high commissioner—whether in London. But the AG has come here, and he has stood here, and he is sitting here, and he is here to debate, along with his colleagues, this matter, and to do so fearlessly [*Desk thumping*] because he has nothing to hide; he has nothing to be ashamed about; he has nothing to be afraid about, because he knows that his track record stands and speaks for him.

Madam Deputy Speaker, we have never been afraid to come forward and answer questions from the public or questions from our colleagues on the other side. We have never been afraid. We have done this; whether it is by way of ministerial statements by Ministers, or through the lips of the Prime Minister herself.

The Member for Oropouche East has said that 97 out of 97 questions were answered; 97 questions filed; 97 questions answered. Madam Deputy Speaker, that is a great record when you consider that under the last regime they used to duck the questions, and they used to defer the questions and keep deferring, deferring and deferring. And it will be interesting to go into the record to see over the period they were in office, just before the last election, how many questions they answered, as against how many questions were filed.

Madam Deputy Speaker, if you want to talk about governance; governance consists also of your responsibility when you are in the Parliament to answer truthfully to the questions that the Opposition pose before you; and we have never been afraid to do that. We have come before this Parliament, and we have put our answers in the public domain for the public to judge us. There has been no transparent government as this Government has been, with respect to how it has

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approached the matter of answering questions. [*Desk thumping*] And let us be clear about that, because one of the principles of good governance is, in fact, transparency. And this Government has, in fact, stood and supported the principle of transparency.

In fact, Madam Deputy Speaker, it is very important to note that when we talk about good governance, we talk about four or five principles; transparency, accountability, predictability, participation, strengthening capacity. And, Madam Deputy Speaker, one other that stands out is consensus oriented. There is no Government who has tried to build consensus in this country like this Government. This Government is a consensus-driven Government, where we go to the extreme steps to take decisions based upon what the consensus of the national population is.

Madam Deputy Speaker: I just want to take this time to announce that dinner is here. Members wanting to indulge can alternate their time, bearing in mind that the quorum must be kept at the debate.

Member, you and may continue.

Hon. Dr. S. Rambachan: Thank you, Madam Deputy Speaker. Thank you. Madam Deputy Speaker, we have not been afraid to debate every single Motion on the adjournment that has been filed here. We debated the famous no confidence Motion in the Prime Minister. Let me say again; the Government has never been afraid to debate its record, because we have a track record of which we can be justifiably proud. We have been transparent about our decisions.

Madam Deputy Speaker, I have stood in this House when they questioned the travel of the Prime Minister as the Prime Minister of this country on duties—whether it is the UN or in the Commonwealth. And I have stood here before we left this country and set out the objectives and the results we hope to achieve and come back into this Parliament and report to this Parliament. In the history of the Parliaments of this country, no foreign Minister has ever gotten up and done that before and after a particular trip. [*Desk thumping*] That is transparency! That is inviting the national population to judge you in a way in which this Government or any government ought to be judged, and we have done that because we believe in the full participation of the country; of the citizens of this country in the affairs of the Government. And that is good governance! And that is good governance, Madam Deputy Speaker! [*Desk thumping*]

Madam Deputy Speaker, this Government has never been hesitant to admit its mistakes. And the Prime Minister has even on occasion apologized. We talk about Government, and we talk about a Government being humble against a

Government being arrogant. Somebody said it, and I endorse it. What caused the Opposition to be driven out of office by the voting public is their arrogance which had steeped into them, compared to the humility of the Members on this side of the House. There is no other Prime Minister who has been as humble as the hon. Prime Minister of Trinidad and Tobago, of the People's Partnership. [*Desk thumping*]

8.45 p.m.

Madam Deputy Speaker, the Prime Minister of this country continues despite all that they are trying to do, all the attacks that they are pouring down on her, all that they are doing. Madam Deputy Speaker, this debate today, is perhaps less about the Attorney General, and more about the Prime Minister of this country, because it is her they are trying to attack. Every time they have attacked her, they have failed. Today she continues to enjoy even in the midterm, a higher popularity rating from the population than any other former Prime Minister ever enjoyed.

Madam Deputy Speaker, there is a reason for it because she has acted always with courage and integrity over the last two and a half years, whether it has been in the censoring or the removal of Ministers, the removal of an ambassador, the removal of state board chairmen or the reconfiguration of boards of directors. In every area where the public good and the public interest are concerned she has always acted fearlessly, with integrity, and she has acted in a way to protect the public good. That is good governance.

Madam Deputy Speaker, earlier this afternoon, when the Member for Diego Martin—North/East spoke, he said something interesting. He said, “I went to”—wherever, and I believe he was speaking about where the *Gazette*—[*Interruption*]

Hon. Member: Government Printery.

Hon. Dr. S. Rambachan:—Government Printery. I am quoting from the *Hansard*, today. I am quoting him. “...this person here,”—he says—I am quoting him:

“walked into the Government Printery the day before the debate, the same day September 11, the debate was on the 12th, the applicants were in the court on the 10th, so and I walked into the Government Printery in person on September 11. I went to the counter”—note September 11.

“I went to the counter, as I have done many times in the past as a member of the public. I said, ‘I am looking for the proclamation of the Administration of Justice (Indictable Proceedings) Act. Can you show it to me, please?’...they went and they checked all the shelves where they have the paper copy; not

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there. Now, I know that sometimes the paper copy is not...printed...not available (and) they will have it on the system. So I say, 'Check the system.' The attendant goes through every single *Gazette* that has been published...So I say, '...what is going on? They have some people before the court yesterday with this thing. I am here now and you are telling me there is no paper copy and it is not on (the) system.' He said, 'Look for yourself', and he turned the screen and he showed me."

Now, he is speaking about the September 11, but in an *Express* article—Sen. Baptiste-Mc Knight was contacted by the *Express*, and she said she was standing by her statement—asked by the *Express*, if that is the only time one could consider a legal notice to be published, she said, "Not published *per se* but when people have access to it." Now she says, "I only had access to it on September 10, when I went down there, and when it was published on the Net." [*Desk thumping and laughter*]

Hon Member: So who lying now, the Independent Senator?

Hon. S. Rambachan: The *Hansard* is saying—he is saying he went down there on the 11th, and it was not there. Sen. Baptiste-Mc Knight is saying, the Independent Senator is saying, "I only had access to it September 10 when I went down there, and it was published on the Net." Who do you believe? Do you believe the hon. Senator or do you believe the Member for Diego Martin North/East? It does not stop there. You recall he was saying about when they filed application and when the public knew.

Hon Member: How they will know?

Hon. Dr. S. Rambachan: This is September 1, 2012, the article by Asha Javeed which, the Member for D'Abadie/O'Meara referred to. What is interesting in this and I think what the Member for D'Abadie/O'Meara did not go on to say, is that in this article the Member for Diego Martin North/East was also interviewed by the *Express*.

Hon. Member: "No, no. That cyar be right." [*Desk thumping and laughter*]

Hon. Member: Shame!

Hon. Dr. S. Rambachan: He was interviewed in the same article, and where the reporter asked him—told him the Act was proclaimed.

Hon. Member: You must remember he sent a truckload—[*Laughter*]

Hon. Dr. S. Rambachan: I rest my case, Madam Deputy Speaker.

Hon. Member: I mean, read it over.

Hon. Dr. S. Rambachan: Madam Deputy Speaker, I am putting this into the record, the date of this article, September 01, 2012.

Hon. Member: September 01.

Hon. Dr. S. Rambachan: The other one is October 14, 2012, but the Member for Diego Martin North/East really has to tell us, he has to convince us, whether he really went down by the *Gazette*. You know, long time when we talk about the gazette, we used to talk about the *Guardian* newspapers, you know: “the gazette reach”.

Hon. Member: He went to the wrong printery.

Hon. Dr. S. Rambachan: Maybe he went to the wrong printery. Madam Deputy Speaker, when the debate started, reference was made to institutions in the country and the attack upon institutions. I want to refer to a letter dated Sunday November 25, 2007, from the *Trinidad Express*. This letter is written by a very distinguished son of the soil, very respected gentleman, and one who had lots to say recently about matters in Tobago, and virtually it might be said, as the person who exposed what was happening in Tobago, former head of the Public Service, Reginald Dumas.

Hon. Member: That is the man.

Hon. Dr. S. Rambachan: Listen to what he said, and I am quoting from the letter:

It was in an *Express* article of early 1995 that I first voiced my alarm at what I was seeing as Patrick Manning’s growing disrespect for a number of our fundamental institutions.

Now, Madam Deputy Speaker, remember I am talking here about good governance, and you cannot have good governance when you seek to manipulate institutions of the State or institutions that are there to protect people and uphold the rule of law. And he continues:

You may recall in 1993/1994 Manning exerted tremendous efforts to get rid of the then Police Commissioner, the late Jules Bernard. The Police Service Commission chaired at the time by Kenneth Lalla, politely declined to bend to his wishes. Thwarted, he turned his anger on the Service Commission itself. It was, he told his party faithful in March 1995, a creation of imperialism, which has been imposed by Britain and, an arrangement that has outlived its usefulness.

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Then he went into Opposition and even there he did not relent. Reginald Dumas writes, and I quote:

He and his self-proclaimed democrat Basdeo Panday, then Prime Minister, cobbled together the Ellis Clarke Committee on the Police Service, and out of this exercise emerged, inter alia, the 2002 Constitution Amendment Bill, and the bill sought to abolish the Police Service Commission, and establish a Police Management Authority, which in my view, says Mr. Dumas, would have constitutionally entrenched political intervention in a control of the Police Service.

They are talking about interference with institutions? They are talking about interference with institutions? This is the writing of the most distinguished member then, of the Public Service, one with great experience both nationally and internationally. He continues to write:

Manning continued to lay siege to our institutions...

Dr. Browne: Madam Deputy Speaker, the Speaker has already ruled on using this debate, at Standing Order 36(5), to attack other Members of Parliament; it should be restricted only to the Attorney General.

Madam Deputy Speaker: Member, you may refrain in Motion moved by the Member, and you may continue.

Hon. Dr. S. Rambachan: Madam Deputy Speaker, I am making the point that they said, or some one of their Members said, they were talking about attacks on the institutions. I am demonstrating that there were people of the view, and we are providing the evidence here, where there were attacks upon the institutions of the country. If you want to undermine democracy, that is what you do, you attack the institutions that are there to protect and uphold democracy.

Madam Deputy Speaker, that is the view of a very distinguished person. And, so, Madam Deputy Speaker, several attempts were made here this afternoon to impugn the good character of the Attorney General, to say that this Government is not one that is bent on good governance. I believe I have shown you evidence where the Government has been doing a very good job, in terms of promoting good governance. Good governance is an ideal, and it is an important ideal, and we will strive for that ideal in Trinidad and Tobago. We will strive until we become a model for good governance in the Commonwealth, and in the eyes of other countries in the world.

Madam Deputy Speaker, with those few words of my contribution, I support the Attorney General, and condemn the Motion that has been brought against the Attorney General here this afternoon. I thank you. [*Desk thumping*]

Madam Deputy Speaker: Member for La Brea.

Hon. Member: “Now we in trouble, real trouble.”

Mr. Fitzgerald Jeffrey (*La Brea*): Thank you very much, Madam Deputy Speaker. I could not help reminiscing a little bit on a winter in New York, watching those aeroplanes trying to land, and just circling the airport and could not land because of the bad ground conditions. Likewise, Madame Deputy Speaker, as I listened to the Member for Oropouche East, the Member for D’Abadie/O’Meara, the Member for Tabaquite, they were only circling, and circling, and not getting the substantial issue today. [*Desk thumping*]

Hon. Member: Could not land at all.

Mr. F. Jeffrey: Madam Deputy Speaker, what really is at work, is why the hasty proclamation of the section 34? They are failing to address that fundamental issue. Why did you hastily proclaim section 34, the night of August 31, 2012? They must address that fundamental issue. Before I go there, I want to respond to a few of the points made.

I listened to the Member for Tabaquite, talking about Transparency International. You know, when they were in Opposition, those figures were correct, because, you know why, the PNM was in power. Those figures were correct. Now they are in Government, they want to find out how they arrived at those figures. Strange, Madam Deputy Speaker.

Madam Deputy Speaker, we are told that the only reason for all the—I want to address the issue, that the only reason for all those lawsuits by the Attorney General, is really a political ploy to try to discredit the People’s National Movement, and divert public attention from their incompetence, that is the only reason. Madam Deputy Speaker, you will see three more years will pass or two and a half years will pass, and there will not be one successful lawsuit by this Attorney General. I put that on record.

I would like to recommend that the Attorney General, if he wants to seek conviction, he should have a private conversation with the Member for St. Joseph, who talks about money-in-bags Ministers. He can talk as well, to the FIU, about that Government official who is buying up properties, over a million dollars, in some cases, over a million dollars in cash, US, all over the place. He should look there, if he wants to get conviction.

I also heard the Member for Tabaquite mention about this Government, whenever they make mistakes how they apologize and so on. I am saying how come they have not apologized to the people of La Brea, when they promised the

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moon and the stars when they get into office, and successive budgets they talked about things for La Brea, and not a nail has been driven into the ground. They should apologize to the people of the La Brea constituency for the wickedness that they have perpetrated upon them. [*Crosstalk*]

Madam Deputy Speaker, they could twist it, they could turn it, they could dice it, the population of Trinidad and Trinidad has lost confidence in this Attorney General. [*Desk thumping*] The Attorney General is unfit for office, and I will show that later, Madam Deputy Speaker; by his own admission, he is incompetent.

9.00 p.m.

Madam Deputy Speaker, they have failed to answer the fundamental questions: why the hasty proclamation of section 34? Why was it done on August 31, 2012, when we had the festivities celebrating our 50th independence anniversary, and we were celebrating our successes at the London Olympics? What a time to choose to seek the early proclamation.

Madam Deputy Speaker, before I go down to show a few examples, I want to make a little quotation from November 18, 2011, when we had the hon. Member for St. Joseph, and he said, where he assured the Opposition and the nation, that the law would not be proclaimed before the Government returned to the Parliament with new criminal procedures drawn—new criminal procedure rules drawn up by the Judiciary. And he goes on:

“...now while this measure can work without rules because it establishes a framework, I can assure Members opposite that nothing”—Madam Deputy Speaker, I want to repeat that—“that nothing is going to be proclaimed before all the necessary measures required to make it succeed happens.”

Let me repeat that again, Madam Deputy Speaker:

“...I can assure Members opposite that nothing is going to be proclaimed before all the necessary measures required to make it succeed happens.”

And he said he also noted that new courthouses needed to be constructed to cater for the increased workload on the Supreme Court, a matter which will take years. Madam Deputy Speaker, a matter that will take years.

Mrs. Gopee-Scoon: Yes, that was said.

Mr. F. Jeffrey: Twenty-nine Members of the Government were present here when the Member for St. Joseph made that statement.

Madam Deputy Speaker, we, on this side, did not give unqualified support. We supported the legislation because we expected that those measures that were

absent, would have been put in place before we go on. But, Madam Deputy Speaker, you know, once bitten, twice shy, because with the Anti-Gang Bill we had a similar experience. We supported the Anti-Gang Bill only to recognize that they were using that to go and arrest poor people and then go and look for evidence. Madam Deputy Speaker, I am just showing you how this Government functions so you cannot blame us; that in future any more legislation that comes before this House, we are going to dot our i's and cross our t's, and unless what is said in words is not written in the Bill, we are not going to support it. "No more time are we going to take you all at your word; cannot be trusted."

Hon. Member: "I hope you ain't take nothing else."

Mr. F. Jeffrey: Madam Deputy Speaker, I want to take a few examples because you see this thing about this early proclamation is not just the Members of the Opposition.

Express, September 11, 2012, page 3, article written by Ria Taitt; when asked whether the early proclamation was strange, the very experienced and knowledgeable Senior Counsel Dana Seetahal said, "It is strange to have effectively one substantive section alone (proclaimed), when there is no reason for it". That is Dana Seetahal, very knowledgeable person; she said that.

Express, Wednesday, September 19, 2012, page 21, Nikita Braxton Benjamin wrote the article and she quoted Senior Counsel Hendrickson Seunath, who described this early proclamation:

"...as scandalous and all that has unfolded surrounding the secretive proclamation of Section 34 of the Administration of Justice (Indictable Proceedings) Act 2011.

Seunath agreed the manner in which the proclamation was 'rushed' to President Richards showed favouritism."

Now, the question we must ask ourselves is: what favouritism? And I am going to come to that in a while, right. That is Hendrickson Seunath, no two by four lawyer, no two by four lawyer; very experienced, very experienced. And he says, "People will be right in thinking that the whole thing was done to assist certain people". Hendrickson Seunath.

Hon. Member: Four by four.

Mr. F. Jeffrey: "But leh we go on."

The Law Association, Madam Deputy Speaker, *Newsday*—you know, we have a little problem these days with the *Express*, you know they on the *Express* case, "so leh we try by *Newsday*." September 18, 2012, page 9, Andre Bago—

Hon. Member: That is the man.

Mr. F. Jeffrey: I quote:

“The Law Association yesterday knocked Cabinet’s decision to partially proclaim the Administration of Justice...Act, last month, saying that the proclamation of Section 34 of the Act, was premature, not in the public’s interest”—I include, I put in this part now, whose interest—“done without consultation and in the face of advice from the Director of Public Prosecutions...”

That is the Law Association, Madam Deputy Speaker.

And then we have, Madam Deputy Speaker, *Express*, October 14, 2012, article written by Caroline Kissoon, and she quotes from Ramesh Lawrence Maharaj—[*Interruption*]

Hon. Member: That is the man who —[*Interruption*]

Mr. F. Jeffrey:—and he says an Attorney General cannot say—Attorney General, I want you to listen to this, I want you to listen.

Hon. Ramlogan SC: “I listening to you, man.”

Mr. F. Jeffrey: Good!

“An Attorney General cannot say ‘I do not know civil law so I do not know what happened or I do not know criminal law so I do not know what happened.’ You may have a Minister of Justice or a Minister of Legal Affairs but the Attorney General, under Section 76 of the Constitution of Trinidad and Tobago, takes full responsibility for legal affairs. [*Desk thumping*] Whatever happened in the Parliament with Section 34 the AG is fully, in law, responsible for what happened. And it seems inconsistent that the Minister of Justice...could lose his job...but the AG still has his (own).”

Hon. Ramlogan SC: Who you quoting there, Caroline Kissoon?

Mr. F. Jeffrey: Caroline Kissoon wrote the article but it is the distinguished Ramesh Lawrence Maharaj who spoke about that.

Hon. Member: Your guru.

Hon. Member: More like extinguished.

Mr. F. Jeffrey: Your guru, your guru.

But Madam Deputy Speaker, we could go on a little bit, but I want to talk a little bit about the leaking, you see, that will help us to know who leaked, I mean

how this information—how Ish and Steve managed to know about this thing. And it would be instructive—financiers

Hon. Member: You could say UNC—[*Interruption*]

Hon. Ramlogan SC: Madam Deputy Speaker, 36 (2); I think those names should be expunged from the record.

Madam Deputy Speaker: Member, please stay clear from calling the names, and it should be expunged from the *Hansard*. Member, proceed with caution, please.

Hon. Member: You have a good suit to go to court.

Mr. F. Jeffrey: Okay, Madam Deputy Speaker.

Hon. Member: I think you have a good suit to go to court.

Mr. F. Jeffrey: I will.

Dr. Ramadharsingh: Disappointed, disappointed.

Mr. F. Jeffrey: Madam Deputy Speaker, let me move on a little bit.

Madam Deputy Speaker, earlier, my political leader spoke about sections 75 and 76, and so on, so I would not go there because he talked about collective responsibility and that is fully understood. But, Madam Deputy Speaker, you know something, according to parliamentary convention, all Members of Parliament are supposed to be honourable. According to parliamentary convention, all Members of Parliament are supposed to be honourable. And it would be worth the while, Madam Deputy Speaker, for us to examine the meaning of the word “honourable”.

When I look at the *Collins Concise Dictionary*, page 699, [*Desk thumping*] it says that the word “honourable” means possessing or characterized by high principles worthy of honour, have great respect or high regard for.

I went on to look at *Grolier Webster Dictionary* on page 461, which defines “honourable” as impeccable reputation, upright and laudable.

Mr. Sharma: “What you was doing, your PhD thesis?”

Mr. F. Jeffrey: Madam Deputy Speaker, how sad, because over the past two and a half years our nation, our nation, especially—[*Crosstalk*]

Mr. Hypolite: I need to hear, Madam Deputy Speaker.

Madam Deputy Speaker: You may proceed, Member.

Mr. F. Jeffrey:—our nation, especially our youth have become very cynical, sceptical and suspicious of politicians particularly since May 24, 2010. And, therefore, Madam Deputy Speaker, it is indeed preposterous and grossly dishonest to try to absolve oneself particularly if you hold an important portfolio as that of Attorney General with the ultimate responsibility for section 34. Madam Deputy Speaker, this is 2012, and not 1962.

Hon. Member: Correct.

Hon. Member: Exactly!

Mr. F. Jeffrey: Thanks to the People’s National Movement, this country is much more educated and much more aware of what is happening around and, therefore, you cannot dismiss them.

Hon. Member: “You not dealing with fools anymore.”

Mr. F. Jeffrey: Madam Deputy Speaker, not my words but the words of the Attorney General, and let me take it out from Wednesday, September 26, 2012, *Guardian* newspaper, not *Newsday*, not *Express* but the *Guardian*, page 5, and I quote:

“Although the Attorney General is the legal adviser to the Cabinet, bear in mind there are two branches of law’, he said.

‘There is a civil branch and a criminal branch, and no lawyer should present themselves as an expert in every area of the law’—fine—‘In the last four or five Attorneys General we have not had an Attorney General from the Criminal Bar.’”

Dr. Gopeesingh: It is Attorneys General.

Mr. F. Jeffrey: So how come, so how come if you are looking for one with experience in the criminal law, how come the Member for St. Augustine was overlooked? How come?

The Member for—sorry, the hon. Attorney General continues:

“I have never done a criminal case save my first year in practice, for all my years of practice, and I could make that point although the Attorney General is the legal adviser to the Cabinet”—so you know that—“when we created the Ministry of Justice, the criminal portfolio was assigned to that ministry and the gazetted allocation of ministerial responsibility placed criminal legislation and the reform of the criminal justice system under that particular ministry.”

9.15 p.m.

I wonder why he said that. I wonder why. I wonder why. [*Crosstalk*] No, no, no, the point must be made. I wonder why.

Madam Deputy Speaker, the Attorney General knows quite well that when the Bill was brought before the Parliament, the Member for St. Joseph no longer had responsibility for criminal legislation.

I want to ask the question: if you are so incompetent, when you had a full-fledged criminal expert in the Member for St. Joseph, how come now you replaced the Member for St. Joseph with the hon. Christlyn Moore?

Mr. Sharma: No, no, you cannot do that. [*Crosstalk*]

Hon. Member: “Yuh wrong again.”

Mr. F. Jeffrey: How come? How come? [*Crosstalk*] I withdraw that, Madam Deputy Speaker.

How come you replaced that Member with someone who is mainly a civil lawyer? How come? How come? [*Crosstalk*] It seems—[*Interruption*] Madam Deputy Speaker? [*Crosstalk*]

Hon. Member: You could ask stupid questions, boy!

Madam Deputy Speaker: Member for Fyzabad, please allow the Member for La Brea to continue in silence.

Hon. Member: Exactly! No question is stupid.

Mr. F. Jeffery: Madam Deputy Speaker, it seems that the hinges on the door is [*sic*] being removed.

Hon. Member: Hinges are.

Mr. F. Jeffrey: The hinge on the door is being removed to make an open passageway for section 34. [*Interruption*] No, the hinge.

Madam Deputy Speaker, Monday, October 22, 2012, *Trinidad Guardian* newspaper; an article written by Curtis Williams. The AG declares that he was sending:

“...the controversial deal involving the THA and Milshirv to the Integrity Commission, Director of Public Prosecutions...and acting Commissioner of Police...”

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Madam Deputy Speaker, the AG falsely accused the hon. Chief Secretary of illegally entering the deal. The Attorney General:

“...criticised the THA and London for what he said was a breach of Section 51 of the THA Act, which states that the Finance Minister, not the Chief Secretary, must approve the borrowing of loans for capital development.”

Madam Deputy Speaker, this is, indeed, very strange that the AG who is an expert in civil law, did not know, or rather, he did not consult with the Prime Minister about the BOLT arrangement. The Prime Minister was a member of the UNC Cabinet between 1995 and 2001 when they used the BOLT arrangement and knew quite well that it was not subject to the Central Tenders Board. We know that there is a legal opinion from the very experienced and knowledgeable Lynette Stephenson, Senior Counsel, who indicated that the BOLT arrangement was not subject to the Central Tenders Board.

Madam Deputy Speaker, it appears that the hon. Attorney General is so caught up in trying to woo support for the TOP ahead of the THA election that he is prepared to cast aspersions on the integrity and reputation of the hon. Chief Secretary.

Mr. Sharma: Madam Deputy Speaker, 36(1).

Madam Deputy Speaker: Member, link your debate—[*Interruption*]

Mr. F. Jeffrey: I am linking, Madam Deputy Speaker.

Madam Deputy Speaker: Link your debate to the Motion before the House. I am asking you, please.

Mr. F. Jeffrey: Madam Deputy Speaker, I am making the point; because we are talking about the quality that an Attorney General is supposed to have. He is not supposed to be misleading people; he is supposed to be upright; he is supposed to have an impeccable reputation; he is supposed to be noble. Madam Deputy Speaker, what we are seeing here, that is absent. [*Interruption*]

Hon. Member: Take your time.

Mr. F. Jeffrey: I am taking my time, Madam Deputy Speaker. I want to take another example to show how the Attorney General is lacking in some of the qualities necessary for a good Attorney General.

The Attorney General, utilizing parliamentary privileges, gave inaccurate information to the Parliament when he said that the following lawyers— [*Interruption*]

Mr. Sharma: Madam Deputy Speaker, 36(5).

Madam Deputy Speaker: Member, you may proceed. [*Desk thumping*]

Mr. F. Jeffery:—when he said that the following lawyers got briefs under the PNM and under former Central Bank Governor, Ewart Williams. [*Desk thumping*] He said that Armourer got briefs amounting to \$17.7 million, when in fact, he only got \$3.7 million. He reported that Ian Benjamin, another lawyer, got \$9.3 million, when, in fact, he only got \$4.8 million. He reported that Araujo Law got \$11.5 million when, in fact, the figure was only \$4.1 million.

Madam Deputy Speaker, I am wondering why, why, why? Is it because those distinguished lawyers are outside of his legal “paliwals”? Why are you trying to tarnish their reputation? The action by the Attorney General seems deliberate.

Hon. Member: Strategic

Mr. F. Jeffery: Let us take another example: the missing piano at the Prime Minister’s residence. [*Interruption*] Madam Deputy Speaker, I want your protection, please.

Madam Deputy Speaker: You have my fullest protection. Hon. Members, please allow the hon. Member for La Brea to speak in silence.

Mr. F. Jeffrey: Under the cloak of Parliament, the AG reported that a new grand piano, purchased at the time by the National Symphony Orchestra—

Dr. Moonilal: Standing Orders 36(1), 36(5); the Motion is clear on the issues before the House in terms of the Attorney General. Those matters are not part of the Motion.

Madam Deputy Speaker: Member, please, I want to ask you to link your debate as regards the Motion. I want you to be so guided. You may proceed.

Mr. F. Jeffrey: Madam Deputy Speaker, I was making the point; I said earlier that all Members of Parliament are supposed to be honourable and, therefore, the AG is supposed to be honourable. The point I am making is that given what is out in the public domain, the mistrust and so on, by some of the actions that are being taken by the Attorney General, it lends itself.

In the document it states:

“*And whereas* as a consequence of this series of developments there is widespread unease, anger, disappointment and a general sense of loss of confidence in the Attorney General...”

[*Desk thumping*]

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Madam Deputy Speaker, in raising the alarm in Parliament, he did it in a manner that inferred that the former Prime Minister may have stolen it. It was found in the very said position at the Prime Minister's residence. Why is this Attorney General doing this thing? [*Desk thumping*]

However he twists it, turns it, or dices it, the voting population is seeing through the ulterior motive of the Attorney General to destroy the PNM at all costs. Unfortunately, he will not succeed. [*Desk thumping*]

Madam Deputy Speaker, again, under the cloak of parliamentary privilege, the AG launched a character assassination on former director of the Special Anti-crime Unit of Trinidad and Tobago (SAUTT) when he stated that the former director Brigadier Peter Joseph was fired for non-performance and corrupt practices. Informed sources stated that Joseph's letter of dismissal contained no reference to non-performance. [*Desk thumping*] As a matter of fact, contained no reason for dismissal. He further stated that President George Maxwell Richards did not sign the termination letter as required by military protocol in relation to charges of misconduct of an officer.

The question remains, Madam Deputy Speaker, are those the qualities of impeccable reputation? Honest? Upright? Noble? Is that the desired quality of our Attorney General? [*Desk thumping*]

Madam Deputy Speaker, I go on. Monday, October 01, 2012, page 5, an article written by Camille Bethel where the AG accuses the Tobago House of Assembly of corruption involving the Scarborough Hospital project. That is in October. The truth is that the THA has no jurisdiction over the Scarborough Hospital project. It falls smack under the Ministry of Health.

This is another example of a deliberate ploy to woo support away from the PNM-led Tobago House of Assembly. Why should an Attorney General deliberately mislead the population? Why should he tell untruths?

Madam Deputy Speaker, the time has come when Members of Parliament must be careful about what they say in this House. They cannot tarnish people's reputation or a group's reputation in the House under the cloak of parliamentary privilege.

Madam Deputy Speaker, I go on now to the AG's scathing attack on the office of the Commissioner of Police. The AG launched a very—[*Interruption*]

Dr. Moonilal: Madam Deputy Speaker, Standing Order 36(1), the Commissioner of Police is not mentioned in any recital in this Motion.

Madam Deputy Speaker: Member for La Brea, the Motion relates to the Attorney General and his role in the proclamation of section 34 of the Administration of Justice (Indictable Proceedings) Act. I ask you to please proceed with caution.

Mr. F. Jeffrey: Madam Deputy Speaker, I am proceeding with caution; in terms of the whole question of:

“*And whereas* as a consequence of this series of developments there is widespread unease, anger, disappointment and a general sense of loss of confidence in the Attorney General...”

What I am merely showing, Madam Deputy Speaker—[*Desk thumping*]*—*is that given the conduct of the Attorney General, that is leading to the loss of confidence. For example, by him attacking the office of the Commissioner of Police, acting Commissioner James Philbert, when he had the inability to act on the information of the church at the Heights of Guanapo—I am showing where the loss of confidence is being snowballed. [*Desk thumping*]

Madam Deputy Speaker, the Attorney General is supposed to be upright; he us supposed to be upright. When we see the illegal appointment of Miss Susan Francois as Director of—[*Interruption*]

Dr. Moonilal: Standing Order 36(1); the issue of the FIU and the Director of the FIU is not before us in any recital.

Madam Deputy Speaker: Member for La Brea, this is the last time I would get up to say this to you, and I would warn you; I want to ask you to focus your contribution on the debate that is before the House which has to do with the proclamation of section 34 of the Administration of Justice (Indictable Proceedings) Act.

You may proceed, Member.

Hon. Member: Moonilal did the same thing.

Hon. Member: Well, pound the table. [*Crosstalk and laughter*]

Hon. Member: It is not just because of this issue we have lost confidence in the Attorney General. We never had confidence in the Attorney General.

Hon. Member: “Do so doh like so.”

9.30 p.m.

Mr. F. Jeffrey: Madam Deputy Speaker, all past Attorneys General—we had men and women of distinction, knowledge, integrity, reputation and class. The very great and distinguished Karl Terrence Hudson-Phillips, who prosecuted in

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the murder trial of Abdul Malik in 1972, distinguished himself as both criminal and civil lawyer. We had the outstanding example, luminary, Ramesh Lawrence Maharaj, who successfully prosecuted Dole Chadee and his gang in the murder trial of 1998/1999. Mr. Maharaj never catapulted under any civil law. They were able to bat on any kind of wicket.

Mr. Roberts: “Is Ramesh yuh say?”

Mr. F. Jeffrey: They never claimed ignorance of civil law. In the AG’s office there was a complement of excellent criminal and civil attorneys. So, therefore, whoever was the Attorney General—[*Interruption*]

Mr. Roberts: “A toney?”

Mr. F. Jeffrey: Whoever was the Attorney General—[*Interruption*]

Hon. Member: Come on, come on.

Mr. F. Jeffrey: —the Attorney General was able to get the advice of the staff present. [*Desk thumping*]

Dr. Browne: Excellent point.

Mr. F. Jeffrey: What has happened now, Madam Deputy Speaker, is that this present Attorney General, because of the way in which he operates, many of the good lawyers who were working in the Cabildo Chambers have left. That is part of the problem—have left, and that is the problem.

Mr. Roberts: “So the others who there now not good?”

Mr. F. Jeffrey: Madam Deputy Speaker, the question that the hon. Attorney General should find out is: why have so many of the brilliant attorneys on staff left the Cabildo Chambers? Why?

Madam Deputy Speaker, we also had some distinguished civil lawyers who became outstanding Attorneys General. This country was blessed with excellent Attorneys General in Glenda Morean, John Jeremie, Bridgid Anisette-George, [*Desk thumping*] Russel Martineau and Keith Sobion. [*Desk thumping*]

[MR. SPEAKER *in the Chair*]

They never claimed ignorance of any section of the law. As you know in legal terms, ignorance of the law is no excuse. They were able to muster a team of outstanding luminaries who were able to advise them. Being abrasive, insulting and loud will not improve the office of the Attorney General. The haemorrhaging of the AG’s office will continue unless you demit office. The question that the Prime Minister must answer—[*Interruption*]

Dr. Moonilal: The Prime Minister is not before—[*Interruption*]

Hon. Member: “He cyar ask her a question?”

Dr. Moonilal: What is the Motion?

Mr. Roberts: Ask the AG. [*Crosstalk*]

Mr. F. Jeffrey:—is why is the AG still here.

Hon. Member: He is not imputing anything.

Mr. F. Jeffrey: Mr. Speaker, indeed, the AG was able to boast on the pre-budget rally in Mid-centre Mall that his job was secure. He told the people, “I ain’t moving nowhere.”

Mr. Roberts: And he is right.

Mr. F. Jeffrey: “I ain’t going nowhere.”

Mr. Roberts: “He ain’t going nowhere.”

Mr. F. Jeffrey: What in fact seems to be inferred here is that, “Nobody could move meh.”

Hon. Member: “He doh care.”

Mr. Roberts: No, there is no need to move him. He did nothing wrong. “Stick break in all yuh ears.”

Mr. F. Jeffrey: Mr. Speaker, one could understand why we are how we are. One could understand, Mr. Speaker, what is happening in our country as a result of the operation of the Attorney General. We seem to be going down a road that is fraught with danger.

Hon. Member: “Take yuh time; take yuh time.”

Mr. F. Jeffrey: The Attorney General claimed that he lacked criminal law expertise, but I want to say tonight that the AG has piloted and spoken at length on criminal law legislation, never indicating a lack of experience or expertise and never suggesting the responsibility lay outside of his office.

During the period May 2010 to June 2011 when the AG suggested the Minister of Justice had exclusive responsibility for criminal legislation, the AG piloted and spoke on complex criminal legislation requiring more competence than that required for the Administration of Justice (Indictable Proceedings) Act, from which he distances himself.

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Mr. Speaker, the AG piloted both the anti-gang and remand legislation and his presentation lasted for more than an hour a piece. These were detailed examinations of criminal law provisions and the criminal justice system. When the ex-Minister of Justice piloted the DNA legislation, the AG's contribution was for more than an hour.

The question is: how come the AG suddenly does not seem to have the expertise in criminal law? Even before his appointment, the AG's newspaper articles demonstrated comfort with this area of law. In a June 2009 article "Towards Swift Justice" and in October 2009, "A Dangerous Slogan", those two articles demonstrated that the AG had the competence in criminal law. So how come he is claiming ignorance of the law?

Mr. Reggie Dumas, former head of the public service, said:

"...a Cabinet meeting was held on August 09 and the AG was present."

And he says that the AG needs to tell us his role in all this.

"What advice did the AG give on that Section 34 matter?"

Mr. Speaker: Are you referring to a newspaper report? You are quoting Mr. Reginald Dumas. Where did he speak?

Mr. F. Jeffrey: On the *Sunday Guardian*, September 30, 2012, page A13.

"Was his decision agreed to or overruled in the Cabinet? Whatever advice he gave was crucial."

And we need to get answers to these questions.

The Member for St. Joseph brought his notes to the Cabinet in August 06, two days after the AG returned to this country. The Act was proclaimed on August 30, some three weeks after. The question that we would like to have answered is: what was the AG doing between August 06 and August 30? Mr. Speaker, one has to come to grips with the fact that the AG cannot claim ignorance as far as section 34 is concerned because he was there not during the periods preceding August 04, but thereafter. And the question is: what was his role in that deliberation?

Mr. Speaker, in looking at the Motion before us I have demonstrated that the Attorney General is not fit to continue as Attorney General of Trinidad and Tobago. [*Desk thumping*] I am saying so because the population of Trinidad and Tobago has lost—[*Interruption*]

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

Motion made: That the hon. Member's speaking time be extended by 30 minutes. [*Mr. N. Hypolite*]

Question put and agreed to. [*Desk thumping*]

Mr. F. Jeffrey: Thank you very much, Mr. Speaker, and thanks to all the Members here present for their support. [*Interruption*] Okay, let me thank my partner from D'Abadie/O'Meara as well.

Mr. Speaker, I indicated that we have lost total confidence in the Attorney General. We have established that we have our strongest disapproval of his flagrant breach of parliamentary trust, and we believe that the hon. Prime Minister should do the right thing and relieve the Attorney General of that strain, that burden, of the position of Attorney General of Trinidad and Tobago.

I thank you. [*Desk thumping*]

The Minister of Health (Hon. Dr. Fuad Khan): Mr. Speaker, I want to thank you for allowing me to enter this debate on this private business, but before I do so, I just want to indicate that I know that the Standing Orders give us 45 minutes and then 30 minutes thereafter, as a result of an extension of time. As a previous Deputy Speaker, I have learnt that when you do not have much to say it is no sense padding, so I would be very brief, and I would like to recommend that to my friend from La Brea. You see, because the Standing Orders allow you to speak, it does not mean to say you will take this august House and carry it down into a certain path and say nothing and use all your time to say nothing.

