

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2015) OF THE ELEVENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN*

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19<sup>TH</sup> Sitting

Wednesday, 30<sup>TH</sup> December, 2015

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*The Assembly convened at 2.56 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **ANNOUNCEMENTS BY THE SPEAKER**

### **Apology for late start**

**Mr. Speaker:** Hon. Members, I tender apologies to this honourable House for our very late start today. A number of matters, which came to my attention today, required some consideration by me before my appearance in this Chamber. I ask you to accept my apologies for the late start.

### **Challenge to figures quoted during Sitting**

Hon. Members, I received a letter under the hand of the Government Chief Whip. I am drawing attention to part of the debate which occurred at our last sitting. The particular matter of concern related to the figures which were quoted by the Hon. Bishop Juan Edghill in relation to the debate on the increase in the salaries of Ministers.

The figures quoted have been challenged as being incorrect, and may I also allow myself to say, very grossly incorrect. It is a matter which requires consideration on both sides. I have arranged

for a copy of the letter which I received to be handed to Bishop Edghill. It is my hope, no it is my intention, that this matter would be resolved at our next sitting, preferably to the satisfaction of all. I thank you Hon. Members.

## **PRESENTATION OF PAPERS AND REPORTS**

The following papers and reports were laid:

(1)

- (i) Audit Office of Guyana – Current and Capital Estimates totalling \$790,077,000 for the period ending 31<sup>st</sup> December, 2016.
- (ii) Chambers of the Director of Public Prosecutions – Current and Capital Estimates totalling \$234,924,000 for the period ending 31<sup>st</sup> December, 2016.
- (iii) Constitutional Office of the Leader of the Opposition – Current and Capital Estimates totalling \$20,137,000 for the period ending 31<sup>st</sup> December, 2016.
- (iv) Ethnic Relations Commission – Current and Capital Estimates totalling \$131,558,000 for the period ending 31<sup>st</sup> December, 2016.
- (v) Guyana Elections Commission – Current and Capital Estimates totalling \$3,574,487,800 for the period ending 31<sup>st</sup> December, 2016.
- (vi) Human Rights Commission – Current and Capital Estimates totalling \$53,141,200 for the period ending 31<sup>st</sup> December, 2016.
- (vii) Indigenous Peoples’ Commission – Current and Capital Estimates totalling \$66,364,430 for the period ending 31<sup>st</sup> December, 2016.
- (viii) Judicial Service Commission – Current and Capital Estimates totalling \$10,020,000 for the period ending 31<sup>st</sup> December, 2016.
- (ix) Office of the Ombudsman – Current and Capital Estimates totalling \$43,912,000 for the period ending 31<sup>st</sup> December, 2016.

- (x) Parliament Office - Current and Capital Estimates totalling \$1,395,865,000 for the period ending 31<sup>st</sup> December, 2016.
  - (xi) Rights of the Child Commission - Current and Capital Estimates totalling \$84,067,682 for the period ending 31<sup>st</sup> December, 2016.
  - (xii) Public/Police Service Commission - Current and Capital Estimates totalling \$113,993,000 for the period ending 31<sup>st</sup> December, 2016.
  - (xiii) Public Service Appellate Tribunal - Current and Capital Estimates totalling \$20,219,000 for the period ending 31<sup>st</sup> December, 2016.
  - (xiv) Supreme Court of Judicature - Current and Capital Estimates (Corrected) totalling \$1,967,243,835 for the period ending 31<sup>st</sup> December, 2016.
  - (xv) Teaching Service Commission - Current and Capital Estimates totalling \$120,774,000 for the period ending 31<sup>st</sup> December, 2016.
  - (xvi) Women and Gender Equality Commission - Current and Capital Estimates totalling \$53,217,339 for the period ending 31<sup>st</sup> December, 2016  
*[Speaker of the National Assembly]*
- (2) National Insurance and Social Security Act Regulations 2015 – No. 9 of 2015.  
*[Minister of Finance]*
  - (3) Environmental Protection (Expanded Polystyrene Ban) Regulations 2015 – No. 8 of 2015. *[Minister of Public Infrastructure]*
  - (4) Report of the Commission of Inquiry into the Guyana Sugar Corporation – Volumes 1, 2 and 3. *[Minister of Agriculture]*

3.11 p.m.

## **STATEMENTS BY MINISTERS, INCLUDING POLICY STATEMENTS**

### **Reports of the Commission of Inquiry into the Guyana Sugar Corporation**

**Minister of Agriculture [Mr. Holder]:** Mr. Speaker, in its Manifesto 2015, the Government of Guyana committed itself to the convening of a Commission of Inquiry into the operations of the Guyana Sugar Corporation (GuySuCo) with the support of a multi-disciplinary group, to review, analyse and recommend the way forward for the Guyana Sugar Cooperation and the Guyana Sugar Industry, including options for infusing critical investments and the optimum utilisation of its valuable capital infrastructure. To this end, Cabinet appointed a Commission of Inquiry tasked with development planning for this purpose, comprising individuals all of whom had extensive knowledge of GuySuCo and had both local and international experience in sugar technology and/or their respective fields of specialisation.

The consultants were required to work closely with the Interim Management Team (IMT) of GuySuCo in undertaking the assignment. In addition, they did consult with other GuySuCo officials in the field, factory, human resources and finance departments and had access to all technical and financial record thereto appertaining. They also liaised with private cane farmers as required.

The assignment was scheduled to be completed over a period of 92 days, commencing 1<sup>st</sup> July, through 30<sup>th</sup> September, 2015, and for the submissions of their initial findings to the Minister of Agriculture for review by Cabinet within 70 days of commencement. Following the review process, the consultants were required to submit detailed recommendations for consideration by the Government.

The Guyana Sugar Corporation has been producing, over recent years, less sugar at greater unit and total costs, while its unit sale price has been declining. The logic of such a sequence is that GuySuCo has reached a point of no return. It can remain open for business over the short to medium term in only one of two possible ways. These are either through the provision of regular official bailouts and/or increased borrowings and indebtedness, based on Government guarantees. Clearly, neither of these is sustainable, given GuySuCo's present indebtedness.

Sugar prices, particularly from the European Union (EU), have declined markedly. Poor production and productivity, a declining skills and experience base, labour shortages, and rising costs have all resulted in the industry becoming a chronic loss maker with ever growing

dependency on the Government for cash infusions, if it is to survive. This is an untenable situation.

Previous efforts to reorganise the industry, going as far back as 1994, were rejected. The last attempt at a major restructuring was in the 1980's with the closure of the Diamond and Leonora Estates and the diversification into aquaculture, rice, and legumes.

While this initiative could not be faulted, conceptually, its failure was due to a number of factors including inadequate planning, lack of funding, competition for scarce resources and not enough expertise or commitment in the non-sugar activities. This development was undertaken largely by sugar personnel who were acquiring new skills but which, at the same time, proved detrimental to the core sugar operations through the diminution of skills in that area. The La Bonne Intention (LBI) Factory was subsequently closed during the first decade of the 21<sup>st</sup> century. The industry has come full circle since the 1980's.

The Government of Guyana wishes to develop a plan to bring the Industry back to profitability, and assure its long term environmental and economic sustainability. The consultants were tasked with development planning for this purpose, and taking under consideration the above stated considerations.

Mr. Speaker, as an update on the present situation, on 4<sup>th</sup> June, 2015 an Interim Management Committee (IMC) was appointed by the new Government, replacing the previous administration of GuySuCo. The IMC, on assuming office, made the following observations:

- Morale across the industry was low; staff felt threatened and insecure; and a climate of fear existed.
- There was much uncertainty about "right" from "wrong".
- The atmosphere which prevailed was "Do what you are told or find another job". Of course, jobs of comparable pay and conditions were not available and those who could not migrate remained and did as they were told.

- Cost control was given low priority by the then leadership with the result that costs and debts were going through the roof; cash flows were severely depleted; and operating losses were plummeting to unprecedented depths.
- The politics of decision making was more important than making sound professional decisions.
- The Corporation was still suffering from seriously poor marketing decisions by the then Chief Executive, foregoing a three year agreement with Tate & Lyle Sugars for one of one year duration, at a time when prices were in decline. The situation was compounded by selling forward 48,000 tonnes sugar on to the future market and not locking in a price, which left the Corporation exposed to the vagaries of the World Market Price.
- Personnel at both the managerial and non-management levels had their services terminated for reasons which could best be described as vindictiveness, political and the abuse of authority.
- Senior personnel were transferred between locations even though they may have been on that location for a brief period, for what can best be described as political reasons.
- The procurement systems were blatantly corrupted by the leadership.
- The West Demerara Estates were run down, in particular Wales. Cane supply on both estates was poor. This was compounded by wanton bringing forward of canes to meet production targets.
- It was later discovered that the Rose Hall Estate had political cells operating to the detriment of the Estate. The same may be said of the leadership of the Skeldon Estate.
- Key departments were marginalised to the point where the Head Office, Agriculture, and Factory Operations departments were ill equipped to adequately support the operations on the estates.
- The Human Resources Department was reduced to a robotic mechanistic state totally unequipped to support an industry of 17,000 employees.

- The Finance and Procurement Departments were seriously undermined and compromised by the actions of the then Chief Executive Officer (CEO).
- Agricultural research was marginalised.
- There is a serious shortage of skills and experience throughout the industry, in both Head Office and on the estates.
- There was no rhyme, reason or logic for the manner in which industrial relations were managed.

However, Mr. Speaker, with the introduction of the Interim Management Committee and a new Board of Directors, there was a great feeling of relief by many members of GuySuCo's management team at the appointment of the IMC. GuySuCo's management was encouraged to function professionally. Regular meetings of the Management Committee recommenced after a lapse of years. At this forum, managers were encouraged to express their views regarding operational issues and participate in the decision making process.

Key Performance Indicators were established for each estate which was monitored on a daily basis by the IMC. This pressure was maintained throughout the crop and significant benefits resulted as corrective action, where required, was taken daily.

Renewed emphasis was placed on cost control and cash management. A firm and principled line was adopted by the management team in its dealings with the unions and attempts by some workers to maintain the *status quo*.

Informal meetings took place between the IMC and the leadership of the Guyana Agriculture Workers Unions (GAWU) and the National Association of Agricultural Commercial and Industrial Employees (NAACIE) Union. This resulted in relative calm until October, when GAWU was motivated to call a strike. A similar situation evolved in November. On both occasions GAWU achieved nothing, while the workers lost wages and in some instances, they did not achieve the qualification criteria required to benefit from incentives.

The Corporation has started to communicate directly with the workforce as it was recognised that GAWU and its representatives could not be relied upon to provide the workers with the facts or

the Corporation's position. The Government and Board have been very supportive and allowed the management team to get on with the job. This was evident to members of the management team across the industry.

A Human Resources Management Adviser was appointed to assist in upgrading the skills of the Human Resource (HR) function, including mentoring and empowering the HR practitioners. Disciplinary matters were handled in a fair and just manner. Experienced Guyanese retirees from the local sugar industry are being brought back to troubleshoot and assist in training.

Generally, the staff have been responding well to the new administration of the industry, morale is considerably better and there is a growing trend of achievement, optimism and self-confidence as evidenced by the industry achieving, and surpassing its production target for the first time since 2004

The sugar industry, with its almost 17,000 employees and approximately 60,000 dependents, is a major source of foreign exchange for Guyana's economy and is too valuable to the fortunes of Guyana, both socially and economically, for its future to be taken lightly. The Government of Guyana has, therefore, taken the decision to facilitate the widest possible consultations with all stakeholders in the charting of GuySuCo's future. To this end, and to commence the process of maximum consultation with the people of Guyana, the very comprehensive Report of the Commission of Inquiry is now being laid before Parliament for due consideration.

Thank you, Mr. Speaker. [*Applause*]

**Mr. Speaker:** I would like to thank the Hon. Member for his statement.

*3.26 p.m.*

## **PUBLIC BUSINESS**

### **GOVERNMENT'S BUSINESS**

#### **MOTION**

#### **CONSIDERATION OF FINANCIAL PAPER NO. 1/2015**



“Be it resolved that this National Assembly approves of the proposal set out in Financial Paper No. 1/2015 – Schedule of Supplementary provision on the Current and Capital Estimates) totalling \$3,239,601,366 for the period 25<sup>th</sup> October, 2011 to 31<sup>st</sup> December, 2014.” *[Minister of Finance]*

*Assembly in Committee of Supply.*

**Minister of Finance [Mr. Jordan]:** Mr. Chairman, in accordance with Article 171 (2) of the Constitution, I signify that Cabinet has recommended for consideration by the Assembly the motion for the approval of the proposal set out in Financial Paper No. 1 of 2015, Supplementary Estimates (Current and Capital) totalling \$3,239,601,366 for the period 25<sup>th</sup> October, 2011 to 31<sup>st</sup> December, 2014 and I now move the motion.

*Motion proposed.*

#### **CURRENT ESTIMATES - 2011**

##### **Item 1 01-012 Office of the President - Presidential advisory (Cabinet and other Services) – \$25,500,000**

**Minister of Social Protection [Mrs. Lawrence]:** Could the Minister of Finance indicate what percentage of this supplementary provision went to the National Awards?

**Mr. Jordan:** I thank the Hon. Member for the question. I crave your indulgence in laying over any questions asked on this paper because, as you may know, the period is one with which I am not familiar, but I will try to get the answers for our next Sitting.

**Mrs. Lawrence:** Mr. Chairman, may I also ask the Finance Minister, through you, to provide this House with an explanation as to the reason for us asking for a supplemental for an expense that is yearly?

**Mr. Jordan:** My staff is taking note of the questions and we will provide these answers at the next Sitting, if we can.

**Mr. Ali:** I see in the Legend that the Hon. Minister of Finance had made some attempts at an explanation in relation to the expenditure. We are also aware that before this Financial Paper was

laid, there was a supplemental paper laid by the then Hon. Minister of Finance, Dr. Ashni Singh, as the Ministry of Finance rightfully referred to. That supplementary provision that was laid had a very detailed breakdown of all the expenditure. If Members would refer themselves back to that submission, which was not debated, they would see the full and detailed explanation in those supplementary papers.

However, the Hon. Minister would also wish to remind the House of the percentage of resources that was cut from the budget under the various heads and which would reflect that a number of these expenditures were the reinstatement of what was cut out of the budget. The Minister of Finance would want to examine that, too. Thank you.

**Mr. Chairman:** Hon. Attorney General, do you wish to speak?

**Attorney General and Ministry of Legal Affairs [Mr. Williams]:** Yes, Mr. Chairman. Could the Hon. Minister of Finance confirm whether the last supplementary statement referred to by the Hon. Member, Mr. Irfaan Ali, was laid during the period when Parliament was prorogued.

**Mr. Chairman:** Is the Hon. Minister of Finance in a position to treat the question?

**Mr. Jordan:** No, Mr. Chairman, I am not, but I would request if the Clerk of the National Assembly could refresh our memory on this one.

**Mr. Chairman:** I thank the Hon. Minister.

**Ms. Teixeira:** Mr. Chairman, the two items that are here for 2011 were tabled properly in this House in a supplementary paper brought after the 2011 Elections. There were two areas that were negated by this House and the two areas are here before the House.

The 2014 Financial Paper, under which the question was asked to the Minister which he is unable to answer, was tabled in this House on 19<sup>th</sup> June, 2014 with all the details and all the breakdowns of expenditure. It was on the Order Paper of 19<sup>th</sup> June, 2014. In fact, there was an attempt by a Member on the other side, who was on this side, to have this paper not go before the House. I have the ruling of the then Speaker, Mr. Trotman, on 19<sup>th</sup> June, 2014, agreeing that the Paper would be allowed to be debated.

The second paper, which is in the House today, came in October, 2014 prior to prorogation and during the period of recess. So I hope that would help my Colleague Minister Mr. Winston Jordan in his historical and archival records.

**Mr. Chairman:** I thank the Hon. Member for her statement. Would any other Hon. Member like to contribute to the debate further, through the Chairman? Hon. Members, there seems to be no other speaker on the item that is before us.

*Item 1 01-012 Office of the President - Presidential advisory (Cabinet and other Services) – \$25,500,000 agreed to and ordered to stand part of the Schedule.*

**Item 2 51-516 - Ministry of Home Affairs - General Register Office – Other - \$6,525,000**

*Item 2 51-516 – Ministry of Home Affairs – General Register Office - \$6,525,000 agreed to and ordered to stand part of the Schedule.*

#### **CURRENT ESTIMATES - 2012**

**Item 3 51-512 Ministry of Home Affairs – Guyana Police Force - \$105,320,000, \$58,665,600, \$3,950,000 and \$30,073,374.**

**Mr. Chairman:** Hon. Members, I have just read the agency and the code for that agency. I believed that it would be true to say that all Members have before them the relevant document and I am wondering whether it would assist us in progress, if I simply mentioned the agency and the code and invite Members to speak, if they so wish. Thank you.

*Item 3 51-512 Ministry of Home Affairs – Guyana Police Force - \$105,320,000, \$58,665,600, \$3,950,000 and \$30,073,374 agreed to and ordered to stand part of the Schedule.*

*3.41 p.m.*

**Item 8 51-513 Ministry of Home Affairs - Guyana Prison Service - \$2,000,000, \$45,000,000.**

*Item 8 51-513 Ministry of Home Affairs - Guyana Prison Service - \$2,000,000, \$45,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 8 51-515 Ministry of Home Affairs – Guyana Fire Service - \$6,500,000**

**Minister of Public Infrastructure [Mr. Patterson]:** I would like to enquire from the Minister of Finance if any of the supplementary provision contributed to the deployment of the infamous water cannon. The provision is there in relation to the deployment of water tenders in Linden.

**Mr. Jordan:** I am not in a position to say but I will have an answer, after my staff researches, at the next Sitting.

**Mr. Ali:** The Hon. Member is referring to agency code 51-515 Ministry of Home Affairs – Guyana Fire Service. I am quite confused with the question because under that subhead it states that the provision was for fuel and lubricant. This is not a capital item.

**Mr. Patterson:** Just for clarity, if the Hon. Member would take the time to read the legend, he would see that it was for deployment of water tenders in Linden. We are very well aware that, during this period, there was the deployment of the water cannon in Linden. I am asking the Hon. Minister to clarify whether any of these sums were put towards the deployment of the water cannon.