Mr. Speaker, this Motion is basically looking at the Attorney General and whether he should be in office or he should be out of office. When you read the Motion itself, it says:

“Whereas section 76(2) of the Constitution specifies ‘that the Attorney General shall, subject to section 79, be responsible for the administration of legal affairs in Trinidad and Tobago and legal proceedings for and against the State’;

And whereas the Attorney General participated in the presentation to Parliament of the Administration of Justice (Indictable Proceedings) Bill 2011 which contained a clause that created an amnesty for certain legal proceedings [referred to as section 34];”

Mr. Speaker, I sat in this honourable House and I listened in the debate on the Administration of Justice Bill and may I indicate that nowhere in that Bill does it

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say anything about an amnesty. The Bill says nothing about amnesty. It indicated certain procedures that were going to take place and certain people will benefit based on the Bill itself.

At the time it was debated—funny about it—everybody thought it was good law—everybody thought it was good law—both in the House and people I spoke to outside the House, and everybody indicated that that law would have made a provision that would remove detrimental actions that have occurred to people in remand yard and different parts of the judicial system, who have been suffering for a very long time; those paying legal fees; those going to court; those going in different directions. At the point in time, everyone thought it was good law. So, Mr. Speaker, it begs the question, why is it now that we have a Motion before us indicating that the Attorney General is responsible for this and should be relieved of his duties?

9.45 p.m.

Mr. Speaker, the Attorney General has been the Attorney General for two and a half years. When you see the dossier of what he has done, if I start to read, I may take the whole 45 minutes to read it. I indicated that the reason for a Member standing and speaking is to give the views of his constituency, give the views of what he believes in to be right and try not to pad and breach Standing Order 43(1) for tedious repetition. I try not to do that.

I have sat here this evening from one o'clock today, and the Member of Parliament for Diego Martin West started off the process. However, unfortunately, I would say that they have been going on and on the same points left, right and centre. So, I would try to be a bit different.

Mr. Speaker, I sat in my constituency office—I go there on a Tuesday and I go around my constituency on different days—since the uproar that has taken place as a result of the section 34, not one single person has come to the constituency office and indicated that they would like the Attorney General removed because of the section 34 and the problem. Not one. Not one single person has done that.

Now, it all depends on where you are and what you are listening to. In my constituency office, a lot of the constituents who come, come from all over the country. They come asking for assistance based on medical problems. They come asking for assistance mainly for houses or come for assistance in things like jobs, drains, street lights, et cetera.

Mr. Speaker, it looks at the question, that not one single constituent has ever indicated to me that they want the Attorney General removed. So when I read this part of the Motion:

“And Whereas as a consequence of this series of developments there is widespread unease, anger, disappointment and a general sense of loss of confidence in the Attorney General among a large cross-section of the national population;”

Now, when you say a large cross section of the general population, if you take a random sample you should find it. You should find it if you take a random sample. I have not been able to find in a random sample from my constituency, and wherever I am, people asking for the Attorney General to vacate office.

It may be a feeling for those people who support the PNM. That is their right to ask for that, because the job of the Opposition is to keep the Government to account. That is normal. It is their supporters who would ask for something like this.

May I remind you, when we look at the demographics of the country, the demographics of the country show that the Opposition has approximately—let us say—30 per cent of basic ground support. The People’s Partnership may have, let us say, 35 to 40 per cent, but there is a large number of constituents out there who are single-minded voters, who are looking on. So you would expect approximately, let us say 55 per cent or 50 per cent of the population—who are what we call the silent majority—to indicate that they would like certain things done and they are angry at certain things. If you take a random sample of what we see in a constituency office, I do not see one of them indicating that they would like the Attorney General to go.

So, you see, Mr. Speaker, that debunks this part of the Motion. There is no widespread anger, disappointment. People may ask questions, and ask, why was this done? Why was it not done in a certain manner? I would like to ask, if certain individuals did not benefit from this law or would seem to benefit, would the law be bad law? Was it going to be bad law? We ask ourselves, is the law bad only because a specific group was benefiting rather than a total whole? I am not supposed to bring the Upper House into it, but Sen. Elton Prescott SC still thinks it is good law.

So when we attack the Attorney General and say it is bad law, and what he has done, and what he has not done, and he should leave, et cetera, because of section 34, Mr. Speaker, I beg to differ.

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Now, the Member for La Brea, he brought up certain points, certain things about various aspects of what occurred, and what the Attorney General may have said. Does that really mean that it is strong enough and significant enough to ask—is a piano something to make an Attorney General vacate office?

Hon. Member: That is not what he said.

Hon. Dr. F. Khan: No, that is what he said. He said there was a piano and we found the piano afterwards, you must leave office. That is what he said.

Now, sometimes we have to look at the thing straight in the eye. We understand, as the Member of Oropouche East said, we are in an election movement. We have one in Tobago, then we have local government elections following that and I have always said in mid-term we are facing the general election in 2015.

So, I understand that it is the job of the Opposition to find something to hold on to. That is their right. It is our right here, to determine exactly, is this logical or not? [*Crosstalk*] Well, I have heard the Member for Diego Martin North/East making his presence felt by his annoyance. [*Laughter and crosstalk*]

Mr. Speaker, when we look at it—[*Interruption*]

Hon. Member: Do not give [*Inaudible*] any credibility.

Hon. Dr. F. Khan: I would not give any credibility—the Motion before us indicates that because of a certain sense of negativity on the part of the Attorney General, as alluded to in the preamble to the resolution, that the Attorney General has accepted no responsibility for the improper discharge of his constitutional duties. Now, whoever said that?

We all accepted responsibility for that section 34. We came here and repealed it. It was repealed. It was debated and the Attorney General and each one of us said we were responsible. The PNM said they were responsible and we were responsible for letting it go forward, but at the end of the day, if you put that in a preamble:

“the Attorney General has accepted no responsibility for the improper discharge of his constitutional duties:”

that is not true. So, it debunks one, two and three.

“*And Whereas*”—they said—“the Attorney General made certain decisions in an extradition matter involving those said certain persons;”

So what you are saying to me, Mr. Speaker—is that that is the only legal matter the Attorney General was doing for the last two and half years? I think not. The

Attorney General has been active in various legal matters. He has been advised by the legal people in the Ministry. He has been advised by the various departments. So when we single out that certain persons:

“...absence of the discharge of the said undertakings, the Attorney General had knowledge of and/or involvement in the unexpected proclamation of Section 34, thereby prematurely bringing into force an amnesty with consequences for certain legal proceedings involving certain persons;”

Mr. Speaker, was that not what the law was supposed to do, bring forth relief after 10 years of being in a situation that one could be relieved of that burden and get along with one's life?—indicating afterwards that the Attorney General accepted no responsibility.

Mr. Speaker, if you look at the preamble to this, at first glance, the preamble looks as though it is credible. When you dissect the preamble to such an extent you will see that there are holes in the argument, and what is in this preamble is what they called emotions—thick, pure emotions. It is called political emotions. This is a politically emotional Motion.

The Opposition has to find a system because they are facing an election in Tobago. An election in Tobago will determine two things: one, whether the Leader of the Opposition is strong enough to maintain the PNM presence in Tobago or two, whether the Partnership is strong enough to take over the presence in Tobago. That is what the election is going to be about. Right now the Partnership is in Government and the Partnership is going to go and assist their partner the TOP, which is Mr. Ashford Jack, to wrest the control from the PNM. That is politics as we know it.

We are not going to sit and say we are not going to do that. So it is up to the Opposition to put a defence forward. Now, they just cannot go to Tobago and say, “vote for me” they have to have a reason, and both sides will have a reason.

So when we had this preamble, the Opposition was strong enough with section 34 and the Prime Minister fired one of her Ministers, the Minister of Justice, that was no easy decision to be done, no easy decision to be made, for a law that the population indicated and one of the senior counsels said was good law.

Mr. Speaker, I will tell you something. I had the fortunate or unfortunate experience together with some Members here to be in the Parliament in '95 onwards to today. When I remembered what we went through, as result of the attacks by the then Government, between 2001—2007, and the Member for Diego

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Martin North/East was the Leader of Government Business and he was the chief architect, that was the same man who stood on the side of Member for San Fernando East and attacked the Member for Diego Martin West, his own friend.

So at the end of day I know how politics work. I have seen it happen. I have seen it happen on our side. I have seen it happen on that side. So, I understand how politics and the wrestle for power takes place.

So when we look at this Motion it is not about the Attorney General. The Attorney General is a smokescreen. That is a smokescreen. This is a wrestle for power. It is an emotional wrestle for power, to capture the minds of the voting public and by the voting public wrestling for power they will determine exactly, if they are able to bring enough dirt on the Attorney General, then the whole Partnership looks bad. You know why, when the Partnership starts off in an election, the Prime Minister, the Attorney General—and then everybody comes after. That is the Cabinet. So if they are able to attack the Attorney General they would score political points. That is their right. That is what is being done here.

So I stand here today to indicate and to show the population that do not look just at this Motion. Ask yourself one question, are you really that angry? Are you really upset as you indicated in this preamble? Are you really that upset? Or are you saying that your supporters are upset because at the end of the day they have to be upset?

Mr. Speaker, when you look at this thing here, a series of developments: widespread unease, anger, disappointment; who is really that? What was done? So when you look at it, you really look at a political action moving and spinning going down the road. That is where you are going.

So, Mr. Speaker, I am not going to speak about the negativity of the PNM to any great extent, because we all know it, that is why they are there. The population has already pronounced on that. I do not like to do it because these young Members were not there when these things were occurring. “Arouca/Maloney was not there; St. Ann’s East was not there; Point Fortin was not there; Port of Spain North, St. Ann’s West was not there; Laventille West was not there.” So I am not going to attack them because they were not there. We spent six long years on that Opposition Bench, believe it or not, being attacked by the very said PNM, your leaders, with the same type of movement, and if you go into the *Hansard* you will see it. I will give you an example.

When the PNM wanted to wrest power, right, and wanted to change and voter pad and do their demographics—[*Interruption*]

Miss Hospedales: Nonsense!

Hon. Dr. F. Khan: No, I am just speaking, I am going to show you something on governance. I am showing governance, I am not attacking anybody.

Miss Hospedales: Voter padding?

Mr. Sharma: “Proceed nah, just ignore them.”

Hon. Dr. F. Khan: All right, I take back voter padding, manipulation of the boundaries. [*Crosstalk*] “How dat sound?” [*Crosstalk*] Watch me, I took it back. Okay, I am going to read something about governance. This was the *Hansard* of Friday, May 9, 2003.

10.00 p.m.

Now, this is the Validation of EBC Report Bill. This is Mr. Ganga Singh speaking. He said:

“The attack”—it is page 402—”on the EBC did not stop there. There was an unconstitutional attempt to remove one of the Commissioners.”

We were not in office. We were not in Government. We were in Opposition.

“I would not bring the Office of the President into this debate...”

It goes on:

“To...add insult to injury in the attempt to interfere with the independence and neutrality of the Elections and Boundaries Commission, this Cabinet, under the hon. Member for San Fernando East, took a decision to implement one of the recommendations of the...Commission, notwithstanding that matter was before the court.

Mr. Speaker, I would read into record, a letter written by the Chairman of the EBC to the hon. Attorney General. It is important that we read this letter because it marks a watershed in the development of independent institutions in this country in the face of a rampaging executive. The letter of Mr. Oswald Wilson is an object lesson for all of us who have the responsibility of asserting the independence of institutions.”

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So we are talking about the independence of institutions and what the PNM did in those days. Member for Port of Spain South, take note. This is a letter:

“Elections and Boundaries Commission

Friday 13th September, 2002.

Senator the Honourable Glenda Morean,
Attorney General,
Cabildo Chambers,
No. 23-27 St. Vincent Street,

Dear Madam,

Re: Proposed Employment of a Strategic Management Adviser in the
Elections and Boundaries Commission

As indicated to you in my letter of 26th August, 2002, the Elections and
Boundaries Commission has taken legal advice on the contents of your letter
dated 15th August, 2002.

I wish to inform you that the legal advice we received does not conform with
or support your statements as to the law as it applies to the manner in which
the Commission ought to function, and in particular its role *vis a vis* the
Government with respect to the provision of staff for the Elections and
Boundaries Commission.

You will recall that the matter which gave rise to our letter to the Prime
Minister dated 8th July, 2002 was a communication from the Permanent
Secretary to the Prime Minister to the...Election Officer informing him of a
Cabinet decision to employ on contract a Strategic Management Adviser in
the Elections and Boundaries Commission. The said decision was arrived at
without consultation with or reference to the Elections and Boundaries
Commission.

...the Commission is extremely uncomfortable with having a contract officer
being imposed upon it at the level proposed and with the functions identified.”

Mr. Speaker, that just shows you an example of when the PNM was in office in
2001 onwards, where the Attorney General tried to interfere with the EBC to get
control of the EBC, and if you get control of the EBC, an independent commission
with an independent commissioner, then what you do is then you could
gerrymander the boundaries and do what you want inside of there. We have not
done any such thing. We have kept the same staff in the EBC that was there
before. They have not been changed.

So I am saying to you, Mr. Speaker, that Attorney General, Mrs. Glenda Morean, did that on the advice of the then Prime Minister. The Attorney General did not do something like that, and we are looking and attacking the Attorney General based on section 34. The Opposition is saying here, today, that because the Attorney General did early proclamation of section 34—the whole Bill was supposed to be proclaimed in January, four months down the road—then we have lost confidence in him. Not only have we lost confidence him, but we should fire him. That is what the Opposition is saying, you know, as if firing an attorney general is a very simple thing and we move on. It does not work like that. Because if it used to work like that, then we would have been able, when we were in Opposition, to fire every single Member of the then PNM Government, but it does not work like that.

You see, Mr. Speaker, I have learnt that when you are in Government, you are advised by your technocrats; you come to a decision; you come to the Parliament with your decision and say what you have come to do, and hopefully it will move in the direction that you so designate it to do.

Mr. Speaker, I go again to say, that every single Member in this House said, yes. Every single Member! So, it is not a cop-out. It is fact, it is reality. We all said, yes, and when we said, yes, it went forward. It went to the Senate, it came back with amendments. It was not just amended in the Senate, it left there and went to the President, Mr. Speaker. It was amended in the Senate, it was brought back to the House, the amendments were discussed—I remember it—and it went forward.

Dr. Gopeesingh: Passed in the House by everyone.

Hon. Dr. F. Khan: So what the Opposition is saying based on this Motion—which most of the Preamble is incorrect—is that because we all agreed to a section of an Act and we do not like it because two “fellas” may get out off, or three people may get off, then we should fire the Attorney General. “Dats what we saying here.” That is what they are saying, you know. In simple layman language, that is what we are saying here.

Now I ask the general population that is looking on, does that make sense? I do not think it makes sense. You see, Mr. Speaker, at the end of the day, the Attorney General is the person who is, as they say, second in command where the Cabinet is concerned and it is no easy decision. And if we have an Attorney General who has done all this work and we go through the Bills and they keep going through every single thing here—DNA Bill—you go right through, you ask yourself: does the Motion really, really make sense?

Mr. Indarsingh: Have any merit.

Hon. Dr. F. Khan: Does it have merit that we should decide that this Motion is so serious—because it is serious business. This is serious business, but is it really and truly a Motion where an Attorney General really and truly and deliberately misled or did something untoward; or is it really a political Bill that seeks to gain political points for an Opposition who needs to go into an election with something in their hand?

Hon. Member: Exactly!

Hon. Dr. F. Khan: That is what you ask yourself. You come to the conclusion and the answer—whoever is looking on—if that is what you want to do, what is this Motion really about? We will sit here until tomorrow, twelve o'clock, and the same thing will go on, and the same thing will continue, but at the end of the day, the significant question is this: is it really a Motion against the Attorney General; or is it really a political Motion determined and designed to bring about an emotional response in the supporters of the PNM, so they could go into the THA election, the local government election with something to talk about?

Mr. Speaker, I believe the population—I am not talking to the supporters of the People's Partnership. I am not talking to them. I am talking to the people who I consider the silent but the effective majority in this country, and that is the people who do not belong to any side. They are the thinking population who determine exactly which Government comes into power.

With those few words, Mr. Speaker, and I have always said one must not pad because you have 75 minutes and I think everyone should take that example. Thank you very much. [*Desk thumping*]

Dr. Amery Browne (*Diego Martin Central*): Thank you very much, Mr. Speaker. The Member for Barataria/San Juan gave us a very calm, soothing contribution, but he ended by making reference to the fact that he was talking only to the thinking members of the population. I regret to inform the Member, that while he may have been speaking to the thinking members of the population and while they may have been listening to him, they would have disagreed with almost everything that he just said on this section 34 matter. [*Desk thumping*]

Mr. Speaker, this is a very serious Motion as filed by the Leader of the Opposition, and it contains some serious phrasing. I would just like to refresh the memory and the record with regard to some of that phrasing. It refers to the fact

that the Attorney General participated in the presentation of the Administration of Justice Bill which contained a clause that created an amnesty for certain legal proceedings, and the record has shown that that is exactly what that clause did.

The Motion refers to the Government solemn undertaking to Parliament, and we see the solemnity in some of the contributions today. It refers to the Attorney General having knowledge of and/or involvement in the unexpected proclamation of section 34. Unexpected to all of us, but it is our view that it was not unexpected to some Members of the Government of Trinidad and Tobago, “prematurely bringing into force an amnesty with consequences for certain legal proceedings involving certain persons”, and the Member for Oropouche East used that phrase to introduce all sorts of irrelevancies.

The Motion also refers to “widespread unease, anger, disappointment, and a general sense of loss of confidence in the Attorney General, among a large cross-section of the population”. It says that the AG has accepted no responsibility for the improper discharge of his constitutional duties, and nothing I have heard today—I listened closely to every speaker—suggests that the Government or the Attorney General has accepted their responsibilities in this matter, and it refers to the flagrant breach of parliamentary trust by the Attorney General, a very serious charge, and wishes us to express a loss of confidence in the AG and calls on the Prime Minister to sack him, to immediately relieve him of his portfolio.

Mr. Speaker, I believe that the Member for Diego Martin West, earlier today, made a very clear case for the immediate dismissal of the Attorney General for Trinidad and Tobago. [*Desk thumping*] That case was fortified and supported by the Member for Diego Martin North/East, by the Member for Point Fortin and the Member for La Brea. I then listened to Members on the other side and my attention was caught by the Member for Oropouche East’s contribution when he made reference to Play Whe. He always has a bit of a different approach to debating. So he came with the Play Whe saying the Member for Diego Martin West was—what was it?—“minding 34” and went into all sorts of talk about blind man and so on, and then, amazingly, he sought to blame the People’s National Movement for the fact that the section 34 issue remains alive and a concern to the citizens of Trinidad and Tobago.

He attempted to blame the PNM and saying that we have nothing else, we “minding this mark” and we will continue “minding the mark”, but I want to tell the Member for Oropouche East, and the other Members of this Government, that it is their fault that the section 34 issue remains a clear and pressing concern to the

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citizens. [*Desk thumping*] They have failed—it is their fault. They are “minding the mark”. “Dey minding 34”. They have failed to answer the single most pressing question on the minds of many of those right-thinking citizens that the Member for Barataria/San Juan was referring to, and that question is this—none of them have responded to it: why? The question is why? [*Desk thumping*] Why was this one precious clause, this one select clause extracted from a Bill, which was voted on in this Parliament?

Miss Mc Donald: Thirty-five clauses.

Dr. A. Browne: “Yeh!” Out of all the clauses, why was this one clause extracted, brought to the Cabinet, approved, voted on and then proclaimed on Independence Day? Mr. Speaker, this debate, I will have no option but to conclude that the Government has no response to that question when I listened to every single contribution thus far. At least offer a rationale, offer an explanation, trust the population, and respect the population sufficiently to at least try to explain it. They have not up to this point given any explanation for that, the most important question on this entire issue. If the Government is not prepared to explain that, then I do not know what we have to talk about because they should be condemned out of hand for their failure to clarify that specific matter. [*Desk thumping*]

10.15 p.m.

This magical clause, what was the reason for it? Explain it. But, Mr. Speaker, I know why they have not offered any rationale, because they cannot, they cannot because the real reason is so horrible, so odious, so damaging to the credibility to the United National Congress and this Government that they cannot voice it or speak it in this honourable House.

But, Mr. Speaker, those right-thinking citizens are looking, they are listening, they are reading and they are paying attention. And I dare say that they will be expressing themselves more, and more, and more.

That selective proclamation on Independence Day, it was like an Independence Day gift, but a gift to whom exactly, and a gift from whom exactly? We still do not quite know the answers to those questions, Mr. Speaker. So, the Member for Oropouche East, Mr. Speaker, he needs to accept the blame himself for keeping this issue alive. He is “minding mark 34”, not the Leader of the Opposition, and not the People’s National Movement. [*Desk thumping*]

And then he went on to make a very serious accusation. Again, I mean, they are really fascinated by the Member for Diego Martin West; accused him of Wild West behaviour, and threats and ultimatum; I mean, it is a complete disconnect, as

my friend from Couva North would say, “delusional”, that is her favourite word, “delusional”; accusing the Member for Diego Martin West—[*Interruption*] hold on, hold on—of Wild West behaviour, threats and ultimatum. But, Mr. Speaker, you pick up any media report over the last month and you look for issues of intimidation, attempted blackmail, gangsterism, thuggery, Wild West behaviour on the national landscape, and those concerns fall not on this side of the parliamentary Chamber, but on the other side of the parliamentary Chamber. Attempted intimidation of investigative journalists, and we have seen this pattern before, Mr. Speaker, and I will give you a few examples. An activist, phone records, and all sorts of other things which I would not dwell on; press freedom at an all-time low, and as the Member for Diego Martin North/East said, “perception of corruption at an all-time high” and they want to talk about Wild West behaviour, and if there are Wild West threats and ultimata in Trinidad and Tobago, the party in Government has a significant role to play in establishing that type of landscape. They even have their own Jack Palance on that side.

Mr. Speaker, it is no coincidence though that Denyse Renn was one of those reporters who has been seen as being intimidated, or there was an attempt to intimidate her, because she was the investigative journalist that first broke this story in the national newspapers. No coincidence at all.

Then, Mr. Speaker, I listened carefully to the Member for Tabaquite, erstwhile Member for Tabaquite. He made an astounding admission during his contribution, Mr. Speaker, and I thank God I had a pen in my hand, because I wrote exactly what he said. He started complaining that Transparency International uses media reports to determine the perception of corruption. I do not understand what he was trying to say. He found fault with Transparency International; and this is what they do when they do not like what an institution—and at the same time was talking about supporting independent institutions; when they do not like what they say, they attack and criticize the institution itself. So, Transparency International should not rely on media reports to determine what is the perception of corruption in Trinidad and Tobago. Of course, he did not say, Mr. Speaker, what they should rely on to determine perception of corruption. It was a very weak point, Member for Tabaquite, and I do not know if he was suggesting that they should only rely on the opinions of those journalists that received National Awards in 2012, because if they did that, they would have a very different perception of corruption at this time.

But that was not the astounding admission by the Member for Tabaquite at all. He shouted, and I wrote it down, “This current Government spoke a lot about

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corruption, but to this day, they have not brought a single charge against a single person.” Those are the words, Mr. Speaker, of the Member for Tabaquite in this debate. Mr. Speaker, I want to thank the Member for his moment of clarity, his moment of lucidity [*Desk thumping*] and for presenting yet another reason the population should vote this Government out at the soonest possible opportunity.

He talked about governance and delivery, and he launched into a whole segue and sidebar on that, governance and delivery. He came prepared to talk about that, and he spoke about that.

Dr. Rambachan: A tirade.

Dr. A. Browne: A tirade, sorry, I stand corrected. Thank you for the correction. But, Mr. Speaker, I do not want to dwell on it, but I am disappointed when a Minister of Local Government would pretend to be delivering and there are so many local government issues in our constituencies that are simply neglected at this time. [*Desk thumping*] So put your money where your mouth is. Oh, you want an example?

Mr. Speaker, an entire lane of Morne Coco Road collapsed during the flood of August 11th; an entire lane fell into the river. It is still in the river. That is a local government issue. They put some orange cones, crash barriers; they fell down into the river, too. Complete hazard! [*Desk thumping*] August 11, that is an example. You want more examples? A pedestrian bridge right nearby collapsed months before on Morne Coco Road [*Interruption*]*—*you hold on, I will get to that. Mr. Speaker, I am giving examples. [*Crosstalk*]

Delivery by the Member for Tabaquite: pedestrian bridge collapsed months ago; people walking through the river, and nothing has been done. So do not come here and tell us in this debate about deliverance and governance, and so on. The deliverance this country needs is deliverance from the United National Congress. [*Desk thumping and laughter*] You asked for your examples and you got your examples.

Mr. Speaker, the Member for D’Abadie— [*Interruption*]

Dr. Rambachan: Where is the bridge?

Dr. A. Browne: Morne Coco Road, just after Mohammed’s Hardware. The people are crying out for help.

The Member for D’Abadie/O’Meara was very punchy in his delivery today.

Dr. Rambachan: Like he is always.

Dr. A. Browne: Not always. He read a letter—oh, here he is. He read a letter, Mr. Speaker, and I do not know why he chose to read this letter. It was a letter dated February 11, 2012, and he knows where I am going with this.

Mr. Roberts: February 22.

Dr. A. Browne: Well, February 2012, to the Director of Public Prosecutions from the Ministry of Legal Affairs, correct?

Mr. Roberts: No, Justice.

Dr. A. Browne: Ministry of Justice; worse yet. And I wonder if he understood what he was reading. A letter from February 2012, from the Ministry of Justice to the Director of Public Prosecutions. And, Mr. Speaker, when I listen to the wording of that letter, I have to conclude that even there, even in that correspondence there is an element of misinformation and deception, even on the record. Because from what I heard him say, that letter said that the Act would be proclaimed by mid-year. That was the communication and correspondence to the Director of Public Prosecutions. That letter never said, I certainly did not hear him say, and it never said that section 34 alone would be proclaimed. [*Desk thumping*]

So the Member for D'Abadie/O'Meara, in trying to make some elusive point that only he understood, brought further evidence to this House in support of this Motion, that there is a conspiracy of deceit and deception involving section 34. So, please, do not try to drag the independent Office of the DPP anywhere close to this, because even that letter further exonerates the Director of Public Prosecutions from this conspiracy. He is not involved in this at all, at all, at all. He gave excellent evidence of the kind of misdirection that has been going on, and I feel drove another nail in the coffin of the Government in this particular debate.

Just one other point with regard to the Member for D'Abadie/O'Meara, Mr. Speaker; speaking very quickly, he stated that their law happened to benefit two persons that were not intended to be the beneficiaries.

Mr. Roberts: “Their law or our law?”

Dr. A. Browne: The law under reference happened to benefit two persons that were not the intended beneficiaries. Again, very curious phrasing, because then I have to ask, who were the intended beneficiaries of Section 34? You all have not told us as yet. Who are the people that would—if it is not these financiers, then who are they? Who are they? Explain it, connect the dots, connect the pixels.

Mr. Roberts: Let me connect it for you.

Dr. A. Browne: No, no, you had so much time, you had so much time. I know what you want to get up and do and I am not going to allow it. You spoke at length uninterrupted, so, please, do me the honour. [*Interruption*] Thank you. I appreciate that.

Mr. Speaker, I would want to tell the Member for D'Abadie/O'Meara and all the others on that side, please do not insult the intelligence of members of this population. [*Desk thumping*] If section 34—Mr. Speaker, I am trying to work this out, you know—was not intended to benefit certain financiers, then what was the purpose of that “proc-la-mation”? What was the purpose of it if not to benefit them? You are leaving us with no choice but to draw certain conclusions here, you know, Mr. Speaker, and that is why I have to support this particular Motion. They have not told us, none of them have told us.

Mr. Speaker, three days after this Bill was assented to by the President, the Attorney General made a declaration that he was not going to pursue an extradition appeal. Three days afterward. And they would want us and not just us, but the national population to conclude that that was just a mere coincidence. I do not feel the Members opposite, the smarter ones, I do not feel they really believe that at all, Mr. Speaker, but they are just going through the motions. They do not really believe that, no one really believes that, so they need to stop insulting the intelligence of the—[*Interruption*] Friday to Monday, as the Member for Point Fortin is saying, none of them have given any plausible explanation.

We do not accept, Mr. Speaker, this scapegoat theory that just one person carried all of this, somehow magically, through all of the systems, through the entire Government, through the Parliament, through the Cabinet, through the President, et cetera, et cetera, et cetera and, therefore, they found their magical scapegoat. But, Mr. Speaker, even if we did accept that scapegoat theory, the Government still owes it to us, the Prime Minister and the Government still owe it to us to tell us if the scapegoat is responsible, again, why did he do what he did? They still have—I listened very carefully to the public explanation and the speech on TV, they have not said that. Put it on the table. The investigation must have thrown something up, the private investigation by the Prime Minister. Why did the scapegoat do what he did? No explanation whatsoever, but hours and hours of contribution purportedly on this particular Motion, Mr. Speaker. We have not really gotten any answers at all as yet, you know, but I hope they will be forthcoming.

Mr. Speaker, in their own version of reality, they need to complete the alibi for the members of the public, complete the picture for us, please, this alibi that

they have and tell us why the scapegoat did what he did. That remains a mystery to this day.

And then we come to the Member for San Juan/Barataria. I feel he was forced to speak against his will today, really, and my heart went out to him.

Mr. Roberts: That is not nice.

Dr. A. Browne: He was very—no, that is my opinion. He said—I withdraw the comment.

Mr. Roberts: Thanks.

Dr. A. Browne: He said that his constituents do not come on a Tuesday to his office to ask him about Section 34. And he used that as some sort of evidence—*[Interruption]*

Hon. Member: That means they do not come.

Dr. A. Browne: Yes, and then he said and, therefore, this part of the motion is debunked. That is his analysis of gauging the opinion of constituents. But, Mr. Speaker, through you, to advise the Member for Barataria/San Juan that if he wants to talk to his constituents in larger numbers, he is invited into Port of Spain on Friday, November 02, *[Desk thumping]* many of them will be present, and many of them from Barataria/San Juan are uneasy, angry, disappointed and have lost confidence in the Attorney General. He would find them in Port of Spain, I guarantee you, on the November 02, he would be welcomed to come. *[Desk thumping]*

Then he went on to lecture us with his experience, that when you are in Government, as he has been several times, the technocrats advise you and then you come to the Parliament, and he made that in a very vague sort of broad-brushed thing, I think in an effort to plant in the minds of people, well, maybe this whole thing was planned and implemented by the technocrats and they were somehow the puppetmasters. I do not know, but it sounded that way.

10.30 p.m.

Why did he bring the technocrats into this particular matter and saying that the technocrats advise you, then you come to Parliament? Okay, Member for Barataria/San Juan, through you, Mr. Speaker, which technocrat or which technocrats advised you and the Government on the selective proclamation of section 34, if we are to believe that that is the kind of blame game the Government is going to play? Which one or which ones?

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Then he kept saying and this is when he became a little bit, “I doh wanna” say annoying, but, I mean, he was losing us. He kept saying, “We all voted for it, they all voted for it, we all”—Mr. Speaker, let me just make this point abundantly clear. While the Bill was passed in this Chamber and in this Parliament, none of us on this side [*Desk thumping*] voted for the selective proclamation of section 34, not a single Member, so do not come here and try that broad-brush nonsense. You might be able to do that at some pre-budget or post-budget rally but not in the Parliament. We are not going to let you get away with that. All of them voted for it, voted for it, voted for it, and he is a Member of the Cabinet. The Cabinet is the body, the agency, that approved a very different decision, that is the selective proclamation of section 34 which has not been properly explained by anyone to anyone in the nation of Trinidad and Tobago. Unacceptable, Member for Barataria/San Juan! We do not accept your logic, it is rejected!

Mr. Speaker, this Government always seems to forget that besides the supporters that they might have brought in and whatever—and there were some very pleasant people outside, they are very respectful and respectable—but they forget that there are intelligent, right-thinking citizens that are now paying close attention to everything that is said and done in the halls of governance.

I noticed during the budget debate, some of those intelligent people noticed a very curious development when the Member for San Fernando West strayed a little bit and was beginning to talk about section 34. Members on her own side started to tell her move on and do not talk about that. The media picked it up and that tells us something. They have been boasting about, “Oh, we forthright and we not hiding anything on this issue and we not afraid of the Parliament” and so on. But even their own Member—I saw it with my own eyes—they were trying to shush her up “move on, move on” when she started because they were not sure as a COP member, a believer in new politics, what she was going to say. En passant, Mr. Speaker. I am certainly not going to dwell on the Member for San Fernando West. En passant!

Mr. Roberts: “Gehing involve in the internal elections of the COP.”

Dr. A. Browne: Well, I see you are no longer involved in such, Member. [*Laughter*] I guess the lesson has been learnt. Mr. Speaker, I will move right along because I am not here to dwell with any Member on the other side.

Speaking to the right-thinking citizens, how is the Government going to explain this all away and I am going to make a few observations. How do they explain all of this? I am going to put a few on the table.

The Attorney General changed the legal team, it was said, but how do they explain that? Is this all a sequence of coincidences, changing the legal team from the most experienced in extradition in the history of Trinidad and Tobago and the English-speaking Caribbean to a team of, at least on the matter of extradition, novices? Good lawyers, not bad people at all but on the matter of extradition, novices, relative novices, how do they explain that? And then, you know, realized the results afterward, the losses started, the legal losses, not going to dwell on it. Who changed that legal team, Mr. Speaker? The Attorney General of Trinidad and Tobago.

Second observation: the decision not to appeal Justice Boodoosingh's ruling in this matter, sending the matter—and he proudly proclaimed it—to the local court; sending it to the local court. Who made that decision not to appeal that ruling? The Attorney General of Trinidad and Tobago. [*Desk thumping*]

Moving on, Mr. Speaker. The claim by the Attorney General that he should be excused—excuse me because I have no experience—because he has no experience in criminal matters, in criminal law, when the Member for Tabaquite—[*Interruption*]

Mr. Speaker: Hon. Member, I know that we are going to be here for a long time, and I do not want to stop anyone from speaking, but I will ask everyone who is to come after you to pay attention to 43(1) of the Standing Orders. You see tedious repetition, that point that you are making there, you made three points, the third one, the Leader of the Opposition made that, your colleagues made that. Unless you are bringing new arguments, but you cannot be repeating the arguments of other Members, that is in violation of 43(1). So I will ask you to just either make new points or connect it in a much more sophisticated way, please.

Dr. A. Browne: Okay. Mr. Speaker, I am responding to the assertions by the Member for Tabaquite. He was given great leeway by the Deputy Speaker—[*Interruption*]

Mr. Speaker: Listen, listen, listen to me, I am not aware of what the Deputy Speaker did, I am in this Chair. I am saying that you are engaging in tedious repetition and I am so ruling now. Move on! Do not argue and do not—[*Dr. A. Browne stands*] just take “yuh” seat. Do not argue with the Speaker.

Dr. A. Browne: I am not arguing with you.

Mr. Speaker: I have raised a point, I have made an observation, but rather than you go on, you are now challenging me—[*Interruption*]

Dr. A. Browne: I am not challenging—[*Interruption*]

Mr. Speaker:—by saying that you are responding. That is what you are doing. By telling me that you are responding to him, you are challenging me. I am simply saying, if you want to make new observations, you can do so but cannot just be repeating arguments. I am going to be invoking this from here on in, no repetition of what has gone on before.

Dr. A. Browne: Mr. Speaker, making some observations again. Who told the nation of Trinidad and Tobago that the financiers would face a speedy trial in the local courts of this nation?—the Attorney General of Trinidad and Tobago. [*Desk thumping*] Who is the legal advisor to the Cabinet, the Government and the Prime Minister?—the Attorney General of Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, they want to, and I heard the allusion, to blame this magical scapegoat, this one person, but everyone should be able to at least acknowledge that without those actions of the Attorney General, the actions of this scapegoat would have been null and void. It is an entire play that has occurred here, right in broad daylight—robbery in broad daylight, to use a phrase—in front of the entire population, and there is a clear sequence of events that cannot be explained by happenstance or coincidence leading us from the midfield general right to the person who tried to score the goal. That is what is happening here! The goal would never have been scored without the actions of the Attorney General who, well, in my opinion, is—what is the phrase?—the playmaker in this particular scenario. [*Desk thumping*] That is what has happened here.

Mr. Speaker, there is no doubt in my mind whatsoever that the legislative amnesty that was created, temporary as it may have been, in broad daylight for these financiers was the result of a massive conspiracy involving several public officials in this country. There is no doubt in my mind that that is what we are talking about here, because what else could it be? What else could this be but a massive conspiracy?

The Prime Minister has given no alternative explanation of this sinister sequence of events that I have described. And the Cabinet meeting, who chaired that Cabinet meeting when that one special clause was proclaimed with no discussion, no argument, no debate, no controversy, no question, no resistance? Who was the chairman of that meeting and has the chairman been held to account? I reject the notion that the scapegoat was the architect and the sole executioner of this programme.

Mr. Speaker, we have often heard in this country that there is one law for the rich and another law for the poor. We have heard that many, many times and we are hearing it more and more these days.

Mr. Speaker: Hon. Member, you, again, are implicating persons—you talked about the chairman of the Cabinet, “who yuh talking about”? I know “who yuh talking about”, so you are implicating the Prime Minister. This debate is not about the Prime Minister. This debate is about the Attorney General. Member for Point Fortin, and now you, are trying to rope in the entire Cabinet and the Prime Minister. I am saying “yuh on ah wrong course”. “Yuh on ah wrong course”; be guided.

This is not about the Prime Minister, bring a separate Motion of a substantive nature on the Prime Minister. This is not about any other Cabinet Minister. If you want to bring separate Motions of no confidence in the Cabinet Members, do so, but do not take this debate and rope in an entire Cabinet and say they are all involved in a conspiracy. I will not permit that in this House. I am dealing with one Motion dealing with one individual, let us focus on that individual. Bring separate substantive Motions for all other Members of Cabinet or come back with another no confidence Motion in the Prime Minister, if you wish.

Dr. A. Browne: I thank you, Mr. Speaker and I thank you in advance for the injury time. As I was saying, many persons have been concerned in this country about the perception that there is one law—there is unfairness in Trinidad and Tobago. That is the point that I am making. There is one law for some and another law for others. [*Desk thumping*] One law for the rich, one law for the poor, and we are starting to see evidence of that, Mr. Speaker. We are starting to see evidence of that. This Motion speaks to a very unfair sequence of events and the thinking of the population is that this—when we talk about one law for the rich and one law for the poor—[*Interruption*]

Dr. Rambachan: “Yuh eh finish yuh sentence.”

Dr. A. Browne: I am coming to it—most times you are making reference to the application or the implementation or the interpretation of the law, it favours some. If you are ranking somewhere and you get stopped by the police, you get special treatment. If you are John Q. Public, you might spend a night in a jail cell. I am not going to elaborate, Member for Tabaquite, I see the bells going off in his eyes. So that is what they normally talk about—the application or implementation.

This Motion—and this Government has taken us much, much further in a new direction talking about one law for the rich and one law for the poor, because now

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we actually see laws and sections of laws being created for certain people. Mr. Speaker, that must be regarded as a diabolical development in this nation; this free nation of ours where the Parliament is now being used as an instrument of favour. Mr. Speaker, I want to remind you and Members, of the oath that we all swore to, to conduct our duties without fair or favour, affection or ill will; and someone has to explain to me how the Attorney General has been doing that in this matter, and someone has to explain to me how the Cabinet has been doing that in this particular matter.

Mr. Speaker, moving right along. There is one law for the rich; one law for the poor. I do not accept that this is all a mistake. I do not accept that this is all a misstep. I do not accept that there is any misprint involved. This is an atrocity against the democracy of Trinidad and Tobago. [*Desk thumping*] This is an atrocity against the Constitution and the Parliament. There are those who might say atrocity is a strong word; I do not feel that it is too strong a word at all. What happened with section 34 is so odious; it must be condemned in the strongest possible terms. [*Desk thumping*] This Motion is an opportunity for us all to do exactly that and to be honest with this Government, confront them with the actions that we are referring to.

10.45 p.m.

Mr. Speaker, when you hear the word “atrocity” you are tempted to reflect on some of the great atrocities of the century, and that word is normally associated with Auschwitz and Treblinka and those types of development. In my own mind, and I want to give an example—if you would allow me some latitude—when I use the word atrocity, my mind goes back to 2004 when another type of atrocity began to emerge through the work of investigative journalists in the United States, and photographs started to come out on atrocities in Iraq, Abu Ghraib prison. The response to those revelations by those investigative journalists is very interesting.

First, they tried to put pressure on the journalists themselves, and then what happened? There was an effort to find the lowest level scapegoat, someone or a few individuals who would accept the blame, shielding the higher level officers from scrutiny, and the reaction of army high command was very, very instructive in that manner. They blamed some officer, Lynndie England for that, and the real villain behind the atrocity, General Karpinski was well shielded until an investigation was conducted, the facts were revealed, and then she was demoted, dealt with in a very comprehensive manner and her record has been tarnished forever as a result.

My concern here is that there are some parallels in this matter, because their scapegoat could not have acted alone. It is my view, that we already have the answer as to who is the General Karpinski behind this particular atrocity that occurred right here in Trinidad and Tobago. There are only two reasonable alternatives in this situation, there are two.

The first reasonable alternative, given everything that I have heard, is that this Attorney General is either abysmally incompetent and slept through this entire debacle while it has been occurring to the population, in which case we can only conclude that he must go forthwith. [*Desk thumping*] But that alternative is loaded with too many coincidences, that is one alternative. He is abysmally incompetent.

The other alternative, Mr. Speaker, is that he is fully involved in this section 34 conspiracy, and in that case the outcome is the same. The only honourable outcome is the same; he must go forthwith. [*Desk thumping*] This Government was elected on an anti-corruption ticket and it is very sad that we would be standing here today debating a very serious matter of corruption involving a senior Government official. It is my view that their administration will continue to be defined by this very serious atrocity and scandal involving the abuse of political office.

I support the robust steps that have been taken, led by the Leader of the Opposition, to hold the Government to account on this issue. [*Desk thumping*] This Motion is part and parcel of that sequence of efforts and series of activities to hold the Government to account, and I believe it is well placed at this time.

Sadly, though, the entire Parliament has known for some time that the Government has not always kept its word, the Parliament knows that. I will not dwell on the anti-gang series, the state of emergency and all those other things which I am certainly not going to dwell on, but it will be very naive of us if at this stage we on this side were to trust this Government with anything they say or anything that they do. In that light, Mr. Speaker, I regret my vote on this particular matter, and I am just being honest. I regret my vote, and I am very sorry that I voted yes, on this particular Bill. I have been giving a lot of thought to what—[*Interruption*]

Mr. Seemungal: You regret?

Dr. A. Browne:—now, [*Dr. Browne looks over his shoulder*] Oh, I thought it was the Member for Cumuto/Manzanilla saying that. [*Laughter*] I have been giving a lot thought—please do not distract me—to what has happened, and I have also listened to everything that was said and done since then, and I do not

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think, particularly Members on the other side really appreciate what has transpired and how the population regards it.

I do not think they have really examined the true lessons of section 34, and sadly it has come down to personality and they are defending their Attorney General, and we are attacking their Attorney General, but there is a bigger narrative that we should not miss at all. There is a bigger more serious narrative that we should not miss at all, and that has to do with the weaknesses in the system that allowed what has happened to happen, and if we allow this issue and this debate to go by without looking at some of those systemic weaknesses, this can happen again with this Attorney General, or with the next one, because we do not know who might be put in if and when the Motion succeeds.

Hon. Member: What!

Dr. A. Browne: Then we might be faced with the same thing, because nothing this Government said has indicated that they have acknowledged what has really transpired, or an indication that it would not or cannot happen again, I must be very concerned as a citizen and as a Member of Parliament.

I want to make reference to what I view as the axis of evil in this country, and that is the nexus among money, greed and politics. [*Desk thumping*] That is what is at the base of all of that, because we have to connect this right back to the Piarco Airport. This is all a chain of events. [*Crosstalk*] It cannot be disconnected and it is the nexus, and this goes even beyond the immediate discussion of the nexus among—[*Interruption*]

Mr. Indarsingh: Karen Nunez-Tesheira.

Dr. A. Browne:—greed, money and politics.

Mr. Speaker: Please. Please. Member.

Dr. A. Browne: Mr. Speaker, financiers continue to be very active in the politics of this country and we need to acknowledge that, and they continue to try to get as close as possible to Members of Parliament, and if they determine some are in favour or are high up in the Government, they will try harder to get closer and to get their ear. They will try and continue to try to get as close as possible to the leaders of political parties; that has happened and it is happening, wealthy people, millionaires, working very hard to achieve that type of advancement. These are not nice people in the main, they are vicious, ugly, aggressive, greedy people who have no compulsion whatsoever, no principle politically; they are not founded on anything. Every investment in politics is a business investment designed to get rewards.

It is my view that unless we address that issue, we are going to be faced with more of this situation, and I am putting it forward today, and I do have some suggestions, and they might be described as naive, but I feel that should be a part of our examination of this matter. And that nexus, we all—I am saying it again ambitiously—have to find ways to break that nexus, or at least weaken that nexus.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

Motion made: That the hon. Member's speaking time be extended by 30 minutes. [*Mr. N. Hypolite*]

Question put and agreed to.

Dr. A. Browne: Thank you, Mr. Speaker, and thank you Members on both sides. I have seen up close how vicious some of these financiers can be at a low level far less for the mega level that others have to confront. They switch sides at the drop of a hat, and they can become very, very vicious and they can start vendettas against politicians that they first claimed they support, and the Member for La Horquetta/Talparo knows what I am talking about, and others Members are nodding, but he did not stand up here and talk on this matter to the population, because that is at the root of all of this, let us not fool ourselves.

Hon. Member: “It doh make sense.”

Dr. A. Browne: “It doh do make sense?” [*Laughter*] You are a Member of Parliament, “it cyar not make sense” to deal with an issue affecting the population. Mr. Speaker, why am I distracting myself with this Member? I cannot understand it, and I just need to focus on you. He admits he has nothing to offer.

Dr. Rambachan: You have not made—[*Inaudible*]

Dr. A. Browne: We need to deal with that, and the Member agrees we need to deal with that. We have to pay more attention to the way in which we finance our campaigns, our rallies, our trips, everything that we do as parliamentarians, as Ministers, and as public officials, because if we do not do that, these types of individuals will continue to have their way with the population and with the Treasury; that is the reality. Sometimes these financiers become so impatient they decide to become politicians themselves.

Hon. Member: Yes.

Dr. A. Browne: And then they are right there next to you in the Cabinet and so on; then what are you going to do? This is a very serious issue, but we could

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only deal with it if we want to deal with it, and I am just wondering if we want to deal with it. We need to find ways of reducing the risk of national decisions being made in the interest of financiers. I feel very strongly about this issue.

I do have some suggestions, they may be imperfect, but I am hoping that they may initiate some type of dialogue at some level, and if we have to amend the Constitution in some way, or strengthen our independent institutions to deal with this, or create additional independent institutions—this is important work and this should come in advance of all the other excitement the Government tends to focus on.

Mr. Speaker, it is my view that every single financial contribution to a political party should be made public information in this country; that is my view. I heard the Member for D’Abadie/O’Meara say very boldly that this whole section 34 issue is focused on long-time financiers of the UNC not the PP. Well, I would want to challenge the Member, if he knows what he is talking about, to make a full and frank disclosure, encourage his parties and his Government to do exactly that, otherwise it is just “ol’ talk.” [*Crosstalk*] Every single financial contribution to political parties should be published on an annual basis. Is that too much to ask for? [*Desk thumping*]

Mrs. Gopee-Scoon: Not at all. It is not.

Hon. Member: Why you do not start?

Dr. A. Browne: The Member for Tabaquite remains very locked into his world, and he is not listening to the message at all. Listen! “You cyar listen when yuh talking.” [*Interruption and crosstalk*] Mr. Speaker—sorry.

Mr. Speaker: Member, if you could just focus on me and forget the crosstalk, I think you will be safe.

Dr. A. Browne: I do not know why I waste my time on them, Mr. Speaker. I am focusing on you, and they are not the audience at the end of the day.

The other issue: all landlords and property owners who rent to the Government, or for whom the Government finds itself a tenant should be published on an annual basis. We are fully aware, past and present, that that is another way that these rewards are provided.

Hon. Member: Al-Rawi—[*Inaudible*]

Dr. A. Browne: It goes all the way to reward being provided with laws being passed, but I am dealing with some in the wider sweep.

A third one, the practice of secret, private sector contributions to government, state events and activities, secret private sector funding of government projects and other initiatives in partnership with the Government must cease with immediate effect. Other Members of this PNM Opposition have said the same thing; it appears to have fallen on deaf ears.

I wonder if the Government acknowledges how serious the fact that those secret contributions have been taking place. No more paying for tickets to New York. No more rallies with shadowy figures funding them, because how is the population to be assured that when a contract is given it is not merely a reward, or when a Bill is passed it is not merely a reward for a contribution that occurred in secret. No more of that type of activity.

11.00 p.m.

I will skip one. It might be too controversial at this point. Then there is a final suggestion in this sequence that I would like to share and that is, when a Bill is placed on the Order Paper, the system that we have affords a certain period of time during which informed stakeholders or constituents and many others can read the Bill and offer their sentiments, suggestions and contributions, and that has occurred. We have seen that—very rich discourse from members of the public.

Even when the debate commences, when the Bill is drafted there may be some consultation. When it is placed on the Order Paper, there is an additional opportunity for contributions from members of the public. They sometimes advise their MP, “This is how I view this Bill. These are suggestions in your debate, et cetera.” The Member for Port of Spain South is very good at that, so that happens.

Then the debate begins and sometimes fundamental changes are made right here in the parliamentary Chamber and we note some of the changes that were made recently. Sometimes those changes are made even at committee stage and they may be fundamental. That may happen again. This may happen next week Friday; and we go straight to a vote and you may have informed Members out there; there may be someone bursting at the seams who recognizes, “My goodness, this Parliament took a Bill one way and it is going down entirely the wrong direction.” They are powerless at that stage to intervene and we, at that point, are disconnected from the population and our constituents who may wish to tell us, “MP, party, Minister, take another look; think again.” These persons might be senior counsels out there who have strong opinions. I see Dana Seetahal, Martin Daly and all the others. They might be activists or community people.

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Mr. Speaker, my suggestion—again it might be pure naiveté—is that we might wish to look—this is what happened here, you know. This thing occurred in the dead of night, changes were made; it occurred in the Senate and they voted on it; and there was no opportunity for digestion or for someone out there to say, “Listen, this is madness.”

I do not know how much harm it would do in some matters, at least, to allow for the vote to be taken at a subsequent sitting or some reasonable period of time during which Bills that are changed—and this Bill was changed in a very sinister manner, twice, and voted on. That is what I mean by some kind of systemic alteration. Otherwise, we are just pretending that it is just people and those people, I think, are going to be replaced at some point and we may not be happy with the replacements. We looked at the replacements that have occurred thus far and I probably would not dwell on it. It gives no cause for comfort; no cause for courage; no cause for optimism; no cause for hope; no cause for ambition that this Government is going to do anything right. [*Desk thumping*]

Those are just some of the suggestions. I am not going to dwell on the office of the Head of State and strengthening the legal support there because I do not think that is necessary and it really does not do any good to be waving cheques. I saw they were waving some cheques at a rally the other day and then waved back a cheque and so on. I think we need to bite the bullet and begin a discourse right here, the scene of the crime, on campaign finance reform in Trinidad and Tobago. We need to begin that debate otherwise—some Members are happy with it as it stands and that is them. I can only say for myself, I am not happy.

Mr. Speaker: You cannot say I have not been generous and charitable, but these matters that you have raised here for the last 15 minutes are not really related, but I have allowed elasticity. Please try to connect those things and let us move on.

Dr. A. Browne: The Member for Chaguanas West has woken up at this point and seems to be offended by all of this and I am not going to dwell on it, but that in itself says something. This Motion is not about the Member for Chaguanas West; it is about the Attorney General, but somehow he seems to have been triggered by some of these suggestions. Very interesting, Mr. Speaker! I mentioned the fact that some financiers become politicians at some point in their career.

I do not have too much longer on my legs at this point. I think I have said some of the things that I would wish to share and if Members feel that this should not be raised, where better than the scene of the original crime. Nation building

cannot just be about who is holier than thou and this and that and the other and who is waving what cheque, as I see they have been doing on the other side. We have to build on our strengths, close the gaps, appraise and address the weaknesses and I would hope that someone in the Government, that there may be some SETI's search for extraterrestrial intelligence; some governmental intelligence out there that might say, "Listen, let us start talking about this at Cabinet or dealing with this." I do not know; maybe I am just wasting my time.

Mr. Speaker, I believe it is all connected. All of this is connected. The population really should have known better, though, because some of the same players are those who were there in a previous iteration. Moving right along, party access I am referring to; greed, money and politics.

My suggestion is that it cannot be a matter of who is the loudest. The Government will defend the Attorney General, clearly, to the last breath. The Members on this side are fully in support of this particular Motion and my suggestion is that the Attorney General should take no comfort in anything that has occurred here today. He should take no comfort even in the words of the Members on his side because it is clear to me that, in this matter, he did not act as any Atticus Finch, defending the poor or the dispossessed or the humble or the people who elected this party to office. It is clear to me that he was no Atticus Finch in this matter. It is clear to me that he acted more like the General Karpinski that I referred to a little earlier.

The last thing I want to say comes from this document, [*Holds up document*] which I have not torn up as yet. The Prime Minister tore her copy. I am not going to tear this up, Mr. Speaker. [*Interruption*] Keep going because you are leading to the concluding point.

I want to quote from page 67 of this COP/UNC/TOP—TOP is here—manifesto and I want them to listen too. Point 7: What difference will a manifesto make?

"We will have clean, responsible and responsive government with legislative changes and constitutional amendments to curb excesses and abuse of power..."

"We will have...legislative changes and constitutional amendments to curb excesses and abuse of power... There will also be an emphasis on transparency and accountability."

This Attorney General, this Government, this Prime Minister have done the exact opposite. I thank you. I support the Motion.

The Minister of the People and Social Development (Hon. Dr. Glenn Ramadharsingh): Thank you very much, Mr. Speaker, for the opportunity to contribute to this debate here today and I must commend the last speaker, the MP for Diego Martin Central for some of the comments he made coming to the end of his contribution. I felt that he was sounding like an aspiring leader of the other side. That is the best leadership conversation that we have heard from that side of the House for the night.

As you reflect on some of the things that he said, he sounded very much like the leader he follows right now, the Member for San Fernando East, because no one on the other side came and said that they were sorry that they voted for this Bill, but the Member for San Fernando East came out and said:

“I totally reject Section 34... I would never have agreed to Schedule 6... My position would have been completely different from the rest of the Parliament, including my own party colleagues.”

I think the Member for Diego Martin Central sounded very different from his colleagues here tonight. He sounds as if he is creating some waves on the other side; waves that may very well see him propelling and being propelled in a very high position in his own political party.

He sounded very philosophical. He almost sounded angelic, like a political angel. He carried on a conversation taking us on a journey; on a road to clean politics. He distinguished himself from the normal politics; in fact, he sounded better than some Members who preached that type of politics and proceeded to give us a lecture on how we can begin to get the ingredients to get there. I wonder if he really means anything that he says; if he is really serious about some of the things that he said; but he is leaving the Chamber because he will not be able to stay to answer some of these questions or to face some of the realities.

I was going to ask him if he is willing to declare where they are going to get the finance for this weekend's party convention; if they are willing to tell us how that is going to be funded and declare what are the costs and expenses they will incur. I do not think he will stay in the Chamber that long to face that comment.

While he was in the middle of his contribution, he proceeded to bully the Member for La Horquetta/Talparo, who did not have the opportunity to speak tonight.

Mr. Speaker: Hon. Member, more elegant language!

Hon. Dr. G. Ramadharsingh: Sorry, Mr. Speaker. He continued to chastise and harass him so we knew that he was being a little disingenuous. He accused

the Member of Barataria/San Juan of being forced to speak. That is not the case on this side. No one is forced to speak. In fact, I believe from the tiresome contributions that we are hearing from the other side, I feel that some Members may be asked to force themselves to speak. One Member, from deep south, who spoke sounded like that. I think we should clear the air.

The Member for Barataria/San Juan made a very, very important contribution. We did exploit the independence of the Elections and Boundaries Commission to gerrymander boundaries and to change constituencies. We did not interfere. The Attorney General was not used as an agent of the State to get their hands, to tamper with the political realities of the country and to deny the people a proper say in the democratic affairs of Trinidad and Tobago.

The Member for Diego Martin Central continued to reject the fact that everyone in the Parliament voted for the Bill. I do not know why he continued to say that. It was almost as if he wanted to hoodwink the population by interspacing—his entire contribution was all about propaganda; it was all about denial; and it was all about sanctifying himself and putting himself above, as a paragon of virtue in the Parliament here today and asking if there was one law for the rich and one law for the poor while turning around to berate his colleagues to the back, so we know he was not genuine at all about many of the things that he was saying.

11.15 p.m.

Then he asked for finance reform and disclosure. So, I wonder if he is comfortable hearing now, in some of the commissions of enquiry, where certain Members got their funds to fight their elections; to fight hon. Members on this side. We are hearing disclosures that alarm us. I also want to know if he is condemning the actions of a former Minister of Finance who did not declare their interest in a particular matter, and proceeded to use knowledge that was only available to them, because of their office in order to enrich themselves, or to not deprive themselves of finances and, therefore, those are the things we would like him to say. We would like to hear his comments on those matters.

Then he continued about the PNM did not vote for the selective proclamation and why was one clause extracted. But that goes back to the issue of why the Prime Minister of this country did investigations and said that she would not act injudiciously—not make any statements until she probed the matters and, after doing so, she made hard and tough decisions that I am sure, not having done those

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investigations, she would not have done at all. So, those points were really disingenuous. They were intellectually fraudulent and really could not create a logical argument before this House today.

He tried to defend the leader that he now separates himself from on the Wild-West behaviour, but the Member for Oropouche East is very observant in that regard, and I really think the population is seeing that type of behaviour; you are seeing “do this or else”, when you know that you are going to have a meeting of the Parliament, “call Parliament or else”, and I think he described that aptly and, therefore, the Wild-West behaviour is something that this vigilant population is looking at; the discerning people—the ones who think while they look at the issues—are looking at that type of behaviour, and they are really rejecting it—telling persons to leave their employment and abandon their jobs—that kind of reckless behaviour, the population is looking at.

So, Mr. Speaker, with those few remarks, I think I have sufficiently rebutted some of the points that were made by the Member for Diego Martin Central, and almost all the other Members carried on in a similar vein with tedious repetition here tonight.

I think after the contribution of the Member for Oropouche East and the contribution of the Member for D’Abadie/O’Meara, the debate had almost been over and the points were dealt with, and we are clear in our minds that this was an issue that came about because of a certain chronology of events; that the Attorney General acted in the interest of Trinidad and Tobago that, in fact, this is a responsible Government.

The Motion before us today shows one thing clearly: a total unwillingness for the Opposition to accept that there has been the advent of a new dispensation in Trinidad and Tobago. They carried on for the first two years threatening, warning that they will not last—“that this UNC-led coalition will not last; that they will not hold together”. Every contribution was fraught with that. We kept hearing it over and over.

When you look at the Motion that says:

“Whereas Section 76(2) of the Constitution specifies ‘that the Attorney General shall...be responsible for the administration of legal affairs in Trinidad and Tobago and legal proceedings for and against the State’;

That is the first clause.

Mr. Speaker, I would not repeat the schedules, but when the Prime Minister set about putting together her Cabinet, she created a new Ministry of the People and Social Development of which we have the honour to participate in; a new

dispensation, a new innovation; and she has the right to do that under the Constitution and, so too, she created a Ministry of Justice, which was the sister Ministry to the Ministry of the People and Social Development, and that Minister was given specific duties, and as the Cabinet began to work, more duties were taken up actively by that Ministry which was on the schedule, and so they refused to recognize that there has been a change; there is a new Prime Minister, a new Government, new Ministries with new schedules given by the Prime Minister and new duties given from time to time.

And, therefore, the *raison d'être* of this Motion is to cause the Prime Minister, after the swift action she took, to do something else. So, it is almost as if they want to carry on the domino effect which they feel that they have started. So when the Prime Minister then removes the AG, they will go after another Minister, and they will go after another minister, and they know that they cannot win a legitimate election in the country, so they are trying a new strategy by trying to terrorize the administration into letting Ministers go, but that will not work. We have seen through that ruse here today. We have seen that they came to this Parliament unprepared dealing with the same issues that have been out there in the national community; nothing new, nothing before us that shows us that the Attorney General should resign.

I go to the next clause and it says:

“And whereas the Attorney General participated in the presentation to Parliament of the Administration of Justice (Indictable Proceedings) Bill, 2011 which contained a clause that created an amnesty for certain proceedings [referred to as section 34].”

In this regard, two impressions or interpretations are created. The first is that the Attorney General is the only participant in the presentation of the Administration of Justice (Indictable Proceedings) Bill to the Parliament. This was effectively addressed by the Prime Minister in her statement to Parliament and I quote:

“The Bill including Section 34 was passed by both Houses of Parliament with the full support of Opposition and Independent Benches.”

Further the Prime Minister goes on to state and I quote:

“It was therefore, the Parliament in its collective wisdom that gave birth to Section 34. Whenever the Act was proclaimed (whether partially or in its entirety)”

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You see, Mr. Speaker—“applications under Section 34 would have been possible—it targeted no particular”—individuals and—“it was not designed to protect any sectional interests.”

As such, to say that the Attorney General did participate in the presentation of the Bill to Parliament is both unfortunate and unjustified. The fact is that they all—every single one of them on that side and on this side—gave birth to section 34.

Mr. Speaker, reading further, there is a line in this clause which is subject to misinterpretation and can cause confusion, and I suspect that is why it was put there, the word “amnesty”, “created an amnesty”. The Motion puts forward and insinuates that the Bill would create an amnesty. Mr. Speaker, an amnesty is an undertaking by the authorities to take no action against specified offences or offenders during a fixed period. This is in opposition to what was done. As a matter of fact, swift, powerful and decisive action was taken, so that in the Motion those words are used to create confusion in the minds of people.

In fact, when you look at the diseased state of the criminal justice system this was the intent. This is what all Members would have voted for when you see 104,155 cases in the Magistrates’ Court between 2010 and 2011 and 89,416 in 2009—2010. The court workload is tremendous, and we saw in the last year, 111 per cent increase in the total number of criminal matters.

We have heard before about young man, 27 years after, a larceny case still being determined. This is after 27 years—and I am quoting from the *Newsday*, Friday November 04, 2011:

“After 27 years, a larceny case in which a man was charged with breaking into the former Frederick Street, Port of Spain department store—Stephen’s and Johnson’s—came to an end yesterday.

Curtis Taylor, 47, was before Justice Carla Brown-Antoine, presiding in the Port-of-Spain Fifth Criminal Court yesterday, when he was found guilty by a nine-member jury. Following the verdict, Taylor’s attorney Joseph George submitted that despite the guilty verdict, his client maintained his innocence.”

Mr. Speaker, 27 years after, and more than 100,000 court cases. So, we have seen the *raison d’être*, the reason for the legislation was to clear the criminal—we were all clear about that.

Mr. Speaker, on the second issue in clause three it says:

“*And whereas* the Attorney General had knowledge of and supported the Government’s solemn undertaking to Parliament that no part of the Bill would

be brought into force until such time as all supporting rules, administrative and physical infrastructure were in place and stakeholders consulted;”

Again, the question is, when did this take place? Why can someone not point to a *Hansard* contribution, a written document? It is because the Motion is just crafted in this way to create the illusion of a conspiracy and, therefore, give an impression that some solemn undertaking was taking place which they cannot find any evidence of, except to say, that they were somewhere behind the Speaker’s Chair, the President’s Chair, sorry.

The fact is that they have failed to recognize the breath of fresh air that this Government is. No longer do Ministers of Government wear party symbols on their chests and coat of arms on their vehicles. This is a new Prime Minister, new Ministers with new Ministries and newly assigned portfolios. They want to carry on the same old, same old. The fact is that they fail to recognize that the constitutional role of the Attorney General has been altered fundamentally, and that is why some action was taken by the Prime Minister in that regard.

Mr. Speaker, the third issue comes from another clause:

“*And whereas* earlier, the Attorney General made certain decisions in an extradition matter involving those said...persons.”

It points to certain persons. Of course, we are not clear who those “certain persons” are. There are many conspiracies that have taken place in the recent past. We do not know if it refers to Calder Hart. We do not know if it refers to the Stone Street Capital deal, we do not know, because it says “certain persons”, so we are quite unsure about that. What I do know is that I have seen a document before me that says that the Attorney General hereby orders that the prisoner be returned to the custody of a certain police and commanded to the Marshals of the United States of America on October 09, 2010 signed by our Attorney General.

I make the point, the first time certain persons spent a night in jail was under the Partnership Government, some of them for months at a time, and the extradition order was not signed by the Prime Minister of Israel; it was not signed by the Leader of the Opposition of St. Vincent; it was signed by the Attorney General of Trinidad and Tobago who was in the exercise of his duties.

11.30 p.m.

The fourth issue, Mr. Speaker, is the word amnesty has its root in the word amnesia, and it is as if they have conveniently forgotten, so we can remind them that the White Paper on the Reform of the Public Sector Procurement was laid in

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the Parliament in September 2005. The document is dated August 2005, and this is on the issue of Government and governance. We came into power in 2010; approximately five years had elapsed and the White Paper moved no further.

Mr. Speaker, in any developing country, there would have been various activities across the political, social and economic environment. It is a corresponding fact that Trinidad and Tobago, no doubt, had been entertained by a myriad of views and interpretations on the changing landscape. But, certainly, no one can deny that special purpose state enterprises were a defining creation of the past administration. These enterprises mushroomed overnight and entered into our landscape. It is a dilemma that we continue to face today to see the misaligned governance practices in these institutions.

Mr. Speaker, quoting from the *Hansard*, the hon. Member for San Fernando East stated on Friday May 23, 2008, and I quote:

“What the Government is trying to do—and it is not UDeCott—is to change the established order in the construction sector through...special purpose state...” companies. “That is what we are trying to do. So, in terms of the policy that UDeCott is pursuing, it is Government policy...”

Further:

“Each special purpose state enterprise has a procurement regime in place.

The point is that they are not all consistent. Different companies use different regimes...”

We find agreement in this statement from the report of the Commission of Enquiry into the Construction Sector of Trinidad and Tobago, the Uff Commission in March, 2010—[*Interruption*]

Mr. Sharma: “They say anything about the stadium in Grenada?”

Hon. Dr. G. Ramadharsingh:—which says that:

“The Commission has examined the procurement practices of these and...other agencies, particularly UDeCott. One notable feature is that each...agencies operates its own procurement practices and tender rules, which can be seen to differ, sometimes in important respects. No good reason has been advanced for such diversity.”

Mr. Speaker, we have seen 47 wholly owned companies, five majority companies, five minority companies, 28 companies held directly as subsidiaries in addition to over 100 statutory boards, for fiscal 2010, their last year in office; the

revenue stated was approximately \$44 billion with a fiscal deficit of approximately \$7 billion. They started deficit financing after an energy driven boom. So these are the issues when we see—*[Interruption]*

Mr. Speaker: Hon. Member, it is now 11.33 p.m., I just want you to connect your points. You went on to the Member for San Fernando East, now you have gone to UDeCott; I am not seeing the connection and if you could tighten your contribution, please. I am going to be very rigid from here on, I have indicated that. So be relevant and pertinent to our discussions, please.

Hon. Dr. G. Ramadharsingh: Thank you, Mr. Speaker, I was just trying to give a picture of the governance issues because those apply to the debate in many regards. But I will come to another point where they are alleging that:

“...whereas as a consequence of this series of developments there is widespread unease, anger, disappointment and a general...loss of confidence in the Attorney General among a large...section of the national population,”

Mr. Speaker, I would like to say that when it comes to legislation and creating social justice and equity, we have been the beneficiaries in the Ministry of the People and Social Development of the work of the Attorney General. The first piece of legislation that we presented to the Parliament here was the Senior Citizens’ Grant (Amdt.) Bill. We were able to work as the Legislative Review Committee and to bring to the Parliament the Children Bill, which for nine years the PNM, the Opposition, could not have brought to the Parliament. We worked those Bills with the Attorney General at the Legislative Review Committee and brought the Children Bill to the Parliament. We are now setting up the Children’s Authority which people in Trinidad and Tobago have been crying out for, for years, and they seemed incapable of doing it, and this is the type of work that is done by the legislative arm of this Government.

We have been able to start work on the street dwelling and street dwellers at the LRC. We are also doing tremendous work to bring equity with the differently abled in the society. So all of this work has taken place together with the Attorney General and the Legislative Review Committee.

Mr. Speaker, I will not want to repeat some of the points that have been made, poignantly, by my colleagues. I think this debate came to an end very quickly with two powerful batsmen who demolished both the Member for Diego Martin West, who repeated a lot of what had been said in the public—*[Interruption]*

Mr. Imbert: “You really believe that?”

Hon. Dr. G. Ramadharsingh:—mainstream already. And the Member for Diego Martin North/East made one point about the printery which was totally annihilated—[*Interruption*]

Mr. Sharma: He was the water carrier.

Hon. Dr. G. Ramadharsingh:—by the Member for D’Abadie/O’Meara. I know for the budget he came with two points, but I think for this debate he came with one point, and we were able to demolish that. [*Crosstalk*]

Mr. Speaker, the points have been made. This Motion is really someone who crafted this does not want to face the reality that the PNM lost the last election, that a new Government came in place, a new Prime Minister came in place. She has been showing and demonstrating the capacity for great leadership that this country has not seen for a very, very long time. [*Desk thumping*] And it is a coalition Partnership and a coalition Government that brings the views, that brings those different viewpoints, synthesizes them and distils a wise choice; that is the reason why she had made such great choices.

It is a Cabinet that is composed of the COP that comes from a background of strong values in political life. It comes from the UNC which has managed so much of the population of our country through so many struggles to stand up for the poor man, the champion of the poor man.

It has the voice of labour through Minister Mc Leod, who is a champion of the labour movement. [*Desk thumping*] We have the NJAC. We have the leader of the Black Power Revolution who took the university students to the streets to fight for equity and justice in the society. We have the TOP, a young man from Tobago who has spent his entire life in public service, who is going to be the next Chief Secretary of Tobago, whether you like it or not, irrespective of your irrelevant debates and Motions in this Parliament. Their time is coming, the time draweth nigh—[*Interruption*]

Hon. Member: “Aie-yaie-yaie!”

Hon. Dr. G. Ramadharsingh:—by your works you shall know them; the people of Tobago will not be fooled, not by this Motion or any other frivolous Motion like this.

Mr. Speaker, we stand by our Government, our Attorney General, our Prime Minister. Thank you. [*Desk thumping*]

Miss Alicia Hospedales (*Arouca/Maloney*): Mr. Speaker, I am just thankful for the opportunity to contribute to this Motion of censure against the Attorney General. The Motion says:

“*Whereas* section 76(2) of the Constitution specifies ‘that the Attorney General shall, subject to section 79, be responsible for the administration of legal affairs in Trinidad and Tobago and legal proceedings for and against the State’;

...the Attorney General participated in the presentation to Parliament of the Administration of Justice (Indictable Proceedings) Bill 2011 which contained a clause that created an amnesty for certain legal proceedings [referred to as section 34];

...the Attorney General had knowledge of and supported the Government’s solemn undertaking to Parliament that no part of the Bill would be brought into force until such time as all supporting rules, administrative and physical infrastructure were in place and stakeholders consulted;”

Mr. Speaker, it also goes on to say that:

“...in the absence of the discharge of the said undertakings, the Attorney General had knowledge of and/or involvement in the unexpected proclamation of section 34 thereby prematurely bringing into force an amnesty with consequences for certain legal proceedings involving certain persons;

...the Attorney General made certain decisions in an extradition matter involving those said certain persons;...” and

“...as a consequence what has happened is that there is widespread unease, widespread anger, disappointments, loss of confidence in the Attorney General across a wide cross-section of the national population;”

And, Mr. Speaker, the Motion also goes on to say that:

“...the Attorney General has accepted no responsibility for the improper discharge of his constitutional duties;” and

“...this...House express its strongest disapproval of the breach of Parliamentary trust by the Attorney General’s involvement in the premature proclamation of section 34;”

as well as the:

“...honourable House express its loss of confidence in the Attorney General and call on the Prime Minister to immediately relieve him of the portfolio of the Attorney General of Trinidad and Tobago.” [*Crosstalk*]

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Mr. Speaker, this is a very, very, very serious indictment against the Attorney General. And, you know, the Member for Caroni Central came here and it was as though he was in denial, because he came and he said that the Member for Diego Martin Central apparently in trying to rebut him was in denial, but the Member for Diego Martin Central was presenting the facts as they are, Mr. Deputy Speaker. And what the Member of—[*Interruption*]

Hon. Member: Mr. Deputy Speaker?

Hon. Member: Mr. Speaker.

Miss A. Hospedales:—Mr. Speaker—[*Interruption*]

Hon. Member: That is the same speech from [*Inaudible*]?

Miss A. Hospedales: I mean it is late, right? Mr. Speaker, what the Member for Caroni Central failed to realize is that he was in denial of the fact that a major breach of Parliament had occurred by the Attorney General and even his Government by prematurely proclaiming section 34.

Mr. Speaker, the Member for Caroni Central is in denial that the wide cross section of the population, they are angry. Members of the population are angry. They are angry. They are disappointed. They have lost confidence in the Attorney General and the Government, Mr. Speaker. [*Desk thumping*]

You know, the Member is in such denial, it is as though he is delinked from reality. He came and he started talking about the Children's Authority and the disabled community; what does that have to do with the premature proclamation of section 34? [*Desk thumping*] What does that have to do with that?

Mr. Speaker, additionally, the Member for Caroni Central said that the Government is responsible. I almost remained with my mouth open because I just could not believe this. He is saying that the Government is responsible, and I want to tell you, Mr. Speaker, what the Government is responsible for. The Government is responsible for creating an environment of mistrust in the country. [*Desk thumping*] They are responsible for destroying the confidence of the people. They are also responsible for passing blame, not assuming that they have a significant part to play, that they played a significant part in passing the section 34. They have not assumed responsibility for any of the things that they have done. Mr. Speaker, they were also responsible for deceiving every right-thinking individual in this country.

Mr. Speaker: Member, I have said over and over, this Motion is not about the Government.

Miss A. Hospedales: I am going to link it.

Mr. Speaker: Yes, but no, linking it to the Government? This is about the Attorney General. If you have—I should not say this—but please, please, focus on—you have just read the entire Motion before us, so could you concentrate on the Attorney General, in that regard. This Government, Government, Government—the Government is not part of this debate. The debate is about loss of confidence in the Attorney General. I keep repeating that over and over, and over, please.

11.45 p.m.

Mr. Speaker, what the Member did not say was that the Attorney General is responsible for deceiving every right-thinking individual in this country, [*Desk thumping*] and the decisions that were taken were to ensure that an amnesty was created for specific individuals to benefit.

The Member for Caroni Central also stated that the Government was a breath of fresh air. What he failed to realize was that with the premature proclamation of section 34 the Government created the worst stench ever that this country has ever, ever, ever experienced, and it is something that will not go away overnight. [*Desk thumping*] Even though some Members are saying why continue with the debate on section 34, it will not go away overnight. The people of this country will continue to remind you over and over and over again because it is the worst stench that has ever been created.

Every time I reflect on the things that the Attorney General has done, I am reminded of a story I learnt as a child about the boy who cried wolf. Even this morning I was reflecting on it. The story goes like this: this boy was on a hill tending sheep and he became bored and decided that—[*Interruption*]

Mr. Sharma: What year was that?

Miss A. Hospedales: You could go and research it. He decided that he would create a sinister prank and cry wolf. So he cried wolf and the villages came running to support him and to protect the sheep. When they came, they realized that there was no wolf there and left disappointed and angry. The boy decided to cry wolf a second time, and the villagers responded the same way they responded the first time. They ran to his side to help him protect the sheep, et cetera, and again they were disappointed, they were angry, and they left and went back to the village. The third time he cried wolf, the wolf really came, and the villagers did not respond to him because they thought it was a prank again.

Mr. Speaker, every time I think about some of the things that the Attorney General has done, I remember this story. The whole moral of the story is that when you are scarce with the truth that even when you begin to tell the truth,

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nobody believes you. This entire scenario of section 34, the proclamation of section 34, is a scenario like that. There are so many others that I can recall when thinking about the boy who cried wolf. We have our own boy in Trinidad and Tobago who has cried wolf many, many, many times.