*Item 8 51-515 Ministry of Home Affairs – Guyana Fire Service - \$6,500,000 agreed to and ordered to stand part of the Schedule.*

**Item 10 72-722 Region 2: Pomeroon/Supenaam – Agriculture - \$7,622,000**

**Mrs. Lawrence:** A supplemental is being sought for 80% of the amount which was budgeted. I would like to know the additional sites that had to be secured and caused the Ministry to need 80% more of its budgeted allocation for the year for security. Since the Minister of Finance was pointed to the archives, I am wondering if he could find out and inform the House which security company was used and how many new sites were covered under the extra 80% of the budgeted allocation.

**Mr. Ali:** Would the Hon. Minister of Finance be kind enough to say whether this increase was to cover the increase in the minimum wage at that time?

**Mr. Jordan:** Mr. Chairman, I am using a blanket cover for all of these. I will take all of the questions and try to provide the answers from the archives, if they can be found.

**Bishop Edghill:** I am lost and I would like to be guided. I think the regulations require that supplementary papers come to this House at the soonest possible time. We are now considering financial papers that date back to 2012.

The Minister of Finance is presenting a financial paper to this House, this afternoon, for consideration and approval. For every question that is asked, the Minister is asking that he be allowed to check his archives. I do not know how a paper could be considered in that manner.

My understanding is that if a supplementary is being sought and the figures are provided, the relevant Minister... because I notice all of the questions are going to the Minister of Finance. It is a financial paper but the Minister responsible for the Ministry is the person who normally answers the questions. If he or she is unable to answer, then the Minister of Finance assists. The staff who provided this information should have been present here this afternoon with background information to give to the honourable Committee. That is the normal practice. I am surprised to know that there is a financial paper on the floor for consideration and the Ministers are not prepared to answer the questions.

**Minister of Governance [Mr. Trotman]:** I crave your indulgence, Mr. Chairman. The Hon. Member, Bishop Edghill, mentioned that this is normal. We are now in an extraordinary situation in which this Government is being asked to approve spending of the previous Government which occurred since 2011. There is nothing normal about this procedure. In fact, all of the answers required reside on that side of the House. The archive to which the Hon. Minister has to refer resides on that side of the House. I believe that the Hon. Minister ought to be given an opportunity to confer with his parliamentary colleagues to try to shed some light on what really happened so that he could provide the answers to the House at a later date.

**Leader of the Opposition [Mr. Jagdeo]:** Mr. Chairman, since we seem to be in a free for all where Members are craving your indulgence on explanations on all of these matters, maybe I should too.

As the Hon. Member Bishop Edghill pointed out, regardless of changes in government, there are some time-honoured rules in this House and it is expected that would people follow these time-honoured rules. The rules clearly state that when a supplementary paper is presented, the

Ministers responsible will seek to answer those questions, based on advice from their technical staff.

The Government side can choose to withhold its support for these papers and that is perfectly within its right, but to claim that they are not aware, in my view, is incompetent. It lacks preparation for the Parliament. This is because the papers had to go to Cabinet before they reached this honourable House. Therefore, I do not have an issue with the Minister of Finance because I think that if he does not have the answers, then he is doing the right thing. He is not expected to have all of the answers. The other Ministers are expected to have them. The Minister has asked that we give him time to go back and seek the explanation from the technical staff. We are accepting that as a reasonable position at this point in time. To claim that because the Government has changed they have been put in a difficult position, reeks of incompetence. Thank you.

**Minister of Public Security [Mr. Ramjattan]:** Questions on these spending that were done a long time ago would have been answered more properly by my colleagues on the other side. But there is a requirement under our Constitution that we have to make a statement so that the money could all be accounted for even when, in those years, we had not approved these spending. At some point in time the moneys have to be accounted for and that is what we are doing now.

Even when the then government had brought its supplementary provision, it was not approved. For the purposes of the record, and I have written extensively on this, the *Erskine May: Parliamentary Practice* indicates that, at some point, the financial papers must come so that the record will reflect that, notwithstanding that it was an unapproved spending, for accounting records it must be recorded as having been spent. That is what it is. The massive *confusionist* would want to give the impression that we are incompetent. We are only setting the record straight. These were the sums of moneys that were spent in those years by the previous government.

*Item 10 72-722 Region 2: Pomeroon/Supenaam – Agriculture - \$7,622,000 agreed to and ordered to stand part of the Schedule.*

**Item 10 72-723 Region 2: Pomeroon/Supenaam – Public Works – \$2,193,000**

*Item 10 72-723 Region 2: Pomeroon/Supenaam – Public Works – \$2,193,000*

*3.56 p.m.*

**Item 10 72-724 Region 2: Pomeroon/Supenaam – Education Delivery - \$28,954,000**

**Mrs. Lawrence:** Once again, I note that the supplemental which is being sought is 68% of the amount which was budgeted. Given all of the fires and the destruction, I am quite certain that the Minister will have quite a task to find this information. While he is searching, I would like to posit the same question as was posited under a previous agency code. Could he indicate to the House the additional sites, the number of security guards and the security company which was employed? Thank you.

**Mr. Chairman:** I would simply remind Members that they should try to contribute meaningfully to the debate. Let us try to be positive in our approach to dealing with issues here. Hon. Members, let us proceed.

**Mr. Ali:** In relation to the same item, could the Hon. Minister say whether this, again, is not as a result of the increases in the minimum wage, under the Peoples Progressive Party/Civic Government, of all of the security personnel?

**Mr. Chairman:** I must ask the Hon. Minister whether he is in a position to respond.

**Mr. Jordan:** Mr. Chairman, I think that you may be overworking the Minister of Finance. I tried and I gave a blanket statement as it relates to these, but these heads really do have their subject Ministers. I crave your indulgence to put the question to the respective subject Ministers. I think this one will be for the Minister of Communities.

**Minister of Communities [Mr. Bulkan]:** Mr. Chairman, as has been recognised earlier, the expenditure that has been incurred for which parliamentary approval is now being sought, was incurred during the period when colleagues on the other side of the House constituted the Government. I will offer the same explanation which was offered by my colleague, the Hon. Minister of Finance, which is that the explanation will be forthcoming at a subsequent sitting.

*Item 10 72-724 Region 2: Pomeroon/Supenaam – Education Delivery - \$28,954,000 agreed to and ordered to stand part of the Schedule.*

**Item 10 73-734 Region 3: Essequibo Islands/West Demerara – Education Delivery - \$7,453,000.**

*Item 10 73-734 Region 3: Essequibo Islands/West Demerara – Education Delivery -\$7,453,000 agreed to and ordered to stand part of the Schedule.*

**Item 11 73-735 Region 3: Essequibo Islands/West Demerara – Health Services-\$32,220,000.**

**Mrs. Lawrence:** Here again, I hope that the Minister will be able to find the paperwork in the archives to provide this Committee with the answer as to why we are now being asked to pass in this Committee a 149% increase in the budgeted allocation for security services for the Essequibo Islands. Why is this supplemental being asked for? I am not sure how many health service outlets there are so that there is a request for approximately 150% more of the Budget allocation. I will ask the Minister to kindly indicate the new sites, the number of security personnel and the company that was employed during this period.

**Mr. Bulkan:** The answer to the question posed remains as earlier proffered; it is that the explanation will be provided at a subsequent stage.

**Mr. Ali:** Could the Hon. Minister again verify whether this increase was not to cater for the increase in the minimum wage for the security personnel and whether the provision of these security services was through a public tender and not handpicked, as is presently being done?

**Mr. Bulkan:** Mr. Chairman, I believe that there is a wider question, which is that the sums of money for which parliamentary approval is now being sought were incurred when these very expenditure were brought before this House and were disallowed by the majority of the National Assembly. It is this act that this Administration is seeking to legitimise and to make lawful.

*Item 11 73-735 Region 3: Essequibo Islands/West Demerara – Health Services-\$32,220,000 agreed to and ordered to stand part of the Schedule.*

**Item 12 75-751 Region 5: Mahaica/Berbice –Regional Administration and Finance-\$3,815,211.**

*Item 12 75-751 Region 5: Mahaica/Berbice –Regional Administration and Finance- \$3,815,211 agreed to and ordered to stand part of the Schedule.*



**Item 12 75-754 Region 5: Mahdia/Berbice – Education Delivery- \$20,356,232**

**Mrs. Lawrence:** Here again, a supplemental is being sought for some 206% of the amount allocated for education delivery in Region 5. We are told that this, again, was in relation to the additional security service. I trust that the Minister will be able to locate the documents because it is very important that the people of Guyana understand why double the amount of moneys which were allocated in the Budget is being asked for. Could the Minister also provide to this Committee the number of new sites, the number of security personnel, and the company to which this contract was given?

**Mr. Bulkan:** Mr. Chairman, the questions are duly noted and the answer would be forthcoming.

**Mr. Ali:** Could the Hon. Minister say whether this amount, which is indeed substantial, was not a necessary amount that catered for the increase in minimum wage in ordinary workers of this country under the PPP/Civic Government? Secondly, could the Hon. Minister advise the Committee whether he has difficulty in locating any documents in relation to any of the expenditure incurred?

**Mr. Bulkan:** With regards to the last questions posed as to the availability of the records, it is widely known that there was a fire at the Ministry and certain documents were destroyed. It is a matter that is engaging the attention of the police. It is also the case that not all of the records for the period under review are readily available and accessible. An answer will be provided for all of the questions posed, if the records are available. Thank you.

**Mr. Ali:** Could the Hon. Minister say whether, as stated, these supplementary provisions are not for Region 5? It is stated that it is for the region. I am not aware that there was a fire in that region that would have destroyed the records in that region.

**Ms. Teixeira:** We on this side are hearing the Members on that side talking about access to documents. However, the Report of the Auditor General for 2014 was tabled in this House.

**Mr. Chairman:** Hon. Member, are you addressing the item under review?

**Ms. Teixeira:** I am addressing the issue of where the information could be found. It is the same item that the Hon. Member to my left addressed. It is in relation to Region 5 and the security services.

The Hon. Minister is saying that they do not have access to documents. I wish to help him. The Report of the Auditor General 2014, which was tabled in this House, on pages 19, 20 and 21 point out these exact figures that are in the supplementary paper before the Committee, totalling the exact amount of \$3.239 billion, and pointed out that these were not passed in the House. It is stated in the Report that these need to be restored. How could the Auditor General have had access to the information to reference these amounts as exactly as in this paper and the Hon. Minister is saying that he does not have the documents?

**Mrs. Lawrence:** Mr. Chairman, unless the Hon. Member intentionally wants to mislead the Assembly, the questions that I am posing are more detailed. The Report of the Auditor General does not state anything about those questions that I am asking. The information could have been provided through the Ministry of Finance when the Auditor General audited that agency.

*4.11 p.m.*

It does not speak specifically, region by region, as is in the legend here. I believe that the Member is misleading the Assembly with the Auditor General's report.

**Ms. Teixeira:** I have been accused of misleading this Assembly. I was not commenting on what Mrs. Lawrence said.

**Mrs. Lawrence:** You said "to your left."

**Ms. Teixeira:** May I, Sir?

**Mr. Chairman:** Do you wish to have the floor? Yes Madam, you may have the floor.

**Ms. Teixeira:** Thank you very much, Sir, I just want to make it clear because she is accusing me of misleading. I was responding to the Hon. Minister of Communities who said he did not have information. I was not dealing with Minister Lawrence. I was answering the Minister who is responsible and he said he did not have access. He is the one who spoke about the fire, and therefore, I was helping the Minister by pointing out that the information is in the Auditor

General's report. The Hon. Member seemed to be speculating about the source of the information. I am not misleading this House. If the Auditor General's document is not good enough then so be it, I will be misleading this House. The Auditor General's report is what comes to this Assembly and goes to the Public Accounts Committee. The Hon. Member, Minister Lawrence, by the way, is a Member of the Public Accounts Committee. I thought they would start to look, quickly, at this document in the Public Accounts Committee.

*Item 12 75-754: Mahaica/Berbice - Education Delivery - \$20,356,232 agreed to and ordered to stand part of the Schedule.*

**Mr. Chairman:** We will now move on.

#### **CURRENT ESTIMATES - 2014**

**Item 1 01-012 Office of the President - Presidential Advisory (Cabinet and Other Services) - \$32,400,000**

*Item 1 01-012 Office of the President - Presidential Advisory (Cabinet and Other Services) - \$32,400,000 agreed to and ordered to stand part of the Schedule.*

**Item 2 02-021 Office of the Prime Minister - Prime Minister's Secretariat - \$60,000,000**

*Item 2 02-021 Office of the Prime Minister - Prime Minister's Secretariat - \$60,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 3 03-031 Ministry of Finance – Policy and Administration - \$278,281,681**

*Item 3 03-031 Ministry of Finance – Policy and Administration - \$278,281,681 agreed to and ordered to stand part of the Schedule.*

**Item 4 04-041 Ministry of Foreign Affairs - Development of Foreign Policy - \$48,880,000**

*Item 4 04-041 Ministry of Foreign Affairs - Development of Foreign Policy - \$48,880,000 agreed to and ordered to stand part of the Schedule.*

**Item 5 14-141 Public Service Ministry – Public Service Management - \$215,520,000**

*Item 5 14-141 Public Service Ministry – Public Service Management - \$215,520,000 agreed to and ordered to stand part of the Schedule.*

**Item 6 16-161 Ministry of Amerindian Affairs – Amerindian Development - \$8,800,000, \$5,000,000, \$10,000,000**

*Item 6 16-161 Ministry of Amerindian Affairs – Amerindian Development - \$8,800,000, \$5,000,000, \$10,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 7 21-211 Ministry of Agriculture – Ministry Administration – \$479,457,579**

*Item 7 21-211 Ministry of Agriculture – Ministry Administration – \$479,457,579 agreed to and ordered to stand part of the Schedule.*

**Item 8 51-512 Ministry Of Home Affairs – Guyana Police Force - \$47,320,000, \$26,271,708, \$18,596,340**

*Item 8 51-512 Ministry Of Home Affairs – Guyana Police Force - \$47,320,000, \$26,271,708, \$18,596,340 agreed to and ordered to stand part of the Schedule.*

**Item 9 51-513 Ministry Of Home Affairs – Guyana Prison Service - \$35,000,000**

*Item 9 51-513 Ministry Of Home Affairs – Guyana Prison Service - \$35,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 10 53-531 Guyana Defence Force – Defence and Security Support - \$120,000,000**

*Item 10 53-531 Guyana Defence Force – Defence and Security Support - \$120,000,000 agreed to and ordered to stand part of Schedule.*

**Mr. Chairman:** Hon. Members, it is customary that we suspend the sitting at 4 o'clock. I would suggest, with your approval, that we continue, given the late hour at which we started.

**Item 11 72-721 Region 2: Pomeroon/Supenaam – Regional Administration and Finance - \$4,618,800**

*Item 11 72-721 Region 2: Pomeroon/Supenaam – Regional Administration and Finance - \$4,618,800 agreed to and ordered to stand part of the Schedule.*

**72-722 Region 2: Pomerook/Supenaam – Agriculture - \$4,610,000**

*72-722 Region 2: Pomerook/Supenaam – Agriculture - \$4,610,000 agreed to and ordered to stand part of the Schedule.*

**72-723 Region 2: Pomerook/Supenaam – Public Works - \$1,317,600**

*72-723 Region 2: Pomerook/Supenaam – Public Works - \$1,317,600 agreed to and ordered to stand part of the Schedule.*

**72-724 Region 2: Pomerook/Supenaam – Education Delivery - \$34,505,952**

**Mrs. Lawrence:** “72-24 Region 2: Pomerook/Supenaam – Education Delivery”: I did not get up to speak to the other programmes you called, Mr. Chairman, prior to this programme but they all relate to security services, again. In 2014 we were seeking a 29% increase. We did not get it right in 2011. In 2012, we were told that there was an increase in the wages for security services. In 2013, there was another provision sought for security services and here, again, for 2014 another allocation is being sought as supplemental provision for security services again to these various locations and these various departments. Sir, could the Hon. Minister kindly indicate to the House when providing the answer, once he finds all the documents, why the Ministry was unable to budget accurately? Why was the Ministry coming every year for supplementary provisions for security services for the same places?

**Mr. Bulkan:** The questions posed by the Hon. Member are all valid and legitimate questions. It is well known that the period to which this expenditure relates was characterised by one of poor financial management; a period in which there was gross incompetence, where there was executive, financial and other forms of lawlessness. I repeat, these are valid and legitimate questions which deserve answers.

**Mr. Ali:** the Hon. Minister in his response refers to poor financial management. Could the Hon. Minister advise us during which period in the history of our financial management there were no Report of the Auditor General? Could he further advise us if it is not true that for 2014 there is a Report of the Auditor General?

**Mr. Chairman:** Hon. Member, are we speaking on the line item or are we wandering off into other areas?

**Mr. Ali:** No Mr. Chairman. I am speaking on the code number in relation to the answer of the Hon. Minister.

**Mr. Chairman:** Perhaps we should wait until the Minister gives his answer and then we can proceed. The Chair heard the Minister said that these are legitimate questions that require answers. Now, are you going to add to the questions to be answered?

**Mr. Ali:** Yes.

**Mr. Chairman:** Then, please, it is the questions to be answered.

**Mr. Ali:** I will ask two direct questions. Could the Hon. Minister state the period in the history of the financial records of the country...?

**Mr. Chairman:** Is it related to this line item, Member?

**Mr. Ali:** Yes.

**Mr. Chairman:** Hon. Members, the Chairman is a very lenient person. I do not know that I will allow you to proceed in the direction in which you are going. Unless you have another direction in which you want to travel, I would suggest that you do not request to the Chair.

**Mr. Ali:** Thank you Mr. Chairman, I have another direction I wish to travel. Can the Hon. Minister provide the section of the Auditor General's report...?

**Mr. Chairman:** Is that dealing with this line item, Hon. Member?

**Mr. Ali:** Yes.

**Mr. Chairman:** I will not allow that. Hon. Members, I am tempted to suggest that we take the break now, except for the fact that we need to press on, and we need get beyond where we are right now. I do not believe it is overtaking us so quickly.

*72-724 Region 2: Pomeroon/Supenaam – Education Delivery - \$34, 505,952 agreed to and ordered to stand part of the Schedule.*

**72-725 Region 2: Pomeroon/Supenaam – Health Services - \$2,440,000, \$9,343,440**

*72-725 Region 2: Pomeroon/Supenaam – Health Services - \$2,440,000, \$9,343,440 agreed to and ordered to stand part of the Schedule.*

**Item 12 73-734 Region 3: Essequibo Islands/West Demerara - Education Delivery – 22,391,948**

*Item 12 73-734 Region 3: Essequibo Islands/West Demerara - Education Delivery – \$22,391,948 agreed to and ordered to stand part of the Schedule.*

**73-735 Region 3: Essequibo Islands/West Demerara – Health Services – \$7,284,048**

*73-735 Region 3: Essequibo Islands/West Demerara – Health Services – \$7,284,048 agreed to and ordered to stand part of the Schedule.*

**Item 13 74-741 Region 4: Demerara/Mahaica – Regional Administration and Finance - \$9,130,900**

*Item 13 74-741 Region 4: Demerara/Mahaica – Regional Administration and Finance - \$9,130,900 agreed to and ordered to stand part of the Schedule.*

**74-744 Region 4: Demerara/Mahaica – Education Delivery - \$55,911,400**

*74-744 Region 4: Demerara/Mahaica – Education Delivery - \$55,911,400 agreed to and ordered to stand part of the Schedule.*

**74-745 Region 4: Demerara/Mahaica – Health Services – \$13,603,000**

*74-745 Region 4: Demerara/Mahaica – Health Services – \$13,603,000 agreed to and ordered to stand part of the Schedule.*

**Item 14 75-751 Region 5: Mahaica/Berbice – Regional Administration and Finance - \$2,157,600**

*Item 14 75-751 Region 5: Mahaica/Berbice – Regional Administration and Finance - \$2,157,600 agreed to and ordered to stand part of the Schedule.*

**75-754 Region 5: Mahaica/Berbice – Education Delivery - \$1,308,244, \$25,607,000, \$1,416,000**

*75-754 Region 5: Mahaica/Berbice – Education Delivery - \$1,308,244, \$25,607,000, \$1,416,000 agreed to and ordered to stand part of the Schedule.*

**75-755 Region 5: Mahaica/Berbice – Health Services - \$1,401,538, \$1,206,507**

*75-755 Region 5: Mahaica/Berbice – Health Services - \$1,401,538, \$1,206,507 agreed to and ordered to stand part of the Schedule.*

4.26 p.m.

**Item 15 76-764 Region 6: East Berbice /Corentyne – Education Delivery - \$34,350,517**

*Item 15 76-764 Region 6: East Berbice /Corentyne – Education Delivery - \$34,350,517 agreed to and ordered to stand part of the Schedule.*

**76-765 Region 6: East Berbice Corentyne - Health Services - \$ 11,818,024**

*76-765 Region 6: East Berbice/ Corentyne - Health Services - \$11,818,024 agreed to and ordered to stand part of the Schedule.*

**Item 16 77-773 Region 7: Cuyuni/ Mazaruni - Education Delivery - \$26,600,000**

*Item 16 77-773 Region 7: Cuyuni/ Mazaruni - Education Delivery - \$26,600,000 agreed to and ordered to stand part of the Schedule.*

**Item 17 80-804 Region 10: Upper Demerara/ Upper Berbice - Health Services - \$15,028,000**

*Item 17 80-804 Region 10: Upper Demerara/ Upper Berbice - Health Services - \$15,028,000 agreed to and ordered to stand part of the Schedule.*

## **CAPITAL ESTIMATES - 2011**

**Item 1 01-011 Office of the President - Head Office Administration- \$18,494,478**

*Item 1 01-011 Office of the President - Head Office Administration - \$18,494,478 agreed to and ordered to stand part of the Schedule.*



**Item 2 47-474 Ministry of Health - Regional & Clinical Services - \$29,100,000**

*Item 2 47-474 Ministry of Health - Regional & Clinical Services - \$29,100,000 agreed to and ordered to stand part of the Schedule.*

**CAPITAL ESTIMATES - 2012**

**Item 1 03-031 Ministry of Finance - Ministry Administration - Guyana Revenue Authority - \$170,399,839**

**Mr. Patterson:** Agency 03-031 - Ministry of Finance - Ministry Administration: Supplemental being sought of \$170,000,000. I would like to ask the Minister of Finance...

**Mr. Chairman:** Minister, what is the code number to which you refer to?

**Mr. Patterson:** It is the same one, Sir.

**Mr. Chairman:** No. Please tell me the number of the code.

**Mr. Patterson:** Agency 03-031- Ministry of Finance - Policy and Administration. I would like to ask the Minister of Finance to whom this payment was made, the total amount made on this building, if any investigation or due diligence was done before the Ministry expended all this money on the building and the current status of the building after we have not expended all that money.

**Mr. Jordan:** I believe that this is amount was used to retrofit the building that currently houses the Guyana Revenue Authority (GRA). That building, for the most parts, remains unoccupied for a while. I think various services were contracted, including electrical, carpentry, and including purchasing of new equipment and furniture for the building.

Unfortunately the current status, even though it has not been condemned for human habitation, I believe that it should be closed because it is leaking, among other damages which have been done to the building, structural damages. The recent earth tremor added to the woes of the building. At the moment we are thinking of a long-term solution which, I believe, will eventually have it being removed to perhaps a more modern structure that is housed somewhere

else beyond the crowded downtown city of Georgetown. I know partly that this has to do with retrofitting of the building.

**Mr. Chairman:** Hon. Minister, are you through with your answer?

**Mr. Jordan:** I am through.

*Item 1 03-031 Ministry of Finance - Ministry Administration - Guyana Revenue Authority - \$170,399,839 agreed to and ordered to stand part of the Schedule.*

#### **CAPITAL ESTIMATES - 2014**

##### **Item 1 03-031 Ministry of Finance - Policy Administration - \$48,983,535**

*Item 1 03-031 Ministry of Finance - Policy Administration - \$48,983,535 agreed to and ordered to stand part of the Schedule.*

##### **Item 2 21-212 Ministry of Agriculture - Crops & Livestock Support Service - \$10,203,100**

*Item 2 21-212 Ministry of Agriculture - Crops & Livestock Support Service - \$10,203,100 agreed to and ordered to stand part of the Schedule.*

##### **Item 3 31-312 Ministry of Public Works - Public Works – \$347,082,355**

**Mr. Ali:** Mr. Chairman, could I ask a question to the Hon. Minister, in relation to Agency 31-312 which is on the provision for the construction of 30.7km of road from Vreed-en- Hoop to Mahaicony? Could the Hon. Minister state when this project was advertised and when the contract was awarded for this road on the West Demerara?

**Mr. Chairman:** I thank the Hon. Member for his statement. Is there an answer forthcoming from the Minister of Public Works?

**Mr. Patterson:** I will provide the information on when it was advertised as well as when it started. As I am on my feet, Sir, this money is obviously for a payment to the contractors which are Surrey Paving and Aggregate Company Ltd. and BK International. I do thank the former Minister for giving me the opportunity to stand. This also highlights the same issue which my

colleague Mr. Bulkan indicated poor financial planning. It was definitely poor financial planning.

The \$110 million budgeted was totally inadequate. The Government's contribution was 22%. It was a Caribbean Development Bank (CDB) loan. The reason for this is that we proceeded with the work before we move the utilities. That has been the bane of the project management before I arrived there. It awarded a contract and then it was realised that the electricity poles had to be moved, the water lines and the telephone lines. That, Sir, was poor project management. I do thank the former Member for giving me the opportunity to highlight this point.

*Item 3 31-312 Ministry of Public Works - Public Works – \$347,082,355 agreed to and ordered to stand part of the Schedule.*

**Item 4 44-443 Ministry of Culture, Youth and Sport - Youth - \$43,744,022**

*Item 4 44-443 Ministry of Culture, Youth and Sport – Youth - \$43,744,022 agreed to and ordered to stand part of the Schedule.*

**Item 5 47-471 Ministry of Health - Ministry Administration - \$48,906,706**

*Item 5 47-471 Ministry of Health - Ministry Administration - \$48,906,706 agreed to and ordered to stand part of the Schedule.*

**47-472 Ministry of Health - Disease Control - \$2,768,340**

*47-472 Ministry of Health - Disease Control- \$2,768,340 agreed to and ordered to stand part of the Schedule.*

**47-474 Ministry of Health - Regional and Clinical Services - \$400,275,130**

*47-474 Ministry of Health - Regional and Clinical Services - \$400,275,130 agreed to and ordered to stand part of the Schedule.*

**Item 6 48-481 Ministry of labour, Human Services and Social Security - Strategic Planning, Admin and Human Services - \$13, 581,262**

*Item 6 48-481 Ministry of Labour, Human Services and Social Security - Strategic Planning, Admin and Human Services - \$13, 581,262 agreed to and ordered to stand part of the Schedule.*

**48-483 Ministry of Labour, Human Services and Social Security - Labour Administration - \$2,000,000**

*48-483 Ministry of Labour, Human Services and Social Security - Labour Administration - \$2,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 7 51-511 Ministry of Home Affairs - Secretariat Services - \$380, 043,000**

*Item 7 51-511 Ministry of Home Affairs - Secretariat Services \$380, 043,000 agreed to and ordered to stand part of the Schedule.*

**51-512- Ministry of Home Affairs - Guyana Police Force - \$16,300,000**

*51-512- Ministry of Home Affairs - Guyana Police Force - \$16,300,000 agreed to and ordered to stand part of the Schedule.*

**Mr. Chairman:** Hon. Members, this completes consideration of all the items on Financial Paper No.1

*Question*

“That this Committee of Supply approves of the proposals set out in Financial Paper No.1 of 2015 - Schedule of Supplementary Provision on the Current and Capital Estimates totalling \$3,239,601,366 for the period 25<sup>th</sup> October, 2011 to 31<sup>st</sup> December, 2014.”

*put, and agreed to.*

*Assembly resumed.*

*4.41 p.m.*

**Mr. Jordan:** Mr. Speaker, I beg to report that the Committee of Supply has approved of the proposal set out in Financial Paper No. 1 of 2015 and I now move that the Assembly doth agree with Committee in the said Resolution.

*Question put, and agreed to.*

*Motion carried.*

**First Vice-President and Prime Minister [Mr. Nagamootoo]:** Mr. Speaker, are we going on to the Financial Paper No. 2?

**Mr. Speaker:** It is the Supplementary Appropriation Bill, the suspension of the Standing Orders.

**Mr. Nagamootoo:** Mr. Speaker, with your leave I move that Standing Orders 13 (n) and 54 be suspended to enable the Supplementary Appropriation Bill (No.1 for 2015), No. 18 of 2015 to be introduced at this stage.

*Question put, and agreed to.*

*Standing Orders suspended.*

**Mr. Jordan:** Mr. Speaker, in accordance with paragraph 2 of article 171 of the Constitution, I signify that Cabinet has recommended the Supplementary Appropriation (No.1 for 2015), Bill 2015, Bill No.18 of 2015 for consideration by the National Assembly and I now present the Bill to the Assembly and move that it be read for the first time.

## **INTRODUCTION OF BILL AND FIRST READING**

The following Bill was introduced and read for the first time:

### **SUPPLEMENTARY APPROPRIATION BILL (NO.1 FOR 2015) – BILL NO.18 OF 2015**

#### **A Bill intituled:**

“AN ACT to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of the Cooperative Republic of Guyana for the fiscal year ending 31<sup>st</sup> December, 2011, 31<sup>st</sup> December, 2012 and 31<sup>st</sup> December, 2014, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.” [*Minister of Finance*]

*Question put, and agreed to.*

*Bill read for the first time.*

**Mr. Jordan:** Mr. Speaker, I move that the Supplementary Appropriation No.1 for 2015, Bill 2015, Bill No.18 of 2015 be read a second time.

## **PUBLIC BUSINESS**

### **GOVERNMENT BUSINESS**

#### **BILL – SECOND AND THIRD READINGS**

#### **SUPPLEMENTARY APPROPRIATION (NO.1 FOR 2015) – BILL NO.18 OF 2015**

##### **A BILL intituled:**

“AN ACT to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of the Cooperative Republic of Guyana for the fiscal year ending 31st December, 2011, 31st December, 2012 and 31st December, 2014, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.” [*Minister of Finance*]

*Question put, and agreed to.*

*Bill read for the second time.*

**Mr. Jordan:** Mr. Speaker, I move that the Supplementary Appropriation No.1 for 2015, Bill 2015, Bill No.18 of 2015 be read a third time and pass as printed.

*Question put, and agreed to.*

*Bill read for the third time and passed as printed.*

**Mr. Speaker:** Hon. Members, this is a good time to take the suspension. I must add that Financial Paper No.2 still requires our attention when we return at 5.30 p.m. I would ask us all to forego our 15 minutes, so that we can start what we have to do. I apprehend a very long session ahead of us. We will meet again at 5.30 p.m.

*Sitting suspended at 4.49 p.m.*

*Sitting resumed at 5.47 p.m.*

## **CONSIDERATION OF FINANCIAL PAPER NO. 2/2015**

“Be it resolved that this National Assembly approves of the proposal set out in Financial Paper No. 2 of 2015 - Schedule of Statement of Excess (Current and Capital) totalling \$6,471,418 for the period 1<sup>st</sup> January, 2012 to 16<sup>th</sup> June, 2014.” [*Minister of Finance*]

**Mr. Speaker:** Hon. Members, we will continue our consideration of Financial Papers by considering Financial Paper No. 2 for 2015.

*Assembly in Committee of Supply*

**Mr. Jordan:** Mr. Chairman, in accordance with article 171(2) of the Constitution, I signify that Cabinet has recommended for consideration by the National Assembly the Motion for the approval of the proposal set out in the Financial Paper No. 2 of 2015 - Statement of Excess (Current and Capital) totalling \$6,471,145,418 for the period 1<sup>st</sup> January 2012 -01-01 to 16<sup>th</sup> June 2014 -06 -16 and I now move the motion.

*Motion proposed.*

## **CURRENT ESTIMATES - 2012**

### **Item 1 01-011 Office of the President – Administrative Services – \$211,569,998**

**Mrs. Lawrence:** Mr. Chairman, through you to the Hon. Minister, could the Minister kindly indicate to the House – that is if he can find the documents to give the information, but it is if he can - the financial standing for the National Communications Network (NCN) for this period, under this Agency 01–011 for which this excess is being given, Sir? We would like to know whether it was making a profit or a loss and that is why we would have had to spend these moneys in this particular entity.

**Mr. Chairman:** Is the relevant Minister in a position to make a comment on this question? Perhaps we will return to the question when the Minister is in place.

*Deferred to be answered.*

**01-012 Office of the President – Presidential Advisory (Cabinet and Other Services)  
-\$22, 613, 971, \$11,393,208**

**Mr. Patterson:** Through you, Mr. Chairman, to the relevant Minister, Minister of Finance. Could he provide this Assembly with the salaries for these contracted workers? It is not only monthly but we would also like the total package, including gratuity for these things, so that we can know on what these advisers cost the state.

*01-012 Office of the President – Presidential Advisory (Cabinet and Other Services) - \$22, 613, 971, \$11,393,208 agreed to and ordered to stand part of the Schedule.*

**Item 3 03-031 Ministry of Finance – Ministry Administration - \$224,418,997**

*Item 3 03-031 Ministry of Finance – Ministry Administration - \$224,418,997 agreed to and ordered to stand part of the Schedule.*

**CURRENT ESTIMATE - 2013**

**Item 1 01-011 Office of the President – Administrative Services - \$217,194,998**

*5.54 p.m.*

**Mrs. Lawrence:** Mr. Chairman, I would be very happy if the Minister of Finance, when he is going through the archives, recovers the information relating to what percentage of this \$224 million was allocated to the Ethnic Relations Commission (ERC) and if he can also indicate to the House what we were allocating this money for.

**Mr. Chairman:** Hon. Minister, I would wish to know what agency code number you were speaking to.

**Mrs. Lawrence:** Mr. Chairman, I was speaking to agency code 03-031 – Ministry of Finance – Ministry Administration.

**Mr. Chairman:** Hon. Minister is that Financial Paper No. 2?

**Mrs. Lawrence:** Yes Sir.



**Mr. Chairman:** As they say, we have backtracked a bit, have we?

**Mrs. Lawrence:** Sir, my humble apology, but I hope that my question would be allowed.

**Mr. Chairman:** Yes by all means Madam.

**Mrs. Lawrence:** Thank you Sir.

**Mr. Chairman:** Minister of Finance, this is item 03-031 – Ministry of Finance – Ministry Administration. The question has been asked. Hon. Minister, are you in a position to provide an answer to this question or have you taken note of it?

**Mr. Jordan:** I have taken note of the question and I will provide the answer later.

**Mrs. Lawrence:** Mr. Chairman, here again in 2013, I would like the Minister, since he now is in the room, to provide the information with regards to this \$217.2 million that was allocated here. Could he indicate to the House what percentage was given to the National Communications Network (NCN) and what was the financial standing of the NCN at that time? Were they not doing so well or were they turning a profit? Could the Minister kindly inform us for both the years 2012 and 2013?

**Mr. Chairman:** Hon. Prime Minister, during your temporary absence from the Chamber, a question was asked in relation to item 01-011, as well as the question you just heard. I do not know whether you are in a position to offer answers.

**Mr. Nagamootoo:** Thank you very much Mr. Chairman. I would consider this to be the greatest political irony, at least of my political career in this House, that they squander and we have to answer.

**Mr. Chairman:** Hon. Prime Minister we were speaking on the agency code.

**Mr. Nagamootoo:** Yes, I am dealing with that. The subsidies to these organisations – the Guyana Information Services called GINA and the National Communications Network for the year ending 31<sup>st</sup> December, 2012, have been reconsidered as exorbitant sums.

I am not seized with the specific allocations, but I would consider the excess being asked for as a very large sum, having been expended and having been spent. Now, the onus upon us in this

House is to approve the expenses already done, this is like a legal fiction, in order to clear and replenish the Contingencies Fund. The function here today is simply a parliamentary function to clear moneys already spent, accountability for which would be sought later. Judicially and otherwise, accountability has to be given for moneys spent.

For me, both agency codes here, 01-011 and 03-031, I am at this point in time only able to say that the excess amount sought has been spent and that a Minister who had functioned in the former Government, had almost been impeached and taken before the Committee of Privileges for spending these moneys without the specific approval of the Parliament.

Today, these token proceedings are to pass the amounts already spent.

**Mr. Chairman:** I thank the Hon. Prime Minister. You have the floor Mr. Ali.

**Mr. Ali:** Mr. Chairman, the Hon. Prime Minister made a direct accusation that, we on this side of the House squandered resources. In connection with this agency code, could the Hon. Minister point directly to where the resources were squandered?

**Mr. Nagamootoo:** Mr. Chairman, with your leave, the amount voted for in 2012 was \$707 million, thereof, and the amount sought under agency code 01-011 was \$211.5 million. I can inform this House that both the Guyana Information Agency and the National Communications Network, as they had functioned in 2012 in that fiscal year, were misused as propaganda agencies of the then ruling Party and not of the nation. The money had been squandered on political propaganda and not to the interest and necessity of the Guyanese people.