He created a stir in this country when he stated in Parliament that a new grand piano purchased by the National Symphony Orchestra was missing from the Prime Minister's residence. He implied that the former Prime Minister, the Member for San Fernando East, may have known where it was or where it had gone. Only to the amazement of the members of the population when he cried theft and made a whole lot of accusations—bringing the goodly name of the Member for San Fernando East into disrepute—that the piano was never removed from the Prime Minister's residence, but it was right where it was supposed to be. Can we believe anything the Attorney General says? Can we believe anything that he says?

Mrs. Gopee-Scoon: No, no.

Miss A. Hospedales: After two years and five months he is still declaring a war on corruption, and he is still on his witch-hunt to capture specific individuals such as to have Calder Hart arrested and brought to justice. He has added the names of many, many, many other reputable individuals in this country, claiming that they have been involved in corruption. Almost two years and five months later he is still “bussing mark”, as the young people would say. He is still “bussing mark” against the PNM administration. Two years and five months later, no arrest has been made. Can we really believe him? Can we really believe him?
[*Crosstalk*]

As the moral of the story goes, anyone who does not speak the truth or who is scarce with the truth, when he begins to tell the truth would not be believed. Can we believe him?

He was asked to probe the issuing of a \$40 million contract to Gopaul & Company. Mr. Speaker, what happened? Nobody knows what happened with that investigation. Today we are still waiting on the findings of that investigation. But we know other things that happened. The then line Minister who happens to be the Member for San Fernando West, she and her team were removed from the investigation. She was eventually moved or transferred out of that Ministry and sent to another Ministry.

Mr. Roberts: Mr. Speaker, Standing Orders 36(5) and 43(1). “I doh know which one to go with.”

Mr. Speaker: I sustain that point in terms of—you do not have to refer to another Member. I understand the point that you are making in passing, but do not dwell on that, please, just move on.

Miss A. Hospedales: Yes, Mr. Speaker, I am trying to establish the points based on the things that were done, the members of the population have really lost confidence in the Attorney General.

Mr. Speaker, as I was saying, the findings again of that particular investigation we are not aware of. Again I am asking the question: can we believe him? Can we trust him?

He cried wrongdoing in the assignment of the BOLT. That is the most recent one, the built/own/lease/transfer arrangement entered into by the Tobago House of Assembly, and then said he was not aware that legal advice was sought on the matter from a very honourable Member of the other place and company, and that the Acting President at that time, Mr. Timothy Hamel-Smith, had signed off on the matter. He then said that he was not aware. The Attorney General has the habit of crying wolf and expecting people to believe him. We cannot believe him.

Once again he brought shame and disgrace to the office of the Attorney General. [*Desk thumping*] During the budget debate on Wednesday, October 17, 2012, he revealed legal fees that were paid off by the Central Bank.

Mr. Speaker: Do not go through that one. The Member for La Brea spent some time on that.

Miss A. Hospedales: I am not going to extend it the way that he did; I am just briefly passing—en passant. He called out the names of several attorneys, and two of them responded stating that the information was false and was categorically not true. Two of them responded stating that. I have to ask again: can we really trust the Attorney General? Can we believe anything that he says? The answer is no.

Mr. Speaker, one other point I remembered when I was thinking about all these things. It was the fact that he said that a grand plot of treason to kill him and other Members of the Cabinet had been executed against them, but this eventually became a national and regional spectacle, because everyone realized that there was no plot at all. So again we are asking the question: can we really believe him? No. We cannot believe anything that he says.

The only boast of success he claims to have for his tenure is the state of emergency, the number of persons arrested, young men, innocent—[*Interruption*]

Mr. Speaker: Listen, I am trying to facilitate as much as I can. But try to link whatever you are saying to the Motion; link it. We are dealing with section 34, not state of emergency. So if you could link your points to section 34, it would be very good. I do not want to stop anyone from speaking tonight. I want everyone to make their contribution, but just connect your points, please.

Miss A. Hospedales: Mr. Speaker, I would like to refer to the Motion:

“And whereas as a consequence of this series of developments there is widespread unease, anger, disappointment and a general sense of loss of confidence in the Attorney General among a large cross-section of the national population;”

Mr. Speaker: That is in relation to section 34; it is nothing with a state of emergency.

Miss A. Hospedales: Mr. Speaker, I am also trying to establish the series of events.

Mr. Speaker: Yes, but do not try to establish that here because this is about section 34. [*Laughter*]

Miss A. Hospedales: Mr. Speaker, I am moving on, but just to state that the only achievement that he has for his tenure is the state of emergency.

There are many, many more misdeeds that can be identified, things that were done by the Attorney General, but foremost in our minds, even when he leaves office, even when he is dismissed, he will be remembered for the proclamation of section 34.

Mr. Speaker, he will be remembered for even his announcement at 4.30 p.m. on the deadline day for the filing of an appeal against the ruling of Justice Boodoosingh over the matter of their financiers. Today many, many individuals are still wondering what happened. They are still wondering why the Attorney General did not apply for an extension to the Court of Appeal to file an appeal against the two respective individuals. Also the failure of the Attorney General to appeal the decision was unwavering, even though there were cries or there were concerns expressed by members of the United States authorities. Why did the Attorney General change his legal team? We still have not gotten the answers to that.

Then we had the proclamation of section 34 of the Administration of Justice (Indictable Proceedings) Act on August 31. Neither the Attorney General nor

Members of his Government has told us why section 34 was proclaimed, when various processes of litigation concerning the Piarco Airport scandal were taking place or existed.

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Mr. Speaker, additionally, the Attorney General became extremely silent, he had nothing to say initially because he was in denial and refused to admit that anything was wrong with section 34. As far as he was concerned—[*Interruption*]

Dr. Ramadharsingh: Mr. Speaker, 43(1).

Mr. Speaker: Member for Arouca/Maloney, most of the arguments that you are advancing at this time have been dealt with extensively by your colleagues and by other Members of this honourable House. I want to appeal to you, either you bring fresh ideas or arguments, or you would be guilty of violating 43(1) which is irrelevance and tedious repetition. So, I am just trying to get you to—you do not have to repeat what has been said already. Yes, you are repeating. I am telling you, you are repeating, I am not asking you, and I am just saying to you, just come up with fresh arguments, right, otherwise I would have to uphold 43(1), and I do not want to do so. Continue, please.

Miss A. Hospedales: Mr. Speaker, in his explanation what he said is that the entire section 34 episode was an oversight on the part of all involved, and that was his explanation he provided to the *Guardian* on September 30. One question that I would like to ask is: what oversight was he talking about?

He even referred to the fact that Members of the Lower House as well as the Upper House were privy to the information and the proclamation of section 34. But, Mr. Speaker, were any PNM MPs, Independent Senators or even PNM Senators present at the Cabinet meeting when the decision was made in the presence of the Attorney General, to proclaim that particular section of the Act? Many acknowledged that there was a sinister plot hatched to free their financiers. Another thing is that we understand that the Attorney General is the senior legal advisor to the Cabinet—[*Interruption*]

Mr. Sharma: Who is the junior?

Miss A. Hospedales:—and he failed; he came to this House and he did not tell us exactly who drafted clause 34. We have not heard any Member on his side, even those who responded to the debate this evening or yesterday, and even those who debated yesterday, we have not heard any of them say who drafted clause 34, and who inserted it into the Bill. We have not gotten those answers.

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Who submitted it to the Legislative Review Committee? I heard the Member for Caroni Central boast about the work that he had done with the Attorney General, taking the legislation to the Legislative Review Committee and reviewing it, and bringing it to Parliament for successful debate et cetera. So, I would like to ask, Mr. Speaker, who submitted that particular clause to the legislative committee, and was it deliberated on? [*Crosstalk*] No, no.

Another thing I would like to ask is: why was section 34 proclaimed before the Act was proclaimed entirely? The Attorney General failed to answer these questions before the debate. Even when he came to repeal section 34, he did not provide any answers whatsoever.

In the Lower House he came and he ranted and raved, and when he should have been answering all the questions that were before him, he told us about irrelevant issues, and he also tried to resurrect some dead issues such the Landate issue et cetera. Mr. Speaker he did not provide any sort of comfort to the members of the population, when he should have been repentant, and even apologetic in one way or the other. What he was engaged in was constant mud-slinging, you know, and blaming and pointing fingers—[*Interruption*]

Mrs. Gopee-Scoon: What is new?

Miss A. Hospedales:—rather than expressing to the population his regret for overseeing something as sinister as the proclamation of section 34.

Mr. Speaker, when he went to the Senate, the only explanation—and I heard the Member for Caroni Central talk about that. The only explanation that he gave was that section 34 was included to get rid of the high backlog of cases before the Act was proclaimed in its entirety in January 2013.

Hon. Member: Nonsense! Nonsense! Foolish!

Miss A. Hospedales: Mr. Speaker, we know that that is far from the truth. We know of the sinister plot that they had to free their specific financiers. Can we really believe him? There are so many examples and this one is probably the most glaring of them all. Can we believe the Attorney General?

Hon. Member: No!

Miss A. Hospedales: The answer will be no, no, no. We cannot believe him. Can we trust him? Again, the answer would be, no. As the legal advisor to the Cabinet he failed to give an account to the people of this country as to why section 34 was inserted specifically to give accused persons the ability to apply to

the court to have the verdict of not guilty entered against them, and the charges dropped if the offence was committed more than 10 years ago. That is what happened.

You know, the Member for Caroni Central talked about responsible Government. Again, this is not an example of a responsible legal advisor to the Government. This is not a good example. [*Desk thumping*] Mr. Speaker, there is no doubt that the Attorney General was aware, there is no doubt that he had knowledge, there is no doubt that he was involved in the unexpected proclamation of section 34, thereby bringing into force an amnesty with consequences for legal proceedings involving certain persons. Mr. Speaker, there is no doubt he participated, he was involved, he had knowledge of all these things, and he knew what the consequences would have been.

He wants us to believe that he has no responsibility for legislative drafting, and no responsibility for legislation that is brought to the Parliament for debate. But, again, the Member for Caroni Central confirmed the role of the Attorney General in providing oversight where legislative drafting and advice for the legislation is concerned.

Hon. Member: Nonsense!

Miss A. Hospedales: The Member for Caroni Central [*Crosstalk*] is saying “not criminal, not criminal,” but he has responsibility for criminal legislation.

Dr. Ramadharsingh: I was talking about social legislation.

Miss A. Hospedales: He has responsibility for criminal legislation. The same person, the Attorney General, who has responsibility for legislative drafting and for all legislation failed to assume responsibility for leaving out white-collar crimes, and we want to know why are white-collar crimes left out of the legislation?

Dr. Browne: That is an easy question.

Miss A. Hospedales: Crimes such as money laundering, fraud offences [*Crosstalk*] were omitted from Schedule 6 of the Act. Why was that left out? Mr. Speaker, why were the offences under the Integrity in Public Life Act also excluded from the Schedule? It would be nice when the Attorney General gets the opportunity to speak, then he will tell us. He will answer these questions.

The Attorney General also wants us to believe that he was not responsible and should not be held liable for the proclamation of section 34, and the exclusion of white-collar crimes for Schedule 6. He wants us to believe that, but we cannot. He is the legal advisor to the Cabinet, and we cannot believe anything that he says.

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Mr. Speaker, he wants us to believe that he did know what was taking place in the Parliament, and what happened in the Cabinet with the inclusion of section 34, and he did not know that the accused people would have escaped justice.

Mr. Speaker, I mean, the reality is that the facts are there. I remember one previous Member of Parliament used to say, facts are stubborn things, they would not go away. This is one time that the facts would not go away; they will remain and haunt them over and over and again. [*Desk thumping*] In the minds of the population, the people would not forget how, you know, their trust was betrayed. They would not forget how the Government or the Attorney General acting on the part of the Government deceived them. They would not forget these things. This is unbelievable. All that has happened with respect to the proclamation of section 34 is unbelievable. People still just cannot believe it.

You know, the Member for Point Fortin made reference to the national disgrace, the regional disgrace, and the international disgrace that has come upon our country as a result of—[*Interruption*]

Mr. Sharma: It not so bad.

Miss A. Hospedales:—the proclamation of section 34. It is really unbelievable that the Attorney General, as the chief legal advisor to the Cabinet, has not assumed any responsibility for the improper discharge of his constitutional duties, and he continues to pretend as though nothing happened, and continues to point fingers blaming people, blaming others for something that he would have presided over.

Hon. Member: True, true.

Miss A. Hospedales: Mr. Speaker, we believe that the Attorney General was fully aware of the impact of what had been done through the proclamation of section 34; we believe that, that he was fully aware of the consequences that would have occurred as a result of the proclamation of [*Desk thumping*] section 34.

We believe that he was fully aware that he used the Parliament of this country to perpetrate a great injustice for political expediency. That is what we believe. [*Desk thumping*] It is for all these reasons that we express loss of confidence in the Attorney General. What we have seen happen is that the Attorney General and even the Members of his Government have all claimed that they will consult with the people. They will do things differently. They will be transparent, but all of those things are not true because the Attorney General failed to consult widely,

and you know, and to consult with persons of great experience and insight. For instance, he failed to consult with the DPP, the Criminal Bar Association, the Law Association, the Chief Justice, prior to inserting the amended section 34 into Act, and prior to its proclamation.

I think it was the Member for D'Abadie/O'Meara who said, it is no secret. [*Crosstalk*] It is no secret, but Mr. Speaker, the proclamation of section 34 was a big secret. It was a big secret because nobody knew until it came out in the media. So, despite what the Member for D'Abadie/O'Meara says, the proclamation of section 34 was not known to everyone, and I am sure some Members of the Cabinet were not even sure what was taking place. [*Crosstalk*]

12.15 a.m.

So, Mr. Speaker, the Attorney General has certainly failed the members of the population, has failed us, has failed the Parliament and has failed the country. The Attorney General, as we have acknowledged, has not accepted any responsibility for the improper discharge of his constitutional duties. He also continues to be in denial, he also continues to cast blame, but we on this side join with the Leader of the Opposition to express our strong disapproval of the breach of parliamentary trust by the Attorney General's involvement in the premature proclamation of section 34.

Mr. Speaker, we also express our loss of confidence; on behalf of the population, we express that; our loss of confidence in the Attorney General has diminished considerably and we call on the Prime Minister to immediately relieve him of the portfolio of Attorney General of Trinidad and Tobago.

Mr. Speaker, I thank you. [*Desk thumping*]

Mr. Speaker: Hon. Members, I would like to appeal to all future speakers, if we do not have anything fresh to add to what has already gone, repetition, tedious repetition is not going to be tolerated by the Chair. I am going to invoke Standing Order 43(1), because this is a tight debate and we are getting repetition and irrelevance; repetition and irrelevance. I am just asking Members, if you are going to speak come with fresh ideas, but not to repeat what others have said. Please! The hon. Member for Fyzabad.

The Minister of Transport (Hon. Chandresh Sharma): Thank you very much, Mr. Speaker. I have the good fortune of speaking after the Member for Arouca/Maloney and I would have nothing to repeat of what she said. Absolutely nothing. [*Interruption*]

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But I have to answer a few questions that she asked and in answering those questions I may have to ask some questions myself. One of the questions she asked: how will this Attorney General be remembered? I am certain the Member for Port of Spain South being the professional she is and being a member of the legal community, would agree that the Attorney General of Trinidad and Tobago stands out as one of the top Attorneys General in the CPA countries. *[Interruption]* One of the top in the CPA countries; more than that, he has achieved as Attorney General of Trinidad and Tobago, what no other Attorney General has achieved in the laws, the number of cases he has appeared in, but more than that, he has been able to bring to the commonwealth learnings that today every law student has to read. Am I correct? Thank you.

More and more law books are making reference to the work of this Attorney General, and this is very instructive. Now, the question that begs, how will the Member for Arouca/Maloney be remembered? And the less said about that is better, because one must be very kind. One must be very kind.

Mr. Roberts: Hey, you now wake up, stop causing bacchanal. *[Crosstalk]*

Hon. C. Sharma: Mr. Speaker, the Motion that has come to the Parliament is one that has been with us—because we follow the British Westminster system. It was first presented in the British Parliament in 1895. Strange enough, up to 1979 there were only five such Motions. Very interesting, because these are very carefully thought out, and when you look at the other countries that have similar parliamentary systems: India, Hong Kong and elsewhere, they are very, very careful, because this is a Motion that requires deep research, it requires deep reflection.

When you look at the contributions thus far, one thing you have to congratulate the PNM, they cooperate, because the Member for Diego Martin West spoke and after he spoke he distributed the pages and every Member took that page and read from it, because there was absolutely nothing new. They went on and went on, the same thing over and over. So the contribution of all Members opposite signalled nothing, absolutely nothing that could command any attention on behalf of the citizens of Trinidad and Tobago. There was nothing that seemed to suggest, because in producing the Motion, one of the considerations in the Westminster system is that you must bring forward new information. Not a single Member opposite brought any information that was new to any citizen in Trinidad and Tobago, whether that citizen was in a law firm in Port of Spain, or in a maxi-taxi, or selling doubles, or selling shark and bake; they produced absolutely nothing, so it is a dismal, dismal failure in that regard.

But more than that, Mr. Speaker, the question that really begs, what is the purpose of the Motion? Maybe it was well intended, maybe it was not, but from what we have seen thus far, there seems to be no real concern of any kind except political. That is what it is. What is the average citizen saying? And the average citizen can communicate with us through BBM, through text messages and through other mediums. While we are speaking that information comes to us through different ways. You would have seen that today, because this was such a hype in the community, all the radio stations in this country ran polls, and all the results were that the PNM has no real purpose in bringing this. The question was asked, are you in support of the Attorney General? One radio station carried 90-plus per cent. The questions in the late evening news, similar questions, all in support of the Attorney General, they were not impressed with the Opposition arguments.

Miss Cox: Not true. Not true. [*Crosstalk*]

Hon. C. Sharma: All of them. All of them, produced differently, if that is different, produced differently and say, look, radio station said “A”, “B” or “C”. Every single one of them that carried a poll said the PNM presented absolutely nothing. In fact, they thought it was a total waste of time, and that is how the PNM has been carrying about itself.

You see, the purpose of an Opposition in bringing Motions of this kind is to really alert the national community, listen, we may have a crisis here, we may have a situation that requires our minds to come together. Nothing presented seems to suggest that. There were a lot of personalities; arguments. Motions are not about personalities, they are strictly about facts, issues, and nothing of the kind was raised. You started to go into the personal affairs of Members on the Government Benches, that does not make sense, so let us revisit.

The Motion has come, has it brought any value? The answer is no. Has it raised any fundamental questions? The answer is no. Is it going to make the citizens better, those of our citizens who have been watching the television or listening to the radio station, have you added any value? Have you told them, listen, we are in Opposition and we are ready for the governance of this country? You have confirmed in their minds that they must not vote for you at all because you seem not to know what you are about. You are confusing the population even more, and you are confirming in their minds that the PNM is not ready for governance.

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The Member for D'Abadie/O'Meara, on the last occasion said, pretend for a minute that you are dreaming and the PNM was in Government, who would be the Attorney General, Member for Port of Spain South?

Hon. Member: You.

Hon. C. Sharma: Imagine that! What would the Member for Laventille West be, the Deputy Speaker? Think of it, absolutely not adding value. I am not suggesting—all of us are equal in that regard.

Miss Mc Donald: Mr. Speaker, 36(5), that is imputing improper motives. Trying to insinuate that we would add no value. Please, I wonder what you are adding right now. [*Crosstalk*]

Hon. Member: “Ooooh!”

Mr. Speaker: Yes. [*Inaudible*]

Hon. C. Sharma: You know, I really respect the Member for Port of Spain South, she confirms the truth on every occasion that she speaks, and thank you for confirming that. And that is important for the national community to make, because in debating in the Parliament, Government must signal to the national community, we are doing your work and we are fit to continue doing your work, and the Opposition must signal to the community that we may be ready at some point. From what the Opposition has presented, you “ain’t go be” ready for another 50 years, because, really, you have not presented a single thing that can add any value.

Mr. Speaker, what was expected of this Motion? The Opposition having presented the Motion they must have had some expectations. Now they were in Government in the past so they would have known that the Motion cannot succeed. As a result, you then have to present your facts in such a way that you can convince us here in the Parliament that there is something to treat with. From what you have presented, there is absolutely nothing to treat with.

Mr. Speaker, as you indicated, part of the May’s learning suggests—and this was highlighted:

“The real significance of the general requirement that a government retain the confidence of the House...”—and here it refers to the House of Commons and in the local place, our House—“is not the rare loss of a vote of confidence or in the somewhat more frequent legislative defeat, but rather that it obliges

every government to defend itself, explain its policies, and justify its actions, to its own backbenchers, to the opposition parties, and through them to the country as a whole.”

The Opposition has failed, because you have to convince the national community that you really have a story to tell.

Mrs. Mc Intosh: We did.

Hon. C. Sharma: Thank you, Member for Port of Spain North/St. Ann’s West; when she wakes up, she really speaks the truth.

Mr. Speaker, the other point that I want to make is the timing, and even the May’s Parliamentary, strange enough, talks about it, the timing of Motions. The timing, based on what we have seen thus far, is really political. The Opposition has an election on Sunday, they have something coming up in Tobago [*Interruption*] and elsewhere—the timing, and here the learning talks about that. It also suggests the speakers.

“A debate on a confidence motion will usually include speeches (normally the opening speeches) by the...Leader of the Opposition...”in this case, and followed—when you look at what followed, there is absolutely no sequence, there was no building up of anything. The Leader of the Opposition having presented, the others were required to come and add value to it. Not a single speaker—I know when the Member for Port of Spain South speaks there may be some difference—added any value to the arguments. In fact, they watered it down.

Miss Hospedales: “You adding no value.”

Hon. C. Sharma: Thank you. Well, we heard the terms of the Motion, and, Mr. Speaker, when you look at what it is—the Leader of the Opposition indicated that large segments of the population are thinking in a particular way, but there is no scientific measure that the mover has presented, so you have to go on record, you have to make an observation; we on this side have to say, where did the Leader of the Opposition get this information? When you look at the public meetings with a gathering of 200 maximum, you cannot say “large” segments of the population. [*Laughter*] When you look at the number of persons who visit the constituency office based on their own reports, 10 persons per week, you cannot say “large” measures, so they have introduced these emotive arguments to suggest half the country or large portions of the country are upset. You have no evidence and it is misleading the House in this context—[*Interruption*]

Mr. Hypolite: Mr. Speaker, Standing Order 36(1).

Mr. Speaker: Yes, I have appealed to Members on both sides and I want to appeal to the Member for Fyzabad, let us connect the dots or we could try to see if we could push on because we seem to be repeating ourselves and not being relevant, so try to tie up.

Hon. C. Sharma: Mr. Speaker, I have just demonstrated that the presenter of the Motion, the Leader of the Opposition, in his presentation has indicated, and if I have to read from it:

“And Whereas as a consequence of this series of developments there is widespread”—[*Interruption*]

Mrs. McIntosh: Again!

Hon. C. Sharma:—”unease, anger, disappointment...”, et cetera, and I am saying, as a Member of the Government we have to say, well, how does this fit in? And I am suggesting, based on their own information, based on what has been produced by both the print and electronic media that they have no evidence of such, what they are claiming in the Motion. I have demonstrated that one, the simple-minded person would look and say, where have they been meeting these large groups? Well, if they say public meetings, 200 persons attended; if they say in their constituency office, collectively, you are looking at 10 persons—[*Interruption*]

Mr. Hypolite: Mr. Speaker, Standing Order 36(1).

Mr. Speaker: All right, Member, just connect again for us, please. [*Crosstalk*]

12.30 a.m.

Hon. C. Sharma: Thank you. That is the connection.

Mr. Speaker, the second point: for the Opposition to claim that there is a general sense of loss of confidence in the Attorney General; again, the Attorney General continues to command a presence in the country; he continues to do his work in a most effective way; more than that, he brings to the forefront, activities that never obtained in the past in terms of legislation, in terms of approaches. So again, this has no merit in their presentation.

Mr. Speaker, it is not proper for the Opposition to claim large cross sections of the national population. It is not because they are allowed to put anything in the

Motion, they must also demonstrate it. Nothing any Member said opposite seemed to suggest to the average person travelling in the maxi-taxi, that they are in contact with the larger population; or it is reflective of the larger population.

The Motion continues:

“...the Attorney General has accepted no responsibility for the improper discharge of his constitutional duties:”

There is no evidence—absolutely none—presented by the Opposition and none that this Government knows of, where the Attorney General has failed to discharge his constitutional duties in the way he is required to. He has held it very high; he has demonstrated he continues to do his job in the way he is required to do. There has been absolutely no breach. So this is null and void.

Mr. Speaker:

“...that this honourable House express its strongest disapproval of the...”

—related to the Attorney General. Well, the House is made up of both of us here; the Opposition and the Government. The Government has the majority; the majority in this House is very, very comfortable—extremely comfortable—with the good work of the Attorney General. [*Interruption*]

It begs the point again; that in presenting a political argument—because the question that originates in my own mind is: what was the intention of the Opposition?

Mr. Speaker: There is a point of order?

Dr. Browne: Standing Order 43(1)? You have laid down the ground rules very well for this debate.

Mr. Speaker: Yes, I am trying to avoid asking Members to take their seats. I do not want to start with the Member for Fyzabad. So, I am asking the Member for Fyzabad to link it, please.

Continue, hon. Member.

Hon. C. Sharma: Thank you, Mr. Speaker.

Mr. Speaker, the Opposition raised that the Attorney General has not been discharging his duties. There has not been a single bit of evidence that suggests that. I want to reflect on the work of the Attorney General in recent times because we are looking at the last two or three months in particular.

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An attorney general's work is under the watch of the legal community at all times, and that continues. There has been no breach, there has been no matters in the court that suggests that the Attorney General has not been discharging his duties.

Mr. Speaker, what else did the Opposition raise in this context?

“*And whereas* the Attorney General had knowledge of and supported the Government's...undertaking”

in Parliament. That is the responsibility of an Attorney General. An Attorney General, based on the Constitution of Trinidad and Tobago, has to agree to collective responsibility. So, it is not that he is not associated with the Cabinet, he has to be in support of. [*Laughter*] When he does not do that, then there is no collective responsibility. So, again, the Attorney General has been exercising and executing his duties in keeping with the laws of Trinidad and Tobago.

Mr. Speaker, based on all the information presented by the Opposition, what has come to our attention here is that the Attorney General continues to obtain the fullest support of the Government of Trinidad and Tobago and, by extension, the people of Trinidad and Tobago. There has been absolutely no evidence that has come to our attention that seems to suggest that the people have lost confidence in the Attorney General.

So, I am in agreement that the Attorney General continues to uphold the office and continues to have the support of the Government. [*Desk thumping*] Thank you.

Mr. Speaker: The hon. Member for Port of Spain South.

Miss Marlene Mc Donald (*Port of Spain South*): Thank you, Mr. Speaker. I should say thank you for joining in this debate on this Motion of censure here this afternoon—well, this morning.

Mr. Speaker, the Member for Oropouche East, in his presentation, made a statement—I do not know whether it was implicit or what, but he made reference to the fact that there are MPs in here who are inciting unrest in the communities; I guess, encouraging persons to burn tyres, et cetera.

Mr. Speaker: I ruled against that; I told him that was out of order.

Miss M. Mc Donald: You did.

Mr. Speaker: About imputing improper motives; so having ruled against that, I do not think we want to raise that again.

Miss M. Mc Donald: I will be guided.

Mr. Speaker, he also said that the Motion is self-serving, hypocritical, it has no merit; it is vacuous; it is based on hate—I think this bench would want to disassociate with what the Member for Oropouche East has said, and, certainly we would demonstrate it—and we are being motivated by some sinister Motion; that is the Member for Diego Martin West. He said the Member for Diego Martin West believes that through section 34 he has a loophole, a gateway, to get back in government, so he is minding—he is looking at the number 34, which, I suppose, is blind man—that number.

I want to tell the Member for Oropouche East, this morning; I just want to remind him that if he listens to the national community he would hear, every day—every day as I turn on my radio—people saying section 34 will not go away. [*Desk thumping*] I want you to understand, do not bury your heads in the sand; do not do that. It is very much there; people are not forgetting it and it is a cross section of people in this country who are not forgetting what has happened, because to this day no one—even here from yesterday because it is now Saturday morning—in all the speakers who have gone before, has said why section 34 was proclaimed. [*Desk thumping*] No one has proffered an explanation for that. [*Interruption*] It does not matter.

The Member for Barataria/San Juan said that the Motion seems to be some emotional struggle for power. I do not understand what is this emotional struggle for power; something has gone wrong in the Parliament; we are here as the Opposition in Parliament; something has gone wrong; we are also being blamed and so we seek the truth. So, I do not know what is so emotionally wrong with what we are doing. We are supposed to be the custodian of the citizens' democracy. I thought everybody, or more so, us; we are supposed to be the watchdog. I think that we are—[*Interruption*]

Dr. Khan: Thank you for giving way. I did not say what you were doing was wrong. I said that the Opposition is doing what is right for the Opposition.

Miss M. Mc Donald: Well, Member for Barataria/San Juan, if we are doing it right for the Opposition, we are doing it right for the people and the citizens of Trinidad and Tobago. [*Desk thumping*] That is how we see it on this side. [*Desk thumping*]

Mr. Speaker, in law, a motion of no confidence or a motion of censure is a parliamentary motion, when passed, would indicate to the Head of State that the

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elected Parliament no longer has the confidence in either the appointed government or the appointed person. In this case, it would be the appointed person.

This Motion is brought against the current Attorney General for his role in the surreptitious proclamation of section 34 of the Administration of Justice (Indictable Proceedings) Act, 2011. That is clear. Before we examine the Attorney General's role in the early proclamation, I need to examine the role, the function and responsibilities of the Attorney General—of any Attorney General.

Mr. Speaker, it is late, but I know that the Parliament Channel will play this tomorrow, Sunday or whenever, because yesterday I got so many calls from people within my constituency—from St. James, to Woodbrook to east Port of Spain—all asking me that when I am speaking, “if you could break it down so we could really, truly understand. We know it eh, but we want to hear exactly what transpired; but do it in a way we would be able to follow you easily.” That is what I am going to do here, Mr. Speaker.

I looked to the United Kingdom so as to get a feel as to the role of an attorney general. An attorney general has a variety of responsibilities. The first one: be the chief legal adviser to the Government; chief legal adviser to the Government. This is where the Attorney General provides legal advice to the Government and to the Cabinet, in particular. He may also consult special counsel wherever necessary.

Mr. Speaker, I am just going to be very brief with respect to the duties. He is also the arbiter of the public interest. He has to take particular responsibility for ensuring that the public interest is taken into account in whatever happens. He also represents the public interest in proceedings; in civil proceedings, as well as criminal proceedings. He has the power to intervene in legal proceedings in the public interest.

His responsibilities also extend on behalf of Parliament. He has a parliamentary responsibility; the main one being, to give meaning and effect to proposed legislation. It is by no stretch of the imagination that the first clause here says:

“*Whereas...*the Constitution specifies ‘that the Attorney General...’ would have responsibility “for the administration of legal affairs...and legal proceedings...”

—for the State. This is where it was gotten, coming out of England, which does not have a written constitution; this is the common law position and we have codified that common law position in section 76(2) of our Constitution. So, the

main responsibility, on behalf of Parliament, is for him to give effect and meaning to proposed legislation; and he cannot hide from this responsibility.

Mr. Speaker, he is also—I say one of the most important responsibilities—the guardian of the rule of law in the country. Upholding the rule of law is one of the key functions of an attorney general. Lord Goldsmith, one of the Law Lords, identifies three specific elements in relation to this role in upholding the rule of law: compliance with the law; that means domestic and international obligations. My colleague from Point Fortin spoke eloquently on that.

There is also a relationship with the courts. This is defined as partly respect for the courts and their judgments; being sure that within appropriate boundaries we subject ourselves, as a government, to the scrutiny of the independent courts. Third, there must be certain basic values and principles upon which an attorney general must stand. I will repeat that: there must be certain values and principles upon which an attorney general must stand.

12.45 a.m.

Mr. Speaker, if you look at the role of the Attorney General, you import this into our jurisdiction of Trinidad and Tobago, you see that the Attorney General has a dual function in our country. He is a member of the Government, so he has a governmental role, and he has a role as guardian of the public interest, a guardian of the public interest. He has two basic functions. Mr. Speaker that will all be subsumed under section 76(2) and section 79. I need not go there.

So the Attorney General holds a critical position in the criminal justice landscape in this country. And, by extension, he is the custodian and the protector of the legal rights of all citizens in Trinidad and Tobago. So, it is, therefore, within this context that this Motion of censure is brought against the Attorney General; how he reacts against all his responsibilities, and how he has reacted with respect to the premature proclamation of section 34.

And as I go through the clauses—I am not going to read them out—I am going to look at 2, 3 and 4, and I am going to take them together. I will explain exactly what I mean.

Mr. Speaker, as chief legal advisor to the Government, his responsibilities to Parliament, he is the arbiter of the public interest, he is the guardian of the rule of law, it is against that, let me tell you—let me go back to November 2011.

Mr. Speaker, you will recall that it was on November 18, this Bill was laid. The indictable proceedings Bill was laid here on November 11, 2011. On November 18, that Bill was debated in this Parliament. I recall my colleagues

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from Diego Martin/North East, Diego Martin West and myself, we debated that particular Bill. I do not want us to forget why we are here.

The main purport of that Bill—and Mr. Speaker, by the way, let me tell you as I go on into the contribution, I will show you where the DPP has stated that he would have thought that the main purport of this whole bill—everybody was excited, including the Chief Justice, including all the users of the court and what not, they looked at the objective.

The objective of this Bill, Mr. Speaker, was to abolish the system of preliminary enquiries and introduce the new system of sufficiency hearing. That was the general objective of this Bill, where all indictable matters will no longer go to the Magistrates' Court—will now go to the High Court, Mr. Speaker. This would allow a criminal trial to get started at least one year from the time an accused person is charged with the commission of an offence

Mr. Speaker—and I am going very quickly—the Government came to Parliament requesting the Opposition's support for this measure. I will state again, it was the main purport of the Bill. But there, in order to introduce such a system, Mr. Speaker, you needed other support systems to be put in place. Those support systems we identified as the Criminal Proceeding Rules that must be drafted and brought to Parliament. We spoke about inadequate human resources. We said we have to identify the hiring of criminal Masters, because the Masters, we have now, four of them in the High Court, they have what you call a civil background and not a criminal law background, therefore, we needed to hire these people. We needed to put a support staff in place, to support the Masters in the execution of their duties.

The then Minister of Justice said to us that he divided Trinidad into six judicial centres: the San Fernando High Court was one, the Hall of Justice in Port of Spain was another, and he was to build four new judicial centres at a cost between \$800 million to a billion dollars. These centres would have been located at Siparia, Carlsen Field, Trincity and Sangre Grande.

Mr. Speaker, what we did, we got the assurance from the Minister that all these things would be put in place. As a matter of fact, Mr. Speaker, I just want to read for you what was said by the Minister then. He said that:

“A subcommittee of the Judiciary has been set up with”—I am reading from the *Hansard*, Sir—“key stakeholders including persons from the Ministry of Justice...” et cetera,

No proclamation will take place, unless all administrative and infrastructural works are put in place.

“Once all the procedural and administrative mechanisms are in place, the Bill will then be proclaimed.”

Mr. Speaker, we took the Minister at his word when he said that as long as—that is the Government. Mr. Speaker, along with that commitment, there is in the Bill a clause, which I will address on the fourth paragraph of the Motion, section 34. Mr. Speaker, section 34 deals with discharge on the grounds of delay.

When the Bill came to us, Mr. Speaker, clause 34 (1) provides that:

“Except for those matters listed in Schedule 6 of the Act wherever proceedings are instituted on or before the coming into force of the Act and the accused is not placed on trial within twelve months after the proceedings are instituted the Master may discharge”—I am reading from the Bill itself—“may discharge the accused.”

And 2, which is the one that is important to us 34(2), provides that:

“On an application by an accused a Judge shall discharge an accused person if the proceedings were instituted prior to the coming into force of this Act and the trial has not started within ten years after the proceedings were instituted.”

Mr. Speaker, the only change which was made to this particular clause, was moving the accounting period from seven years to ten years. This was the Bill that went to the other House with this particular change, from seven years to ten years. I want you to remember that, Mr. Speaker.

Mr. Speaker, I also want to put on record, section 32, because we will get back to that. Section 32 speaks to the rules of the court. What this does is that it gives the Rules Committee, established by the Supreme Court of Judicature Act, the authority to make rules of the court for the purpose of the proceedings under this Act. In other words, the Criminal Proceeding Rules that we identified that must return here to this House, it is under this section, section 32 that you could have effected such rules. So I just want you to hold that point, Mr. Speaker.

Mr. Speaker, we move on. The Minister throughout his presentation, the then Minister of Justice, gave the assurance that the Bill would not be proclaimed until all mechanisms would have been in place. Having completed the debate in the Lower House, it then went to the other place, on Tuesday, November 29. It was laid on the 22nd, and debated on November 29. Mr. Speaker, the records revealed that the Attorney General acted—is he aware? Yes, he was aware, Mr. Speaker. He would have been aware from the time it came through because there is the LRC and it has to go to Cabinet to be approved. So he would have known from since then. In the House—I am demonstrating how he would have been aware of this in

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the House. The records reveal that the Attorney General actively participated in that debate, and was aware of the contents of the Bill which came from the House of Representatives.

Mr. Speaker, the President—and I want to read from the *Hansard* for you. And, again, here is the Minister of Justice, giving the assurance that everything will be put in place, before, he said, and this is from the *Hansard*:

“Having said that and having given the assurance to Senators opposite that we would not be rushing into implementing this legislation until everything is in place and we virtually have the green light from the stakeholders, I beg to move.”

Mr. Speaker, it is easy to conclude that the Attorney General was in the Cabinet when this Bill was discussed, and when it was approved, tabled in the House. He was also present in Parliament where the undertaking was given that no part of the Bill, or the whole Bill, would be brought into force until such time, as all the supporting mechanisms, administrative and physical were in place. Also, that stakeholders would have been consulted. So the question is, Mr. Speaker, what else was the Attorney General aware of at this point in time?

Mr. Speaker, there was a matter with two persons—and I do not want to go into it and call the persons’ names unnecessarily here, but this matter came to a conclusion on November 07, 2011. This matter—the Attorney General in exercise of the powers given to him under section 16 of the Extradition Act, Chap. 12:04, decided to order the return to the United States of two persons. Mr. Speaker, those two persons applied for judicial review of the Attorney General’s decision.

The Justice on that day, November 07, cited in his Order:

- (1) The decision of the Attorney General to order the extradition of the Claimants to the US is squashed.
- (2) The appropriate forum to try the Claimants in relation to the award of the contracts for the construction of the Piarco Airport is right here in Trinidad and Trinidad.

So the Attorney General was aware of this scenario since November 07, 2011. Mr. Speaker, the Attorney General decided not to appeal this decision. Why did he decide not to appeal? And I will quote. He said:

“...Both the judgments of the Court of Appeal and Justice Boodoosingh emphasized the point that it is the citizens of this country who have greater

interest in seeing the alleged criminal conduct prosecuted, since the principal victim is the State of Trinidad and Tobago, and the alleged criminality impacts more on Trinidad and Tobago rather than on the Requesting State.”

Those were the words of the Attorney General.

Mr. Speaker, we see four days later, on November 11, this Administration of Justice (Indictable Proceedings) Bill was laid. And then seven days later, we all debated this Bill.

Mr. Speaker, as I indicated to you before, the only change was from seven years to ten years. The Attorney General, as chief legal advisor to the Cabinet, and the guardian of the public interest, got a copy of the Bill, which left this Lower House, Mr. Speaker.

1.00 a.m.

When the Bill was presented in the other place on Tuesday, November 29, the Minister, that is the Minister of Justice, in explaining clause 34, introduced, for the first time the new concept from the date from the commission of the crime. And I am going to read it, Mr. Speaker.

“Clause 34 would provide for the discharge of the accused on the grounds of delay, except for the offences identified in Schedule 6 where the time of coming into force of this Bill, the trial at the assizes had has not commenced within 10 years of the commission of the crime, the judge shall discharge...”

It was the first time. So somewhere, Mr. Speaker, between leaving this House and going to the other place, something happened. Something happened. The Attorney General sat there. What I did, I decided to look at—I went through this *Hansard* and especially I zeroed in or focused on Senior Counsel Prescott, on his contribution in the Senate. And I looked to see whether, in his contribution, he made any reference to clause—well, then at that time it would have been clause—clause 34, and the reference he made to clause 34 was exactly what we did here in the Lower House.

So at that point in time, even though the change was introduced by the Minister of Justice, when, in his opening in the Senate, it was not reflected because they did not have at the time the amendment in their hands, and nothing was explained to them, the Attorney General sat there, he sat there, he heard the Senior Counsel, that he was quoting clause 34 in the old form, and certainly had absolutely nothing to say, Mr. Speaker, nothing; he did not correct the Senior Counsel, he did not correct the Minister and ask the Minister, well, what was the meaning of this.

AG (*Breach of Parliamentary Trust*)
[MISS MC DONALD]

Friday, October 26, 2012

Mr. Speaker, this is why I am saying, why is it, why is it—and this is the question we are asking—why was this thing changed? Why was it changed from the date of the charge to the date of the commission of the offence? Who did this? Up to now, Mr. Speaker, we cannot get the answer to this. Up to now we cannot get the answer.

The amendments were circulated at the committee stage, Mr. Speaker, only at that point. And even when the amendments were circulated, let me tell you what happened. When he said—this is the former Minister:

“**Mr. Volney:** Mr. Chairman, I beg to move that clause 34 be amended as circulated.”

They never had the opportunity to debate this amendment and it just appeared here, “*Question put and agreed to.*”

Nobody. Nobody.

The Attorney General sitting there as the custodian of the legal rights of the people in this country, you are the legal advisor to the Cabinet, you are the legal advisor to the Government and you are seeing something, a fundamental flaw like this, we never put this change in the Lower House, we did not do that—
[*Interruption*]

Mr. Speaker: If you could address me?

Miss M. Mc Donald:—Mr. Speaker, and then he wants to bully—sorry, I do not want to use that word in here.

Mr. Speaker: That is correct. Go on.

Miss M. Mc Donald: You see, but, Mr. Speaker, this is his attitude. He thinks he could shout his way throughout everything, and that is what is really riling—that is why, you know, he is riling up the country like this. He is riling up the country, Mr. Speaker.

Mr. Speaker, as I said, the Attorney General never pointed out to the Minister, or even in his presentation, the change to clause 34. Mr. Speaker, the Bill was returned to the Lower House on December 09, and my colleague from Diego Martin North/East pointed out the particular change, but we were assured by the then Minister that nothing would happen. It would take between three to five years by which time the trial would have started, but it will take between three to five years for proclamation, Mr. Speaker, because so many things needed to be

done. You needed to hire those criminal Masters; you needed to start your infrastructural works with respect to building the four new judicial centres, and you also needed to bring your Criminal Proceedings Rules to this House.

So, based on that, we could not think that, having given this commitment here in this honourable House, that this could have been just reneged like that, Mr. Speaker. We could not believe that.

Mr. Speaker, it was with great surprise and disappointment that five sections in the Act were proclaimed prematurely.

Mr. Speaker: Continue to address me, please.

Miss M. Mc Donald: Sure.

Mr. Speaker, this, the Bill, this Bill, contains 35 clauses, and I want to go to the Cabinet Note, Mr. Speaker, and the Cabinet Note was very clear. The Cabinet Note says:

In order to facilitate a seamless operational transition, it is necessary for the Act to be proclaimed in part on August 31, 2012, in order to inform the need, inter alia, for the creation of eight new positions of Masters by an amendment to the Supreme Court of Judicature Act. This will give authority for the recruitment and appointment of Masters of the High Court by the Judicial and Legal Service Commission in order that the Act may be operationalized.

Mr. Speaker, when you read this particular note here, this paragraph, paragraph 6, section 34 has absolutely nothing to do with the hiring of Masters, nothing.

Mrs. Gopee-Scoon: Absolutely nothing.

Miss M. Mc Donald: If you want to hire those Masters, you bring an amendment to the Supreme Court of Judicature Act. That is what you do. But the way this is worded here, you will think otherwise, Mr. Speaker. So section 34 had nothing to do, and I want to stress that and put that in the—it has nothing to do.

Section 34, as my colleague from Diego Martin West said, all it does is to create an amnesty for those people—well, when it left the Lower House it was good so let us deal with what came from the Senate—for those people who, after 10 years, that is from the date of the commission of the offence, if their trial has not come up, then they walk, Mr. Speaker. And this created a loophole, it created the same gateway that the Member for Oropouche talked about for these two persons, for these two persons to walk, Mr. Speaker.

AG (Breach of Parliamentary Trust)
[MISS MC DONALD]

Friday, October 26, 2012

Obviously, Mr. Speaker, I am thinking of the timeline. It is obvious when the Attorney General decided not to appeal the extradition matter, from what Justice Boodoosingh had done, he decided he was not going to appeal it, he had in his mind section 34. He had in his mind, Mr. Speaker, section 34, and that is why we cannot get the truth, Mr. Speaker. That is why we keep using the word surreptitious, it is very strange, a very strange happening. And you go through and you understand what really transpired.

The Attorney General, at the end of this other Cabinet Note here says:

The Attorney General caused to be prepared the necessary proclamation to give effect to the above.

This is a person who is well known in our community. I heard the Member for Diego Martin North/East say he has gone to the Privy Council 50 times, so he is well versed, and I cannot believe, Mr. Speaker, that somebody with that legal standing and background can make these fundamental errors. I cannot believe that, Mr. Speaker.

There has to be other reasons and that is why to this date we cannot get, we cannot get from this Government what transpired. Why did you proclaim section 34 early? Why did you do that? If you want to hire your Masters, we know what to do to hire Masters; it had absolutely nothing to do with section 34.

Mr. Speaker, if anything at all, the Criminal Proceedings Rules, as I said, you could have done that under section 32. If you wanted to proclaim, proclaim section 32 and go there and make sure you get your Criminal Proceedings Rules back here in this Parliament.

Mr. Speaker, it reminds me, this whole situation here with section 34, reminds me of the anti-gang legislation where the same Attorney General rushed to proclaim that Act in August of 2011 without first implementing the recommendations of the Joint Select Committee and I was on the Joint Select Committee. Mr. Speaker, we know the end result of that so I would not go any further with it.

You see, Mr. Speaker, there is a certain pattern of behaviour on the part of this Attorney General. And that behaviour I see, Mr. Speaker, as inimical to the interest of the citizens of Trinidad and Tobago. Mr. Speaker, the country looked on in horror when the Attorney General also called out the names of certain attorneys, people like Reginald Armour, people like Ian Benjamin, and others,

alleging under parliamentary cover that they received huge sums of money from the Central Bank in briefs. Mr. Speaker, all the parties have denied these blatant allegations.

Mr. Speaker, we looked on also when he accused the former Prime Minister—
[*Interruption*]

Mr. Speaker: Well, you do not have to go through that again.

Miss M. Mc Donald:—with respect—Mr. Speaker, but I still want it on *Hansard*, please.

Mr. Speaker: No, no, no.

Miss M. Mc Donald: No, no, I am not going—I am just—Could I just call the name, Mr. Speaker—[*Interruption*]

Hon. Member: En passant.

Miss M. Mc Donald:—with respect to the piano, en passant.

Hon. Member: All right, move on.

Mr. Speaker: Yes, but you are repeating yourself, Member for Port of Spain South. All the arguments the Leader of the Opposition raised, you are repeating.

Dr. Rowley: I never mentioned piano in this House.

Mr. Speaker: No, I am not talking about piano, I am talking about your earlier contribution, en passant, please.

Miss M. Mc Donald: Mr. Speaker, as a result of the role played by the Attorney General and in his capacity as legal advisor to the Cabinet, the Attorney General was responsible to guide the Cabinet as to the change that was made in section 34 in the Senate and he, also having knowledge of the judgment from November 07, 2011, care and attention should have been exercised in the public interest, recognizing that he stands as the guardian of the rule of law in Trinidad and Tobago. This, he has failed miserably to do.

Mr. Speaker, the Attorney General has also failed in his responsibility to Parliament. His role is to give effect to proposed legislation. He has oversight over all legislation which comes to Parliament in his capacity as chief legal advisor. As a consequence of this, and the series of developments which were already outlined by my two colleagues from Diego Martin North/East and Diego Martin West, it has caused widespread unease, anger, disappointment and a general sense of loss of confidence in the Attorney General. [*Desk thumping*]

AG (*Breach of Parliamentary Trust*)
[MISS MC DONALD]

Friday, October 26, 2012

Mr. Speaker, we look at what Mr. Gregory Delzin, an attorney-at-law said, and I am looking at Thursday, October 04, 2012, the *Guardian*.

Hon. Member: [*Inaudible.*] What papers? Justin Phelps?

Miss M. Mc Donald: No, no, no, Gregory Delzin. All right, and he said here: “Attorney Gregory Delzin said the real concern was the Government’s failure to address the real issue.”

1.15 a.m.

“He added: ‘I did not vote for a Government to avoid the real issue, and I voted for this Government.’”

But this is what is important.

“There has been no explanation as to the failure and negligence of the Attorney General, who I consider to be the head pointman in this issue.”

Mr. Speaker, I could go on to tell you that Chief Justice Ivor Archie—looking at a story by Andre Bago from the *Newsday*, Friday September 14, 2012, where he said that the Cabinet intended to proclaim section 34 of the Justice Act. He said he had absolutely no knowledge of such, Mr. Speaker. It was—[*Interruption*]

Mr. Speaker: You must be careful, do not bring the Chief Justice into this.

Miss M. Mc Donald: Well, Mr. Speaker, I am just reading from the newspapers.

Mr. Speaker: I know, I know, I know, but the Chief Justice, we want to leave him out of this.

Miss M. Mc Donald: I am also—could we go to the DPP then?

Mr. Speaker: No, leave out the DPP.

Miss M. Mc Donald: So, Mr. Speaker, this is recorded in the *Express*.

Mr. Speaker: Yes, leave out the administration of justice. You see, there are matters before the court, and I do not want the Chief Justice to write us and to indicate to us, and so on.

Miss M. Mc Donald: Well, Mr. Speaker, okay. Should I say the trade union movement, all the NGOs, all right, they have come out against this proclamation, the early proclamation of section 34 and cited the Attorney General. Organizations like Fixing TnT, they have come out strenuously against—[*Interruption*]

Hon. Member: “Oh God, Fixing TnT?”

Miss M. Mc Donald: That is right, it is an NGO. Underestimate them. To date, Mr. Speaker, all we have heard from the Attorney General—[*Interruption*]

Mr. Speaker: Order, order.

Miss M. Mc Donald:—is he is not a criminal attorney. What a lame duck excuse, Mr. Speaker. Thus far, he has not accepted any responsibility for the improper discharge of his constitutional duties under Section 76(2) of the Constitution of Trinidad and Tobago.

Mr. Speaker, in any other country, and the US comes to mind, the US comes to mind with that Watergate, and I leave it there, Mr. Speaker. That Watergate scandal, it comes to mind, Mr. Speaker.

Mr. Speaker, this bench, this Opposition Bench, together with all right-thinking persons in Trinidad and Tobago, totally reject, totally reject the breach of parliamentary trust and the responsibility of the rule of law that was bestowed on this Attorney General due to his involvement in the surreptitious proclamation of section 34, and which to date no clear reason has been given why it was proclaimed. The national community has been left wanting and has been left wounded by the Attorney General’s breach of his duties as protector of the legal rights of citizens of Trinidad and Tobago.

Mr. Speaker, we have lost all confidence and trust in this Attorney General and we call on the Attorney General’s boss, the Prime Minister of Trinidad and Tobago, to do the right thing and remove him with immediate effect as Attorney General of Trinidad and Tobago [*Desk thumping*] as he is totally unfit, totally unfit, Mr. Speaker, to continue to hold that position. I thank you. [*Desk thumping*]

Mr. Speaker: The hon. Attorney General. [*Desk thumping*]

The Attorney General (Sen. The Hon. Anand Ramlogan) SC: Thank you, Mr. Speaker.

Mr. Speaker, I have sat here since the commencement of this rather interesting but more so amusing and entertaining debate on this important Motion to listen with an open mind to what my colleagues had to say. And I want to say that I am grateful for the opportunity, which I welcome and will embrace, to explain and answer some of the questions that had been raised, some of which, to be fair to the Opposition, have been raised on the outside. And I have not said my piece on this matter for many different reasons on certain issues and I think the time has come to perhaps clear the air on some of those matters.

AG (Breach of Parliamentary Trust)
[SEN. THE HON. A. RAMLOGAN SC]

Friday, October 26, 2012

Permit me to start, Mr. Speaker, by at least reciting an important fact in the chronology of this litigation that has caused all of this furore from the inception. The two individuals referred to as UNC financiers repeatedly by my learned friends from the opposite side—perhaps I should back up and correct the first falsehood, which is to refer to them as UNC financiers. Because long before that phrase was coined, the individuals that are the subject of that reference were also well-known financiers of the People’s National Movement; well-known financiers of the People’s National Movement. [*Desk thumping*] There was a famous front-page story on the *Guardian*, I remember it well as a young fella, famous front-page story. There was a fundraiser by the poolside of one of those two individuals and it made the front page. And why did it make the front page of the *Guardian*? The story was because two major financiers of the People’s National Movement were hosting a fundraiser for the UNC. So let us put it in its proper political context first, so to clarify the reference and to remove the UNC part from financiers, so that we can be clear about who we are dealing with.

The second point I wish to make is that in chronicling the history of this seemingly never-ending saga before the courts, a lot has been said about changing legal teams, and so on. You know, Mr. Speaker, the charges were laid originally in these matters in March 2002; March 2002. We took office in 2010, and I heard the Leader of the Opposition boast about this fantastic legal team that they had in place that I changed, and they criticized you [*sic*] for changing that and they say, “Well, they were so successful, they won everything.” You know, Mr. Speaker, from 2002—2010, what they did not say is that from 2002 to 2010, for those eight years, that same fantastic legal team not—“the trial eh even start for one day”. Eight years, over \$100 million spent and not even one day before a judge and jury, and you want to talk about the fantastic legal team.

But, Mr. Speaker, I want to tell you that there are many, many corrections to be made to the numerous erroneous statements made by the Member for Diego Martin West, and I want to start by complimenting the Hansard for being able, in record-breaking time to give me a copy of his speech, so I can take this honourable Parliament through it to correct some of those things, some of which are quite dangerous.

The first thing I want to correct is, the Member for Diego Martin West’s statement, and I quote, “It was only after the insistence of the Director of Public Prosecutions were they placed into custody pending extradition.”

Now, Mr. Speaker, the Director of Public Prosecutions is an independent office in this country; an independent office and I certainly do not know that the

Director of Public Prosecutions insisted, made any such insistence. Quite frankly, there would have been no need for that to happen because bail was granted pending the hearing and determination of a particular matter, where they challenged, by they filing a habeas corpus application. But the bail which was granted was conditional upon something, the hearing and determination of a particular matter. So that when the matter came to an end, the Order of the court granting the bail automatically lapsed, and when it automatically lapses, Mr. Speaker, then the law must take its course.

So there is no need for any insistence, and I do not know where that is coming from. I do not know where that is coming from. But to suggest that an Order of the court which should follow in an automatic manner to be implemented and executed requires the intervention or insistence of the honourable DPP, I dare say, is to call into question and impugn the administration of justice, which is responsible for enforcing the Order of the court. So that is the first point I wish to make. I think it is very unfortunate that he has drawn the DPP into this.

The second point is that the Member for Diego Martin West repeatedly said that, “Before the committee stage was concluded discussions took place behind the President’s Chair in the Upper House about the impact of the proposed amendment to Clause 34, and pending particular cases for particular persons known as beneficiaries.” And he says that he is highlighting this because he does not want it to be said that this matter was any oversight.

Mr. Speaker, I had seen an article in the *Newsday* about Sen. Faris Al-Rawi making an allegation that there was a conversation behind the President’s Chair in the Senate, with Independent Sen. Elton Prescott SC, myself and him, and I saw that he said that I gave certain assurances and so on. And the first thing I did when I read that story was to pick up the phone and call Sen. Prescott to ask him what is this about, because I knew for a fact that no such conversation took place. When I called Sen. Prescott, I asked him whether that was, if he has any recollection or record of any such conversation and he told me, no, he did not.

Mr. Roberts: What? Al-Rawi?

Sen. The Hon. A. Ramlogan SC: He told me, no, he did not. I then contemplated—[*Crosstalk*]

Mr. Speaker: Please, please, please, order.

Sen. The Hon. A. Ramlogan SC: I then contemplated whether, Mr. Speaker, I should make a public statement on this matter—[*Interruption*]

Hon. Member: Alzheimer’s.

Sen. The Hon. A. Ramlogan SC:—to clear the air, to call Sen. Al-Rawi out. But I reflected upon it because there is one sacred place in this Parliament—one sacred place in this Parliament—consistent with Westminster traditions, the ancient traditions of Westminster that you do not breach the sanctity of, and that is behind that Speaker’s Chair [*Desk thumping*]

Throughout the course of legislative history, that one place is the place where the fluidity and the dynamics of the politics and the cut and thrust of the debate, it is the one fertile spot for compromise and reason. [*Crosstalk*]

Mr. Speaker: Please, please, please.

Sen. The Hon. A. Ramlogan SC: And out of respect for the sanctity of that spot behind the Speaker’s Chair and the ancient wisdom that has flowed from the discussions that took place there, I said I will not call him out and I will not say what Sen. Prescott said. But I called back Sen. Prescott SC and I told him, “Listen, this thing is being repeated and I must, therefore, now defend myself and I would, therefore, like to utilize what you have told me to actually defend myself and his exact words were, “You may have to use it as you see fit, Attorney General.”

But today I want to say, Mr. Speaker, it is dangerous, it is highly irresponsible, and it is downright wrong for anyone to come and say that what—to reveal, firstly, that there was conversation behind the Speaker’s Chair, and then to come and speak an untruth against me to say that I gave assurances behind the Speaker’s Chair in the presence of an independent Senator, who now denies it, that is why, Mr. Speaker, I challenge anyone on that side, any of you show me one single statement made by Independent Sen. Prescott SC in any media to say that he confirms what Sen. Al-Rawi said. Show me one line.

Dr. Browne: What about denying it?

Sen. The Hon. A. Ramlogan SC: Not a single line to confirm it.

Hon. Member: “Yuh musn’t make joke wit serious ting.”

[*Crosstalk*]

Sen. The Hon. A. Ramlogan SC: You see, Mr. Speaker, they cannot do that. They cannot do that. You see, Mr. Speaker—[*Crosstalk and interruption*]

Hon. Member: Alzheimer’s.

Mr. Speaker: Members, please, hon. Members, it is 1.29 in the morning, I would like to hear the Attorney General, and I would like the Member for Diego

Martin North/East, in particular, if you could just be, you know, silent and allow the Member to speak. You had your say, you had your say, and whenever you are speaking you always appeal to me for protection, and I grant you. I am appealing to you to give the Attorney General the opportunity to speak in silence.

Continue, hon. Attorney General. [*Desk thumping*]

Sen. The Hon. A. Ramlogan SC: I am grateful, Mr. Speaker.

So, Mr. Speaker, let me debunk that myth about what took place behind the Speaker's Chair. It did not happen, and it is wrong for someone to say that it did.

1.30 a.m.

Mr. Speaker, the next point made was, he quoted the advice given by Mr. James Lewis whose advice I acted upon when I did not appeal Justice Boodoosingh's judgment and I will come to that, but he quoted it to say on the other hand that Mr. Lewis said in his advice, which is a fact, that on the other hand "I am informed that the claimants can be tried in Trinidad almost immediately on the same conduct." That is in the advice and that is correct. He said:

"Given that Mr. Lewis, this advisor, was advising the Attorney General, one must assume that Mr. Lewis had got the information from the Attorney General himself. Who else would have given Mr. Lewis the assurance that the case could have been tried immediately and would have been tried immediately here?"

It is equally clear...that Mr. Lewis's advice was...false or incomplete information, because on December 19, 2011, the Attorney General announced his decision..." et cetera.

Now, this is a very serious allegation against me, that I would have misled Mr. James Lewis QC, so as to procure an advice in a particular direction to suit the ends of some injustice because I had a predetermined plan to help certain persons. That is the gravity of the allegation. That is the weight of it.

Mr. Speaker, I will come in due course to answer that, but I just want to put on the record that that is how they framed the allegation, that he acted on false and incomplete information because I fed him a lie. I will come to it. He then comes and he says, and I wish to quote:

"If there was one person in this country who knew that what was coming down the pipeline in clause 34, and what came down in Justice's Boodoosingh's judgment, it was the Attorney General..."

AG (Breach of Parliamentary Trust)
[SEN. THE HON. A. RAMLOGAN SC]

Friday, October 26, 2012

Mr. Speaker, the Member for Diego Martin West has been the subject of an entire press release from the Judiciary, warning him about impugning the independence of the Judiciary, warning him about ascribing any conspiratorial motives between the judicial arm of the State and the Executive arm of the State. He has found himself and landed himself in hot waters because I have sued him for defamation arising out of those very allegations, and he comes here today to repeat again that one person who knew what was coming down the pipeline and what came down in the judgment was me. I want to ask the question as the Member for Diego Martin West, how would I have known what was coming down in that judgment? You tell me. Any one of you sitting on that side could tell me.

Miss McDonald: You do not have to shout like that.

Sen. The Hon. A. Ramlogan SC: No one, no one can know what is coming down the pipeline in a judgment from the Supreme Court of Justice in Trinidad and Tobago except the judge himself. It is very wrong, irresponsible and dangerous for the Leader of the Opposition to make an allegation like that, that an Attorney General is the only person who will know what is coming down. For that to happen, Mr. Speaker, it would mean that I will have to be in direct contact with some kind of conspiracy between the judge and myself. That is the only way I could know what is coming down in that judgment beforehand as he frames it, and puts it, not for the first time, not for the first time.

The PNM has a history of attacking the Judiciary. When I won the case of Feroza Ramjohn—because the former Prime Minister exercised his veto to block her from going to London, “you know what they come and say in Parliament? They say the judge, Justice Amrika Tewarie is a UNC judge.” That case and that judgment, I took it all the way to the Privy Council and won it. The judge was not a UNC judge. She was a judge of the Supreme Court of Justice, full stop. You see, I will come back to that very dangerous statement. I will come back to that very dangerous statement.

Now, Mr. Speaker, the next statement he made, perhaps of lesser magnitude is; he quotes from an *Express* article and he says:

“...both Dr. Rowley and another Opposition MP had given their ‘qualified and unconditional support for the abolition of the preliminary enquiry...’”

He says:

“If you give the assurance that it is qualified, what do you mean by that...?”

It is an oxymoron. You cannot say of course that they give qualified unconditional support.

Mr. Speaker, just for the record to correct my learned friend, lest people think that I speak in that manner, that is not what I said, and I went to the *Hansard* to get what I actually said, and I will come to that, but he does not check what is reported. He simply goes and rattles it off without actually verifying the truth, and that is in fact a consistent vein throughout his presentation.

Mr. Speaker, he then says, yet another dangerous and reckless allegation and I quote:

“Justice Boodoosingh made the point that it was the Attorney General’s lawyers who did not properly argue certain points presented by these certain persons that caused him to rule against the State. That is part of the judgment. In the judgment he makes the point, that the lawyers failed to argue particular points, and here you have a situation where these lawyers inexplicably were picked by the Attorney General, they go to court, and did not argue certain particular points, and the judge says they have lost the case”

Mr. Speaker, I found it rather strange that the Opposition Leader having had all this time to prepare for this debate will say that the judge criticize the lawyers for not properly arguing certain points and he said that is part of the judgment. Meaning, the judge’s criticisms are recorded in writing in the judgment. I found it rather strange and I would like to ask the Member for Diego Martin West, why did you not quote that relevant part of the judgment? Why did you not quote it? You say it is part of the judgment, you say the judge levelled that criticism, but why you did not quote it? You had all this time to prepare a Motion of censure and you do not condescend to provide the particulars of the allegation to quote, to read the actual words that you alleged.

If the Member for Diego Martin West is man enough, I challenge him to repeat that statement outside the hallowed walls of this Parliament so that he will face yet another lawsuit by the lawyers who have been defamed by this, because he is now roping into his conspiracy theory the idea that the lawyers who were retained—Mr. Avory Sinanan is a former temporary judge, a Senior Counsel of much respect and stature in this country. He is also a man who was briefed and retained by the PNM when they were in office and he also happens to be someone who is not politically aligned to the UNC, the COP, the TOP, NJAC or anybody. In fact, Mr. Avory Sinanan as a former temporary judge and Senior Counsel happens also to be the cousin of the former PNM Speaker, Mr. Barry Sinanan.

Hon. Member: What?

Sen. The Hon. A. Ramlogan SC: They had no such compunction and no such qualms and concerns about his independence, his competence and his professionalism when they were hiring him. No question marks were raised about the man's competence then, but when I hire him "they all of a sudden start jumping up, like you touch a jack spaniard nest." You see this statement, Leader of the Opposition, if you are man enough repeat it on the outside you will face the consequences. Do not use the cover of parliamentary privilege to rope in lawyers into your grand conspiracy theory when you know that there is no factual matrix upon which it can rest.

Mr. Speaker, I come now to the chronology. These charges, as I indicated, were laid in March 2002, and for all their grand talk for the eight years that they were in power they were unable to bring these two persons whom they alleged are financiers of the PNM—oh, sorry, the UNC; but you see it is a Freudian slip because we all know that those two persons financed the PNM too. So they cannot "wash their hands off them", they cannot forget their past conveniently. The PNM must not be allowed to conveniently and selectively forget their financial past and present. I heard in amazement the Member for Diego Martin Central who these days is really an independent PNM—[*Interruption*]

Hon. Member: Yes.

Sen. The Hon. A. Ramlogan SC:—he said he has taken a position that his own party must disclose their political finances.

Hon. Member: He is the leader or what?

Sen. The Hon. A. Ramlogan SC: He said that today in the debate. I was waiting; I heard my learned friend from Caroni Central respond to say—well then you should start, show us by example, "tell us where all yuh getting money for this weekend's convention".

Mrs. Persad-Bissessar SC: There are big billboards around the savannah.

Sen. The Hon. A. Ramlogan SC: Yes, there are big billboards. I am seeing in an internal party election, the Member for Laventille East/Morvant is actually advertising on television, prime time, during prime time for an internal election in the PNM. All of a sudden the quality of the microphone on their stage and podium, the quality of the microphone is changing, "they getting better technology". So who is financing the PNM? Member for Diego Martin Central, since you have made the call, I call you out. Tell us who is financing the PNM and where you are getting all that money from, because there is a push by certain—[*Interruption*]

Mrs. Persad-Bissessar SC: He is asking them to tell him, he does not know.

Sen. The Hon. A. Ramlogan SC: Yes, he wants to know too. [*Laughter*] You understand. Poor fella, he does not know either. [*Desk thumping*]

Dr. Browne: Frivolous. [*Inaudible*]

Sen. The Hon. A. Ramlogan SC: What he has done there is reverse political psychology. He really wants to know where all this money is coming from into the PNM all of a sudden, “but he cyar come out and ask it like that. So he uses reverse political psychology and he says, “Well, I here today, think that we must make an announcement, a policy announcement that political parties should divulge and disclose their political finances.” He is sending a message for the Member for Diego Martin West. So, I wish to ask the Member for Diego Martin West, hon. Leader of the Opposition, are you going to respond positively to the request of the Member for Diego Martin Central to you, good Sir, as political leader to reveal where all this sudden inflow of cash is coming into the PNM’s coffers? Tell us where you are getting the money from because the Member for Diego Martin Central wants to know.

Mr. Roberts: They paid PTSC yet?

Sen. The Hon. A. Ramlogan SC: Mr. Speaker, eight years and not a single day facing trial. But what confronted us when we came into power? What confronted me as Attorney General? On July 14 a most unusual Order that has never before been made in legal history in this country was made under their watch with respect to these two same persons. The Order, Mr. Speaker, was an Order—[*Interruption*]

Dr. Browne: Mr. Speaker, Standing Order 33(4), I just wish to indicate.

Mr. Speaker: Continue, Sir.

Sen. The Hon. A. Ramlogan SC: Thank you, Sir. This Order which was already made—an Order when made is a public—[*Interruption*]

Dr. Browne: Mr. Speaker, certainly there is a misunderstanding, Standing Order 33(4).

Mr. Speaker: Yes, yes, I take note of it.

Hon. Member: [*Inaudible*] “badjohn boy.”

Sen. The Hon. A. Ramlogan SC: The Order of Justice Brook reads as follows. It is a public document:

“Bail in the above terms until 28 July 2008, or in the event of the filing by the applicants of habeas corpus proceedings in the High Court in accordance with

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Section 13 of the Extradition...Act... until the hearing and determination of such proceedings.”

Mr. Speaker, do you know what is unusual about it? Normally you would make an application and when you have filed the application you would then go and apply for bail. It was a first time, it was the first time I have seen an Order where in anticipation of something being filed, the judge say “in the event it filed ah giving you bail one time, up front”. But you know what is interesting, and that was in July 14, 2008, your lawyers did not oppose the application for bail.

Hon. Member: What! What a shame!

Dr. Moonilal: “That is brilliant lawyers, yeah.”

Sen. The Hon. A. Ramlogan SC: They did not oppose the application for bail. [*Crosstalk*]

Mr. Roberts: “If al yuh doh understand sleep nah.”

Sen. The Hon. A. Ramlogan SC: So, Mr. Speaker, what was the status when we came into office on May 24? The Court of Appeal had just rejected the habeas corpus application and, Mr. Speaker, the team that was retained, that was dealing with that matter continued.

1.45 a.m.

So when I came into office, contrary to the impression given that I changed the legal team, the team that was there: Mr. Douglas Mendes, Mr. Michael Quamina; that team remained because that matter was pending. I added one person, Mr. Kelvin Ramkissoon, and the team remained until that matter came to an end—the habeas corpus application.

Mr. Speaker, on June 16 there was an application for bail. At that hearing, Mr. Ramkissoon appeared and it was the first of four applications for bail. In that matter we objected to bail. That is under me. We objected to bail. On July 14, 2010, Justice Malcolm Holdip—another application for bail. Mr. Ramkissoon appeared on my instructions—objected. They argued that there was no new material to justify the grant of bail, on my instructions. They argued that the judge could not act as though he was a court of appeal because he is a judge of concurrent jurisdiction. The judge accepted those submissions.

Let me quote—unlike the Member for Diego Martin West—from the judgment of the court so they will hear what the lawyers I sent had to say and what the judge had to say. I wish to quote from the judgment of the hon. Mr. Justice Holdip:

“Counsel for the State, Mr. Ramkissoon, questioned whether this Court was the proper forum, that at the end of the day, this sitting judge was being asked

to review the decision of a fellow judge exercising similar jurisdiction. Counsel suggested that there were, in fact, no new circumstances...

Mr. Ramkissoon further contended that the situation of renewed bail applications is a tenable one in the United Kingdom because they are governed by statutory provisions not found in our jurisdiction. And that in the absence of any statutory provision”—such as that—“there is a restriction placed on the High Court to exercise its discretion. Thus, where there is no such legislation in place, such as in Trinidad and Tobago, the Court has no room for exercising its discretion.”

This is the judge now, in response to the submissions:

“...I strongly believe that I am being requested to act as an appellate court and to review the findings and orders made by my Brother Justice Kokaram.

I say that based on the authorities which have been put before me,”

The authority is the Attorney General, through his counsel, put before him.

“...and those to which I have made specific reference...”

And it is therefore the court’s holding that the court has no jurisdiction. Bail refused.

Now, Mr. Speaker, why would I, if I want to help people, simply not appear, as I am entitled to, and say, “Well, I consent to bail”? Because here are two persons who have been in this system for eight years now, they have not absconded; they have no previous convictions. A lot could be said as to why I could take the position that, look, let them get bail. I consent. They could surrender their passport; they could be made to report to a police station every two days, and you give them bail. Did I do that? No. Justice Holdip, his judgment is there; it is written to show that I objected to bail, and successfully so for the second time.

They filed a constitutional motion to challenge the constitutional validity of the Extradition Act. In that matter, Mr. Ramkissoon, Mr. Quamina and Mr. Mendes—their retainer continued and on July 29, 2010, that was dismissed.

Mr. Speaker, after that, we had a significant judgment on October 15, because after I made my decision to extradite—and as the Leader of Government Business pointed out, it was not any other Attorney General. I signed it. I signed the order

to extradite. Does that sound like someone who really wants to help somebody? I signed it. But the allegation being made against me was that although I signed it, I somehow cooperated with them when they filed for judicial review so that they could defeat it to remain here.

Let me face, frontally, the allegation and deal with it. If, when they filed for judicial review to challenge my decision to have them extradited, if I wanted to cooperate, I could have adopted a certain stance in the court, because before you could get judicial review you have to first get leave. Leave means permission. So there is a latch on the door when decisions are made by public figures exercising executive authority, and you must get leave or permission. The judge must lift that latch and open that door for you to be able to enter to challenge that decision.

The lifting of that latch is known as the application for leave or permission. Do you know what happened when they applied for leave, Mr. Speaker? I hired the same lawyers—no. For the first time I hired Avory Sinanan and Kelvin Ramkissoon, with lawyers from the SG's department, and they went to court and they objected to the grant of leave. Not only did they object, Mr. Speaker, but they objected successfully. The judge, Madam Justice Joan Charles, accepted our submissions and refused to grant leave. In other words, the State was successful.

Permit me to quote from the judgment of the hon. Madam Justice Joan Charles. You see, they do not quote from judgments; they make allegations wild, wild. This is what Madam Justice Joan Charles had to say, and she is now speaking about the Attorney General's conduct and decision-making process in arriving at the decision to extradite. I quote:

I have read the reasons given by the Attorney General in support of his decision to surrender the complainants to the requesting country. On the material before me, there was nothing unfair in the process by which he arrived at his decision. He received submissions from all the parties and clearly stated that he took into consideration all the material before him before coming to his decision.

Additionally, whilst he did say that the DPP's decision to discontinue the charges against the claimants in the event they are to be extradited, would cause the forum issue to effectively disappear, he did go on to say that in the event he was wrong he would approach the matter in the alternative by considering the Cotroni case and principles outlined. The Attorney General, in my view—said Madam Justice Joan Charles—afforded the claimants an ample opportunity to be heard.

The claimants here are the two financiers.

On the issue of whether there was unfairness by the Attorney General not revealing to the claimants by the representations from the DPP and the requesting authority—

They were saying—their case was that I received submissions from the United States Government and I received submissions from the DPP and I did not tell them about it. She says:

On the issue of whether there was unfairness by the Attorney General not revealing to the claimants the representations from the DPP and the requesting authority, I have come to the conclusion that there was no need for him to do so unless there was revealed on the evidence before me there was some material which had the effect of so misdirecting him so as to cause him to come to a decision that was irrational or wrong in law.

There was no such material before me.

The fact that the DPP may have given erroneous advice that charges withdrawn could not be reinstated, could not, in my view, have prevented the AG on the material before him from coming to a decision that was fair to the claimants and that they ought to be extradited. I do not agree—says the learned Judge—with the claimants' contention that the decision that they should be prosecuted in the US is unfair or irrational on the basis of the material that is before the AG. In the circumstances, the court concludes, the fact that the AG relied upon advice given to him by Mr. Lewis QC, is not a matter that I can take into account in determining that the decision was arrived at or actuated by apparent bias.

That is the court speaking. Does it sound anywhere, in what I have read, in terms of the reasoning of the court, like I was trying to conspire to let people get off the hook? I won the case. We successfully objected to the grant of leave. And then what happened next? They appealed to the Court of Appeal. And when they appealed to the Court of Appeal, the Court of Appeal reversed the decision of Madam Justice Joan Charles and quashed her order and granted leave.

The Court of Appeal, in so doing, made very strong pronouncements as to Trinidad and Tobago being the appropriate forum and the convenient forum for trying this case. Permit me to quote from the hon. Mr. Justice Wendall Kangaloo, Justice of Appeal:

“It must be remembered that these appellants are citizens of Trinidad and Tobago whose extradition to the United States was requested while the prosecution against them was still going on in the local courts.

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Despite thorough and exhaustive research by the court, I am unable to discover any analogous situation in the area of extradition law. These are matters which must, of necessity, weigh heavily on the mind of the Attorney General in coming to his decision on whether to order the surrender of the appellants.

In Trinidad and Tobago”—says the learned Judge in the Court of Appeal—“we are all fully aware of the deficiencies in the administration of justice and in particular the length of time which criminal trials take to be concluded. However, these factors cannot ever be a reason, whether consciously or subconsciously, to order the extradition of our nationals to other jurisdictions where the criminal justice system is alleged to be more efficient and effective. We cannot be seen as shirking our responsibility to our society to ensure that justice is obtained locally, by circumventing our difficulties in the administration of justice, by the extradition of the appellants. Even more so when many developed countries flatly refuse to extradite their own citizens under any circumstances regardless of the consequences which may follow,...