**Mr. Ali:** Mr. Chairman...

**Mr. Chairman:** I have not given you the floor, why are you addressing the Chair? The Hon. Member must allow the Chair to recognise him and then he speaks. That applies to all Members of the House. That is the only way debates will continue in a proper way. Would you like to have the floor?

**Mr. Ali:** Thank you Sir.

**Mr. Chairman:** Please proceed on the agency code that we are discussing.

**Mr. Ali:** Mr. Chairman, in relation to the response of the Hon. Prime Minister...

**Mr. Chairman:** No, to the agency code Sir.

**Mr. Ali:** Yes, under the same agency code. The Hon. Prime Minister said that we squandered financial resources. Can the Hon. Prime Minister point directly to the financial resources that were squandered and how they were squandered?

**Mr. Chairman:** Hon. Member, as regards discussions on any other matter not directly relating to the item before us, I will not permit questions.

**Bishop Edghill:** Do I have the floor Sir? Mr. Chairman, under agency code 01- 011...

**Mr. Chairman:** Agency code 01-011 is referred to twice on one page, with respect to the excesses of 2012, 2013 and again in 2014.

**Bishop Edghill:** It is the same agency code that we are considering, Sir, line item 6321 of 2013.

**Mr. Chairman:** Are you speaking of 2013?

**Bishop Edghill:** Yes Sir. It is the same line item that we are on.

**Mr. Chairman:** It is 2013 – item 01-011 – line item 6321. Do you have a question, Sir?

**Bishop Edghill:** Yes Sir, to the Hon. Minister. Mr. Chairman, could the Hon. Minister confirm that the moneys provided here for GINA and NCN, were moneys that had to do with the - and I use the word - ‘normal’ operations of both entities?

**Mr. Chairman:** I thank you very much. Is the Hon. Prime Minister in a position to answer or does he wishes to put the matter down for another time?

**Mr. Nagamootoo:** With your leave Sir, I could not consider the application of the word “normal” to sums that had not been approved by this honourable House and sums that had been spent, in 2013. In this case, an additional \$217 million was spent in excess of what this Parliament had approved. What is so normal about that, having approved \$582.7 million, and in addition, without the approval of \$217 million? As I said, the token appropriation here is to be able to clear these expenditures, whether they are normal or abnormal. We have a duty to clear

them in order to replenish the Contingency Fund and for accounting purposes. The law will take its course, henceforth after.

**Mr. Chairman:** I thank the Hon. Prime Minister.

**Ms. Teixeira:** Thank you Sir. I just have a question for the Minister, based on his last statement in to response to agency code 01- 011 – line item 6321 dealing with GINA and NCN. Based on his last comment, could he say that Article 218(3)(b) of the Constitution which says:

“If in respect of any financial year it is found -

- (b) that any moneys have been expended for any purpose in excess of the amount appropriated for that purpose by the Appropriation Act or for a purpose for which no amount has been appropriated by that Act, a supplementary estimate or a statement of excess showing the sums required or spent shall be laid before the Assembly by the Minister responsible for finance or any other Minister designated by the President”

Is the Hon. Prime Minister therefore not in agreement with the constitutional vision that allows for supplementary provisions (SPs) and statements of excess to be brought to this House?

**Mr. Chairman:** Is the Hon. Prime Minister in a position to answer?

**Mr. Nagamootoo:** If I may, with your leave, I fully endorse and I fully adhere to Article 218 of the Constitution and this is exactly what we are doing here. We are trying to apply the requirements of the law to almost regularise what had been an irregular expenditure without the authority of this Parliament.

*6.09 p.m.*

**Ms. Teixeira:** Mr. Speaker, is the Hon. Prime Minister therefore saying that, in 2013, when the Opposition A Partnership for National Unity (APNU) and Alliance for Change (AFC) cut the Budget for 2013, they now recognise that they did something wrong?

*Item 1 01-011 – Office of the President – Administrative Services – \$217,194,998 agreed to and ordered to stand part of the Schedule.*

## CURRENT ESTIMATES – 2014

**Item 1 01-011 Office of the President – Administration Services - \$4,979,118, \$1,523,304, \$1,643,586, \$3,409,368, \$29,032,973, \$210,000, \$2,242,449, \$907,009, \$190,000, \$152,064, \$3,047,127, \$865,410, \$30, 193,384, \$4,921,350, \$3,862,213, \$2,449,532, \$1,407,476, \$517,200, \$30,000, \$18,202,882, \$19,737,573, \$51,808,540, \$2,551,072, \$3,265,509, \$1,663,066, \$2,808,362, \$32,740,952, \$1,277,168, \$3,039,135, \$66,400,000, \$33,210,114, \$50,010,000, \$59,034,000, \$7,560,556, \$32,630,466, \$6,858,832, \$4,999,000 and \$121,023,921**

**Mr. Chairman:** Hon. Members, we will proceed to the next code number, which is 01-011. Members will notice that the item numbers are the same. If Hon. Members have other things to say, they have the floor to say it.

**Mr. Patterson:** Sir, under that same line item, chartered account, 6116 - Contracted Employees, I restate my previous questions. Could the Hon. Minister state, for contracted persons, the entire package including their gratuity, as in a comparison so that the people of Guyana can know the cost of the previous Administration to the country?

**Ms. Teixeira:** [*Inaudible*]...who is now in charge of the Office of the President, I believe, that the documents to do with line item 6116, which the Hon. Minister Patterson asked about, were all distributed in 2014 to the Members of the House. The Hon. Minister Patterson was not a Member, regrettably, at the last Parliament. Maybe some sanity might have rained on his side. The fact is that, all this information was distributed - the names of the contracted employees, the amounts of money, their gratuities and the posts they held. The information was circulated in this entire House. Maybe those Members can help the Hon. Minister to find some of these documents.

**Mr. Patterson:** Mr. Chairman, my apologies. This is the Eleventh Parliament. I am asking a question in the Eleventh Parliament, and I do hope that I would be responded to in the Eleventh Parliament.

**Mr. Chairman:** Hon. Members, it now seems as if it is not free for all anymore. Questions are asked and answered on the same side and questions are asked and answered, not by the Minister, but by someone else. Let us proceed.

The other code numbers are also 01-011. If Members would look through the references, all the agency codes are 01-011. If Hon. Members have anything to say, they have the opportunity to do so now.

*Item 1 01-011 Office of the President – Administration Services - \$4,979,118, \$1,523,304, \$1,643,586, \$3,409,368, \$29,032,973, \$210,000, \$2,242,449, \$907,009, \$190,000, \$152,064, \$3,047,127, \$865,410, \$30,193,384, \$4,921,350, \$3,862,213, \$2,449,532, \$1,407,476, \$517,200, \$30,000, \$18,202,882, \$19,737,573, \$51,808,540, \$2,551,072, \$3,265,509, \$1,663,066, \$2,808,362, \$32,740,952, \$1,277,168, \$3,039,135, \$66,400,000, \$33,210,114, \$50,010,000, \$59,034,000, \$7,560,556, \$32,630,466, \$6,858,832, \$4,999,000 and \$121,023,921 agreed to and ordered to stand part of the Schedule.*

#### **CAPITAL ESTIMATES – 2014**

##### **Item 1 01-011 Office of the President – Administrative Services - \$450,648,933**

**Mr. Patterson:** My apologies. Mr. Chairman, I think that you are quite ahead of me. I wanted to ask a question on the same last page on the E-Governance programme.

**Mr. Chairman:** Hon. Member, item 1 is part of agency code 01-011, so Members can range freely. Once I leave agency code 01-011, I may not be inclined to return to it, but please let us hear the new contribution to it.

**Mr. Patterson:** Can the Minister responsible say to this House what was the excess of \$450 million paid for? Who was it paid to? What is the end result of all the \$450 million in excess; what is the final result? I would like those questions answered.

*Item 1 01-011 Office of the President – Administration Services - \$450,648,933 agreed to and ordered to stand part of the Schedule.*

##### **Item 2 03-031 Ministry of Finance - Policy and Administration - \$5,150,375, \$43,257,937, \$424,382,394, \$225,000,000, \$906,117,495, \$115,664,832 and \$67,961,723**

*Item 2 03-031 Ministry of Finance- Policy and Administration - \$5,150,375, \$43,257,937, \$424,382,394, \$225,000,000, \$906,117,495, \$115,664,832 and \$67,961,723 agreed to and ordered to stand part of the Schedule.*

**Item 3 16-161 Ministry of Amerindian - Affairs Amerindian Development- \$306,030,000**

*Item 3 16-161 Ministry of Amerindian Affairs - Amerindian Development- \$306,030,000 agreed to and ordered to stand part of the Schedule.*

**Item 4 31- 313 Ministry of Public Works –Transport- \$359,898,843**

*Item 4 31- 313 - Ministry of Public Works –Transport- \$359,898,843 agreed to and ordered to stand part of the Schedule.*

**Item 5 47 474 - Ministry of Health -Regional and Clinical Services- \$62,722,389 and \$2,683,458**

*Item 5 47 – 474 Ministry of Health -Regional and Clinical Services- \$62,722,389 and \$2,683,458 agreed to and ordered to stand part of the Schedule.*

**Mr. Chairman:** This completes the consideration of Financial Paper No. 2/2015.

*Question*

“That this Committee of Supply approves of the proposals set in Financial Paper No. 2 of 2015- Statement of Excess on the Current and Capital Estimates totalling \$6,471,145,418 for the period 1<sup>st</sup> January 2012 to 16<sup>th</sup> June 2014.”

*put, and agreed to.*

*Assembly resumed.*

**Mr. Jordan:** Mr. Speaker, I beg to report that the Committee of Supply has approved of the proposals set out in Financial Paper No. 2 of 2015 and I now move that the Assembly doth agree with the Committee in the said Resolution.

*Question put, and agreed to.*

*Motion carried.*

**SUSPENSION OF STANDING ORDERS NOS. 13(N) AND 54**

“Be it resolved, that Standing Orders Nos. 13(n) and 54 be suspended to enable the Assembly to proceed with the introductions of the Supplementary Appropriation (No. 2 Bill 2015) - Bill No. 19 of 2015.” [*First Vice-President and Prime Minister*]

**Mr. Nagamootoo:** Mr. Speaker, with your leave I beg that Standing Orders No. 13 (n) and 54 be suspended to enable the Supplementary Appropriation Bills No. 2 of 2015 and No.19 of 2015 to be introduced at this stage.

**Mr. Speaker:** Are you rising on a point of order?

**Ms. Teixeira:** Mr. Chairman, no. I wish to say that we are not opposed to the suspension because this is how SPs and statements of excess are dealt with, except we cannot seem to find, on our side of the House, the Appropriation Bill that goes with Financial Paper No. 2. We dealt with No. 1 which is Bill No. 18, but we do not have Bill No. 19, which was what the Prime Minister just move for second and third readings.

**Mr. Williams:** You can get one copied.

**Ms. Teixeira:** That is not the point, both sides of the House must have it.

**Mr. Speaker:** Hon. Member, I was made to understand that it was circulated today to all Members of the House. Would it be that you perhaps have not got your copy? In which case, perhaps then...

**Ms. Teixeira:** Mr. Speaker, when we arrived, we had been inundated with a lot of materials and information, but I did try to go through them. I am not misrepresenting or misleading this House. I do not have a copy and a number of other Members on this side said that they cannot find their copies either. We all have Bill No. 18, but we do not have Bill No. 19 and that is the issue.

**Mr. Speaker:** Members, I crave your indulgence for a moment while we seek to have this matter remedied.

**Ms. Teixeira:** I just said that we are not opposing the suspension, except that we are bringing to the House's attention that we do not have copies. We are not blocking the procedure forward, but we would like some due diligence to be spent in the future to ensure that we have the documents



in requisite time. We would not block the movement forward of the Bill, assuming that the figures are consistent. I assume that the Hon. Prime Minister has been able to assure us of that.

**Mr. Speaker:** Hon. Member I thank you. My question is though, are you saying that you will proceed without having sight of the document?

**Mr. Nagamootoo:** Mr. Speaker, with your leave Sir. The Hon. Member, Gail Teixeira, has said that they are not trying to block the proceedings, the motion having been moved, but that they would wish for an assurance. I can assure the Hon. Member and this honourable House that, the time that I had moved the motion, I was seized with a copy of the extracts dated 29<sup>th</sup> December, 2015 and it was in relation of the Supplementary Appropriation (No. 2 Bill 2015) Bill No. 19 of 2015.

I am not sure that Members on the other side, necessarily, would want to create a procedural *humbug*. I could share my copy with the learned Member on the other side, so that we could proceed.

*6.24 p.m.*

**Mr. Speaker:** I thank the Hon. Prime Minister for his statement. I asked the Hon. Member, who was kind enough to point out the absence of a document, whether the Hon. Member was saying that we should proceed notwithstanding the fact that she has not received the document. That is the question the Speaker in the Chair may want answered.

**Ms. Teixeira:** Mr. Speaker, in this instance, we would agree to proceed. However, on any other matter, which is not circulated, we would not be so forthcoming. The reason in this case is that the Bill Nos. 1 and 2 were circulated and discussed in the House and therefore, Bill No. 2 should reflect the Bill that is coming from the Prime Minister. I am saying in this instance that we will not object to proceeding. Let us put it that way. We can only say that we would object; we cannot hold this House for ransom. However, in the future, where such Bills and documents are not available, we will be very disturbed. Thank you very much.

**Mr. Speaker:** I thank the Hon. Member. I take it what she is saying is that we can proceed, so we will. The question therefore is that Standing Orders No. 13 (n) and 54 be suspended.

*Question put and agreed to.*

*Standing Orders suspended.*

**Mr. Jordan:** In accordance with paragraph two of Article 171 of the Constitution, I signify that Cabinet has recommended the Supplementary Appropriation (No. 2 Bill 2015) Bill No. 19 of 2015 for consideration by the National Assembly and I now present the Bill to the Assembly and move that it be read for the first time.

## **INTRODUCTION OF BILL AND FIRST READING**

The following Bill was introduced and read for the first time:

### **SUPPLEMENTARY APPROPRIATION BILL (NO. 2 BILL 2015) – BILL NO. 19 OF 2015**

A Bill intituled:

“AN ACT to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of the Cooperative Republic of Guyana for the fiscal years ending 31<sup>st</sup> December, 2012, 31<sup>st</sup> December, 2013 and 31<sup>st</sup> December, 2014, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.” [*Minister of Finance*]

*Question put and agreed to.*

*Bill read the first time.*

**Mr. Jordan:** I move that the supplementary Appropriation (No. 2 of 2015) Bill No. 19 of 2015 be read a second time.

## **PUBLIC BUSINESS**

## **GOVERNMENT BUSINESS**

## **BILL - SECOND AND THIRD READINGS**

**SUPPLEMENTARY APPROPRIATION BILL (NO. 2 BILL 2015) – BILL NO. 19 OF 2015**

A Bill intituled:

“AN ACT to provide for the issue from the Consolidated Fund of the Sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of the Cooperative Republic of Guyana for the fiscal years ending 31<sup>st</sup> December, 2012, 31<sup>st</sup> December, 2013 and 31<sup>st</sup> December, 2014, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.” [*Minister of Finance*]

*Question put, and agreed to.*

*Bill read a second time.*

**Mr. Jordan:** I move that the Supplementary Appropriation (No. 2 of 2015) Bill 2015 Bill No. 19 of 2015 be read the third time and passed as printed.

*Question put, and agreed to.*

*Bill read a third time and passed as printed.*

**Mr. Speaker:** Hon. Members that ends the consideration of Financial Paper No. 2. We had already considered Financial Paper No. 1, as Members would recall.

**UNEQUIVOCAL SUPPORT FOR THE ACTION TAKEN BY THE GOVERNMENT OF GUYANA IN DEFENSE OF GUYANA’S TERRITORIAL INTEGRITY**

“BE IT RESOLVED:

That the National Assembly expresses its sincere thanks to His Excellency President David A. Granger, M.S.S., for Addressing the National Assembly on the controversy which has arisen as a result of the Venezuelan 1899 Arbitral Award being null and void, and for informing the Assembly of the state of relations between Guyana and Suriname; and

BE IT ALSO RESOLVED:

That the National Assembly expresses its unequivocal support for the action taken by the Government of Guyana in defense of Guyana's Territorial Integrity.”

*[First Vice-President and Prime Minister]*

*Motion deferred.*

## **Bills – Second Readings**

### **ANTI-TERRORISM AND TERRORIST RELATED ACTIVITIES BILL 2015 –Bill No. 16 of 2015**

A BILL intituled:

“AN ACT to criminalize terrorism, and terrorist related activities and to provide for the detection, prevention, prosecution, conviction and punishment of terrorism and terrorist related activities.” *[Attorney General and Minister of Legal Affairs]*

**Mr. Williams:** Mr. Speaker, if it pleases you, I rise to move that the Anti-Terrorism and Terrorist Related Activities Bill 2015 –Bill No. 16 of 2015 be read a second time.

This Bill arises in this honourable House at a time when terrorism stalks the world. It has shaken the world to its very core and it is therefore imperative that the nations in incommmodity strived to implement and put measures in place to combat this new challenge, this new enemy. It does not come in the form of mighty armies. A single individual could be deadly. So it is important that we have a regime of laws that could in some way or in large measure, help us to protect ourselves from terrorist acts and the perpetrators of such heinous crimes.

Therefore Mr. Speaker, coming after Paris, San Bernardino - they too came after Mali and the atrocities committed by Boko Haram in Nigeria and other parts of the Africa, it is time for nations to stand up in the fight against terrorism. This Bill that is before this honourable House seeks to criminalise terrorism in its various forms and to provide for the detection, prevention, prosecution and punishment of persons involved in terrorist activities in and outside of Guyana.

The United Nations Security Council Resolution 1566 of 2004 gives a definition for terrorisms as:

“Criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organisation to do or to abstain from doing any act”.

In this Bill, clauses 58 to 59 seek to address the deficiency identified for Financial Action Task Force’s (FATF) Recommendation 35 in Guyana’s Mutual Evaluation Report, which was first published on 25<sup>th</sup> July, 2011. Recommendation 35 requires countries to sign and ratify, or otherwise become a party to, and to fully implement, the Vienna Convention, the Palermo Convention and the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism (the Terrorist Financing Convention).