The Court of Appeal made a very strong pronouncement. What they say is, look—I was saying that, you know, our justice system is a little slow, if you send them to the United States, “it go have a quick trial”. The Court of Appeal “tell me that I wrong” to think so. They say you cannot, because “we justice system not effective” and efficient or not as effective and efficient, you cannot just say that that is a good reason to take people and extradite them.

I thought that that was a really good reason, because I was looking for a quick trial, and I thought by extraditing them, you would have a quicker trial in the US because the system is quick. Justice Charles agreed with me, but the Court of Appeal—three judges there—said no. They said that is not a good reason and I was wrong to consider that. They also said that despite all the research, they did not find a single case where, after the prosecution started, that an extradition request came. Normally, the extradition is requested before a case is started. The Court of Appeal said—let me quote it again:

“It must be remembered that these appellants are citizens of Trinidad and Tobago whose extradition to the United States was requested and the prosecution against them was still ongoing in the local courts. Despite thorough and exhaustive research, I am unable to discover any analogous situation in the area of extradition law.”

That is not me. I had also searched and I had also picked up on the point that there was no other situation anywhere in the world—I checked LexisNexis; all the databases. There was not another case anywhere in the world where an extradition request was made after the prosecution had started. Notwithstanding that, “Ah say no, ah going to still extradite”. Notwithstanding that, “I say no, ah going to extradite.” Why? Because I want them to face trial quickly; let them go to the United States of America; let Uncle Sam deal with it.

The Court of Appeal said the Attorney General is wrong. I have the greatest respect for the Court; I must honour the judgment. I have no choice. Justice Charles agreed with me; the Court of Appeal disagreed; they reversed her decision. Those are the facts, Mr. Speaker. Nowhere in the Court of Appeals’ judgment would you hear them talk or spew the kind of utter rubbish—*[Interruption]*

Mr. Speaker: Please!

Sen. The Hon. A. Ramlogan SC: Sorry—the kind of disingenuous talk you hear today about conspiracy. Nowhere did they criticize the Attorney General for trying to help anybody. In fact, they criticized—the irony is, they criticized the Attorney General for being too harsh. They say “I looking to geh ah quick trial” and sending them to the United States, when in truth and in fact, the system we have here is ineffective and inefficient. You still have to respect it. Leave them here.

2.00 a.m.

They say “I act too fas; I act too harsh and fast” because, as far as they are concerned, no other case existed where the extradition request was made after the prosecution started and I did not consider that. I did, but I wanted them to go, so “I say I go sign it”. Tough luck, I guess, for the Attorney General, but that is the order and judgment of the court.

I noticed that the hon. Leader of the Opposition—throughout his presentation, I kept waiting patiently to hear when he would actually go to the court judgments, to cite from the court judgments because he himself may have very well been a victim of the misinformation and the political mischief out there, but these are the facts. He never once cited a single line from any of the judgments. “Yuh know why?”—because nowhere will he get anything to support this grandiose idea of a political conspiracy. That is why he cannot cite any of the judgments.

Mr. Speaker, if I wanted to help these fellas or financiers or anybody—after I made the decision that I am not going to appeal Justice Boodoosingh’s judgment

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on the advice given to me by Mr. Lewis, which I will come to, on December 26, 2011, very shortly after I announced the decision not to appeal, this was the headline in the *Express*. It says:

“AG: My conscience is clear. Prosecute them in ‘Chadee-type court’.”

Soon after I announced my decision not to appeal Justice Boodoosingh’s ruling, on the basis that they could have a quick trial here locally, I publicly stated, because I had already hinted as much, that we should take this case outside the local system with the run-of-the-mill because it would take very long. I said we should convene a Dole Chadee-type court and have this case done on a day-to-day basis with one judge, a jury with all the resources, and try the case day to day, until it finishes. “Doh waste time.” That is what I said publicly.

Mr. Speaker, I then go to Justice Mon Desir. Justice Mon Desir on December 29, 2010 had to deal with another bail application, the third bail application. What did the Attorney General do? Did he consent? No. Let me quote from paragraph 10 of Justice Mon Desir’s judgment:

“Learned, Senior Counsel for the Honourable AG sought...to place before this Court certain matters which he felt would be of assistance to the Court in placing the instant application into what he described as ‘its proper context’.

In that regard...”

—says, the honourable Justice Andre Mon Desir, a man who went to the same school as I did, Pleasantville Senior Comprehensive—[*Interruption*]

Dr. Moonilal: And my school as well.

Sen. The Hon. A. Ramlogan SC:—and your school as well. The hon. Mr. Justice Andre Mon Desir, a man who was one of my mentors when I went to Pleasantville Senior Comprehensive. Justice Mon Desir said:

“In that regard, the Court wishes to express its thanks not only to learned counsel for the AG but to all counsel for the assistance they have provided to the Court in this matter.”

And he goes on to explain his reasons, accepted the submissions made on behalf of the Attorney General and dismissed the application for bail. Third time application for bail was denied, not under PNM, under the People’s Partnership and under this Attorney General.

You see, Mr. Speaker, they then went finally on the fourth occasion.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

Motion made; That the hon. Member's speaking time be extended by 30 minutes. [*Hon. E. McLeod*]

Question put and agreed to.

Sen. The Hon. A. Ramlogan SC: Mr. Speaker, thank you very much. I now come to the fourth application for bail, February 23, 2011, another application for bail. What did the Attorney General do? This is the Court of Appeal now, another last-ditch attempt to get bail. The State, through the Attorney General, submitted to the Court of Appeal, that it had no jurisdiction whatsoever to entertain an application for bail in these circumstances and the Court of Appeal accepted the submissions of the Attorney General and refused bail for the fourth time. Does that really sound to you, Member for Diego Martin West, like someone who is conspiring to help anybody; that not one, not two, not three, but four consecutive applications for bail and every single time I was able to successfully resist it? I [*Inaudible*] say not. You see, the evidence will not support the kind of conspiracy theory they come with and these are the hard facts.

The Member for Arouca/Maloney said it: facts are stubborn things. So, with all the political speculation and all the political hypothesis, this is what it boils down to, the cold hard facts set out in the judgments of the court which explain my role and my position. Mr. Speaker, I am moving on from that.

As I said, the Leader of the Opposition quoted a newspaper report and sought to pour scorn—he said I said they gave qualified, unconditional support. I went to the *Hansard*, it is a small point, but on September 12, 2012, Sir, what I said was:

“No reservation, no qualification, unconditional support for the Bill...”

I did not in fact make the grammatical error of saying that your party gave qualified, unconditional support. I said that you gave unqualified, unconditional support and your vote gave birth to section 34. Without the vote of the PNM, section 34 would have never have been born, it would never have seen the light of day. That is the reality.

Hon. Members: Nonsense!

Dr. Rowley: Not true.

Sen. The Hon. A. Ramlogan SC: I come now to the criticisms made. I want to say; you know the Member for Fyzabad dealt with it in his contribution. [*Crosstalk*]

Mr. Speaker: Please, please, order, order. I would like to hear the Attorney General, please.

Sen. The Hon. A. Ramlogan SC: One would have thought that there was something new to come with. I welcome this Motion because I did not say much and it gives me an opportunity to explain myself, not only to them but to my own colleagues on this side because I take the question of my integrity very seriously and I want to explain it for all.

I thought they came with something new. The Leader of the Opposition posed certain questions to me, several rhetorical questions. Mr. Speaker, those questions came from something called “the clause 34 timeline by the Opposition Leader”, dated Friday, September 21, which is on the PNM website for all to see. It is nothing new and he regurgitates them, but I will humour him and I will deal with each one.

The first one, “dey say dey want tuh know” why is it that I did not extradite immediately? Why did I wait to allow them to fight for judicial review in the first place? You know, when you do not know the facts and you speak about these things it boomerangs and it comes back.

Mr. Roberts: Embarrassing.

Sen. The Hon. A. Ramlogan SC: It is embarrassing. When I signed that extradition order, I did so with the full intention that they would go as soon as possible, but I had one impediment; one insurmountable legal hurdle created by the PNM and it was this: the former Attorney General, Mr. John Jeremie, had given a written commitment to the two financiers of the PNM—*[Interruption]*

Mr. Roberts: Again?

Sen. The Hon. A. Ramlogan SC:—a written commitment, that anytime an extradition Order is signed by the State they would give them seven days advance notice.

Hon. Member: What!

Sen. The Hon. A. Ramlogan SC: Seven days’ notice—*[Interruption]*—yes, to facilitate any judicial review application. *[Crosstalk]*

Mrs. Persad-Bissessar SC: What date is that?

Sen. The Hon. A. Ramlogan SC: Seven days.

Mr. Roberts: So this censure should be on Jeremie, then?

Sen. The Hon. A. Ramlogan SC: Yes.

Hon. Member: When was the undertaken given?

Sen. The Hon. A. Ramlogan SC: In May. I have the letter. I will get it when I go down lower. But, that is the undertaking that they gave.

Mr. Roberts: So, Jeremie caused that.

Sen. The Hon. A. Ramlogan SC: I could not, as a responsible Attorney General, act in breach of that undertaking because even though administrations change, the undertaking is given by the State of Trinidad and Tobago and to do that, sorry—[*Interruption*]

Mr. Imbert: You did not do that with the OPVs.

Sen. The Hon. A. Ramlogan SC: I did not do that with the OPVs?

Mr. Speaker: Just ignore.

[*Crosstalk*]

Sen. The Hon. A. Ramlogan SC: Thank you. So the cruel irony is that I could not extradite immediately because of the action and conduct of the PNM through their Attorney General in giving a written undertaking that they would allow seven days to pass after a decision is made.

Mr. Sharma: What a shame!

Sen. The Hon. A. Ramlogan SC: That is why when I saw in the media—you know there is a lot of mischief—an article on the front page of one of the daily newspapers that a plane was here in Piarco with US air marshals and FBI personnel and I was not allowing these people to go on it. Well, I call—”poor me calling air traffic control tower and thing tuh find out where dis come from”. It was a complete and utter fabrication. But the point is “it could be Bin Laden, it doh matter.” [*Crosstalk*] There was no basis for it.

They next said they wanted to know why it is I did not appeal Justice Boodoosingh’s judgment. I will tell you why. Mr. James Lewis—[*Interruption*]

Mr. Speaker: Member for Diego Martin North/East, I am hearing you, please.

Sen. The Hon. A. Ramlogan SC: Mr. James Lewis QC, is the person who has been advising the State on this matter since day one. When I came into office and I was reviewing the legal teams and so on, when I checked and Google searched Mr. James Lewis, I realize that this man was an internationally-renowned and respected expert on the law of extradition and I said to myself: “Look, if is one man ah have tuh keep is dis fella.” I thought that he was a good person, based on the qualifications, the CV and so on. I kept him.

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When I asked him for advice on whether to appeal and so on, he was the man who assisted me all along. His advice was: “Look, if this case in the High Court before Justice Boodoosingh done take about ah two years and so on, if you appeal his decision, remember once you appeal, the criminal trial cyah start.” He said they would appeal to the Court of Appeal and then they would appeal to the Privy Council “dah go take about three tuh five years.” He said: “but in the Privy Council, if they succeed, the Privy Council may remit the matter back to you for a fresh decision to be made and when you make that fresh decision dey go judicially review that again, and yuh go start back all over, and it go go all de way back again.” In all, five to 10 years could pass before they can actually even be extradited or face a trial in the US or here.

So, I was faced with this prospect: if I appeal there is a possibility that it could cost the State 10 years, and how much money, but 10 years before they could face the prospects, realistically, of a criminal trial. If I did not appeal there was the prospect they could be tried almost immediately in Trinidad within three to six months, and I will come to why. So, I accepted Mr. Lewis’ advice and I did not appeal but that was based on Mr. Lewis’ advice. I want to tell you, Member for Diego Martin West, if you want a copy of that advice I have no difficulty providing it for you, Sir, no difficulty. I have nothing to hide.

Mr. Lewis now—and I will come to the question. When they realized that I acted—not on my own, because they thought I acted on my own—on Mr. Lewis’ advice, whom they had retained under the PNM, they came with a new tact. The new tact is this: Mr. Lewis in his advice says that his advice is based on the fact that he has been advised that a trial could take place here quickly, and they all seek to attack me and vilify me for that, saying—[*Interruption*] yes—that I advised the man, I gave him that instruction and that is false because a trial could not take place here quickly. That is what they said.

You know, when the Opposition Leader made that statement today again “ah say: yuh know what? Is better these things—you better set the record straight.” So immediately, on my Blackberry here, I typed an email to Mr. James Lewis. I said: “Listen, I am in the Parliament. This allegation is being made by the Leader of the Opposition that I provided incomplete or false instructions to you, that a trial could take place here locally within a short time frame and, therefore, I did that to twist your advice in a certain direction because ah conspiring tuh help two fellas.” He emailed me this, it is dated October 26, 2012, I will share it with the other side if they wish.

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3 Raymond Buildings

Barristers-at-law

United Kingdom

He says:

Dear Attorney General

In the matter of extradition of Ishwar Galbaransingh and Steve Ferguson, you have asked me to clarify certain matters. I can confirm that prior to giving my advice to you on the question of whether an appeal should be filed, in relation to the judgment of the hon. Justice Boodoosingh, I had raised with Mr. Roger Gaspard, the DPP, the question of whether all domestic charges should be discontinued and, if not, whether they could be heard within a short time frame.

2.15 a.m.

Mr. Gaspard was reluctant to discontinue all domestic proceedings. His predecessor had discontinued proceedings in relation to contract CP 9 and CP 11, but he anticipated that a domestic trial could occur relatively quickly in the event that the defendants were not extradited to the United States of America, as the preliminary enquiry for Piarco 1 was completed and the preliminary enquiry into Piarco 2 was virtually complete.

This was consistent with my instructions from you, which was the basis of the pragmatic advice on the passage of time, leaning in favour of trial in Trinidad and Tobago which I gave in relation to the efficacy of an appeal against the decision of Justice Boodoosingh.

I hope this clarifies matters and remain willing to assist on any further queries.

Signed: Mr. James Lewis QC

You may recall, Mr. Speaker, Mr. James Lewis QC—sorry? [*Interruption*] Yes! So what Mr. Lewis is saying here, is that he was advised by the DPP that a domestic trial could occur relatively quickly in the event that the defendants were not extradited because the preliminary enquiry into Piarco 1 was completed and the preliminary enquiry into Piarco 2 was virtually complete.

Now, Mr. James Lewis is not a supporter of the Partnership. This man as an international expert in extradition law, hired by the former administration, his retainer continued by myself as Attorney General, and the man is now saying that he spoke to the DPP independently of me. So when the Leader of the Opposition—

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when I posed the question: “Where else could he get this from?” He boasts confidently, “Where else? Is only the AG.” But it is not. The man independently and separately sought confirmation from the DPP. That is his letter to me and that is what he told me, but I did not want to come out and say these things. There is a certain amount of sanctity and confidentiality and comity about these things. It is not right for an Attorney General to have to breach those sacred and hallowed principles to come to explain these things. So I must now reveal down to these things, conversations with the Chief Justice, the DPP, the President of the country. No! So I hope that clarifies that issue.

They then ask: why did you fire the legal team and replace it with another one? As I pointed out, the pending matters which were there when I came into office, the legal team that was there, I protected and preserved it—Mr. Mendes and Mr. Quamina. When they filed for judicial review, I hired Mr. Avory Sinanan and Mr. Kelvin Ramkissoon, plus, most importantly, Mr. James Lewis.

Mr. James Lewis QC continued to advise in that very judicial review matter. The team was Avory Sinanan, Kelvin Ramkissoon and Mr. James Lewis. He did not appear in the matter, but he was giving the legal advice. You see, Mr. Speaker, when they come to question the competence, qualifications and ethics of a former temporary judge and a senior counsel who they themselves recognized as competent, because they gave him work and briefed him when they were in office, I say that they are grasping at straws. Then, they come with this issue of whose portfolio criminal legislation falls under. My learned friend, the Member for Diego Martin North/East, placed his entire contribution on the omission of two words “crime legislation” from the gazetted allocation of ministerial portfolio for the Member for St. Joseph.

Mr. Imbert: That is it?

Sen. The Hon. A. Ramlogan SC: That is just the upshot of it. Mr. Speaker, the one thing they do not seem to understand in the PNM—because the one thing that they have consistently demonstrated is that whenever they are elected, they lapse back into a traditional mould when it comes to Ministries. If you look at up to 1986, they had the traditional Ministry of Works and Transport, the Ministry of this—the same Ministries.

When the NAR came they broke that mold, and under Prime Minister Robinson they created new Ministries to rejuvenate and revitalize the public service as the engine for Government implementation. Then when they came back in 1991, they lapsed back and threw back the public service onto the same old template. Then after that, when the UNC came into power, we then dismantled that

and created new Ministries. So it is very difficult for them to conceptualize that the Ministry of the Attorney General could be split and there could be a Ministry of Justice with specific responsibility for transforming the criminal justice system. And as the Member for D'Abadie/O'Meara pointed out during his contribution, it does not take a rocket scientist to figure out that if you have portfolio responsibility for transforming the criminal justice system and making it quicker, the abolition of preliminary enquiries obviously falls under that. I say no more on that.

They then say, that this judgment, because I did not appeal it—Justice Boodoosingh's judgment—I created a binding precedent and “we cyar extradite nobody else to the US now because everybody go rely on that Justice Boodoosingh judgment and dey go get away.”

Mr. Speaker—[*Interruption*] Yes, of course. Since that, only last month, the hon. Mr. Justice James Aboud, in the case of Keron Pierre and the Commissioner of Prisons, extradited someone to the US and they had difficulty. The case can be confined to its facts. It is very easy to explain.

Mr. Speaker, they then spoke about why—and the DPP mentioned it in his press release, that when I announced the decision not to appeal, I no doubt would have had section 34 in mind. The DPP says that in his press release. I do not want to get into any quarrel with the DPP, but I have to say, I said publicly before that no one in the Parliament, certainly not myself, appreciated the full impact and the unintended consequences of section 34. No one had in mind when we were legislating that provision, any particular persons.

The Independent Senators voted unanimously. The Opposition bench, unanimously. When I heard the Member for Port of Spain South saying in the committee stage in the Senate, “Well yuh ain't advise and you ain't say and you did not object and so on”, I asked the question: well then, okay, if it slipped past me, what about Sen. Al-Rawi; what about Sen. Hinds who is a criminal defence lawyer with many years' experience; what about Sen. Penelope Beckles who is also a lawyer; what about Sen. Deyalsingh who is an aspiring lawyer? They all voted for it and did not say a word. So something slipped past the entire Parliament, “voosh”, but they want to single out one man and say, well, you must take the blows for it. “Can't be right.” Mr. Speaker, where does all of this really come from?

AG (Breach of Parliamentary Trust)
[SEN. THE HON. A. RAMLOGAN SC]

Friday, October 26, 2012

From day one, the Member for Diego Martin West had launched a scathing attack on the Attorney General. The first time he did that, was with the New York mission and this is what he said on April 20, 2011:

“...I went to New York...last November, and while...there I took the opportunity to visit our Mission in New York and I was very distressed”—listen carefully. He said I was very distressed—“by the number of staff members who came to tell me that the Attorney General...paid a visit to the Missions as I was paying, and on entry to the Mission the only thing he was interested in from his opening comment in the Mission was the ethnic composition of the Mission. And he made comments openly to the staff about their ethnic composition...”

So he is saying that distressed staff members came to him to complain that the minute I walked in there, I start to openly tell them racial statements.

Then he said: “I am making a statement of fact...”

The Speaker intervenes to caution him.

“I am simply advising you”—says the Speaker—“you are imputing improper motives to the Attorney General”—and I am advising you of this—“for the third time. I have indicated to you, stay clear. You have decided to continue. I can only...warn...and caution you”—and to—“enforce the rules...I am just letting you know you are on the wrong course.”

Mr. Jack Warner, Member for Chaguanas got up, pointed out that I had never been to New York since my appointment. He persisted, but what is curious is his apology. He apologized on March 03, 2012 and this is what he said:

“I owe the Attorney General an apology.”—March 03, 2012. April 20, 2011 is when he made the allegation. Almost a year later—“...I told the Parliament that I went to New York and on my visit to New York, I met with some nationals at the Mission.”

He did not say that. You never said, Sir, that you met with nationals at the Mission. You said, “I was very distressed by the number of staff members who came to me to tell me that the Attorney General...” So you see how he changed up the story now. On March 03:

“I told the Parliament that I went to New York and on my visit”—there—“I met some nationals at the Mission...they said Mr. Ramlogan had been there to New York and he had made enquiries...”

“Look how that change now, eh.” The first time he says, distressed staff members came and say, as soon as he walks in, he made comments openly to the staff. “As

ah walk in ah start to tell them racial thing.” Now he comes he says, no it was not staff members. I met nationals who said Mr. Ramlogan had been there and he made enquiries about the racial composition of the mission.

“The AG responded by saying he did not go to New York...he had never been to New York.

I had my two witnesses: the Member of Parliament on my right..., the Member for Port of Spain South, and on my left the Member for Laventille East/Morvant.”

So his conspiracy, he ropes in two Members of Parliament from his own party, sitting on either side of him, all three of whom sat silent for a year while that lie was repeated and perpetuated, while that untruth was repeated and perpetuated on the outside, the subject of vilification on radio talk shows, PNM supporters calling in saying the worst and most vile things.

Hon. Member: The blogs.

Sen. The Hon. A. Ramlogan SC: The blogs. They have a PNM team from the youth league on the blogs, blogging away, attacking you, and all three of them sit there, saying nothing and let a year pass.

Hon. Member: Shame!

Sen. The Hon. A. Ramlogan SC: And then he comes now and says, well I apologize to the Attorney General because it was not him, and he says I am sorry. After that, he then comes and makes another allegation. The hon. Member for Diego Martin West says that I made request to the Financial Intelligence Unit to access private banking information and records of citizens. Totally untrue!

Mr. Speaker, the FIU put out a press release to say that I have never had any such communication with them. That matter, like the first, is now the subject of a court action. The Member then said that I misused public funds with regard to legal matters and the allocation of State briefs. He said that 51 per cent of State briefs went to my former firm. Mr. Speaker, since I have assumed office to now, not a single brief from the State has been given to my former firm. Not one! He said 51 per cent went to my firm.

Hon. Member: Make up thing.

Sen. The Hon. A. Ramlogan SC: I mean, it is a direct allegation of corruption and conflict of interest, and not one—and what is worse, is that the Member for Diego Martin West had asked a question on the Order Paper and I provided every single case that came against the State, settled, fought. Everything was there and I gave it to them—circulated—and they still make the allegation in the public.

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Then he comes and makes the allegation—not content with that—against Justice Boodoosingh and the court, and says that the Attorney General, improperly, in order to deliver upon a political commitment, intentionally helped to bring about the result he desired and expected to achieve.

So I am in conspiracy with the court. That led to the Chief Justice issuing a press release against him. And then he came and made another allegation, he said the AG was using public funds to bankrupt him. He said that all these defamation

lawsuits I had filed, I was using public funds. That too was wrong. That too is wrong. Not a single cent of public funding. But do you know what I found curious? That the Leader of the Opposition, the hon. Member for Diego Martin West, complained and said—this is the headline:

No cash to fight AG. I will be bankrupt.

2.30 a.m.

He says that each time I sue him, he has to find legal fees. I asked myself today: there is a Motion of no confidence in me, but he did not need a Motion of no confidence, his own colleagues have no confidence in him. Why do I say that? There are about five lawyers serving on the Opposition Bench: Mr. Faris Al-Rawi, Mr. Fitzgerald Hinds, Penelope Beckles, Miss Marlene Mc Donald and others and “yuh mean to say not one of them come to his rescue to act as his lawyer to say my leader being sued, leh me act for him”. They have no confidence in you as Leader of the Opposition and as political leader! You have to go begging cap in hand for a lawyer to represent you! [*Laughter*] For years, the Member for Siparia, myself, and the Member for St. Augustine, we represented poor people, our political colleagues, when you sued us, every single day.

Mrs. Persad-Bissessar SC: Was not paid for a year!

Sen. The Hon. A. Ramlogan SC: You forget during the 18-18 tie, you all starved the Opposition.

Miss Cox: Mr. Speaker, Standing Order 36(1).

Mr. Speaker: “Nah, he only have three more minutes.” Continue.

Mr. Roberts: Go back to sleep!

Sen. The Hon. A. Ramlogan SC: So it is clear that they had no confidence in him. For the 18-18 tie, they did not pay any Member of Parliament in the Opposition UNC their salary. I won that case in the Privy Council against the PNM. Vindictive behaviour!

Hon. Member: You were wicked!

Sen. The Hon. A. Ramlogan SC: Then I asked the question: is it that your own lawyers in your party do not have confidence in you? Or worse yet, is it that you do not have confidence in them and their ability to represent you, “dai why yuh didn’ go by dem”? [*Laughter*] You see, those are the facts.

So, Mr. Speaker, this Motion against me—[*Interruption*]

Mr. Speaker: You have two more minutes.

Sen. The Hon. A. Ramlogan SC: Yes, Mr. Speaker. This Motion against me is about the political spite and the personal vendetta that the Member for Diego Martin West has with the Attorney General, which from day one, he has been on a path of attacking and honing and focusing his attack on the Attorney General. I have been subjected to the worst form of attack by the Leader of the Opposition consistently telling untruths against me, as a result of which he has landed himself in legal trouble, and then come to cry and say, “Well, he ha no money, ah go bankrupt’ him.” Well, if that is the result of your irresponsible and reckless statements, then so be it! So be it!

But I want to tell the Member for Diego Martin West, I stand here today not afraid of you or anyone on this side of the House. I will stand, and as my Prime Minister says, I will take you on anytime, anywhere, anyplace. [*Desk thumping*] I stand here to tell you that there is no censure of this Attorney General. I have discharged my duties in good faith and I have stood against a lot of criticism but I have acted well in this matter, and my conduct cannot be impugned in anyway.

I stand here to tell you, hon. Leader of the Opposition, that your attack against me today is ill-conceived, motivated by a form of political malice that is not going to survive in the current political climate. I want to tell you, Sir, that I have no ill will—I bear no ill will to the Member for Diego Martin West, but I want to tell him that I will defend aggressively, relentlessly and vigorously any attacks against my reputation as Attorney General, and that is why those lawsuits will continue. This People’s Partnership administration will continue to be served with integrity and with competence by Anand Ramlogan as Attorney General. I thank you very much. [*Desk thumping*]

Mr. Speaker: I do not think that there is anybody else on your side so I call on the hon. Leader of the Opposition at this time.

Dr. Keith Rowley (*Diego Martin West*): [*Desk thumping*] Thank you very much, Mr. Speaker. If it was all about vigour, energy, presentation, I think the Attorney General would have, you know, probably—[*Interruption*]

Hon. Member: Go to the head of the class!

Dr. K. Rowley:—gone to the head of the class. It is not about that, Mr. Speaker. I noticed that the Attorney General of Trinidad and Tobago has totally disregarded the fact that there is an issue in the country which by listening to the national conversation, one would come to a conclusion that a large number of citizens—I am not saying all—but a large number—I think the majority of citizens—are concerned about what has happened.

But, in bringing this Motion in my capacity as the Leader of the Opposition, the Attorney General has crystallized his position saying to the country that this Motion is about me, in my personal capacity, carrying out a vendetta against him personally. What absolute misrepresentation or misunderstanding! There are other words that can be used but I think at this hour of the morning, suffice it to say, that for the Attorney General—and I dare say the Government—and the Government to console themselves or to comfort themselves by concluding that this Motion of censure against the Attorney General is about the Leader of the Opposition carrying out a personal vendetta against the Attorney General, if that is your belief then keep it. If you can convince all those citizens that that is the situation, then you go home in the comfort of your analysis and feel good about that.

With respect to his proof of my vendetta against him by pointing to a variety of lawsuits that he has filed against me, we will discuss those things in another place. It is not my intention to or a requirement for me to point to his representation of what he has presented as lawsuits against me. We will have our day in court on all those matters so we can go past that.

Mr. Speaker, an interesting thing dawned on me as he spoke and I made a note of it. He gave us, and I think quite usefully, some chronology on timelines and backgrounds to the innards of particular cases which we did not name, but he specified the particular matters, and something is interesting here. He told us about the successes that he had with respect to resisting bail applications and so on. I have no basis to question or doubt that. But, a fact that cannot be ignored or cannot be reversed is that this vigour to be so aggressive, as described by him, would have been nullified by the actions of the Cabinet of which he was a part with a responsibility to ensure that the public interest was protected.

My argument here today, Mr. Speaker, had nothing to do with the Attorney General distributing fees, I did not mention that because the Motion was specific as to what were the concerns. The concerns, as outlined in the Motion, had to do with the role and responsibility of the Office of Attorney General. [*Desk*

thumping] So all his 45 minutes about the wonderful work that he has done with respect to the matters of extradition in his lawyers fighting the case in no way treated with the issue of the constitutionally requirement of the Attorney General to make sure that there is good order in the business of the legislation of Trinidad and Tobago.

Miss Mc Donald: That is right! [*Desk thumping*]

Dr. K. Rowley: Because here it is he has convinced us, I have no basis to doubt him, he brought evidence of specific instances of situations in the court where he won the matter. But then, one has to ask: how does one square that—and again, I am not personalizing it in any allegation against him, but with respect to the duty of the Attorney General—with what happened with his involvement in the creation and passage of a piece of legislation which could but only have the effect of ensuring that there was not a day in court for the specific persons to whom he made reference? “It doh not make sense.”

The Attorney General could not say to us that he had advised the Cabinet against doing certain things, and I am saying that he had a requirement to ensure that the Cabinet got proper legal advice. He wants us to believe that it is only after the horse had bolted, and a big public spat and discontent in the country became news in early September, that he realized what section 34 and its premature proclamation was going to do. Mr. Speaker, we cannot believe that. [*Desk thumping*]

He gave his convincing information about his brilliance and his appearance at the Privy Council and what case he won and what he did, and then after all that—again I am saying I have no basis to doubt any of that. I am not one person who believes that the Attorney General is foolish or that he is incompetent, I do not for one minute believe that. That is why I have difficulty when he flipped the coin and said, it is only after in early September when we discovered that a travesty had taken place that he understood the implication of what the proclamation of section 34 would have been. Unbelievably, we cannot accept that, Mr. Speaker. If his colleagues want to accept that and the supporters of his party want to accept that, that number will diminish as the days and weeks pass, but it does not make sense on the floor of the Parliament. [*Desk thumping*]

He totally disregards the fact that we have accepted—I mean one of my colleagues in violation of the parliamentary regulations, went out and presented the vote of the Parliament playing it over and over and over for fun and ridicule in a certain place to prove that we voted for the Bill. That was never an issue! Nobody on this side ever said that we did not vote for it. Nobody ever said that we

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all did not vote for the Bill and made it into law, but there are two situations here. We voted, we all voted for it; let us establish that, but having voted for it, we did so, those of us on this side who did not bring it to the Parliament because it was brought here, by the Government—understand that, Mr. Speaker. It was brought here. When that Bill was laid here in November, it came to us from the Government, and we assumed after deliberations in the Government, in the Cabinet, where the Attorney General resides with the responsibility under the Constitution to make sure it is right because that was his responsibility, I pointed out to you, Mr. Speaker, the Attorney General is probably the only Member of the Cabinet besides the Prime Minister—not probably, is—where the Constitution spells out his duty. [*Desk thumping*]

So when that Bill comes here to us, brought by the Government, we assume, and we ought to assume, that the input of the Attorney General is in keeping with his responsibility under the Constitution. [*Desk thumping*] So they brought it here. We, wanting to do what the basic requirement of the Bill was, which was to change from preliminary enquiry to the sufficiency method—we wanted to support that and we supported it, but then it carried a rider which we subsequently discovered was not the subject of oversight and consultation by the people who we assumed the Attorney General would have ensured had an input into it. It is only after the matter broke into a public controversy that we discovered, by way of information coming from certain persons in office whose job it was to have had a look at this thing and assist the State in going forward, that contrary to what we were told, that the DPP, the Law Association and the Chief Justice never saw section 34.

2.45 a.m.

Why are we to believe, Mr. Speaker, that that is just accidental? We could accept it as accidental or we could accept it as deliberate, but then we moved on. Before we gave our vote, we said, do not do so, so, so. As a matter of fact, we specifically said with respect to the proclamation—the proclamation—that it ought not to happen in a certain way. The Government by way of its spokesperson, under the guidance of the Attorney General, whom we assume is still the legal advisor to the Cabinet, with a duty in the Cabinet to make sure it goes right we said do not do so, so, so, they said it will not be done, all right.

Then in early September we discovered that something happened. I must tell you, Mr. Speaker, the first time I heard about this, I did not believe it. I treated it as rumour, because as there is a sky above, I know this Government could do all

kinds of things, but I never expected the Government to do what it did with section 34, given what was said and done in the Parliament.

Then we saw in the Parliament this great change which is referred to by the Prime Minister herself as crucial, that it crucially changed the thing; not my word, the word of the head of the Cabinet, that change from the time you were charged to the time you committed the offence crucially changed it. Now, we have to ask ourselves, how could a crucial change be made without the Attorney General's knowledge, consent, involvement and advice? Is he just warming the seat or is he a participant in the matter? All that he has said here tonight, with all the vim and vigour, he does not address any of these issues. [*Desk thumping*]

Miss Mc Donald: That is right.

Dr. K. Rowley: He can portray me in the worst way, that is not the issue, that is not the point. He can bring into the debate what I said about his trip to New York, Mr. Speaker. He cannot for the rest of his life accept my explanation where I went into a building to meet people I did not know, who were organized to meet me, they are nationals—staffers, nationals what difference it makes; Trinidad and Tobago nationals there.

I was spoken to in front of my colleagues; I said so to the House. [*Crosstalk*] I did not say that. It was not my statement. I simply reported what was said to me, [*Crosstalk*] and subsequently when the Attorney General said it was not correct, what did I do? I took pains to find out what was the truth including going backwards and investigating who was there, and why was this said to me, and so on and so on. Then I came back to this House, prompted by no one and said to the House what I reported then, I checked it, I found it was not correct, because in investigating it, it turned out, that those who said that to me misrepresented Ramlogan and Rambachan.

Sen. Ramlogan SC: “Ohhhhhhh!”

Dr. K. Rowley: I said so to the House, and I did not hear—I want to make one point though—[*Interruption*] anyway that is not the issue. [*Crosstalk*] That is not the issue.

Hon. Member: “Buh Rambachan—[*Inaudible*]

Dr. K. Rowley: The issue was I simply reported what was said to me in front of witnesses.

Miss Cox: He knows he said it.

Dr. K. Rowley: And I found out in the end that the report was not accurate, I came back and I said what I found out. [*Laughter*] Let us move on. So, portraying that as example of how I treat with him—because frankly I do not really have a problem with the individual. I mean he is a spirited man, he has a career which you know—I have no problem with him, but he is not addressing the concerns that the country has. He is not addressing the substance of the Motion. [*Desk thumping*] He spoke for 75 minutes and he did not—he never once attempted to tell us. [*Desk thumping*]

I raised earlier on, a statement made by my colleague from St. Augustine because the way this matter was contentious in the country, and the way the Cabinet reacted under the Prime Minister's guidance, the Member for St. Augustine said he was glad that we have raised the veil of Cabinet secrecy on this occasion to allow the details of the matter to come out. [*Desk thumping and crosstalk*]

Hon. Member: Mr. Speaker, 43(1).

Dr. K. Rowley: It might be tedious to you, not to me. [*Dr. Rowley takes his seat*] Mr. Speaker, are you going to rule?

Mr. Speaker: “Yeah.” Try to tighten it as you move on, please.

Dr. K. Rowley: Had he not intervened, Mr. Speaker, I would have gone past that long time “yuh know”, because my next sentence would have been [*Crosstalk*] that the Attorney General had the opportunity to respond, to tell us what his role was or was not. What input he had or did not have? What responsibly he had or did not have with respect to the Cabinet's decision to pull out section 34, and record it as being proclaimed as an expedient and a requirement to hire Masters. He spoke at length on everything else; he never tried to address that matter. [*Desk thumping*]

I listened to all the other speakers in the debate and I could not hold any of them responsible for that, but I thought when the Attorney General spoke, that being such an integral part of the kernel of this matter, he would have at least given us some kind of explanation, or an attempt at an explanation. He never went anywhere near that matter, never went near. So now that he as finished his contribution, we are no nearer getting an answer as to what motivated the Cabinet on August 28, to pull out this very important section of the 35 section Act and proclaim it on its own, that matter is still there like an orphan unattended by a parent argument. So clearly, the Attorney General and the Government believe

that by saying to us accept what we are saying, that there is no conspiracy—we would love to accept that, Mr. Speaker, but that flies in the face of the facts and the requirement for an answer which is not forthcoming. [*Desk thumping*]

If you want us, and not just us in this House, if you want the country to accept and move on, tell us something that is in sync and in harmony with the information, the evidence and the facts in front of us. This is the third time we are in this Parliament where an opportunity arises for the Government to clarify this matter, and the Government studiously failed to do so. In the emergency session of Parliament in the Lower House there was an opportunity. In the Senate emergency session there was an opportunity. In this Motion today of censure there is an opportunity. Nobody in the Government—and today, particularly the Attorney General whose conduct is the subject of this Motion, steered clear of trying to tell us what motivated Cabinet’s decision that we are going to bring forward this matter, pull out this section. And what has been the effect of the section?

I know my colleagues talked about repetition, but we cannot argue without talking about the substance. What has been the singular effect so far of this unexplained, premature, secret proclamation of section 34? What has been the effect of that? [*Desk thumping*] The only effect, Mr. Speaker, of that so far, it did not lower the price of tomatoes in the supermarket. It did not raise the price of gas. It did not cure rabies. The only effect of that section is that it permitted financiers of the party to go before the court and stop the preliminary enquiry. [*Desk thumping*] That is the only effect.

Since that is the only effect and no other explanation has been forthcoming from the Government, we make this a mathematical equation; we come to a conclusion that that was the intention. [*Desk thumping*] We have no basis to come to any other conclusion because the Government has studiously given us no other basis to come to any other conclusion, except that what—every August 28—there are some dates in the year. Every December 25 is Christmas Day. Every November 01, I think it is—whenever it is—All Souls Day [*sic*] or something like that. Every August 31 is Independence Day. Every August 28, the Government “does just get ah vaps and feel to proclaim ah clause.” That is what they want us to believe.

Dr. Moonilal: May 24?

Miss Mc Donald: Aberration Day!

Dr. K. Rowley: Every August 28—because why is the Government not addressing this issue and not telling the country we had to do this because of this. This was the need to do that. This was the intention. The only outcome of it and the “it” there I am talking about is—you know hindsight causes you to examine things. Sometimes you could pass down the road and you do not pay attention, but if something happens you go and you examine it. When we examined how the documentation went through the Cabinet, we see the convoluted way the Note is written—[*Interruption*]

Hon. Ramlogan SC: “Buh da is yuh answer ah ready.”

Dr. K. Rowley:—and we have to ask ourselves again, is this accidental or is this deliberate? When we see the Cabinet Minute not being properly informed by the Cabinet Note we ask ourselves, is this accidental?

Then, Mr. Speaker, you hear spokespersons from the Government trying to explain the outcome in the end. One person from the Government out front saying well, the persons who took advantage of the amnesty as created by the proclamation, they would have read it in the *Guardian* and they went to court.

Mr. Imbert: Read it in the *Express*.

Dr. K. Rowley: The *Express*. Mr. Speaker, let me draw your attention to an interesting thing which raises a couple of other questions. I have here an article by Asha Javeed [*Laughter*] of September 01. I want to draw to your attention—“dey could laugh you know”, because the Attorney General started out his contribution by saying he found this whole thing amusing.

Hon. Member: Yes.

Dr. K. Rowley: Well, “crapaud say whey is joke to you is death to me, yuh know. De country is not laughing you know.” You might find this whole thing amusing. [*Desk thumping*] Asha Javeed is writing on September 01, that means this information—what was published here on September 01, would have been available to her on August 31.

Mr. Imbert: Which is Independence Day.

Dr. K. Rowley: A holiday, right. The day when the—[*Interruption*]

Mr. Imbert: The proclamation was proclaimed.

Dr. K. Rowley:—proclamation came into effect on the 30?

Mr. Imbert: Thirty-first.

Dr. K. Rowley: Thirty-first. So that means this article which came out on the 01, would have been in Asha Javeed's—where she keeps the information—she would have been party to it—*[Interruption]*

Hon. Member: Inbox.

Dr. K. Rowley:—the day before to be published as September 01, it would have been with the newspaper on August 31.

Hon. Member: That is right.

Dr. K. Rowley: It is being said that this is what would have triggered persons to go forward.

Mr. Imbert: Imagine that?

3.00 a.m.

Dr. K. Rowley: Listen to what Asha Javeed said:

The *Sunday Express* was reliably informed;

The *Sunday Express* understands;

The *Sunday Express* was told;

So, clearly, when we look at what was said in the debate today and the proof provided, this information was not available to the public in the normal way, by way of the *Gazette*, until September 10. It was not on the website of the printery; the Government did not make an announcement that the Cabinet agreed to this, so, strictly speaking, we have to assume that that information was known only to those on the inside; but somebody would have told this to the *Express* and it was published September 07.

By September 07, persons who stood to benefit were before the court and by September 10, other persons—the ones that the AG mentioned, the financiers of various parties—were before the court. But there is an interesting thing here. My colleague, the Member for Diego Martin North/East, pointed out—and an Independent Senator pointed out—that having gone to the printery—one went to the printery; one went to the website—this documentation was not available on the 10th. So the question one has to ask, Mr. Speaker—*[Interruption]*

Hon. Member: How did they know?

Dr. K. Rowley: Not only how did they know, but when they went to court, did they have a copy of this document to say, “Well, this exists.”? If it was not

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available until the 10th, but there was one person who went to court on the 7th to complain to the court, and some went on the 10th—it was posted for the public at 5.41 on the 10th—you ask yourself, “What is going on here?”

I am not a lawyer, but the lawyers will have to explain that. If you go to the court to tell the court that you are now to be discharged because this right has been conferred on you—and it is being conferred for the first time, “eh”; it is not something that existed before. It was created by this Government. What did they go to court with? We will have to find that out. As we hear now, we do not know what they went to court with because it was not available on the 7th or the 10th.

So, Mr. Speaker, when I spoke earlier about connecting the dots, there are so many things in this matter that are not just what they seem to be, and there are so many things falling one after the other; but they are all falling in place and, at the end of the day, the one thing that was accomplished is that a right that did not exist before was created and persons who had a day in court now can say, “We are not to have that day in court.” That is what happened. I did not make that up, Mr. Speaker. I am simply, in this office and in this place that I stand, referring to the facts as they have unfolded in the national community.

The Attorney General cannot say—if he had another opportunity to speak after me—he could never say in his speech that the actions of the Cabinet were intended or had the effect of nullifying whatever direction he was taking in the court on the extradition matter. At the end of the day, that is a fact and, what is worse is that the Government acted in such a way with or without the advice of the Attorney General.

My Motion and our position on this side is that the Attorney General was on the job and the job he was supposed to be doing was being done; but in doing that job, certain things happened that ought not to have happened. We talk about dereliction of duty. We talk about negligence. To tell me what wonderful things you have done elsewhere may be true but, in this instance, it points to an insufficiency of attention. It tells me of—I do not want to put the worst construction on it, but we need an explanation.

The Attorney General, in trying to use up his time this evening, talked about those of us who speak about the changing of lawyers and that we, the previous Government, had lawyers and no trial had started. Mr. Speaker, I operate under the impression that when a matter gets into the court the Government does not determine what goes on in the court and at what pace it goes on. Of course, you know, in presenting these arguments—[*Interruption*]

Hon. Ramlogan SC: [*Inaudible*]

Dr. K. Rowley: “Ah am coming to that.” I will tell you what I will say it with. I heard the Attorney General this evening making—again, probably correct statements about resisting in the court; instructing his lawyers not to agree to bail and being successful. I also heard the Member for Oropouche East accuse the PNM, a previous Government, a PNM Government, of murdering Glen Ashby.

So here it is the Attorney General takes credit for not agreeing with what the other side wants in the court. You know, Mr. Speaker, I was there when Keith Sobion was the Attorney General in the Glen Ashby matter. You know what happened? It was the same thing; the same thing that the Attorney General spoke at length here today about resisting bail. When Glen Ashby’s matter came up, I was present when the Attorney General gave the instructions to the State’s lawyers not to agree to a stay.

What was happening—and what happens; I think it happens—was that there were these automatic stays. Defence lawyers for murderers would go to court and they would ask for a stay of execution and it was pretty much granted as a matter of course. On that occasion, the same way the Attorney General pointed out today that bail was being granted and he took the decision to direct his lawyers not to agree and to resist it—that is what happened with Glen Ashby. The defence lawyers were surprised by the State’s lawyers not agreeing to a stay of execution. That being so, there was no protection for a murderer who was now exposed to the marshal to read the warrant of execution.

The defence lawyers then began to run to the Privy Council to try to get the Privy Council to intervene because they could not get through to the local Appeal Court. They probably got a telephone call—I cannot tell you how they did it, but by the stay of execution not being granted, it meant the execution could have proceeded. By the time the lawyers got word back from London that so-and-so should happen, the execution had been carried out because there was no stay of execution in place. That has been put across in all kinds of ways until a Member of Parliament put on the *Hansard* that a previous Government of Trinidad and Tobago murdered a murderer in Trinidad and Tobago. [*Interruption*]

Not so? I listened to the Attorney General. He gave us chapter and verse about how many times he instructed his lawyers to not agree to bail. One is bail; one is murder. That is how it happens.

Mr. Speaker, in attempting to, not for the first time—when I commented on him not appealing when the Boodoosingh judgment was given—because we all expected the State to appeal. So far, everything in these matters ends up by the

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Privy Council. It was the Attorney General's decision he told us today, on advice—I presume good advice—not to appeal. When I took issue with that—he was not the only person, the Southern Law Association and others decided to portray my position as a position where I was attacking the judge and that I was imputing improper motives to the judge as being in conspiracy with the Attorney General. No such imputation was intended or proven and not with their best wish could it have been demonstrated. In fact, there was a call from those quarters. The AG wrote to authorities to have me brought up on contempt of court charges, but it could not stand because that was not what I said.

He comes back here today trying to play the victim and trying to get support from the bench, putting on *Hansard* that I somehow today—[*Interruption*]

Hon. Ramlogan SC: I quoted you, you know.

Dr. K. Rowley: You quoted me to suit yourself.

Hon. Ramlogan SC: No.

Dr. K. Rowley: Mr. Speaker, I have my *Hansard*, too, you know. It is all here for all of us. What I said, Mr. Speaker: “If there was one person in this country who knew that what was coming down the pipeline in clause 34”; and clause 34 came after the extradition case was completed. That was the trend. Mr. Speaker, you were here. You can bear me out, but I cannot bring you into the debate. We all knew the extradition matter was completed on—I think it was on November 04—

Hon. Member: November 07.

Dr. K. Rowley: November 07, so that ended the extradition. I am talking here now about what is coming down the pipeline in clause 34 and what came down at the extradition.

So the extradition was completed and the context of this was that there were two possibilities for court hearings: one abroad and one here locally. The one abroad ended with the judgment from Justice Boodoosingh. What is the Attorney General doing trying to implicate me in conspiracy with him and the judge? If you want friend, go all about, but I am not in any way casting any aspersion on the judge. Because you were involved as the defendant with the extradition, you knew what happened there, you saw it ended there and, Mr. Speaker, he knew there was no opportunity there for any trial abroad. So the other opportunity which he endorsed was a local trial here which should have happened, according to his own words, “immediately”. That is the word he used, “immediately”.

Then, in the Cabinet, he takes part in a process which virtually ensures that there will be no trial here because many persons known to him—he identified them by name and number today—were able to go to the court and tell the court, “I have a right to be discharged on the basis of a proclamation of a clause, of a law, which was done by the Cabinet on Independence Day.”

How is he going to change that? He cannot change that. What provokes this country is that the actions of the Government, advised by this Attorney General—an Attorney General who, we are concluding, did not provide proper protection for the public interest in legislation drafting and execution—[*Desk thumping*] They saw these certain persons for eight years, according to him, taking full advantage of what was available and we maintain innocence until proven guilty, nobody saying otherwise. We are also maintaining that if the opportunity arises in the court for you to make representations, you make them. That is your right in the country that we live in.

We saw that, but after eight years, it was not the court that freed them, it was an action of the Cabinet of Trinidad and Tobago. [*Desk thumping*] They could jump high, they could jump low; they could fly or they could burrow into the earth, that is a fact! It was an action of the Cabinet.

3.15 a.m.

It was a Cabinet that came to the Parliament and participated in proceedings in the Parliament and told us, in a certain time frame we can get these things done. Join with us; vote with us and in three to four years we would build these courts and do these things and went back to the Cabinet and surprised the whole country; pulling out a section, labelling the section as being required to create Masters but, in fact, it as a section to create an amnesty. When the Cabinet does that the Cabinet does not want to stand up and say, you know what? It is what we did, in violation of the Parliament’s trust, that created the opportunity.

He mentioned the DPP—I am not sure if it was the Attorney General; one Member who spoke from the other side, mentioned the DPP—and how it happened. What he did not tell you is that when the first applicant went to the court on September 07, before this development was known to the public, it was in the media that the DPP discovered that the Cabinet had done this. [*Crosstalk and desk thumping*] He wants to portray me as a villain; he wants to spend all his time tonight talking about me. I want him to talk about that. As Attorney General do you feel good about knowing that the DPP, Director of Public Prosecutions, found out that the Cabinet did a thing like this in the media? He talks about all his virtues—I am sure he is a virtuous man. How virtuous it is to have responsibility

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for the good order of legislation and, as Attorney General of this country, to protect the public interest, and something like this is brought into law in such curious circumstances and the Director of Public Prosecutions finds out from the media.

Do you know what happened? The Director of Public Prosecutions had to go to the preliminary enquiry and ask for an adjournment to be able to go and consider the outcome of what the Cabinet had done. That is where we are now. That is where we are. So, to come here and portray it as some failing on the part of the DPP; some failure on the part of the Opposition, what we are dealing with is a surprise attack by the Cabinet. We still do not know how this could have happened because the Attorney General has made us no wiser on this matter. None! He has been of no assistance to us.

In fact, he said without us here the Cabinet could not have done that. We voted with the Government, as a fact, but the Bill required a three-fifths majority. Three-fifths in this House is 26 votes. The Government has 29 seats—the Government has 29 seats—so whether we voted for it or voted against it, the Government has a built-in three-fifths majority. [*Desk thumping*]

Listen to what the Attorney General said—if we have difficulty with him and the population has difficulty with him, notwithstanding his brilliance and his great successes, it is because he has a way of taking liberty with the truth. A simple matter like that, that is known to everybody, three-fifths of this House is 26, you have 29—I am quoting him here from *Hansard*:

“No Government could have passed a law like that without support and cooperation from the parliamentary colleagues who sat opposite to them. It required that kind of majority.”

Mr. Speaker, in our Constitution we have simple majority, we have three-fifths, we have two-thirds and we have three-quarters. These are majorities that are required depending on what you are going to do.

Mr. Speaker: Hon Members, the speaking time of the hon. Leader of the Opposition has expired.

Motion made: That the hon. Member’s speaking time be extended by 30 minutes. [*Mr. N. Hypolite*]

Question put and agreed to.

Mr. Speaker: You may continue now, Member.

Dr. K. Rowley: Thank you very much, Mr. Speaker and I thank my colleagues for the extension.

So, a simple matter like that, the Attorney General misrepresents it to the country. There are a lot of people who rely on office holders to guide them. This particular matter did not require a three-quarters majority, which the Government does not have. It did not require a two-thirds majority, which the Government does not have. It required a three-fifths majority, which the Government has; 26 seats, with three to spare. So, why then does the Attorney General see it necessary to say the Government could not get past this House with what they intended to do, without Opposition's support?

In the effort to make sure that they share the blame evenly around, even though the problem that we are trying to deal with is the behaviour of the Cabinet—*[Interruption]*

Mr. Speaker: Is the debate on the Cabinet or the Attorney General? I thought the Motion—*[Interruption]*

Dr. K. Rowley: The Motion is the Attorney General's failing in the Cabinet.

Mr. Speaker: Yes, but the matter before—*[Interruption]*

Dr. K. Rowley: No, no, Mr. Speaker. Mr. Speaker, I cannot place the Attorney General's shortcoming without attaching it to a requirement to serve in the Cabinet. When he says, in this debate, that he could not do it without the Opposition, I am retorting by saying that it could have been done; it could have been done, and it was done by the Cabinet without the Opposition. It is a Cabinet matter. Now, because he is taking this position here, which is at variance with logic and truth, I am wondering if that is the position he took at the Cabinet.

When I say "loss of confidence" this is the kind of thing that makes you lose confidence in people; because if you cannot speak the truth about simple matters like this, how can I trust you with major matters where you have an interest at large? *[Desk thumping]* A simple matter.

Mr. Speaker, my friend, the Member for Baratavia/San Juan, crossed the ocean and he went to Tobago. His interpretation, which he is entitled to, is that this is all about the Tobago House of Assembly election. *[Interruption]* We both have a standing joke which I want to share with you, Mr. Speaker. He has great skills in certain areas, but one of the skills he does not have is in being an oracle. I want to ask him: all the tens of thousands of people who have a problem with what the Government has done in this matter, they are Tobagonians in the THA election

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too? Is that what he is saying? That all the people in this country from Cedros, Carapichaima, all the way to Cachipe, Cucharan Trace, who have a problem with the Government taking action which had the effect, as we have described, is it that they have a problem in the context of the THA election?

Let me tell you something: is he implying that if there was no THA election due now, that we would not have had an issue with the Government doing what it has done? Let me answer him: he is wrong. Whether there was a THA election or no THA election, what the Government has done here—what the Attorney General has failed to do—we would have taken objection to all of that; THA election or not. So, your whole argument has no basis.

Mr. Speaker, somebody—I think it was the Member for D’Abadie/O’Meara who spoke about the DPP and asked me how I knew what the DPP was going to do. Apparently, he has not been following this matter from the very beginning—by beginning I mean since Piarco days when the Piarco issue became a problem for the country. I just want to remind him that I followed this matter from the very day the construction started at Piarco. That is where it all started. By the time we came here to talk about the DPP it was public information, put out in the courts and in the DPP’s office, in the public domain, that the DPP, in dealing with these two Piarco matters had taken the position—in the public domain—that he was going to put both together and indict, if he had to—if an indictment was brought down—and have a trial because the matters were so similar; so they are called Piarco 1 and Piarco 2. So, there is nothing sinister about making reference to an indictment. But, when you go back to the effect of this strange proclamation, which some people call curious; in fact, the DPP is the one who calls it curious—that is his word—the curious proclamation, you will find that the only effect was to create the amnesty.

Mr. Speaker, one of those matters was already completed; the other one was on the verge of being completed and you have this curious action on the part of the inaction of the Attorney General—if you want to call it that because I do not want to blame the Government in this debate; but the Attorney General’s assistance to the Cabinet did not prevent this strange proclamation. The DPP has to go to the Court and immediately stop the preliminary enquiry; that is the effect.

What do you want us to think, that all of this, just independently happened on its own, on a different planet, in a different orbit and it simply came to a confluence which so perfectly benefited these financiers of the ruling party? Today we are hearing they were financiers of the PNM. That might be true, I do not know, but he can point to no situation in the PNM when the PNM Cabinet could

be accused of taking action that you cannot explain which gave them a benefit. I do not know what financing they contributed to the PNM, and if they did, I thank them very sincerely because we are a voluntary organization with no income of our own and there is no law in this country governing or ordering campaign financing.

My colleague from Diego Martin Central, today, made the point that what we need is the whole idea of putting proper regulations in place to govern campaign financing. That was interpreted to mean that he was asking for information from them. [*Crosstalk*] The bottom line is that campaign financing is an issue now which is attracting the attention of the entire region. The OAS is in the Caribbean, since two years ago, trying to get Caribbean governments to buy in to the need for campaign financing in all territories.

I, personally, attended one of these conferences organized by the OAS in Jamaica where all the major political parties, in and out of government, were assembled in Jamaica. The only major political party that was not there was the party that ran the Government of Trinidad and Tobago. No person from this Government attended that conference on campaign financing, because they were having a fete in Tobago that weekend.

Hon. Member: A fete?

Dr. K. Rowley: Yes, one of your many fetes in Tobago. Not a soul from the UNC or its affiliates attended that conference in Jamaica. There is a major thrust, guided by the OAS, to treat with this matter of campaign financing, and until such time as there are regulations in place, I guess what has been happening will continue because you are in breach of no law. The bottom line is, now that we have this problem where the Government, whether they want to accept it or not—I am not talking to them, Mr. Speaker, I am talking to you. What has been portrayed to the public at home and abroad is that persons who contributed, handsomely I might say, to the campaign of those who got into office, have had the influence to get the Government to do what we never expected the Government would do. That is a fact. That is what happened. That is how it is viewed. [*Interruption*]

Until the Government tells us what was the motivating factor behind doing what they did, that interpretation will stand unchallenged. The only way that could have not been the order of the day in the discourse about Trinidad and Tobago, where we are being portrayed as a country where persons of influence could have got a Government to do that, is if the Attorney General, or one person from the Government today, could have explained what caused this. That is why

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this matter is not going to go away. It is not going to go away. They could invite us to move on as much as they like, when we leave here in a few minutes time, the country would have been no better off on this matter and they will feel aggrieved.

3.30 a.m.

You see, Mr. Speaker, catharsis is required. Catharsis is what you do when you relieve, you know—you relieve the stress, the emotion. You find yourself under emotional strain and something has to happen, to relieve you of that. A large bloc of people in this country feel aggrieved by what has happened here. They see it as an undermining of the rule of law because we still believe in innocent until proven guilty. We still believe that you must have your day in court, and we believe that you must not escape your day in court, because you have friends in the Government. That is why it might be the Government alone that does not understand that there is anger, and there is unease, there is frustration, there is resentment over this matter.

They do not have to agree with me, Mr. Speaker; they do not have to agree. They can talk among themselves and talk to themselves and say it is not so, and find it amusing, as the Attorney General found it amusing. Mr. Speaker, where do we go from here?

Hon. Member: Go home! Go home!

Hon. Dr. K. Rowley: Yes, that is a good idea. A good note on which we can end to go home is to look at the direction of the Cabinet when the Cabinet Minute was prepared. The Cabinet Minute says with respect to carrying out the proclamation of section 34. It says:

The Attorney General caused to be prepared, the necessary proclamations to give legal effect to the above.

That is what it says. The Cabinet knew who has the responsibility for carrying out the proclamation as required by the Cabinet. It was not the Minister of Justice; it was not the Minister of Health. It was the person who under the Constitution has the responsibility for this. In the absence of it having gone the way it should have gone in the public interest, in the face of the Cabinet record as it stands now, containing that blatant misrepresentation, about why section 34 was required to be proclaimed, we on this side resist the entreaties from the Government to accept that there was nothing out of the ordinary. Wherever that came from, we are not

going to join you in saying that it is all of us that did it. Yes, all of us created the law, but the use of the law and its strange proclamation is not all of us. [*Desk thumbing*] We are not sharing that.

In fact, one gets the impression that the Attorney General and his colleagues would be very happy if this thing ends on the note, you know what, and it is all of us in the Parliament. So you know what, let all of us just man up and say so, and that is the end of it. No!

The other part of the story is this: that there very well may be more than may be because the information available to us is such that it cannot be explained by random action. This action was not random. In fact, Mr. Speaker, one of the beneficiaries of the newly created right of dismissal made an application to the licensing office; interesting. Zero to one hundred are numbers reserved at the licensing office every year. Mr. Speaker, you have to apply for one of those numbers. One of the beneficiaries would have applied to the licensing office for one of those numbers.

Hon. Member: When, when?

Dr. K. Rowley: You seem to know a lot about it. I am not talking to you, I am talking to the Speaker. And guess what number he applied for? No. 34. Again, it might be pure—it might be pure accident, but, Mr. Speaker, it is interesting, that all of these things might be accident, pure accident.

Hon. Member: Grasping for straws!

Dr. K. Rowley: The Member for St. Joseph ends up over here, and he ends up on seat 43—accident. Forty-three is 34 back to front. What is going on here? [*Crosstalk and laughter*]

Mr. Speaker, we want to tell this Government, they could laugh as much as they like. One Member took the position that you touch one, you touch all. That is the Government's doctrine. That is the doctrine of the closing ranks circling the wagons. It does not matter how wrong or deficient one is—that statement of, you touch one, you touch all.

The last time I heard that was in primary school, where families would be in a fight in the schoolyard and that was the doctrine: you touch one, you touch all. But today, in Trinidad and Tobago, you have a Cabinet telling you that, notwithstanding the evidence, the information, or lack of information, if you take

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issue with one of them, you touch one, you touch all. Then they tell you in the face of all of this, that they do not see any unease in the country, or disquiet over this matter. As far as they are concerned, it is a normal day's work and we should move on.

And those who are held accountable or ought to be held accountable, say to the population, "I aint going nowhere, and dey cyant do me nutten." I want to say to this Government tonight, the population might not be able to do anything about you now, but rest assured a day is going to come in the not too distant future, when they will be in the position to do something about you. [*Desk thumping*] You can take the position that they are helpless, that they must accept whatever illogic you put forward, and whatever inexplicable conduct you advance, "dey cyar do we nutten." That can only last for a while. [*Desk thumping*] "Weeping will endure for a night, but joy cometh in the morning." "Yuh have yuh comeuppance coming", because this population has not been fooled. It has not been fooled, and it will not forget the Government of Trinidad and Tobago. It will treat this Government very harshly for taking them for fools. I thank you, Mr. Speaker. [*Desk thumping*]

Mr. Speaker: You read from a Cabinet Minute, do you want to give us the date of that Cabinet Minute?

Hon. D. K. Rowley: I did that earlier on. August 9.

Mr. Speaker: August 9. Thank you.

Under 34(2), the Minister of National Security will wind up the debate here. [*Desk thumping*]

The Minister of National Security (Hon. Jack Warner): Thank you, Mr. Speaker.

Mr. Speaker, we have spent almost 15 hours here. At times it was sheer torture, but we were able to see through it, Mr. Speaker, and we heard the repetition ad infinitum.

Mrs. Persad-Bissessar SC.: Ad nauseam.

Hon. J. Warner: We heard repetition, after repetition, by speaker, after speaker, on the other side. The Member for Diego Martin West was able to regurgitate everything he said in his opening statement. Mr. Speaker, the bottom line of all of this is, at the end of the day, the Member for Diego Martin West and his other Members on the other opposite side, will never accept anything this Government says. [*Desk thumping*]

Hon. Member: Nothing we say.

Hon. J. Warner: Nothing that is said on this side, Mr. Speaker, after 15 hours, will please them. Mr. Speaker, I was incensed. Yes, it is quite true. One has to ask the question, why? And the answer is simple. The answer is simple, because it is their belief that if you “mind this mark ‘blind man’” for the next two and a half years that will get them into office. Mr. Speaker nothing could be further from the truth.

I said before, and I say again, Mr. Speaker, under the leadership of the Member for Diego Martin West, there are two things they will not see: being in Government and God’s face. So they could “mind the mark” for two and a half years if they want, Mr. Speaker. After 15 hours of debate, nothing we have said—the AG was at pains to speak out, and to explain all the issues. I was amazed to hear the Member for Diego Martin West say that, of course, nothing was said, and no explanation or clarification was given by the AG about extradition, when the AG spoke for 45 minutes, almost, on the very issue of extradition. In fact, he said: extradition had nothing to do with the Motion. To be exact, you said so. But premise No. 5 says:

“*And whereas* earlier, the Attorney General made certain decisions in an extradition matter involving those said certain persons;”

And we are here tonight, and the last speaker says that had nothing to do with the Motion. This had nothing to do with the Motion. Where are we going then? Where are we heading? We sit down here and endure this. The exact words were: that extradition had nothing to do with the Motion. You said so.

Hon. Member: He was sleeping.

Mrs. Persad-Bissessar SC: “I wrote it down too, look it here.”

Hon. J. Warner: Prime Minister, I would not even bother with him. I will continue. But the fact is, Mr. Speaker, if the AG had not demolished the argument, that particular premise, then that would be okay. [*Desk thumping*] The AG showed that between 2002 and 2010, for eight years, nothing had been done. And then he said—[*Crosstalk*] Mr. Speaker, please.

Mr. Speaker: Members!

Hon. J. Warner: And then he said under him he signed the extradition. It was read out both by the Leader of Government Business, Member for Oropouche East, he read it out. The words he said were terrifying. He got frightened he

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said—signed by the AG. But this morning we heard that the extradition had nothing to do with the Motion. And why? Because the AG was able to demolish; that argument that he was able to sign those Orders, nobody before him, nobody was able to do this for eight years, Mr. Speaker.

Hon. Member You see that?

Hon. J. Warner: No, I did not see that. Mr. Speaker, and, in fact, the AG even showed where as late as two weeks ago—a couple weeks ago, another person was extradited to the US. So it is no big thing really. He is saying that under him this has been done, Mr. Speaker.

Mr. Speaker, the Member for Diego Martin West says that, of course, he tells us that he has—he is arguing that it is a personal vendetta against him, that the lawsuits have nothing to do, he says, with this Motion; he makes the point. But, the fact is that the Member for Diego Martin West has launched attack after attack on the AG, which attacks, Mr. Speaker, are unsubstantiated.

Mr. Speaker, he came back to talk about New York and the trip he made there, and when he told this House; it took him a year to enquire and investigate. After a year he came back and gave a kind of apology to the House. He was put before the Privileges Committee, and because the House lapsed—the House was prorogued, it lapsed, so he escaped once, he might not escape twice.

Mr. Speaker, he comes here and it took him a year to know it was not “Ramlogan”, it was “Rambachan”.

3.45 a.m.

Hon. Member: “We go come next year and say it was “Ramadhar”.

Hon. J. Warner: He tells us it was not, of course, staff members or nationals. Where are we going? Where are we going, Mr. Speaker? One year later! Then he says, “I do not have a problem with the individual.” “Tell meh you didn’t say that nah.” I want to tell you, “is because you have a problem with the individual why you are going after him day and night.” [*Desk thumping*] If you did not have a problem with the individual, how come you do not have one like him on that side? How come? If you did not have a problem with the individual, how come you do not have one like him in the Senate? If you did not have a problem with the individual, you have election coming up on Sunday, how come you do not have one like him going up?

Hon. Member: They do not count.

Hon. J. Warner: They do not count, you see; they do not count. [*Interruption*] That is the problem with you. The problem with you is, you are myopic. I am saying again, you are attacking the AG, because the AG represents the things that you dislike.

Dr. Rowley: “Ah wish it was in this case.” What are those things? [*Crosstalk*]

Hon. J. Warner: I would tell you outside of Parliament. I would tell you it Sunday in the savannah.

Dr. Moonilal: “Mas in de savannah.”

Hon. J. Warner: The Member for Diego Martin West comes to say that the AG was wrong to talk about the fact that he wanted a special majority when we have 29 seats, and all we needed was 26 votes. But in the Senate, we do not have a special majority. The fact is, if you were so against the Motion then you could have demonstrated the fact and voted against it as your past leader had said. [*Desk thumping*] In doing so, you may have been able to influence your Members in the Upper House, in that other place, but your Members in the other place also voted.

Mrs. Persad-Bissessar SC: That is right!

Dr. Moonilal: Why did they do that?

Hon. J. Warner: Why did you not tell them to vote against it?

Dr. Moonilal: Why?

Dr. Rowley: It is the proclamation!

Hon. J. Warner: Why did you not tell them to vote against it?

Mrs. Persad-Bissessar SC: It is not the proclamation you are talking about, is the special majority.

Hon. J. Warner: You began to talk about the special majority.

Mr. Roberts: It is a whole conspiracy! [*Crosstalk*]

Mr. Speaker: Just ignore the Member.

Hon. J. Warner: Thank you, Mr. Speaker.

Dr. Moonilal: For two and a half years we have been trying.

Hon. J. Warner: He said a large number of persons in the country are dissatisfied and so on, what is happening—a large number of them. I think the

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Member for Port of Spain South talked about the Joint Trade Union Movement, a movement where one of the leaders has said that his role in life is to get rid of the Government. He has vowed to bring down the Government and, therefore, he comes here tonight to tell us that those are the people who have widespread concerns; Fixin T&T, an arm of the People's National Movement—[*Interruption*]

Dr. Moonilal: Kirk Waithe! Tell Kirk wait!

Hon. J. Warner:—and they cannot even fix themselves; they want to fix T&T, and he comes here and talks about widespread anger. Have you taken a poll? Which poll have you taken to tell you that? Have you seen any anger apart from down in Diego Martin West? Why do you not take a poll? Have you gone to Cuchawan Trace? But you have seen widespread disgust.

Mrs. Persad-Bissessar SC: Barataria/San Juan?

Hon. J. Warner: “You went Barataria, you went somewhere in Chaguanas.”

Mrs. Persad-Bissessar SC: They went by you?

Mr. Roberts: They went D'Abadie!

Mr. Persad-Bissessar: Barataria/San Juan is the Member of Parliament—[*Crosstalk*]

Hon. J. Warner: “Widespread unease.”

Dr. Moonilal: The Member for Diego Martin West is complaining about poor representation.

Hon. J. Warner: Mr. Speaker, what is for me even more painful is that the Members on the other side, speaker after speaker, sought to deliberately ignore section 79 of the Constitution, deliberately, and, therefore, what we heard here were some very superficial statements about the Constitution and the role of the AG and powers he had and so on.

Traditionally, the role of the AG covered all legal matters and, therefore, as such, the AG was the ultimate legal advisor to the Prime Minister and the Government. This was the case when the Constitution was drafted—nobody is disputing that—and it remains the case in many parts of the world today, especially in the Commonwealth, as was referred to on the other side.

But, Mr. Speaker, section 79(1) of the Constitution allows the responsibilities for any business of Government, including the administration of any department of Government, to be assigned to other Ministers. And that is why we have a Ministry of Legal Affairs.

Mrs. Persad-Bissessar SC: That is how it started.

Hon. J. Warner: That is how it began. It began under them, you know the Ministry of Legal Affairs—

Mrs. Persad-Bissessar SC: Under us.

Hon. J. Warner: Under us?

Mrs. Persad-Bissessar SC: Yes.

Hon. J. Warner: Okay, under us. Among the other things they had was the responsibility for law reform and the Law Reform Commission. That at one time was reposed under the AG, but it was moved and, therefore, I am saying, it is on the same basis in which the Ministry of Justice was formed. So, therefore, where the AG before had the sole responsibility for legal advice and so on, now you have a situation where there are three persons and, therefore, the question you have to ask yourself is, to what extent the traditional responsibilities of the office of the AG has been subdivided into three Ministries?

I would leave it there for the time being, just to say that to come here and try to assign total and ultimate blame on the AG as being the legal advisor to the Prime Minister and the Government is not kosher, indeed, but I move on.

I want to make the point that even though the AG may have had responsibility for legislative drafting, what was passed here was an amendment of the Senate. And, therefore, I ask myself and the Members today, how can you ascribe an amendment of the Senate to the legislative drafting of the AG? The Senate made an amendment on the floor. It came here, and you want to blame the AG for drafting or lack of it in the Bill.

The point I am making is that the Parliament changed what was drafted. And you could run from that as long as you want, you cannot hide. The Parliament of which the Member for Diego Martin West and all his Members here were a part—all of us on this side as well—all of us came here and changed what was drafted.

You know, what is pathetic in the whole thing, is that suddenly everybody on the other side want to be a Pontius Pilate—"wash dey hands, not me, you." Suddenly, everybody is self-righteous; everybody is sanctimonious, and we on this side are bad and all the good guys are there. Thank God the public is more intelligent than that.

In fact, Mr. Speaker, the Member for Diego Martin North/East—he is never here to learn anything. He believes that he alone could speak, listen to him, and then he runs; you see, he runs. The Member for Diego Martin North/East who gave the same speech by the way, in the repealed debate—the same incorrect

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reckless propaganda—he comes here to this honourable House and plays Dick Tracy, Sherlock Holmes, and gives us a speech, in typical Sherlock Holmes style to explain to this House how you upload the date of the legal notice and the—electronic date and so on. What he told this House was incorrect.

His Dick Tracy/Sherlock Holmes explanation about having electronic date and so on is incorrect, because the date and time on any document that you upload are relative to when the document was uploaded and, in particular, I should say, would have uploaded on the website. That is what is relevant, and that is all. It has nothing to do with the preparation of the notice. It has nothing to do with when the notice was prepared. It just tells you when it was downloaded on the website.

To speak about the rules of countries in the Commonwealth, I do not think that is even relevant, because as far as the rules and the roles of AGs in the Commonwealth are concerned, they have different responsibilities assigned to them, and not all of them have a Ministry of Justice either.

Then we go to the Member for Diego Martin Central, and the Member for Diego Martin Central—[*Interruption*]

Dr. Moonilal: Was unprepared!

Hon. J. Warner:—as usual, indulged in a series of fulminations and irrelevancies, but he too ended in a pious plea for a reform of party financing. The People's National Movement, as a party, is more than 50 years old. They have led this Government of this country for more than 40 years.

Mr. Sharma: How sad!

Hon. J. Warner: Very sad indeed. What have they done about correcting all the accusations they made about party financing? Furthermore, I want to ask the Member for Diego Martin Central tonight—he is not here so I would ask his Leader—have you ever raised anything about party financing with your party? And if the answer is yes—[*Interruption*]

Mrs. Persad-Bissessar SC: Or even in Parliament.

Hon. J. Warner:—or even in Parliament. Thank you, Prime Minister. Have you? You come tonight again—you are so holy and pious as the people who came wearing white in the audience and so on—what have you done about party financing after 50 years? What have you done? I am saying if you have done anything, tell us and if you have not nothing, why not? Why not? But you come here to talk about party financing, because it suits you at this point this time.

Mr. Speaker, I want to begin by making the blunt statement that there is no basis for pinning any blame on the AG for section 34; there is no basis. I would not even go to the facts now, because I think many speakers on this side have spoken about it. All I would say, however, is that the Cabinet Note of August 06 contained the representations of the former Minister of Justice, not the AG, and I leave it at that. I leave it at that.

Mr. Speaker, in 1995, we had a Ministry of Legal Affairs—[*Interruption*]—you are quite right! Thank you, Prime Minister, you are correct—and that Ministry—[*Interruption*]

Mrs. Persad-Bissessar SC: I was the first Minister of Legal Affairs.

Hon. J. Warner: You were the first Minister?

Mrs. Persad-Bissessar SC:—of Legal Affairs.

Hon. J. Warner: You are quite right, congratulations!—and that Ministry had the remit—has the remit, in fact, for the Registrar General’s Office and the Law Reform Commission, and following that Ministry, the PNM, when they came into office, also had it. I ask the question, therefore, is the Leader of the Opposition saying that none of the Ministers of Legal Affairs had any authority or responsibility? Is he saying so tonight?

I made the point just now that you have three Ministers assigned for legality in the country and, therefore, the Leader of the Opposition must know that these three Ministers have different assignments and, in this particular case, section 34 was assigned to the Minister of Justice. Therefore, I want to make the point that you cannot accuse the AG, as has been tried, of any responsibility for section 34. He is not culpable, and if he is culpable, we all are, Mr. Speaker.

4.00 a.m.

Mr. Speaker, the third premise in the Motion says that the AG had knowledge of the undertaking to the Parliament by the Minister of Justice. That too, Mr. Speaker, was explained by the AG at length, and the AG made the point that every parliamentarian, both in the Cabinet and in the Parliament, all of us, relied on the advice of the Minister of Justice. So, therefore, I am saying it is wrong to single out the AG, as the Leader of the Opposition has done, for doing the same thing that all of us did.

Mr. Speaker, for more than 10—15 minutes, the Member for Diego Martin West tried to prove that the AG was part of some conspiracy to affect specific matters before the court. In the first case, I felt that was imputing improper motives on the AG, and I feel it is wrong and dishonest for him to insinuate

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wrongdoing because one or two cases of a number of cases would have been affected by the legislation. Nowhere in the Motion are the intended beneficiaries in this so-called conspiracy theory named, so which case or cases of the hundreds are they talking about? It could equally be a case that involves the mover of building materials from the Scarborough hospital.

Mrs. Persad-Bissessar SC: What?

Dr. Moonilal: “Oh, yeah, yeah.”

Hon. J. Warner: Could be. Nowhere in the Motion have the cases been specified.

Dr. Moonilal: Yes! Yes!

Mrs. Persad-Bissessar SC: It could be anything.