Guyana acceded to the United Nations Convention against Illicit Traffic in Narcotics Drugs Psychotropic Substances, the Vienna Convention, on the 19<sup>th</sup> March, 1993; the United Nations Convention Against Transnational Crime, the Palermo Convention on the 14<sup>th</sup> September, 2004; and the International Convention for the Suppression of the Financing of Terrorism, and the Financial Terrorism Convention on the 12<sup>th</sup> September, 2007.

However, it is important to note that since the publication of Guyana’s Mutual Evaluation Report in 2011, the Caribbean Financial Action Task Force (CFATF) has published nine follow-up reports for Guyana in which Recommendation 35 was stated as being outstanding.

Presently, Articles 7,8,10 and 11 of the Vienna Convention, which are required to be reduced into our Municipal Law by Recommendation 35, provided as follows:

Article 7 deals with mutual legal assistance in criminal matters;

Article 8 deals with the transfers of proceedings;

Article 10 deals with international cooperation and assistance for transit states; and

Article 11 deals with controlled delivery.

In Article 11 of the Terrorist Financing Convention defines the terms funds, state or government facilitates and proceeds of terrorism. In the Palermo Convention, Articles 7, 18, 19, 20, 24, 25 and 29:

Article 7 deals with the measures to combat money laundering;

Article 18 deals with the mutual legal assistance;

Article 19 deals with the joint investigations;

Article 20 deals with special investigative techniques;

Article 24 deals with the protection of witnesses;

Article 25 deals with assistance to and protection of victims; and

Article 29 deals with training and technical assistance.

*6.39 p.m.*

As I had mentioned earlier, since the publication of the Mutual Evaluation Report (MER) on Guyana in 2011, these are the following reports in relation to Recommendation 35 and Guyana's position in respect of compliance or non-compliance thereto.

In Guyana's first follow-up report, published in November, 2011, the authorities reported that the examiners' recommendations were being considered by the relevant authority. This recommendation was therefore outstanding.

In Guyana's second follow-up report, published in May, 2012, the authorities reported that the examiners' recommendations for the competent authorities to take steps to fully implement the Vienna Convention, the Palermo Convention and the Terrorist Financing Convention had been forwarded to the Ministry of Legal Affairs, which would have referred the matter to the relevant authorities for consideration. The recommendation involved policy issues; it was therefore outstanding.

Guyana's third follow-up report, published in November, 2012, stated that recommendation remained largely outstanding.

In Guyana's fourth follow-up report, published in May, 2013, again, it was reported by the Caribbean Financial Action Task Force (CFATF) that the recommendation remained largely outstanding.

In Guyana's fifth follow-up report, published in November, 2013, it was stated that the authorities had advised that the Bill had been drafted and it had incorporated certain outstanding Articles of the Palermo, Vienna and Terrorist Financing Convention. As such, this recommendation remained largely outstanding.

In Guyana's sixth follow-up report, published in May, 2014, it was reported that the authorities had advised that the United Nations Convention Bill had been drafted and it had incorporated certain of the outstanding articles of the Palermo, Vienna and Terrorist Financing Conventions. It stated that, at the present time, the authorities had advised that research was being conducted to ensure that the provisions of the proposed Bill did not duplicate existing legislations. As such, this recommendation remained largely outstanding.

In Guyana's seventh follow-up report, published in November, 2014, it was stated that in the previous report the authorities had advised that research was being conducted to ensure that the provisions of the proposed Bill did not duplicate existing legislation. As such, this recommendation still remained largely outstanding.

Guyana's eighth follow-up report was published in May, 2015 - that momentous and transformative month. The report stated that the authorities had advised that relevant articles of the Vienna, Palermo and Terrorist Financing Conventions had been included in the Anti-Terrorism and Terrorist Related Activities Bill, which would have been introduced in the new Parliament after elections. [Mr. Ramjattan: Who reported that?] It was your colleagues on the other side. It was reported that the Bill was expected to be enacted before September 2015; as such, this recommendation still remained largely outstanding.

In May of 2015 elections were upon our colleagues on the other side. Notice that they have been largely deaf to the entreaties of the CFATF and the Financial Action Task Force (FATF) regime, refusing to implement.

We come to the ninth follow-up report, this Government's first meeting in relation to this matter. Guyana's ninth follow-up report was published in November, 2015. It stated that the authorities had advised that relevant articles of the Vienna, Palermo and Terrorist Financing Conventions had been included in the Anti- Terrorism and Terrorist Related Activities Bill which would have been introduced in the Eleventh Parliament for passage. As such, this recommendation still remained largely outstanding.

This is the same Bill that the Hon. Member Teixeira said, on the last occasion, was a brand new Bill. This shows that the Bill was in existence for several years. The requirement was outstanding since 2011 and the Hon. Members on the other side failed to implement these recommendations. They never told the public anything and they never consulted with civil society. The Bill was there and was never sent to the stakeholders. They never followed article 13.

There is nothing like when one is introduced to something new. Now that we have introduced true democracy in Guyana, the persons who were erstwhile refusing democracy are calling for democracy. Let the record show that the People's Progressive Party\Civic (PPP/C), while in Government, created the conditions that now beset this country and which this APNU/AFC Coalition Government now has to clean up. We will not allow them to prevent us from doing our duty for the Guyanese people.

It is because of the last Government's many failures to remedy the deficiencies that the people got tired and eventually referred Guyana to FATF. This happened in 2014. That was when Guyana had to arrive at an action plan with FATF. Three of those eight recommendations are outstanding. Everything that affects the Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) regime in this country must be laid at the foot of the PPP/C. I do not know why they are trying to blame this Government that has been in office for seven months, when the very first act of this Government was the passage of the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill into law. *[Interruption]*

*Mr. Speaker pounded the gavel.*

**Mr. Speaker:** Hon. Members, I believe that this is the beginning of a debate on this Bill. It would be true to say that other Members are listed to speak. I wonder if those Members do not



believe that they can do as good job when their turns come; I am sure they can. Perhaps, we could allow each speaker to say what he or she wishes to say and then the speakers listed could take ample opportunity to make their respective points. Please proceed, Hon. Attorney General.

**Mr. Williams:** This is an abject lesson wherein the Members on the other side of this honourable House must appreciate that this nation is no longer interested in playing the games with their welfare and wellbeing that they want to play. They accuse us of no consultation when, in fact, we had embarked on consultations. This Bill was in their possession since 2013 and they never consulted anyone. Now, they have come here and are trying to try to tell us what we must do. Let the record show that, in this honourable House, the APNU/AFC Government has a predisposition towards democracy. Democracy first is our watchword.

Let me address the Bill which ought to have been brought to this honourable House since 2011 but is now here because of this new Government. Part II of this Bill deals with terrorist offences and other related activities under the Act. It states that a person who commits a terrorist act shall on conviction on indictment be liable to death, if such act has resulted in the death of any person and to a fine of five hundred thousand dollars together with imprisonment for a maximum of 15 years in any other case. Other offences include provision of services for the commission of terrorist acts, arrangement for retention of terrorist property and the recruitment of persons for terrorist purposes.

Part III establishes acts intended to endanger the safety of maritime navigation and offences related to delivering or detonating explosives or other lethal devices as offences.

Part IV deals with the investigation of offences. A police officer may apply to a Judge in Chambers for a detention order and power is given to the Director of Public Prosecutions (DPP) for an order for the gathering of information.

Part V deals with the jurisdiction and trial of offences. There is the provision for the applicability of international law for any trial as it relates to terrorist acts.

Part VI provides for the conduct of investigations. There is provision for pre-trial measures and for the rights of persons subject to proceedings under the Act. **[Mr. Nandlall:** We can get

that information from the Explanatory Memorandum.] It is the Memorandum that I am dealing with. [Mr. Nandlall: Deal with the policy of the Bill].

Part VII provides for information sharing, extradition and internal assistance in criminal matters.

Part VIII deals with disclosure and sharing of information. Any person who will assist in preventing the commission of a terrorist act shall disclose that information to a police officer and if he fails to do so, commits an offence.

The policy of the Bill is largely to inveigh against terrorist acts by persons designed and affected by evil intentions.

Part IX deals with miscellaneous powers. The operator of an aircraft or master of a vessel has the duty to disclose information relating to passengers of an aircraft or vessel.

Part X gives effect to certain articles of the International Convention for the Suppression of Financing of Terrorism, the International Convention against Organised Crime and the United Nations (UN) Convention against Illicit Traffic in Narcotic, Drugs and Psychotropic Substances.

This Bill criminalises the persons who assist another in committing a terrorist act. It criminalises accessories before the fact, accessories after the fact, and aiders and abettors of persons who commit terrorist acts. In addition, and this is very important for the Members on the other side, it criminalises persons who recruit terrorist.

**Mr. Speaker:** Hon. Minister, I am sure that, as the presenter of the Bill, you would want the Bill to be spoken to within the bounds of its intention.

**Mr. Williams:** Mr. Speaker, I am not sure if I was misinterpreted. My friends on the other side were saying...

**Mr. Speaker:** Hon. Minister, the Speaker is quite clear in what he is saying and he is suggesting that we try to tailor our remarks within the boundaries of what we know that we should do.

**Mr. Williams:** I was asked by the Members on the other side to get to the policy of Bill and that is why I said that the information should interest the Members on the other side.

**Mr. Speaker:** Did you say all Members of the House? I may have misheard you but I thought that is what you meant.

**Mr. Williams:** They told me to get to the policy and I was saying, “here is the policy.” There were no evil intentions towards the Hon. Members on the other side.

*6.54 p.m.*

This Bill before this honourable House also criminalises persons who equip and train persons to commit terrorist acts. It criminalises persons who raise funds to assist a person to commit a criminal act. It criminalises persons who organise property or deploy property to assist a person to commit a criminal act. Need I go on, Mr. Speaker? I was asked to talk about the policy of the Bill.

Just so that it would not be a problem of density, this Bill comes in a very timely manner. This nation must show that it sets its face against terrorism, terrorist acts and terrorists. Everyone in this country and in this honourable House must provide a united front against extremism. That is what we on this side of the House are demanding.

Just so that the record could reflect my introduction to this Bill in this honourable House, at this point I will stop so that I can hear the responses of the Hon. Members in order to deal with those responses properly when I wrap up the debate.

I ask, as I said earlier, that all the Members of this honourable House, including the Members on the other side, support the passage of this Bill through this honourable House. [*Applause*]

**Mr. Rohee:** Mr. Speaker, let me make it clear from the very outset that any piece of legislation that comes before this House that criminalises terrorism, that condemns terrorism, whichever part of the world it should rear its ugly head, that condemns extremism, which is a manifestation of terrorism, the People’s Progressive Party wholeheartedly, totally and unequivocally would support. We do not need to regale this honourable House about this matter, precisely because the whole history of the People’s Progressive Party speaks to this track record. Anyone who does the research, notwithstanding the recent manifestations of terrorism and the need to introduce legislation of this type, would know that the fact of the matter is that the People’s Progressive Party’s records stand unblemished in this respect.

The Hon. Member Mr. Nagamootoo, the Prime Minister of this country, when the Government attempted in the last sitting to railroad this Bill through the Parliament, made a statement to the effect that - and I will quote what he said. It is in the Hansard -

“The PPP’s obstruction to the Bill is tantamount to providing supper to the criminal enterprise.”

I do not think that the Hon. Member knew the weight of the statement that he made, but when I listened to the Hon. Member Basil Williams making inferences, rather loosely, to the recruitment of terrorists and the training of terrorists...Let us not go back to history. I think we need to, in this debate, avoid that. There is so much in history that could be unearthed. I do not think that now is the time for this country, since we are on the eve of the 50<sup>th</sup> Independence anniversary celebrations, to go down that road. I would wish to appeal to the Hon. Members on that side of the House, now that they are in Government, to be a little more careful and guarded in their statements on matters of this type.

The Hon. Member Basil Williams has a reputation for guile. He just displayed some of it by speaking about democracy and so forth, but I will let that pass. I would not dwell on that. It is not worth it. We do agree that in today’s world the whole question of the need to have legislation of this nature is obviously necessary. We agree that it is a global fight, Guyana is part of the global village, and we cannot fight this matter, in the same way that we cannot fight the fight against drug trafficking, trafficking in small arms or any other malady of a universal nature. Therefore, we are obliged to be part of this journey.

The problem, however, as we knew when we were in Government - I think it was under the stewardship of the then sitting President Mr. Jagdeo...We found it necessary to establish a Governance Unit at the Office of the President, as it was known at that time. We recognise that passing legislation of this type, while it is important and necessary and to some extent mandatory, the problem rests with fulfilling one’s obligations. This is where the challenge lies, Mr. Williams, Hon. Member. Fulfilment of the obligations in many of these conventions and treaties poses challenges to small nations such as ours, which lack or do not have the capacity - human resources, technological and otherwise - to do so.

While we laud the effort of moving in this direction, the challenge will come afterwards. I notice that even in the press conference which was held today by the Commissioner of Police, he himself recognised some of the challenges that the Guyana Police Force (GPF) will face in addressing these matters.

In fact, a delegation that came to Guyana from SIGDA some years ago, in their first report of its visit to deal with this issue, recognised this problem. So, this is one of the challenges that we need to address.

While the Bill has done what did not exist in the past, which is to criminalise many of these terrorist actions, we must take into consideration the whole question of balancing enforcement with the human rights of those who will be targeted and who will be investigated by the Police. The Bill speaks to this matter.

When we speak about a democracy, and since Guyana is party to a host of human rights conventions and obligations, let us not overlook, in our zeal and our zest to pass this piece of legislation, the human rights issues that are connected to the fight against terrorism. Striking the balance is where the challenge lies. How to strike the balance between what we aspiring to do, *vis-a-vis* this piece of legislation, and the human rights of the individuals that might be caught up in this matter?

The safeguards that ought to come in the regulations, which should accompany this Bill, are what we are expecting in the not too distant future. Civil society, although the Hon. Member had not made this point...by the way, we were somewhat upset over the fact that over the Christmas holidays we noticed an advertisement in the newspaper which invited persons to a consultation at the Arthur Chung Convention Centre, which was to be held on the Monday immediately after the holidays. [Mr. Williams: Time was of the essence.] Time may be of the essence, but more haste less speed.

The People's Progressive Party looks to this piece of legislation with mixed feelings because, while we support the Government's efforts to comply with its international obligations, *vis-a-vis* these conventions or the countering of financing of terrorism laws, we want to draw attention to certain matters which we believe...not that they have been overlooked because we have not heard anything to that effect.

The whole question of vesting certain powers in law enforcement, which when balanced against the criminal justice system, must be seen as a very delicate matter. All around the world this is a challenge. Key to pursuing this legislation is a fundamental challenge which countries like us face, that is to say the porous nature of our borders.

Mr. Williams made a statement, which I made a note of, in which he said that one person, singlehandedly, could commit an act of terrorism along the lines of any one of the offences mentioned in the proposed legislation. That is true, but at the same time, it poses the question about whether we have the necessary and requisite resources to ensure that the returning fighters trained by Islamic State of Iraq and al-Sham (ISIS), Al-Qaeda and Boko Haram and who are traversing the Caribbean - the statistics are there and speak for themselves - have the possibility of entering our country because of our porous borders.

*7.09 p.m.*

We know what the challenges are because we have been in the Government. You will now be aware of what the challenges are even more than when you are in the Opposition. Let us not underestimate, with all the foreign fighters returning in light of what is happening now in Syria and Iraq, and we know that many of them have come from Caribbean countries. You ought to know that too because you have the resources at your disposal to be knowledgeable of this. I am not being too predictive. All I am saying is that there is a strong possibility for terrorists, not of the home-grown type that Mr. Williams was trying to implicate in this House, but it is of the type we know that are moving around the world and seeking climates, politically, such as ours, to nestle and create the necessary cells, as we saw in the case of those who were in Guyana and were plotting terrorist activities in the United States. We have had that experience.

The final point which I want to make is this: The Bill in its present form, in my view – I would like the Hon. Member Mr. Williams to clarify this for me - ... When I read in the Bill that the offences do not speak or do not have political implications or a political flavour, I asked myself the question, how can there be so many offences that if or when executed are politically motivated? At the same time there is a clause 49 in the Bill which states:

“For the purpose of extradition and mutual assistance, the offences under this Act shall not be regarded as political offences, or as offences connected with a political offence or offences inspired by political motives.”

There is a philosophical underpinning here because it is known that terrorist activities are usually influenced by religious convictions, cultural convictions, and when executed becomes a political act. That is why I was somewhat confused when the Hon. Member was making inferences about local terrorists. How can this be juxtaposed with...

**Mr. Williams:** Mr. Chairman, on a Point of Order, Standing Order 40 (a). These rules do not permit that, that a Member to draw an inference and impute an inference to another Member, especially if the inference is capable of being interpreted to mean that the Member is criminalising someone or fixing someone with some kind of crime or anything in that genus. Unless I said specifically what the Hon. Member Rohee is saying, I would ask him to withdraw that remark. He cannot interpret what I was saying to mean that. I could say what I want. I do not have to give an inference.

**Mr. Speaker:** Hon. Member, please proceed.

**Mr. Rohee:** Mr. Speaker, I would not go there. I am dealing with the fundamental issue of a terrorist act being political or being non-political. This is a serious issue. My own view is that an act of the nature as described, as spelt out in the draft legislation, is political. Therefore to seek to obviate acts of terrorism, other than political, I believe, is a serious error of political judgement, and not only that but the experiences of other countries around the world. I would wish the Hon. Member makes some clarification on this matter when he returns to his feet.

The draft legislation in its present form I would say is progressive and commendable, but in the context there are still issues that require further consultation. It is too serious a Bill, or the matter dealt with in this Bill is too serious a matter. Let us not underestimate that when we promulgate this piece of legislation, and when the President assents to this Bill and makes it law without the regulations...

To conclude, a group of experts had recommended that what should have happened here was that the Government... That was at the time when we were in the Government, but as the Hon. Leader

of the Opposition said the “King is dead, long live the King.” What we left you now inherit. They had recommended that strategy be formulated. The basis of that strategy will form the framework for the legislation to be drafted. They went ahead with the legislation in the absence of the strategy. I believe that they have not missed the boat in a sense, they can still do the strategy, but they would require consultation and more time from the population. While the strategy and this document ought to have gone hand in hand we do not have that reality right now with us. We have the legislation without the strategy and the regulations.

I would like to appeal to the Members on the Government benches to bring the necessary stakeholders together to formulate a strategy to deal with anti-terrorism and the matters that are involved, and then we could take it from there.