Hon. J. Warner: It could be anything. And I ask myself if one of the cases could be that Scarborough hospital site of the Landate development scheme, 2003—that is 2003. So by 2013, that would have reached—*[Interruption]*

Mrs. Persad-Bissessar SC: Gone!

Hon. J. Warner:—yes. I am talking about it. That is where I am going.

Dr. Moonilal: “He mindin’ dat mark.”

Dr. Rowley: They will never stop *[Inaudible]*

Hon. J. Warner: So I ask myself today; is the Member for Diego Martin West one of those certain persons referred to in the clause? I do not know.

Mr. Sharma: I think so.

Mrs. Persad-Bissessar SC: In the Motion.

Hon. J. Warner: In the Motion. Thank you.

Mrs. Persad-Bissessar SC: Could be!

Hon. J. Warner: Could be, I do not know. And these are the points that I find worrisome. Then efforts have been made also to show how the AG abdicated his responsibility, and I repeat for a second time, that if he had done so he would not have extradited the two persons whom he did. But what is the AG’s track record? This AG who is supposed to be no good, who, of course, is this bad man; this man whose character they want to impugn. What is the AG’s track record, Mr. Speaker?

Mr. Roberts: [*Inaudible*]

Hon. J. Warner: Nice word. [*Laughter*] Mr. Speaker, let me say, briefly, that I do not know of any AG who has acted in this country who has appeared in over 172 cases.

Hon. Member: “Oooooooh!” [*Desk thumping*]

Hon. J. Warner: I do not know of any. I do not know of any AG, Mr. Speaker, who has over 50 appearances before the Privy Council.

Mrs. Persad-Bissessar SC: And he was not a defendant.

Dr. Moonilal: Not as a defendant.

Hon. J. Warner: That is correct—and none as a defendant. None!

Dr. Moonilal: Unlike opposition leaders.

Hon. J. Warner: Let us look quickly at the last Government. The last Government in five years had three AGs. [*Laughter*] Three! Glenda Morean, John Jeremie, Bridgid Annisette-George and then John Jeremie.

Dr. Moonilal: “I does always forget them.”

Hon. J. Warner: Are you saying you want that on this side? Well, I will tell you something; that is what you all will not get, because we are confident and we are pleased with the work being done by our AG. [*Desk thumping*]

Mr. Sharma: Yes.

Mr. Roberts: “Poor AG.”

Hon. J. Warner: Look at it—landmark cases—and see why we are pleased with him. You heard about the Marlene Coudray case, Devant Maharaj and the NLCB. He won six cases for Devant Maharaj. Six! Try and remember the Maha Sabha radio licence. Look at the matter of Feroza Ramjohn and Ganga Persad-Kissoon, and then as if that was not enough, he represented victims of police brutality, medical negligence and personal injury. Mr. Speaker, remember the George Daniel case?

Mrs. Persad-Bissessar SC: Yes. Yes.

Hon. J. Warner: Even the disabled community he helped, and you are coming to tell us today about our AG, but yet you changed four in five years.

Mrs. Persad-Bissessar SC: “And they bring back one, they recycle one.”

Hon. J. Warner: They recycled one.

Mrs. Persad-Bissessar SC: “They send him away when the Law Association—no confidence in him and then bring him back after when they cooled”—[*Inaudible*]

Hon. J. Warner:—that is correct, and bring him back afterwards. At no point in time have the AG’s peers moved any no confidence Motion against him. At no point in time have the AG’s peers in the Law Association moved any no confidence Motion against him. It happened in your time, what did you do? Where was the Motion of censure then?

We on this side know that the AG is a corruption buster. We know of the amount of litigation he has launched in respect of a claim of \$465 million against the former directors of UDeCott. That is hurting some people; so go after the AG; bring him down. Mr. Speaker, \$30 million claim against Ken Julien and former directors of e Teck. That is hurting some people. UTT, \$12 million claim against Ken Julien; T&TEC, \$50 million claim—against your good friend Devanand Ramlal.

Mr. Roberts: “Ay-yi-yi!”

Hon. J. Warner: And the list goes on and on. Petrotrin, \$1.2 billion claim—the list goes on and on.

Mrs. Persad-Bissessar SC: GTL.

Hon. J. Warner: GTL and so on. And that is why, Mr. Speaker, the AG is the butt of attack, and if they cannot get him one way, they try to get him the other. They try to undermine him. Try to, of course, cause distrust on this side with the AG. I will debate the point; when the AG said, in fact, it was when I said, “You touch one, you touch all”, I was copying Jerry Narace.

Dr. Moonilal: “We take care of our own.”

Hon. J. Warner: “We take care of our own.” Those were his words.

Mrs. Persad-Bissessar SC: “No, but that one is not you, that was the PNM.”

Hon. J. Warner: And that is why I said, Jerry Narace said, “We take care of our own”. We, of course, are more elegant than that. We stand by those people who deserve our support, and the AG is one of them. [*Desk thumping*]

Mr. Speaker, the AG has also taken legal steps against the Leader of the Opposition; a series of pre-action protocol letters for irresponsible and libellous

statements, because the AG has said before they came that the Member for Diego Martin West has abused his office as the Leader of the Opposition. It was on April 24, in the *Newsday* headline:

“ROWLEY: I FACE BANKRUPTCY.”

“I face bankruptcy”, he says, Mr. Speaker.

The Leader of the Opposition says it is costing him money every time he opens his mouth against the Government.

Hon. Member: “Well hush.” [*Laughter*]

Hon. J. Warner: So hush; hush. I will read it again:

The Leader of the Opposition says it is costing him money every time he opens his mouth against the Government.

So he comes here to open his mouth now.

Mrs. Persad-Bissessar SC: [*Inaudible*] because he has the privilege.

Hon. J. Warner: Because he has privilege here? Go outside and open it again. He says, I quote, Mr. Speaker:

“Every time he (Ramlogan) files a suit, I have to find a lawyer.”

Hon. Ramlogan SC: “Hello, his wife is a lawyer, she representing him—
[*Inaudible*] [*Laughter*]

Mr. Speaker: Please, please, do not get into that, please.

Hon. J. Warner: Mr. Speaker, I do not want to even go there, but I will tell you, his own party—they have top-class lawyers there, you heard from the AG tonight—top-class lawyers there. Not one—[*Interruption*]

Mrs. Persad-Bissessar SC: Who is the top class?

Mr. Roberts: Not even Phelps.

Dr. Moonilal: Who is the top class?

Hon. J. Warner: Justin Phelps. [*Laughter*] Not one—Faris Al-Rawi, Penelope Beckles—[*Interruption*]

Mrs. Persad-Bissessar SC: Mr. Hinds.

Hon. J. Warner: The “Lord of Maraval”.

Dr. Moonilal: Deyalsingh.

Hon. J. Warner: Mr. Speaker, not one of them—I will say it again for the record—not one of them have supported him. [*Crosstalk*] Mr. Speaker, all I am saying, whether it is this AG or any other subsequent AG, the matters against the Member for Diego Martin West and Leader of the Opposition will not die. They will not go away, Mr. Speaker, and those matters shall be prosecuted.

Mr. Speaker, what is even worse for me is we come here to hear that they have lost trust and confidence in the AG; how can you lose what you never had?

Hon. Ramlogan SC: True.

Hon. J. Warner: From day one you never had it. Mr. Speaker, you cannot lose the support of persons who have long declared themselves to be against this Government. You cannot! You can lose your support, Mr. Speaker, but the point is that the national population still has faith in this Government and faith in the AG—that is the point! [*Desk thumping*]

Mr. Speaker, I want to make the point, again, that all of us in this Parliament have to accept responsibility for section 34—all of us, Mr. Speaker. [*Desk thumping*] And, therefore, it is on that basis I want to say, that every premise, every single premise in the Motion has fallen flat. Mr. Speaker, in this Motion—I will not go through all, it has been read—it is said that:

“...the Attorney General had knowledge of and supported the Government’s solemn undertaking to Parliament that no part of the Bill would be brought into force until such time as all supporting rules...were in place and stakeholders consulted;”

Mr. Speaker, would that mean that section 34 would have been taken out? If even it had taken a year or six months to do all these things, how does that affect section 34? Had the Act been proclaimed in January, would it not have changed section 34? But it is convenient to come here—I say again—to portray as a paragon of virtue in the belief that you are talking to an unsuspecting population.

Mr. Speaker, not a single proviso of this Motion can be qualified; every single qualifier has fallen flat. I am saying there is no basis for this Motion and that is why this Motion is a waste of parliamentary time. [*Desk thumping*] This Motion is a dud. Mr. Speaker, it is pathetic. This Motion is a publicity stunt hoping to take them through the THA election, the local government election and then the big one, general election. It will not work, because everybody has seen through and can see through this charade.

This Motion is weak because they have cherry-picked bits and pieces of truth and put them together with half-truths, fantasy, assumptions, suppositions and untruths—cherry-picked a piece here and a piece there and put it together, hoping that this fabric would stick. It will not work.

Mrs. Persad-Bissessar SC: Then they shift the whole course. “When you answer one point they shift to a next one.”

Hon. J. Warner: That is correct. As soon as you begin to explain one point then they move the goalpost. Again and again, Mr. Speaker, they have taken insinuations they have made about a matter concerning extradition, and tried to Scotch-tape that matter by trying to, of course, show a high degree a misinformation—deliberate misinformation. Their theory about a conspiracy is a Frankenstein theory—Frankenstein theory—conspiracy. To have a conspiracy to succeed, all the players must be aware, must know.

So I am saying, therefore, this theory is a patchwork with pieces drawn together from all over the place and put together, crudely. Therefore, Mr. Speaker, I am making the point; not a single premise here will qualify. And, you know, the same theory, this Frankenstein theory, they are marching up and down the street with.

I saw a member of a leading trade union giving out pamphlets all over Point of Spain—Frankenstein theory. Around the Red House, about a hundred of them; they are holding some placard—Frankenstein theory. It is a conspiracy. This grand conspiracy—and this conspiracy must have a meeting at high noon, November 02. I used to look at a Western, they call it *Last Sunset*—[*Laughter*]—and very soon his high noon, the Member for Diego Martin West, would become his last sunset, very soon.

Mrs. Persad-Bissessar SC: Politically.

Hon. J. Warner: Of course, politically. Thank you, Prime Minister. Mr. Speaker, I want to make two more points before I conclude. All I would say now, our AG, the current AG, has not done anything like what the last AG did. I would say no more on that. I will say again, our AG has not been a subject of any no confidence Motion by his peers. I will leave it there.

4.15 a.m.

When your peers bring a no confidence Motion and there is no censure, either on top or below or in the party, then something is wrong. The point was made

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tonight, Mr. Speaker, that the Prime Minister, Mrs. Kamla Persad-Bissessar, buries issues. Let me put it on record here tonight—this morning—that no other Prime Minister in the history of this country has acted more swiftly and more deliberately than this Prime Minister. The Resmi Ramnarine matter was swiftly resolved.

Dr. Rowley: You have a gall! [*Laughter*]

Hon. Jack Warner: “Yuh finish; yuh finish?” It is a joke; it is a joke. The matter concerning the last head of the Police Service Commission was again quickly resolved. Minister Mary King matter was quickly resolved, she was promptly fired. The Minister of Justice in this matter was quickly replaced. The list goes on and on. The Prime Minister took corrective action immediately to revoke section 34 as soon as the problem came to light. She did not promote anybody. She did not charge anybody to any commission. She removed the Minister. She did not send anybody to London as High Commissioner. She moved the Minister and she came to this Parliament and corrected it promptly. “Yuh bawling ‘went to Geneva’ like it is against him.”

Furthermore, let me put it here for the record: this Prime Minister has halted contracts whenever doubts appeared about fears and transparency. Look at her record against all the other Prime Ministers and you would see. Look at her record, vis-à-vis, her AG, and you would see. I repeat for the third time: the last Prime Minister changed four in five years; we are in our third year. I will tell you something, from the kind of work that is being done, the kind of trust and confidence in our AG, we on this side have no reason to doubt his competence or his honesty.

So, Mr. Speaker, I say this tonight only to say that the People’s Partnership Government and the Prime Minister stand for the highest standard of governance. Therefore, as I close, I want to share some good news. In fact, before I say that—let me say that the PNM has no moral authority to tell Mrs. Kamla Persad-Bissessar, our Prime Minister, how to govern. They have no moral authority to tell the Prime Minister how to govern, who to fire and who to hire. They have no moral authority to demand the AG’s head, none; because when they should have stood up on their side, they were silent. As such, this Motion is frivolous, it is vexatious, it is malicious and it reeks of persecution.

There is not a single thread to hold it together to support this resolution, and therefore I want to make the point clearly that as far as I am concerned the AG is exonerated from these baseless accusations.

As I close, I want to end with some good news. In today's newspaper, the *Newsday* of Saturday, October 27, Dr. Ronald Harford, Chairman of Republic Bank, a bank of repute, made the point—I know it is bad news on that side, but for this side it is very good news. For this side and the country this is very good news. Again, for this side and the country, this is very good news; for that side, it is bad news.

Mr. Speaker, what is the news? The news is that:

“TT’s economy surprisingly robust”—said by Ronald Harford, Chairman of Republic Bank.

The Chairman of Republic Bank is telling the nation and the world that the same economy they maligned last week, “they talk bad and cus and ting last week”, he is saying here today that it is surprisingly robust.

Mr. Speaker, on that bit of good news, I end. I thank you.

Question put.

The House divided: Ayes 11 Noes 25

AYES

Mc Donald, Miss M.

Rowley, Dr. K.

Cox, Miss D.

Hypolite, N.

Mc Intosh, Mrs. P.

Imbert, C.

Jeffrey, F.

Browne, Dr. A.

Thomas, Mrs. J.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

NOES

Moonilal, Hon. Dr. R.

Persad-Bissessar, Mrs. K.
Warner, Hon. J.
Mc Leod, Hon. E.
Sharma, Hon. C.
Ramadhar, Hon. P.
Gopeesingh, Hon. Dr. T.
Peters, Hon. W.
Rambachan, Hon. Dr. S.
Seepersad-Bachan, Hon. C.
Khan, Mrs. N.
Roberts, Hon. A.
Cadiz, Hon. S.
Griffith, Hon. Dr. R.
Ramadharsingh, Hon. Dr. G.
De Couteau, Hon. C.
Khan, Hon. Dr. F.
Douglas, Hon. Dr. L.
Indarsingh, Hon. R.
Samuel, Mr. R.
Roopnarine, Miss S.
Ramdial, Miss. R.
Alleyne-Toppin, Mrs. V.
Seemungal, Mr. J.
Partap, Mr. C.

Mr. Speaker: Hon. Members, the result of the division is as follows: 11 Members voted for the Motion; 25 Members voted against the Motion; no abstentions. This Motion has been defeated by a unanimous majority. [*Desk thumping*] [*Interruption*] No, by a majority. [*Crosstalk*] Hon. Leader of the House, by a majority. If I said unanimous I am wrong. [*Interruption*] No, I am wrong. Withdraw that—majority.

Motion negatived.

Adjournment

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ADJOURNMENT

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that this House do now adjourn to a date to be fixed.

Mr. Speaker: Hon. Members, before putting the question, is there an agreement, Leader of the House, between the—*[Interruption]*

Dr. Moonilal: No, there is no agreement.

Mr. Speaker: There is no agreement. Well, before putting the question for the adjournment, there is a Motion on the Adjournment for which I have granted permission to the Member for Diego Martin North/East to raise. I will now call on the Member for Diego Martin North/East to raise his Motion.

[Some Members exit Chamber] [Interruption]

**Constituency of Diego Martin North/East
Upgrade of Recreation Grounds**

Hon. Member: “Your own colleague going.”

Mr. Imbert: She is excused. She is not well. Mr. Speaker, could I ask you—*[Interruption]*

Mr. Speaker: Yes, you have my full protection.

Mr. Imbert: Are you sure?

Mr. Speaker: Yes.

Mr. Imbert: Thank you.

Mr. Colm Imbert (Diego Martin North/East): Mr. Speaker, this Motion deals with—*[Interruption]*—Mr. Speaker, they are not taking you on.

Hon. Member: “Dey ignoring de Speaker.”

Mr. Speaker: You talk to me. You have my protection, hon. Member for Diego Martin North/East.

Mr. C. Imbert: Mr. Speaker, this Motion deals with the failure of the Minister of Sport and the Sports Company to complete in a timely manner or at all upgrade works to recreation grounds in the constituency of Diego Martin North/East. The Minister of Sport is a very high-strung individual. If you say that

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he has not moved a blade of grass on a recreation ground, and he has in fact moved a twig, he wants to fight. Mr. Speaker, before—[*Interruption*] Mr. Speaker, this is not—[*Interruption*]

Dr. Khan: We do not want to hear you.

Mr. Speaker: No, No, No. Please, please, please, Members. The Member has a Motion that he has been granted permission to raise. Even if Members wish to leave that is their business, but at least do it in a respectable manner so that it does not appear whilst the Member is on his legs people are drifting out in any kind of way where people get the wrong signal. He has raised a matter on the Motion for the Adjournment. He has been granted official leave to raise his Motion; allow the Member to raise his Motion in quiet. If Members want to stream out, do it quietly, but do not disturb the proceedings. Continue, hon. Member.

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

In order to ensure that the Minister could not properly accuse me of being inaccurate, before I came to the Parliament this afternoon, I ensured that I visited all the recreation grounds in my constituency to see what their condition was. Let me record for the *Hansard*, if not for the hon. Members opposite, what the situation is in the constituency of Diego Martin North/East.

The first recreation ground is the Saddle Hill Recreation Ground. This ground was destroyed by the UNC-controlled Diego Martin Corporation in November of last year. It was used as a dumping ground for rubbish and debris from the floods of November 28. The matter was raised by me in this Parliament, and sometime after that the Sports Company started work to rehabilitate the Saddle Hill Recreation Ground.

4.30 a.m.

However, Mr. Speaker, the contractor was not paid on a timely basis, and the project has been abandoned. If you pass by the Saddle Hill Recreation Ground now, in the Moka area, the ground is now covered with bush, and unusable, one year after the UNC corporation destroyed it, and the residents of the Saddle Hill Ground have nowhere to play their sports. So that is a project started by the Sports Company, abandoned.

Secondly, the Pascal Recreation Ground, Maraval. Some months ago, the Sports Company erected a sign board on this ground, alleging that the following works will be done on the ground: outfield works; cricket practice nets; hard courts; drainage; pavilion. Mr. Speaker, no work was done on the outfield, no work on the cricket nets, no work on the drainage, and no work on the pavilion.

With respect to the basketball court, some work was started, the fencing of the court was removed—the existing fencing—only partially replaced, there are now gaping holes in the fence in the basketball court; the project has been abandoned.

Thirdly, Petit Valley Recreation Ground: Once again, Mr. Speaker, a signboard was erected by the Sports Company, alleging that the following work be done on the ground: outfield work; cricket practice nets—“is like they have one sign”, Mr. Speaker, only one sign—hard courts; drainage; pavilion. It is months ago. At present, no work on the pavilion, no work on drainage, no work on the hard courts, no work on the cricket practice nets, and all that has been done on the field is the partial erection of a useless concrete wall; the ground is in a mess, there is rubble and debris in one corner, and the whole northern side of the ground is in a mess and unusable. The project has been abandoned.

Fourthly, Northern Recreation Ground, Bagatelle. A contract was awarded by the previous administration to upgrade this ground. Grassing work started before the May 2010 election—contract awarded, contractor mobilized, grass planted. In comes the new Government, new Minister who cancels the contract, and lets the new grass die and allows it to be overrun with bush for one year. After one year, the same grassing contract was given to the same contractor. At this time, Mr. Speaker, no pavilion, no changing room, no toilet facilities at this ground, just grass on one side, and bush on the next side, on an abandoned construction project. This is the only major recreation ground in the whole of Diego Martin. So, after two and a half years of this Government, all they have done is planted some grass on the Northern Recreation Ground.

Fifthly, the Patna Recreation Ground. Pavilion demolished, no work done on the field, some minor fencing work done, no facilities for athletes, no change room, no toilets, all of which were part of the development plan for this ground. In fact, Mr. Speaker, in all of these grounds there was a development plan. The development plan for all of these grounds has been abandoned by the present Government, and every single recreation ground in my constituency, Mr. Speaker, is unusable, it is unfinished, incomplete, and it is, in effect, a disgrace, Mr. Speaker. Every time I bring up these matters I get an answer from the Minister of Sport that is unacceptable.

Mr. Speaker, I took photographs today, because the Minister likes to say that it is not so. I have a photograph of the destruction done to the Saddle Hill ground. I have a photograph of the destruction done to the Petit Valley ground, the Patna ground, the northern ground. [*Crosstalk*] It is all right. I have not shared these photographs with the Speaker, and therefore, I will not run afoul of the Speaker.

Hon. Member: “We don’t believe you.” [*Crosstalk*]

Mr. C. Imbert: “Yuh don’t believe me?” But the fact of the matter is, Mr. Speaker, [*Crosstalk*] that before I came to this Parliament today, I visited every single one of these recreation grounds, and on every project work has been abandoned, and the recreation ground is not available to the public in any form that can be used. The only ground that has grass on it is the Northern Recreation Ground, and it has no pavilion, no toilet facilities, no changing rooms, no bleachers, nothing for the public, just grass, and that was a ground that had two full size playing fields on it, either two football fields, or two cricket fields, now you have one side which is bush and concrete, and the other side is grass.

I would like the Minister to tell this House tonight, why is it that the sport—this morning—company has erected all these signboards? Six months ago, outfield work, pavilion, drainage, and all you are seeing for six months is a signboard. Why has the Sports Company not paid the contractors in a timely manner? What is wrong? Why did the Sports Company award contracts without a source of funds? Why has the Ministry of Sport not been able to release funds to the Sports Company so that the contractors can be paid, instead of the contractors having to abandon the job for non-payment of their money on a timely basis? Is this what we are going to expect from this Minister and this Government for the next two and a half years, Mr. Speaker?

Hon. Member: Yes.

Mr. C. Imbert: Because that is what has happened for the last two and a half years. I sincerely hope this is not some deliberate programme of victimization against the constituents of Diego Martin North/East, and I now wait to hear what the Minister is going to tell us, as to why this incompetence has taken place in my constituency.

The Minister of Sport (Hon. Anil Roberts): Thank you, Mr. Speaker. Paramin Recreation Ground has been advised by the Sports Company, Diego Martin North/East MP, Colm Imbert: outfield works, external works, performance stage and refurbishing. The external works—the performance stage is 100 per cent completed, and the outfield is 80 per cent completed.

Mr. Imbert: Not true.

Hon. A. Roberts: The project is scheduled to be practically completed—
[*Interruption*]

Mr. Imbert: I went there today. Not true.

Hon. A. Roberts: Number two: Pascal Recreation Ground, the Sports Company executive, this is MP Colm Imbert, PNM, their scope of works: planned car park, fencing of hard court, miscellaneous works. The driveway and car park, 100 per cent completed; the fencing to existing hard court will be omitted since it will be executed by the LIFE-sport Programme. The project is scheduled to continue, and be completed November 2012. The Point Cumana—well, that is Dr. Rowley’s—[*Interruption*]

Dr. Rowley: Read that; let me hear that.

Hon. A. Roberts: “You wanna hear that?” Point Cumana Recreation Ground, Diego Martin West: their planned scope of works—basketball courts, fencing and gates, 30 per cent completed. The fencing and gates are approximately 60 per cent completed, however, no works have commenced on the basketball court as yet. The contractor had reduced resources, so project delays.

The Petit Valley Recreation Ground, that is outfield work, fencing and gates. The outfield is 60 per cent completed. There are additional works required to complete this project.

Drainage: the Patna Village Recreation Ground, MP Colm Imbert, Diego Martin North/East; demolition of pavilion, drainage, fencing. The demolition of existing pavilion and drainage is 100 per cent completed. The fencing is approximately 75 per cent completed.

Harding Place—well that is Diego Martin Central. There is a dispute over the land; it was 69 per cent completed before the work stopped for a court case.

Moka Recreation Ground, that is north/east: the outfield works; this project was 68 per cent completed, however, due to the inclement weather on August 11, 2012, most of the completed outfield works was damaged. In addition, there has been a reduction in resources.

Now, Mr. Speaker, what has also happened under the LIFE-sport Programme, the Maraval Recreation Ground is due for work with paving of court surface, and demolition of defective fencing. [*Crosstalk*]

The Bagatelle Recreation Ground: no works undertaken as yet. They plan to do; no safety issues; awaiting revised cost from the contractor.

Scorpion Village down in Carenage—this is LIFE-sport; paving of court surface, demolition of defective fences, marking of court lines, painting of pavilion to be done.

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Then under the Hoop of Life: projects done in Diego Martin—you have Haig Street; Ravine Road; Petit Valley; Morne Coco Road; Pascal Recreation Ground; River Estate and Cocorite.

Now, Mr. Speaker, the Member for Diego Martin North/East has an uncanny ability, with a straight face, to come out here and pontificate and raise his tones, and ask about no work being done, and what is going on, and the Sports Company. Mr. Speaker, I think first and foremost, let me say to the Member for Diego Martin North/East that in the six years of PNM Sports Company, only seven projects on recreation grounds were completed, and so far in the last two and a half years this Government has completed 27 projects—completed totally—and they are ongoing; another 67 projects are ongoing. We have completed grounds across Pelota, George Boyce, Postman, Samaroo Village, Carapo RC, Pascal Recreation Ground (phase one)—[*Interruption*]

Mr. Imbert: That is not true.

Hon. A. Roberts: Pascal Recreation Ground (phase one) [*Crosstalk*] I sat quietly while he spoke.

Mr. Speaker: Yes, yes, I am defending that.

Hon. A. Roberts: Thank you. Pascal Recreation Ground (phase one) [*Interruption*]

Mr. Speaker: Member for Diego Martin North/East, if you want to leave, you can go—[*Interruption*]

Hon. Member: Or ask questions.

Mr. Speaker:—but do not disturb these proceedings any longer. [*Crosstalk*]

Mr. Imbert: I passed on the ground today. [*Crosstalk*]

Mr. Speaker: Member, Member, Member, you can take your leave now. You can leave now. Leave early. [*Crosstalk*] Leave early.

Mr. Imbert: I cannot listen to this.

Mr. Speaker: No, you go ahead and leave. [*Crosstalk*] You leave.

Hon. A. Roberts: Thank you, Mr. Speaker.

Mr. Speaker: [*Inaudible*] take your seat. [*Crosstalk*] Continue.

Hon. A. Roberts: Mr. Speaker, you know this is the kind of disrespect to the Parliament. He comes and asks questions, “when he getting the answer, he plays

games to run out home after saying that.” But, phase one, Mr. Speaker, work is done in phases, so the fencing, preparation, lighting and so on, then you go on to the bigger works, the pavilion and so on. So there are many grounds—27 have been completed.

The Member came and had the audacity to bring up Northern Recreation Ground. Well, let me just say—[*Interruption*—no, no, before, we have to correct the record and you all will hear this, because he brought up Northern Recreation Ground, and he said that this Government has done nothing, and they had nothing going on. Well, I can tell you right now, that on Northern Recreation Ground, Merry Boys are playing cricket, the constituents are playing football, sweating, and operating, for the first time, in a very long time, since 2006.

When you talk about the Sports Company, I would use, not my words, Mr. Speaker, I will use the words of the Member for Diego Martin West in describing the then Sports Company under the PNM. I think the Member for Diego Martin North/East must be referring to the then Sport Company under the PNM, because it was on Wednesday, February 10, 2010, when the PNM was in charge that the Member for Diego Martin North/East got up, sorry, the Member for Diego Martin West got up in this Parliament and said on the *Hansard*, on the T&T Revenue Authority Bill [sic] debate:

“I remember when we formed the Sports Company, a lot was said about what it would do for sport and how it would revolutionize our treatment to sport. I would love to join those who have been satisfactorily served by the Sports Company. But I cannot. If I had to identify the worst performing state enterprise, it has to be the Sports Company. And I will tell you why.

...I must say, I am singularly unimpressed with the Sports Company insofar as service to my constituency.

In 2007, you will recall, as Minister of Housing responsible for the Land Settlement ..., I fought a ding-dong battle with the people of Bagatelle to get squatters off the playing field. The UNC had put squatters to live on the playing field...

The first thing this Sports Company did that was bad, it broke the project up into pieces. Instead of awarding a contract to build the complex, it set (out) to award to build it in pieces. So they awarded a contract to build the foundation...

The foundation has been built since 2008 and no amount of representation on my part—Mr. Speaker, I am driven to use foul language; I have not done so yet. Right now if you go there, we are still...”

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And this is 2010, they put down foundation in 2008; the PNM Sports Company—

“...we are still in the foundation; grass; bush growing there. And I will tell you worse than that, it is the only major sporting facility in the Diego Martin ... It is the home of Merry Boys...”

But this same ground right now Mr. Speaker, under the People’s Partnership, “smooth grass, men sweating, knocking football, cricket, man hitting six, getting ketch, football, cricket, sports going on.”

But the then Minister of Sport, Gary Hunt, got up and said, well, Diego Martin West:

“Give me a chance and I would explain...”

Mr. Sharma: What is this Bill? [*Laughter*]

Hon. A. Roberts: And the Member for Diego Martin West gave way, and here comes the Minister of Sport then, the hon. Gary Hunt, he said:

“Just to inform the Member that the design that the Sports Company prior to 2007...”

So this is the PNM Sports Company.

“entered into was going to result in a pavilion that was larger than the Hasely Crawford Stadium.”

4.45 a.m.

So you see, Mr. Speaker, the pavilion has not started yet because we have to stop this ridiculous design that the PNM was going to put in Diego Martin West of the Hasely Crawford Stadium where it could not fit. That is why the former Minister of Housing was having problems. It is not that squatters were on the field, “is that this ting was so big it had to go so far down it did not make sense”.

But the then Minister of Sport—and this is just to give you a “lil” look at the grass right now. [*Holds up picture*] You could see you and I could go and take a sweat there, it is very nice; before it was bush, so even the healthy Member for Diego Martin West could go and hit a few golf balls and take a jog.

Hon. Member: It is a lovely ground.

Hon. A. Roberts: Yes. The then Minister of Sport spoke and then came back—Diego Martin West—to talk about this PNM Sports Company. He said:

“Mr. Speaker, therein lies my answer. You see I was not lying? What kind of agency will award a contract on the Diego Martin playing field for a pavilion bigger than the Brian Lara Stadium...? What group of madmen will do a thing

like that? So you see, the creation of the Sports Company did not insulate us from that kind of dotishness? You understand me? I did not even know that. It is worse than I thought, because to have awarded a contract as described by the Minister, tells me that something is radically wrong with the people running the agency or the ability for that agency to award contract in the first place.

...And to think that we escaped another Brian Lara Stadium, we should thank God for small mercies.

But I would have been happy if the Minister could have given me a time frame within which we could expect our playing field back out of the hands of the Sports Company..."

Well, I give you the time frame: "done, people playing, yuh people having fun, they could go and sweat, old people could exercise, done ah ready, pavilion coming."

Mr. Speaker, just wrapping up, how much, two minutes?

Mr. Speaker: Yes, you have another four minutes.

Hon. A. Roberts: All right, I will use two. Mr. Speaker, the Member for Diego Martin North/East also had the audacity to suggest why money not flowing, why payments not coming, why things not happening fast with the Sports Company over the last year and a half, two years?"

You want to know why? Because, Mr. Speaker, under the PNM there were only audited financials for 2005 and 2006, so 2007, 2008, 2009, 2010; no audited financials. This proves very difficult for the Ministry of Finance to get funding. You cannot access overdraft facilities and so on without this. But, I would let you know that, Mr. Speaker, as of last week this People's Partnership Sports Company has provided financials, backdated 2007, 2008, 2009, 2010 and 2011; audited financials are in with the Ministry of Finance—documented.

Under the PNM the Sports Company had no annual general meeting since 2006—2010. Not one! And this is a requirement of the statutes. But I could tell you that in November 2012 the Sports Company will have its first annual general meeting since 2006. Under the previous PNM administration the Sports Company had no strategic planned direction and was wandering aimlessly; now, the company has a strategic plan which was completed in February 2012.

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Furthermore, finally, under the PNM Sports Company, from 2006 to May 2010, no corporate secretary. Mr. Speaker, \$400 million spent by the PNM without a corporate secretary. I can see the Member for Port of Spain South as a legal luminary wondering, what is this! Now we know why the Member for Diego Martin West described it as madness. No corporate secretary; \$400 million spent from 2006—2010, and, Mr. Speaker, no internal auditor. Well, since June 2010 there is a corporate secretary and an internal auditor, and all were recruited.

So, the People's Partnership is serious about sport, and whether it is PNM constituencies—and I can see the Member for Diego Martin West is happy—we will continue to do work because “we doh discriminate when it come to sport, when it come to delivery”; unlike the previous PNM that did nothing in Diego Martin. Whether west, north/east, wherever, we will fix the facilities. We cannot fix all one time, but we will fix them gradually across Trinidad and Tobago until all the citizens can play sport at anytime they want as it is sport for all.

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

ADJOURNMENT

Mr. Speaker: Hon. Members, before putting the question for the adjournment, I just want to correct the record again, because I think I may have said something at the close of the Motion that we just concluded. But I just want to make it very clear that the votes that took place were 11 for, 25 against and zero abstention, and therefore the Motion was passed by a majority. So, if I did say unanimous majority, I was wrong; it was passed by majority—[*Interruption*]

Dr. Moonilal: It did not pass. It did not pass.

Mr. Speaker: It failed. It failed rather by majority. It failed by majority vote. Okay?

Hon. Member: I think that is what—[*Inaudible*]

Mr. Speaker: No, it failed by majority vote. I thank you for my—I think the morning is getting to me at this time.

Anyway, the last area I would like to mention is this: you know, I think it was the Member for Point Fortin earlier, she made mention of the Eid ul Adha period, and I think it is only appropriate that I call on the Deputy Speaker to bring greetings on the occasion, and the hon. Leader of the Opposition will decide who on his side would want to share in those greetings. So, I call on the Deputy Speaker.

Eid-ul-Adha Greetings

Mrs. Nela Khan (*Princes Town*): Thank you very much, Mr. Speaker. I rise to bring greetings to the Muslim community and, by extension, the whole of Trinidad and Tobago as we celebrate Eid-ul-Adha or Qurbani, as it is also known. But before I do so, Mr. Speaker, allow me to highlight very briefly the meaning of Eid-ul-Adha, for it is important for us to understand the sacrifice itself and to also outline the difference between Eid-ul-Fitr and Eid-ul-Adha in a nutshell.

Mr. Speaker, Eid-ul-Fitr is the breaking or the end of the fast of the holy month of Ramadan, which takes place on the first day of the month of Shawwal. This, however, is the lesser Eid, and that is Eid-ul-Fitr. There is a difference between Eid-ul-Fitr and Eid-ul-Adha. Eid-ul-Adha, on the other hand is the bigger Eid, and is a three-day celebration by Muslims worldwide in celebrating the willingness of Prophet Abraham to sacrifice his first-born son Ishmael in an act of submission to God's command, and his son Ishmael's acceptance of being sacrificed, before God intervened to provide Prophet Abraham with a ram to sacrifice instead. The son, Ishmael, was approximately 13 years while Prophet Abraham, the father, was approximately 99 years. God decided to test the faith of the Prophet by asking him to sacrifice his only son that he had deeply prayed for.

During the sacrifice, Mr. Speaker, Abraham could not bear to watch his son die, so he covered his son's eyes with a blindfold. When he cut Ishmael's throat and removed the blindfold, he was astonished to see that Ishmael was unharmed and instead he found a dead ram which was slaughtered. Abraham had passed the test by his willingness to carry out God's command. That is the difference between Eid-ul-Fitr and Eid-ul-Adha. Both festivals are occasions of showing gratitude to God Almighty in remembering him. Mr. Speaker, Eid means the solemn festival and Adha is an Islamic word for sacrifice, and is celebrated on the 10th, 11th and 12th, day of the month of Zilhaj, which is the last month in the Islamic calendar, which is, of course, this month. So that means that the Islamic calendar's first month known as Muharram will start in the next few days.

Mr. Speaker, Trinidad and Tobago continues to live in peace and harmony, and with that brief synopsis of Eid-ul-Adha and Eid-ul-Fitr, the definition of both Eids, I take this opportunity on behalf of the Government of the Republic of Trinidad and Tobago, and on my own behalf, to wish the Muslim population and, by extension, Trinidad and Tobago, Eid Mubarak 2012, as we look forward to the beginning of the first month of the Islamic calendar known as Muharram, Insha'Allah.

I thank you very much, Mr. Speaker.

Dr. Keith Rowley (*Diego Martin West*): Thank you very much, Mr. Speaker. On behalf of all of us on this side and the rest of the national community, we join with our Muslim brothers and sisters in celebrating the bigger Eid, Eid-ul-Adha.

Mr. Speaker, it is very interesting to note that this particular festival has its mirror image in the Christian religion where the same story is told of Abraham and his son Isaac, and the test of faith which was passed in this way. One would find the similar story in the Christian Bible. So, we understand what is being celebrated, those of us who follow the Christian religion, but we do not do it as exuberantly as our Muslim brothers and sisters.

Therefore on this occasion, like we always do in Trinidad and Tobago, we share our festivities of our various religious persuasions, on this occasion, holy as it is; and it has its meaning that nothing is too good to give to God in acknowledgement of his command. For when a man was prepared to give up his only son it meant that he was in full recognition of what God wanted of him, and in return he was rewarded with the life of his son, and the festivities are now based on the sacrifice of animals.

So, today I want to say that we wish all our brothers and sisters of the Muslim faith—I am not sure if the correct thing is Eid Mubarak—[*Interruption*]

Mrs. Khan: Yes.

Dr. K. Rowley:—because I know that Eid-ul-Fitr you say Eid Mubarak. But we wish you a happy, holy and very enjoyable Eid-ul-Adha. [*Desk thumping*]

Mr. Speaker: Hon. Members, on behalf of the Office of the Parliament, I would like to join with the sentiments expressed by the Deputy Speaker and the hon. Leader of the Opposition, in wishing the Muslim community a happy and holy Eid-ul-Adha.

Hon. Members, this particular occasion is observed after the conclusion of the Hajj where Muslims remember and commemorate the trials and triumphant of the Prophet Abraham. The celebration of Eid-ul-Adha commemorates the command given by Allah to Prophet Abraham to sacrifice his first-born son Ishmael to him. Muslims around the world celebrate this feast of commitment, obedience and self-sacrifice to Allah.

So, on this occasion as we celebrate this very auspicious period in October, we would like to extend to all our Muslim brothers and sisters happy, holy Eid-ul-Adha.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.58 a.m.