Thank you Mr. Speaker. [*Applause*]

**Ms. Teixeira:** I have heard the presentation by the Hon. Attorney General, and I wish to support my colleague Hon. Member Mr. Rohee on his presentation. This Bill is of great importance and, therefore, terrorism and the way it reflects itself. Since 1934 the United States has been dealing with issues of terrorism and there are various conventions of which, I think, 14 are listed here in this Bill - aircraft, maritime, oil platforms, diplomatic, transnational organised crime, financing terrorism, anti-terrorism and other. Clearly from September, 2001 the levels of terrorism have increased and got worst. Certainly, what has been a challenge globally, and at the United Nations (UN) and other human rights bodies, is the balance, as Mr. Rohee pointed out, between security, public safety and human rights.

This particular piece of legislation before us, it is true that we were looking at, but I want to remind this House that, unlike other countries, Guyana had a Prevention of Money Laundering Act that came into being around 1997 and in 2009 we created the Anti-Money Laundering and Countering the Financing of Terrorism Act (AMLCFT). We came back in 2013 with further amendments based on the issues raised by the Caribbean Financial Action Task Force (CFATF) and the Financial Action Task Force (FATF). The Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill 2013 and 2014, and even what was passed here in 2015, included issues of countering the financing of terrorism, which is an important component of one of the conventions listed here in this Bill. Therefore, unlike other countries which had an



Anti-Money Laundering Act and an Anti-Terrorism Act, and included in the Anti-Terrorism Act issues of countering the financing of terrorism, we had an Act that had anti-money laundering and countering the financing of terrorism and then this draft Bill on anti-terrorism. I believe, when I listened to the Attorney General, that he got the two mixed up or there is confusion.

The Financial Action Task Force, in the documents of October, 2014, and all the documents that led up to the presentation and the strategy that Guyana sent to FATF, which was the 2014-2019 Strategy, dealt with the issue of asset forfeiture. This National Strategy for Combating Money Laundering and the Financing of Terrorism, 2014-2019 was part of the FATF document sent in December, 2014.

The Bills, which the Attorney General brought in 2015, as the Government changed, included asset forfeiture. Some of the things he read, which were not implemented, were not before the Parliamentary Special Select Committee which failed on two counts. The first time we were defeated, the second time there was the issue of the prorogation. Therefore, in the Bills that were brought to this House...One of the areas of weaknesses we kept pointing out, all the time we were waiting for the Bill to be passed, was the issue of asset forfeiture in relation to terrorist activity and the financing of terrorists. However, that was passed here, the AMLCFT Bill, in July, 2015 and signed by the President in July, 2015, regulations were brought in August, 2015 and another set of regulations were tabled on 17<sup>th</sup> December. All the regulations dealt sufficiently and appropriately with the main concerns of FATF under the money laundering Bill.

To make it seem that this Bill is part of the FATF arrangement is incorrect; it is a fallacy; it is just getting things confused. I just want to make that very clear. I have documents to show that to this same House. If one reads the regulations that were tabled in this House on 17<sup>th</sup> December, 2015 they deal with asset forfeiture. If one goes back and reads the regulations of August, 2015, which were drafted by the former Attorney General and his draftsmen, and passed in this House in August, 2015, they, again, deal with asset forfeiture.

*7.24 p.m.*

The problem is that we had not fulfilled all the requirements. FATF states what the weaknesses are. FATF pointed out that one of the issues was the asset forfeiture of financing of terrorism

and terrorist activity. We hope with your December 2015 regulations, which just were, brought, that those will bring us into further compliance with FATF, as a country.

Let us now get to the Anti-Terrorism and Terrorist Related Activities Bill. First of all, in my mind, this Bill is a wicked piece of legislation, and I will explain what I mean, Sir. I do not need you to advise me. It is a wicked piece of legislation from this point of view. Language and recognition are what the conventions asked for to be done, what we were obliged to do and then there were your own things, which you put in, that counteract those same conventions. This Bill purports to deal with international conventions, including the Organisation of American States (OAS) Inter-American Convention Against Terrorism, the United Nations (UN) Convention Against Terrorism. As I said, it is 14 conventions. I believe that Guyana has ratified or acceded to all. Some of them we only exceeded two in 2004 and 2007. The issue of this Bill is that it is incomplete. It has areas that are convention requirements but in the text, in other parts, it totally contradicts what a convention requires.

Let me give some examples of that. That is why we believe strongly that Guyana should have an anti-terrorism Bill. We have no objections to doing that, but we need to sit and use the best brains that we have in this country to come up with something that is not a draconian legislation - in which it could be used against any and everybody - and one which upholds your global responsibilities. But also it is one in which it will be effective and able to implement. Let me give some examples. We cannot play lightly with treaty responsibilities agreed. We have a responsibility with FATF, to human rights, environmental agencies and all sorts of things.

We have, as I said, signed a number of conventions and we do know and we did explain to the United Nations Office on Drugs and Crime (UNODC), which encouraged us to move in this direction, but recognise the point that Hon. Member Mr. Rohee pointed out, implementation and at the same time we were struggling in Committee with the Anti-Money Laundering and Countering -Terrorism Financing (Amendment) Bill. However, if one takes this Bill, as is, and ramrods it through today, you are passing an extraordinarily dangerous piece of legislation. Let me say why. We have signed the International Covenant on Civil and Political Rights. Guyana has a reservation which has to do with the death penalty. We have not hung anybody, executed anybody, from 1998, remember that. A few weeks ago the European Union had a workshop calling on Guyana to abolish the death penalty.

However every time we have gone before the UN Universal Periodical Review (UPR), 2010 and 2015 - I believe Minister Trotman went to the June session of the UPR and we went to the January one - in which the issue of the abolition of the death penalty was raised, though none of the conventions, which the Bill purports to include and to make into law, have any offences that required death sentence. We amended the Criminal Law Offences Act in 2010, section 101, to remove the mandatory nature of death sentence and included a number of categories, including parole, life imprisonment, and specific areas where death penalty was called for.

In this Bill, “death sentence” is listed and the language that has been put into the Bill is one in which that a person is liable to be sentenced to death. However, why I am saying that this is a wicked piece of Bill is because the Hon. Member has brought amendments, today, which are on your desk, that change the language, and now states not that a person is liable to be sentenced to death, but that... Let me just read one of the amendments.

‘3(1)(a) Substitute –

“(a) be punished with a fine of not less than one million five hundred thousand dollars together with death, if such act has resulted in the death of a person.”

Right through, the amendments, which the Hon. Member have brought, are making the Bill, before us, even more horrific because it is stating, now, that is not that on conviction, indictment a person is liable to death. It is stating that a person will be **fined together with death**. If my dear friend Mr. Greenidge is saying that it does not have to be that. I am just an English reader Mr. Greenidge. Go down to clause 20, sub clause (2), together with death. The sub clauses, from clause 21 he has amended all these clauses - clauses 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34 - substitute the words “be punished with a fine of not less than one million five hundred thousand dollars together with death, if such act is resulted...’

It is not just one clause the Hon. Member has amended. He has amended all the clauses, which were in this Bill, that talked about a person is liable to be sentenced to death to now saying that a person is fined and sentenced to death. I do not know if Mr. Winston Felix and all those people, on that side, with security and defence and everything...and if the Defence Board of the new Cabinet is pushing for this. I will tell you that the original draft of this Bill went to the Defence Board under our Cabinet. It was discussed and it asked for us to hold it for a while. It was for us

to get through with the money laundering Bill, to get the elections and then we turn to deal with this in a much more profound manner.

You are saying that someone is going to be put to death by association, so it is not just if someone dies. He and I may have had a drink and he is now found guilty of a terrorist activity, I am now his accomplice and I have to be put to death too? I did not mean to choose Mr. Ali. I apologise Mr. Speaker, especially to my colleague here, because of who he is and the fact of his religion, every time he goes through certain airports he faces...

When we come to human rights issues, the issue of politics, race, ethnicity and religion cannot be ignored. Every time some people go through an airport with a name that is Islamic, look like or do not look like, it does not matter, it is a problem and they are searched. This is because they are linking Islam and it is terrorism and it is *Islamophobia*.

The issues to do with the human rights aspects, this Bill is taking us beyond what the laws that we have lived under for the last 30 years and what we amended in 2010. If we have a law in 2010 that was amended to say the death penalty is not mandatory and we brought other categories in, more like the American format, and also included parole and life imprisonment, why are we now taking this Bill to make it worse or more stringent than the Criminal Law Offences Act of this country?

There are some other issues that I want to raise in this Bill. I looked up the Jamaican Terrorism Prevention Act and it is a relatively new Act; it came in 2005. I could give this to you, Mr. Speaker, for the Clerk and anybody who wishes to see it. It is on the Ministry of Legal Affairs website of Jamaica, Terrorism Prevention Act, arrangement of sections. Its Act has similar offences as our, similar definition of terrorism. It, of course, includes assets forfeiture which ours does not. The interesting thing, Mr. Speaker, is that at no part in the Bill is added, the Jamaican Act,... It talks about life imprisonment, if anybody is killed as a result. At no point in the Jamaican legislation does it call for the death sentence or does it call for it together with death, but it is life imprisonment. It has other aspects for milder offences that are 10 to 20 years, and so on.

Furthermore, in the Jamaican legislation, what I thought was a really good thing that we should even consider in our legislation is the issue of ... It is because of the sensitivity of the legislation

and recognising too that terrorism is also going through its own changes and metamorphosis in different parts of the world that it actually states that this Act should be reviewed by a joint Special Select Committee of the House of Parliament after the expiration of two years. This allows for the bipartisan approach by a joint Select Committee in the Jamaican Government because it has a two-tiered Parliament. That is why it states a joint Select Committee. We are a unilateral Parliament and therefore the issue is making sure that this is under supervision and to ensure that there is no abuse.

The conventions, which this Act follows, also have problems with that because the Act... All of these follow a similar model. The OAS Inter-American Convention Against Terrorism uses the same instruments and conventions that are in our Bill. However, it also refers to FATF, and stuff such as that, but it keeps talking about the need for mutual legal assistance. Guyana signed the Convention on Mutual Assistance in Criminal Matters and the Convention on Mutual Assistance in Legal Matters as well. We are part of these conventions of the OAS Inter-American level and this allows for cross border relations and sharing of information. Unfortunately, part and parcel, it is that in many cases there is no reciprocity so that if we are looking for somebody we could ask another country or share that with it. We do not have, and particularly from our northern neighbours, that kind of sharing with us in terms of the intelligence sharing and sharing of information in -particular to terrorist activities or other activities.

In the Bill, as most Bills such as this, there is reference to the UN Security Councils periodic release of names of persons who are on terrorist lists, terrorist organisations, organisations that are believed to be linked to terrorist activities. It is to send off that kind of list to Ministry of Foreign Affairs and then the Ministry of Foreign Affairs shares that with the security forces of the country. There is a concern in the Inter-American conventions as in the UN convention.

*7.39 p.m.*

There are some issues even at the convention level that concerns me. We have to comply with the conventions because we have signed them, and in some cases we have not. When it comes to the word “surrender”, there is a clause in our Bill talking about “surrender” and “transfer”, of someone from our country to another country. I am not talking about extradition. The Bill makes

a very clear distinction between “extradition” and “transfer.” [An Hon. Member: It is a rendition.] That is what it is.

In the Jamaican version, it goes through a whole procedural thing. It has added that to ensure when a country wants to surrender someone to that country or transfer that person, it has to go through the courts. It is a long process. However, in our Bill the only thing we have included for the convention is that the person must freely consent. The person who is being transferred or surrender must freely consent.

I want to know if a person gets locked up and a foreign country wants to investigate and question that person, and the security tells that person, “well, another country wants you”, and the person says, “I do not want to”, I want to see what will happen. The requirements are very clear: when a person is surrendered or transferred from our soil to another soil, the person is kept in custody. The person is detained until that country is finished with that person’s investigation or questioning or whatever it needs. Then that country is supposed to return that person, but in the Jamaican legislation, as in the convention, it just states that the country cannot charge that person for any other crime other than what it has asked the person to go for – this is to surrender and transfer. The Guyana Bill adds in that, however, if a person goes back or stay over – I guess this means that the person has ran away or escaped – then the person can be charged. In some parts of the Bill we are over exuberant. We are trying to over prove ourselves.

The other thing is the person must freely give his or her informant ... Therefore, if we are going to agree to surrender or transfer, as the conventions have it, then we must put safeguards in. In many of the Latin American countries they refuse to extradite persons who are their nationals. Our extradition law allows us to extradite persons who are our nationals but on certain safeguards. Safeguards, being that there must be no indication that the person, who is being asked to be extradited, that it is based on one’s race, ethnicity, religion, politics, and so on – that it must not be. If that is the case, our law states that that person is not to be extradited. The conventions define that these are not political offences and therefore...

However, there is a saving grace which our Bill, the Bill here, before us, does include but it needs to be strengthened, in that the country cannot say that it is not going to surrender, transfer or extradite a person if it believes – I am just paraphrasing because that is not the exact language

in the paragraph - that there is an abuse or intention to abuse by the country, same party asking for that person of political, ethnic, racial or other things.

There is some other over exuberance in this Bill too which the conventions do not ask for. I cannot understand why there was this over exuberance. For example, when there is information to do with the terrorist activities or whatever, it is understood that the police inform, or whatever intelligence unit, or security unit, or whatever, the Minister of Public Security, and that is understood. Then it goes on to state that the Minister of Public Security then calls up the foreign state and starts telling it and can give the information to any foreign state. It does not have to be the foreign state that is relevant. I am not quite sure why that is required. I understand; I have been there. I was the Minister of Home Affairs too, Mr. Ramjattan, and I know the sensitivity as a Guyanese, and as a Minister that we have to hold our information. If there is a Guyanese or person who is a suspect, the police, who are investigating, are not finished, why would we put in to the Bill this kind of immediate approach conveyance? I do not think that it needs to be legislated. The conventions state mutual criminal assistance on criminal matters, mutual legal assistance between the conventions, state parties communicate with each other and set up what are called interlocutors, who are going to be the interlocutors on both sides. It does not mean a Minister directly, it could be sometimes, but it is the central authority that is going to be the interlocutor on the anti-terrorism issue.

Why is the Minister being the conduit of this kind of information directly? Now, one can say an attack can happen tomorrow and obviously these are things you would act on, but you do not need to legislate in such great detail. [Mr. Jagdeo: It makes it liable.] Yes. Thank you. If anything goes wrong it is the Minister's neck will be gone. Then nowhere in this Bill is there any issue of reciprocity. There is nothing in the Bill that states that we expect, or that we can contact a state party to get the information if we are at risk. There is nothing in here that really allows you. It keeps talking about a requesting party, that we are at the receiving end of the request.

The other issue with the Bill... Again, let us go back to the balance issue that Hon. Member Rohee raised, about this Bill. That is why it did not pass, Attorney General, because the Attorney General does not listen half of the time. I do not mean that in a negative way. I am just stating factually. I have known my friend over there for a long time and I have sat on many Committees with him. I have met with my colleague over many times, on many Committees,

over many years. The Cabinet of the People's Progressive Party/Civic (PPP/C) did not proceed on this in order to complete the Anti-Money Laundering Bill and to allow us the time to go through some of these very difficult, and dangerous in a sense, aspects that we would have to make sure that we balance between the security concerns and the human rights issues.

I want to say - please do not forget, whilst - there has been a lot of focus on the terrorist activities, and this is not to in any way miniaturise what is going on in many parts of the world. We must also remember that there had been abuses of secret prisons, of rendition of young 12 and 14 years old Muslim boys, in particular, being picked up and placed in secret prisons in parts of Europe. We must not forget about Guantanamo Bay Naval Base where one of the last prisoners, coming out, was a boy who went in when he was 12 or 13 years old. There were no trials despite the international conventions. If we are going to uphold international law, humanitarian law and international conventions, which we have signed, then we must comply and that means that the secret... Some of these activities have gone on in the United Kingdom (UK) of people being held for 90 days, and more without being charged, of secret trials. Or people being kept under house arrest for years never being charged, yet they are under terrorist watch. Now, again it is the balance, how do we balance? Therefore we have to be careful. I am saying that the Bill, and the enormity of it, requires that we take the time. This country has had activities that maybe under some of these definitions could be called terrorist too, but we are not going there, we are just saying that.

The last thing I want to say is that article 15...I am just using one of the conventions but all the conventions have the same in various forms, similar overlapping language. Article 15, "Human rights", of the Inter-American Convention Against Terrorism, page 6:

“1. The measures carried out by the states parties under this Convention shall take place with full respect for the rule of law, human rights, and fundamental freedoms.

2. Nothing in this Convention shall be interpreted as affecting other rights and obligations of states and individuals under international law, in particular the Charter of the United Nations, the Charter of the Organization of American States, international humanitarian law, international human rights law, and international refugee law.



3. Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including the enjoyment of all rights and guarantees in conformity with the law of the state in the territory of which that person is present and applicable provisions of international law.”

We could go on with a number of things on the law. Mr. Speaker, I am really hoping... I am a bit of a bad behaved person in the National Assembly, as you now know, but I am appealing to the Minister, and I am appealing to the Leader of the House in particular, that this Bill should go to a Parliamentary Special Select Committee. If this Bill passes with the amendments that this Attorney General intends to bring, which is putting people with a fine together with death, this country would have gone backwards many years in its democratic laws and foundations.

Thank you very much. [*Applause*]

**Mr. Speaker:** Hon. Members, I believe we can have a break which will allow us to return here by 8.20 p.m.

*Sitting suspended at 7.52 p.m.*

*Sitting resumed at 8.38 p.m.*

*8.39 p.m.*

**Vice-President and Minister of Public Security [Mr. Ramjattan]:** Mr. Speaker, just before we adjourned, I was asked the question on what will be my response to Hon. Member Mdm. Gail Teixeira. I thought it fit that I told her then that draconian times demand draconian measures. I want that to be recorded here, specifically because that is what the exigencies of the time demand – draconian measures.

Even the People’s Progressive Party (PPP) knows that there is today a global war on terrorism and that we cannot, in any way, distance ourselves locally from that global set of initiatives being taken by countries all across the world, especially what we regard and call the liberal democratic countries of the world.

One big policy behind these sets of initiatives is preventing the emergence of what is called safe havens for terrorists. The prevention of safe havens must then mean that at the national level we dissuade any potential terrorist from ideas of thinking that they can have a place to reside. That is what this Bill seeks to do!

This Bill will be a challenge to all of us because I know that on both sides of the aisle, there are many of us that are from a human rights background. Whether we are lawyers or politicians, but that is the challenge in these times. I have heard from Members on the other side what it is that we have to do in relation to the criminality that has seen an upsurge in our country and some of the draconian measures that we have to take.

In any event, we must be measured and cautious in what we do, but when it comes to terrorism, which is by far a more serious offence than all the other related offences surrounding it, we have to be extraordinarily determined that we must not have terrorism cultivated in our territory.

That is why I rather suspect that even when this Bill was in the Cabinet of the PPP's Government, they too had to conjure up these ideas of how what activities will be an offence and how definitive they must be in relation to the sentencing of those activities.

We can prevent the emergence of these safe havens through a variety of ways. We are not in any way inventing the wheel here because other countries which have suffered at the hands of terrorists, have passed through and rode through that journey as it were. We have to ensure that this kind of safe haven is not created here, by virtue of ensuring that we prevent recruiting, training grounds and the operationalising of whatever might be the potential cells that can be formed.

We must also see the need to prevent the financing of terrorism, because without money the terrorist cannot go any distance; and, that is why it is necessary that that also be an important aspect of preventing and dissuading.

We also have to create offences and have draconian sentences for those offences and for those who aid and abet these activities. That is what this Bill does.

It is our policy as a Government, and I am certain it was a policy of the PPP Government too, to strengthen our capacity in a matter of such vital, national, regional and international security.

Terrorists exploit ungoverned areas. They take sanctuary where the laws are lacking and where there is a lack of policing and a will to police. We must not allow that in this country. We must not allow that set of deficits to be exploited by these terrorists. What we are doing here by this Bill is merely denying terrorists that sanctuary that could be potentially here in Guyana.

We are emphasising through this legislation to the modern liberal world, especially our friends like the American, British, Canadian and European (ABCE) countries... [Members of the Opposition: Ahhh!] Yes, we are friendly with them! We are merely emphasising, through this legislation, to the modern liberal democratic world, that we are not a rouge State - understand that! We have to show consensus on the condemnation of terrorism the world over which threatens democratic nations, like Guyana, in the region and even outwards - South America, Central America and the United States of America.

What terrorism does is to challenge democratic values. I will come to the point made just now, about when we have to deal with extradition and the political character of extradition and so on, to meet the argument of my learned Colleague, Mr. Rohee, that indeed this *terrorism thing* takes on a political flavour largely. As the studies have revealed, the radicalisation that sends them into that extremism, is one to do with the cultural values of having rights of living the free life, women inequality and free vote at regular elections. All of those things are touched and so it has inherently, in the attack of our liberal democratic order, a political flavour which is being assailed by these terrorists.

To that extent, one is not saying that, because of that political flavour, we are going to attack also with draconian measures as these, politically. No, we will not. We are a constitutional democracy and we must rebut by virtue of what is called a legal order. A legal order, as is well known to this country, has to do with the making of laws in an institution that will be deliberative as this Parliament of Guyana. That is why I like what I see - the debate - with very good points being made by Members across the aisle. But we have to make a consensus ultimately. This is very important.

In that consensus, we have to ensure that the fund-raising of terrorism, the moneys, the properties that they can own, the buying of guns and all the other devices that this Bill talks about, are halted. We have to deal with questions of the falsification of documents that can see terrorists

moving easily across national territories. We have to commit to fight the battles in all its facets. When they have that capacity, terrorists and all those who aid and abet them, those who can be in illicit drug-running, illicit arms and ammunitions running, can intimidate the legitimacy of the state of Guyana. To that extent then, that intimidation must be nipped in the bud by virtue of certain measures taken that are consonant and consistent with what happens in the world over.

This kind of democratic measure that we are taking, and it is, because of the fact that we are in a deliberative institution duly elected not too long ago, means that we have to, in a sense combat it through certain policy-decisions. We have to cooperate on border control to scrutinise the flows of illicit goods and these terrorists. We have to cooperate and exchange information at the national and international intelligence agencies about those who are suspects and all of that. We have to have technical and security cooperation with the big countries that are far more advanced than us, in relation to matters dealing with terrorism. We have to have information on the clearance for transfer of suspects and to distinguish them from refugees because we can have situations where persons are coming as refugees and because of certain attributes we want to associate them with terrorism. We have to make those kinds of distinction.

This Bill, to a large extent, goes towards *statutising*, if I may use that word, those sets of policies. It is important then that this Bill be supported. [Mr. Nandlall: Why not death?] Just to respond to the comment just made, it does affect me personally, yes – the death penalty. I have always argued against it, but as I have just said in my opening report, draconian measures are needed. Even the argument has been made by Members over there that, for murder, a person must be hanged, although quite frankly, over there they never hanged anybody, ...not that I know of.

It has a dissuasive effect as I have said and that is important. Because when people feel that they could terrorise in accordance with the provisions of this Bill and not be hanged, it might not have that preventative dissuasive effect. It is important then that, this right that we do have in the Constitution – the right to life - although we do have the penalties of death, it brings straight home to me, the necessity of this collision course being in a way, hard to respond to. It is. It is not a contradictory.

The Members over there, in certain legislation that they passed, also passed, almost in identical terms, those some years ago. **[Mr. Nandlall: Which one?]** Alright, you will hear from our learned Attorney General.

*Mr. Speaker hits gavel.*

You seem to become a *Rip Van Winkle*.

So, if I may say Mr. Speaker, it is not as wicked as Mdm. Gail Teixeira is indicating.

I wish to address some of the challenges...

**Mr. Speaker:** Is the Hon. Minister referring to the Hon. Gail Teixeira?

**Mr. Ramjattan:** Yes, Hon. Gail Teixeira.

**Mr. Speaker:** And the Hon.?

**Mr. Ramjattan:** The Hon. Clement Rohee.

**Mr. Speaker:** Oh Clement Rohee. Thank you,

**Mr. Ramjattan:** Yes. They were very honourable this evening, I must say. **[Ms. Teixeira: Inaudible]** You did not and thanks very much for that because I am certain that this is giving you trouble just like it is giving us.

*8.54 p.m.*

Mr. Rohee, in the challenges he annunciate, has indicated a very important point, one that we have to be mindful of, and that is the resources that will be required in relation to ensuring that this Bill is implemented to its full effect. That is true. Literally having so many offences and having a brand new regime in relation to our criminal law would require lots of resources. The technical training and cooperation that we would have to enter now with the overseas countries in relations to matters of dealing with terrorism required resources. Top quality police men, police recruits, training overseas and here in Guyana - all of that, better facilities probably to detain these terrorists so that their brethren do not come to break down a jail just to get them, top security facilities would have to be created, and all of that.

Oh yes! I agree with him, but that does not necessary mean that we must not pass this Bill because we have a lack of resources to ensure its implementation. The dissuasive effect of it alone has merits in relation to its passing, rather than saying that because we do not have the resources we must not pass it.

Then of course, as I had mentioned earlier, the Human Rights issues. The Human Rights issues will always be whenever we are creating offences under the criminal law - always. Justice is going to be demanded by even the terrorist. Even the terrorists want justice when we catch them. Indeed, the safeguards are always in our law; the Constitution - presumption of innocence and the right to Counsel. All of them would have those that are inherently constitutionalising the provisions of our Cooperative Republic Constitution.

So, that has not been taken away. I want it to be understood that this Bill creates new offences and, that in the creation of those offences, one should not necessarily see an offence to human rights. As I have said in relation to this new global order where we have this new development of terrorism, we have to do the creation of these offences at the national level before we can have investigations, prosecutions, and convictions. It must not be seen that because we are making new laws and offenses, it necessarily means that what will follow automatically means abuse of human rights.

Of course, there can be abuses, but just like in our existing regime in the Criminal Law Offences Act where we saw at the Lenora Police Station police burning the genitalia of little boys, we can still have that. But that does not mean that we must not pass the Bill. To the extent that it could be very good for those who may want to give it a flavour that human rights abuses might occur inherently because of the creation of the offences, it does not necessarily follow.

Similarly, I must commend the former Minister of Home Affairs for the argument that our borders are extraordinarily porous. Yes, it is a genuine geographical nightmare we have there. But without these brand new offences, we are having some problems as of right now because of a lot of guns coming in through the two countries to our west and lots of bad characters, in a sense, coming through those porous borders. But that is the existing reality. That is something we have to strengthen so as to avoid more of the bad people bringing in bad objects at all. It is important then that that also not be a sufficient reason for not wanting to pass this Bill because

our porous borders will remain. It is a long border. But because the border is porous necessarily it follows that we must pass not the Bill? It could not be logical, neither could it be right, nor could it be just.

It is important that though these are genuine concerns from a person that I know who has genuine concerns on matters like these, indeed we still ought to, when weighing the balance here, come to the conclusion that yes indeed this Bill should be passed. And of course, we are doing something about having greater surveillance on our borders with Venezuela, Brazil and Suriname and even in our Atlantic Coast. We have to. The resources will have to be found and we have to get aerial surveillance; we have strengthened border patrols; and police men on horsebacks. It is important.

A lot of people laughed when we spoke about horses, but one of the best ways of getting that border that is so porous for some of you over there, is to get the horses and patrols, and speed boats, metal boats and all of those to ensure that we get proper surveillance and protection for the borders. [Mr. Nandlall: *Inaudible*] I agree with him too that a strategy is required and we are working on a strategy. We must work on a strategy. It is important that all of this be done “together with”, do you remember the two words they were “critical of”? Together with the fact that the Bill must be passed. Yes, we must find the resources; we must have a strategy; we must ensure that the porosity of our borders is stacked up with at least some surveillance and so on, but together with all of those; “together with” we must also pass this Bill.

I come now to the importance of this Bill, as you know Hon. Gail Teixeira, it is that it be passed as early as possible so that we dissuade - when people feel that it is a safe haven - I hope that you understand the argument. The more time lapses and they feel that it is a safe haven they are going to come here. Let us get this Bill passed and all of that would happen. I also feel that the Hon. Gail Teixeira should be asked the question of where does she stand on this Bill? [Ms. Teixeira: I have made it clear]. I am not so clear as to how clear you are. It might be a nice headline, “Ms. Teixeira says that this Bill is a wicked Bill”. I hope that could be in the headlines tomorrow. [Ms. Teixeira: A wicked piece of legislation. I did not say it was a wicked Bill.].

These sets of measures are going to be the hazard of all kinds of security minded lawmakers - always. I remember the Patriot Act of America; I remember a number of Acts in England and indeed it created a crisis of the conscious as it were. [Mr. Ali: Oh really?] Yes it did, because the liberal democratic order would like to see human rights and would like to see the democracies on all of that. But indeed, if to secure the democracy and the human rights of the majority of the people of the country, as against a few terrorist we have to do this, then let us do this.

I recall, and this was in my practice days at the Criminal Bar, how difficult it was for England, the country that we take our jurisprudence from largely, although we now go to other territories like India, America, Australia, *et cetera*. It was always a difficult thing. They had to make up their minds and it was from very early. I have gotten the bible on Criminal Law here, the legal text called Archbold, and at page 2335 the editors are indicating how difficult and piecemeal the legislation had to be. So, not because we have a piece of legislation that might be regarded as “wicked” now, we will have to make sure that we constantly go back to it to ensure that it is refined further still for the purposes of meeting the requirements of our liberal constitutional democratic order.

Imagine it started off, as the editors said, with an amendment to the Anti-Terrorist Crime Bill in 2001 and I think that came as a result of the 9/11. Then this came with another big Bill, the Crime International Cooperation Act of 2003; then what they call the Security Bill, the Serious Organised Crime and Police Act (SOCPA) 2005; then the Terrorism Act in 2006; the Counter Terrorism Act in 2008; Crime and Security Act in 2010 - and by the way this is the 2013 edition - and the Protection of Freedoms Act 2012. The English men knew that there were challenges to all of these very draconian measures and, what they did was to say that we have to meet the demands today and they passed their law and then they passed another one to meet another demand, and when, of course, as the British would normally in relation to their jurisprudence, dealing with it in that piecemeal fashion, they realised that they had to pass a certain Protection Freedom Act in 2012.

We might very well have to go that course, depending on what we see as the product of the implementation of this Bill. So, that is how countries make laws to then capture the moment in relation to matters that are going to be violations thereof or not. That is how it must be done. But



they did not come to the realisation in 2001, bright people as they are, that we must not pass a Bill in 2001. No they passed it. They saw that some remedies were needed, passing one in 2002, then one in 2004, 2006, 2008 right up to 2012.

I am urging that we, in this Parliament, have some self-belief in what we are doing. This self-belief must come from both sides of this aisle because this Bill, as we now know, was found in the Attorney General Chamber by the present Attorney General as being the handy work of Mr. Anil Nandlall. So, there we have, basically, the argument as to why there must be some harmony. At least it is important to understand then that there is commonalty here and I was glad when Mr. Rohee was trying to make an argument that yes we would support the Bill, but these were the concerns. Those are exactly the concerns of this Administration, but that does not mean that we must not pass it. We have to then urge that we have the passage of this Bill in the context of what the provisions are here.

Yes, in every democracy we will have disagreements in certain provisions; every democracy that passes anything we will have arguments for and arguments against. So, notwithstanding the formidable arguments, it does not mean that we do not do anything and we allow Guyana to become a safe haven; we allow the financing of terrorism; we allow porous borders; we do everything and we just come to a halt. It is important then, Mr. Speaker, that we do that. The contents are very clear, the convention offences, the sharing of information, mutual assistance, the disclosure clauses, and all are important.

*9.09 p.m.*

Some people feel that we are now doing a wrong thing by going the great leap of rendering. I believe that sometimes it is necessary that when certain information comes from another country that a person is a suspect and a known one, that the extradition process is an extraordinarily lengthy one and so a transfer could be done. If Members feel that that is wrong, well fine, I could understand your argument. I really understand your argument. But if there is a need for you to render someone and even the British have been rendering onto the United State and Europe, certain people who had been committing serious offences. Why not Guyana?

We might want to say that our sovereignty is being violated because there is no reciprocation, but we are exhibiting sovereignty when we say, well fine, if a mister X is being asked for and the

information comes to the relevant authority, which is largely going to be the Minister of Public Security and it is checked through, there is the information needed and you make up your mind, you could send the person. I feel that that is a necessary tool to fight terrorism. It is a tool that we would not want to deny ourselves.

So Hon. Members over there, please I urge, and as I started, draconian times demand draconian measures. Thank you very much. [*Applause*]

**Mr. Nandlall:** Thank you very much, Sir. Let me say from the inception that we, on this side, will always support measures and Bills that are required to be passed in the welfare of our country and our people's interest. That is not an issue. That is our position and that is a position to which we have committed ourselves as Members of the Opposition for the entirety of the Eleventh Parliament of this country. So our positions must never be questioned in terms of its *Bona fides* or genuineness, in terms of what is best for Guyana and what is best for our people. If we have international requirements to meet, this Government can count on us, once we are satisfied that those requirements are to be met and that they are in the best interest of our people and our country, you have our overwhelming support.

My humble position is that this Bill does not chronicle the international requirements which we have to meet. That is my fundamental problem. This debate has gone on like an unruly horse into various areas and has strayed away from the issue at hand.

We were told that this Bill is intended to address our Financial Action Task Force (FATF) requirements. That is what we were told. That this Bill is necessary for some face to face meeting that is scheduled to take place in Panama in January or February of this year, hence the urgency. I have not heard the Attorney General tell us which requirement of FATF prescribes that we must have sanctions that carry the death penalty. That is what I want to know. Which one of the requirements or recommendations of the FATF prescribes Guyana to insert in its law offences which carry the death penalty? I have not heard that.

As I go on, I will identify other failings and where this Bill is way beyond the scope of what we were told that it is about. That is what we are saying. Take the Bill to the Select Committee and let us work together to trim the excesses out of this Bill. This Bill is way beyond what is

required. My learned Colleague, the Attorney General has, on numerous occasions, said that this Bill was taken to Cabinet by me or a Bill similar to this. That is correct.

We had two requirements which we had to satisfy at the Caribbean Financial Action Task Force (CFATF) before we went to the FATF. One was a schedule of requirements which we compiled together and put in one Bill. That Bill spent two years in this Parliament, hijacked in a Select Committee downstairs by a majority of the then Opposition and rejected twice on the floor of this House. That Bill chronicled all our requirements at the time. That Bill was never passed. The second Bill that we were supposed to pass was a Bill that ought to have chronicled a certain numbers of international treaties. We never got to that Bill because we never got off the ground with the first Bill. So when my Colleague is referring to the second round of evaluations, Guyana is outstanding, third round..., Yes, that is so, but it is because they kidnap a Bill chronicling the requirements and kept it in a Select Committee and that prevented us from passing that Bill to satisfy the first regime of requirements. It also prevented us from passing the other Bill which would have...

**Mr. Speaker:** Hon. Member, a Member is on his feet, I presumed on a point of order.

**Mr. Williams:** Standing Order 48, the Hon. Member is imputing improper conduct and dishonesty, Sir, in the Members of this side of the House, using very unparliamentarily language such as, kidnap and those terroristic types of language.

**Mr. Nandlall:** Sir, I am using metaphors.

**Mr. Speaker:** Hon. Member, please proceed.

**Mr. Nandlall:** Thank you very much, Sir. So those are the reasons why we were unable to pass the second Bill which would have been a compendium of the international conventions that we were required to incorporate into our domestic or municipal law, by laying a Bill in this House. That is why we are where we are. But we have passed that stage. The country knows the reason we are where we are today. I do not have to argue that case again. The people of this country are not uneducated, they understand the facts. They know who controlled the last Parliament and they know who is responsible for us not passing the required pieces of legislation. So I am not

going to dwell much on that, but I wanted to correct my learned Colleague because he begun by situating his presentation in that confusing context.

Having clarified that, I took a Bill to the Cabinet, it was not a singular Bill, it was an assembly of pieces of several requirements which we had to meet at the time. It was a very raw document that was taken to Cabinet and perhaps its inexperience, and when my learned Colleagues gets a little more experience they would understand that one does not complete a Bill in its entirety, take it to Cabinet and then run the risk or expose oneself to the risk of Cabinet rejecting the Bill. One goes with a skeleton of the Bill, clears the fundamental tenets, principles and concepts in the Bill and when one gets that clearance, then one comes back and he or she varnishes and adds meat to the unpolished work.

This is the unpolished work that my learned Colleague has brought here - the unvarnished work. It is a motely assemblage of pieces of a legalisation. This is not what is required, if we pass this tomorrow, I do not think that we would be any better off than we are today. That is my point. **[Mr. Williams:** Because you do not understand...]

I know you do not understand it that is why you brought this Bill. With the greatest of respect, I am trying my best to assist my learned Colleague. I do not mean any disrespect at all. That is why I am saying, let us go to the Select Committee and work together to get the correct version of what is required to be passed.

None of the international conventions, for example, that are listed here... **[Interruption]** Sir, let me explain that, I do not blame the technical staff either because these Bills, are in a model form, at perfection stage and then one works out the best minimum standard for his/her country. The international agencies always give the 100% model. You now have to strike, as an intelligent Government, and hopefully an intelligent Attorney General, a vital balance of competing interests. One has to weigh on one hand the international requirements and then on the other hand one has to take into account the idiosyncrasies and vulnerabilities of the society and then one strikes a balance that wins favour on both sides. That is how international legislation is drafted. That is the burden of every single small country.

Sir, Saint Vincent for example, is the size of Mahaica. Saint Vincent would have had to meet the same requirements that we have to meet. The same requirements that large countries like France have to meet. But one needs to tailor the Bill; tailor the requirements to ensure that, one - the

rights of the people of your country are not unduly eroded. And secondly, that at the same time the international requirements are met. I am asking for that measured approach to be adopted in relation to this Bill. [*Interruption*]

One of the reasons why the Bill never graduated out of Cabinet was that it never received the imprimatur of Cabinet it was because of its very controversial nature. That is why I am saying that this Bill needs the wider consultation of our people. The learned Attorney General read the death penalty clauses in the Bill and he did not even understand what he read. It was only after presentation from this side that a hurried meeting had to be called during the recess, then it dawned on them that this Bill prescribes the death penalty. It was wasted. Well if it was recognised and this was a conscious effort, well then I suppose, as a Government, one is free to take such a position.

This Bill prescribes the death penalty 14 times. It creates 14 offences which mandate death as the penalty. Do the people of this country know that? Have they been consulted? Is that the position of this Government? In the year 2015, it is passing a Bill that creates 14 offences in one Bill that carry the death penalty? We have the Criminal Law Offences Act that is about 100 years old – 1893 - it only has two offences that carry the death penalty, murder and treason. We have ameliorated murder so that only certain categories carry the death penalty.

9.24 p.m.

In a singular Bill, in 2015, 14 offences that carry the death penalty are being legislated. If that is your position, then so be it. However, we would be sending some very strange messages, both to our people, in terms of our legislative agenda, as well as to the international community. On one hand, we talk about relaxing the law on marijuana; on the other hand, we are pardoning prisoners, apparently, capriciously; then, on the third hand, the death penalty is being imposed when we know what the international position in relation to the death penalty is.

My Learned Friend Mr. Ramjattan used the classic argument, the most *hobble horse* argument about the death penalty, that it is dissuasive. I do not want to detain the House, but that argument has been destroyed on so many occasions with the presentation of empirical data. No scientific study or any empirical survey has ever established that the death penalty has led to the reduction of crime.

Let me read what Mr. Nelson Mandela...I am reading from a report which was done by Amnesty International, *Death Penalty in the English-Speaking Caribbean, A Human Rights Issue*, in which Amnesty International lamented that the Caribbean remains recalcitrant in relation to the abolition to the death penalty but is credited for non-execution, that though it is in our books, no executions were being done. [Mr. Ramjattan: Why did you not abolish it in 23 years?] We need to consult. That is the point that I am making.

There were several cases in the courts over the last two to three years where a sentence of the death penalty was commuted to life imprisonment. If you believe that is the position that you want to take, then you are a Government and you will be judged by the people of Guyana. I know where the Chairman of the Alliance For Change (AFC) stand in relation to the death penalty; I know where the Guyana Human Rights Association stand; I know where the Council of Churches stand; I know where the Guyana Dharmic Shaba stand; I know where all of the organisations stand on the issue of the death penalty issue; and I now know where this Government stands; it supports the death penalty.

I am saying that the death penalty has nothing to do with the fight against terrorism in this context. There are many countries that are fighting terrorism and do not have the death penalty. All of the countries in the Caribbean have to pass these laws. France does not have the death penalty; the United Kingdom (UK) does not have the death penalty. Are they recalcitrant and delinquent in the discharge of their international obligation to fight terrorism? Are they allies of terrorists? The point I am making is that I am yet to be persuaded by any argument that the death penalty has anything to do with our international requirement. It is not a FATF requirement; it is not CFATF requirement; and it is not a requirement of any of the international conventions, most of which emanate from the United Nations.

This is what President Mandela said:

“It is not because the death sentence has been scrapped that crime has reached such unacceptable levels. Even if the death sentence is brought back, crime itself will remain where it is.”

Let me read what Ban Ki-Moon, the Secretary-General of the United Nations, said on 3<sup>rd</sup> July, 2012:

“The right to life is the most fundamental of all human rights...The taking of life is too absolute, too irreversible, for one human being to inflict it on another, even when backed by legal process...”

I can go on and give wonderful quotations from Amnesty International. I am saying that we are going down a path and a road that is unnecessary. Why are we doing this? I am asking for an opportunity for this Bill to be taken to a special select committee. I have dealt with the international organisations. Guyana will not be in a worse place if we report at the face-to-face meeting that this Bill has been sent to a special select committee. We already have a bad record out there. **[Mr. Williams: That is your record.] [Laughter]**

You can laugh but we know why we have a bad record. It is not my record. It is Guyana’s record. I went and I battled and we were not blacklisted. We were not blacklisted at FATF. We were blacklisted at CFATF.

This Bill is different in many respects. It is highly penal. My Learned Colleague, the Hon. Gail Teixeira, used the term “draconian” and Mr. Ramjattan borrowed the term. It is draconian. The least penalty in this Bill is 15 years imprisonment as it relates to most of the offences. Those that do not carry the death penalty carry a fine, as well as 15 years imprisonment. In relation to the death penalty, my friend has tabled amendments in which the language has been changed to state “together with” – it is the fine together with death. There is no ambiguity anymore.

Your Honour is a very prudent and experienced lawyer and you know what the General Clauses and Interpretation Act states. When the word ‘and’ is used, it can be interpreted cumulatively or alternatively. To avoid the usage of ‘and’ to make it clear that it is mandatory, the phraseology of ‘together with’ has been employed. There is no doubt about it. There is mandatory death penalty for 14 named offences in the Bill.

I will move on from there. The Bill itself has certain matters that I believe need some scrutiny. It is an unusual Bill, I concede. It is a Bill that the academic would describe as *Sui Generis*. **[Mr. Williams: It is your Bill.]** For the clarity of the record, this Bill is signed by Hon. Mr. Basil Williams. He is still crediting me with this Bill and it is he who has signed it. Is he an impostor? He is telling me that it is my Bill and he has signed it. Has he signed my Bill? He should be proud to defend his Bill.

The Bill has some very unique components in terms of the processes that have to be gone through to give effect to the Bill. Clause 33, for example, gives a police officer the power of preventing the commission of an offence under this Act by going to a judge to get a detention order to detain someone. When one reads who that person is, that person does not have to be a suspect. So, one could go to a judge and give bona fide reasons, but a person who has not been charged with an offence could be locked up. There is an issue in this country where we try to protect pre-trial liberty. Here, we are legislating for our citizens to lose pre-charge liberty. That is a fundamentally new concept altogether.

The Constitution has to be looked at to see whether this is a constitutional provision. I could understand if a person is a suspect and he is detained. I could understand, also, if a person is charged and a magistrate, in the exercise of certain powers, remands that person. But where the person is not a suspect, one could go to a judge and without a charge a judge, could grant a detention order for 72 hours. Then one can go back and get another detention order for up to several days. This is all because there is some likelihood that this person can interfere with the investigation. Interfering with an investigation is not a criminal offence. A person can be charged for obstruction. This clause creates a new offence that a person is not being charged for. I have no problem if the person is charged. If the person is found to be obstructing a lawful investigation or obstructing peace officers in the execution of their duties, then he should be charged. I do not have a problem with that. I have a problem with the person not being charged but an order is obtained from a judge, *ex parte*, to lock him up for several days. I have a problem with that because it is pre-charge imprisonment, a completely new concept under our criminal jurisprudence.

The Director of Public Prosecutions (DPP) has to make this application. Then, at page 45, clause 34, sub- clause (2), it has this strange provision:

“Notwithstanding the nature of the proceedings by the Director of Public Prosecutions on behalf of the Police Force the Minister shall be served with all documents and may appear in the proceeding”

The Minister referred to here is the Minister of Public Security. What does the Minister’s presence has to do with anything? And it is unqualified. It is stated:



“Notwithstanding the nature of the proceedings...”

It can have nothing to do with national security, it can have nothing to do with anything, but Mr. Khemraj Ramjattan, because he is the Minister, could have an audience in the court. I would like my Learned Friend to explain why. He signed the Bill. I presume that he read it and I presume that he would be able to tell us why this is a requirement. I do not understand how the presence of the Hon. Minister before a judge in an *ex parte* application, in relation to something that has nothing to do with the Hon. Minister, could serve any purpose. What purpose could he serve and why is he required to be there?

I come to Jurisdiction and that is Part V. The first part of the Bill enumerates the various offences that the Bill creates; the part that I just referred to deals with the investigative process; this part deals with the jurisdiction of the court. This is a Bill which deals with courts of different countries. It is not an ordinary piece of legislation. It is a piece of legislation that has international flavour and characteristics. Several states, and the court systems and judiciary of different countries are involved.

I go to clause 35. It states:

“The Courts shall have jurisdiction in respect of any offence referred to in this Act...”

It does not say which court. Even if we are to presume that it is the courts of Guyana, it does not say which of the courts of Guyana. Is it the Magistrates Court or is it the High Court?

9.39 p.m.

There is a reason why it may not be prudent to interpret the word “Court” generically. It is because the very next clause identifies a court in the Guyana system.

Clause 35(2) states:

“In addition, the Supreme Court of Judicature shall have jurisdiction for any of the offences prohibited under this Act committed outside of Guyana...”

“Courts” is not defined in the Bill, so I do not know which courts are being spoken about. Then, the Bill states that, in addition to whatever courts are mentioned, the Supreme Court of

Judicature – the High Court, The Full Court and the Court of Appeal – has jurisdiction in certain matters and the matters are listed. Now, the mention of one excludes the other. The question that my Learned Friend has to answer is: how are these offences going to be initiated practically? As Your Honour knows, criminal proceedings are not initiated in the High Court. So, if these types of offences are confined to the High Court, how are charges going to be made? In the High Court, an indictment is presented by the DPP after a preliminary inquiry (PI) would have been held and a magistrate would have found a *prima facie* case. Then the High Court has jurisdiction, even in murder, or treason, the most capital of offences. In this instance, it seems to suggest that the High Court, the Supreme Court of Judicature, has jurisdiction over a set of offences which, in my view, can lead to the inference that it excludes the other courts in Guyana. How could these proceedings be initiated without the Magistrates’ Courts having jurisdiction? These are serious matters that must be ironed out at the stage of a committee. [Ms. Teixeira: It is only if the offence is committed outside of Guyana.] Yes, if the offence is committed outside of Guyana. If piracy or kidnapping or whichever one of the offences are committed outside of Guyana, how are proceedings going to be started in the High Court? Is it going to be by jury trial? There has to be a preliminary inquiry process antecedent to a trial. It is when that antecedent process is concluded that there is a trial. Then is when the Supreme Court of Judicature jurisdiction kicks in. I am saying that then language of this Bill excludes the other courts. That is the point I am making. [Mr. Williams: Your language.] It is the language of the Bill that you have signed. I thought that I was trying to help, but you are the Government and you have to administer this.

Part VI deals with investigation, pre-trial measures, and rights of the persons subject to proceedings for offences under the Act. Clause 36 states:

“Where the Minister receives information that there may be present in Guyana a citizen of Guyana or a foreign national who is alleged to have committed an offence under this Act, the Minister shall...”

The sub-clauses outline a whole series of what the Minister shall do. Now, when one reads it contextually, all it speaks to is what the Minister shall do if the person is not a citizen of Guyana because he or she could be handed over to a foreign country, *et cetera*, but it does not speak to

what happens if the person is a Guyanese. It is the canon of construction – the express treatment of one excludes the other.

If two individuals are being spoken about - a citizen of Guyana and a non-citizen of Guyana - and a process of treatment in relation to the non-citizen of Guyana is outlined, then there has to be a regime of treatment for the citizen of Guyana in that same set of clauses or else one would be confused because, as I said, this is a *Sui Generis* piece of law. It is not the ordinary type of law.

These are the things that the Director of Public Prosecutions needs to sit down with us to clarify. I do not have the answers. All I am doing is identifying what I perceive to be practical difficulties and legal deficiencies. I am not saying that I am right, but I am saying that these are things which merit reconsideration in a mature way in a select committee. That is all I am saying.

I also want for us to look at whether this meets the requirements or else we are just legislating at large. For example, clause 36 (2) states:

“The Minister shall ensure the presence of the alleged person for purposes of prosecution or extradition...”

How could there be an “alleged person”? A person is a person. There may be some allegation that he has committed an offence, but nobody is an alleged person. What is an alleged person? I hope my friend can tell me that. Even if one is a foreign national, he or she is an individual. If one is a citizen of Guyana, one is a person. If one is a foreign national, one is still a person. One cannot be an alleged person. One can be a person accused of an allegation.

The Bill, at PART IX under Miscellaneous Powers, clause 56, states:

“The amendments made to the Criminal Law (Offences) Act by the Criminal Law (Offences) (Amendment) Act 2002 are repealed.”

When one checks the Criminal Law (Offences) Act, there is no Criminal Law (Offences) (Amendment) Act 2002. So, what is this repealing? There is no provision in the Criminal Law (Offences) Act that was repealed or amended in 2002. Is this the Bill that we are going to take to the international community? These people are intelligent people, Sir. I appeared before them.

They are very sharp people. It is an unvarnished product that you have brought here. You did not care to read it. I can go on, but I think that I have made a sufficient case and I have raised, I hope, sufficiently important concerns that ought to persuade my learned friends, well, the other side in its entirety. Sir, we can commit to a timeframe. It is not a problem. We can commit here to a timeframe because the Bill is important. I accept that. It is so that we can trim the aspects that deal with the death penalty and so on because we are sending the wrong signal, in the year 2015, to the international community. I do not want to go into reports of Amnesty International on the death penalty. I have all here. I can deal with all of that but I do not wish to do that.

I believe that the point is fundamental and I believe that it is understood. My duty is to highlight to the Guyanese people and to the Government that this Bill creates 14 offences which carry the death penalty. If the Government proceeds, then what can I do? I would have discharged my responsibility.

I believe that it is an important Bill; there are components of it which we have to pass to meet certain international obligations. This side is prepared to work with the Government. We can work on a timetable that is regulated by Your Honour. And we can review this Bill and make the necessary corrections to ensure that we are on the right legislative track on a number of grounds. One, that we satisfy the international requirements which devolve upon us as a country under the various treaties and under FATF, and, at the same time, not pass Bills that can send the wrong signal from our country, at this point in time, on important issues, for example the death penalty, without consulting the people of this country.

Thank you very much. [*Applause*]

**Mr. Speaker:** It may be considered unnecessary for me to observe simply that the form of address is Comrade or Hon. Member.

**Mr. Williams (replying):** If it pleases you, Mr. Speaker, I would like to thank the Comrades, or might I say the Hon. Members, on the other side for their contribution to this debate, especially the Hon. Member Mr. Clement Rohee, who has shown an inclination, and a necessary one, recognising the importance that we act jointly and provide a strong front against terrorism; I compliment him for that. He raised several salient points and I agree that we need to balance

provisions to fight terrorism against those of maintaining the human rights of the Guyanese citizens.

The Hon. Member Khemraj Ramjattan, on this side, I thank him too. He addressed those issues of human rights, recognising that the Constitution guarantees us our fundamental rights but the rights are not absolute rights. Those individual rights are subordinated to the general rights of people in the country as a whole.

The Hon. Member raised the issue of persons in the Caribbean having been recruited and trained by ISIS and then they return to our region and enquired whether we have the resources to be able to address and monitor them. I agree with him that we will have to, because of the porosity of our borders, address measures to try to cope, notwithstanding the length of our borders. We have to maybe look at the idea of drones to help us. It is something that we will have to deal with.

The Hon. Member also referred to clause 49 in terms of the extradition provision and the question of whether they are saying that it is not political. Clause 49 is a deeming provision for the purposes of extradition. In other words, to facilitate extradition, the Bill is saying that one cannot use the defence that it is a political offence, bearing in mind that terrorism is defined in this Act as also being a political offence. So, it is just for the narrow purposes of extradition, the purported deem it not to be applicable in that situation.

The Hon. Member Gail Teixeira treated us to an exhibition where it appeared that the Hon. Member was, for the first time, hearing about a provision in Guyana that provided a both a fine together with the death penalty.

*9.54 p.m.*

To get the exact words, the Hon. Member said that we have never heard anything like this. This question of together with the death penalty, which the Attorney General brought, makes it more serious. Are they pushing for this? In other words, the Hon. Member is contending that there is nowhere in our jurisprudence, and in our laws, there is any... [Ms. Teixeira: Recent.] ...I do not see anything about recent here. There is a problem we have observed, and you being a practitioner for many years, Mr. Speaker,... We are going to get some disruption now that I am coming to the core issue. One of the things is that lawyers must read. A lot of lawyers do not

read and that is why it is important if one wants to delve into the realm of the law... [Mr. Nandlall: You are grazing.] I am not going to say you are grazing, but you have to be more respectful because you are entering an arena in which you have no competence in. Then you are purporting to inveigh against the Attorney General of this land when one is doing that. Let me enlighten the Hon. Member who was parading before this nation. [Interruption] Might I respectfully refer you, Mr. Speaker, and this honourable House, if I am allowed to do so,...

#### **SUSPENSION OF STANDING ORDER NO. 10(1)**

**Mr. Speaker:** Hon. Members, I merely interrupt the Hon. Attorney General to observe that we are approaching 10 o'clock. Maybe, it may be felt prudent to seek further time beyond 10 o'clock, otherwise the matter would end at 10 o'clock.

**Mr. Nagamootoo:** I beg to move for an extension of time to continue these debates beyond 10 o'clock but not later than 10.30 p.m.

*Question put, and agreed to.*

**Mr. Williams:** Might I respectfully refer this honourable House Mr. Speaker to the Anti-Money Laundering and Countering the Financing of Terrorism Act of 2009, Chapters 10 and 11, section 68(1)(d)(i). This Act was passed by the Hon. Members on the other side when they were in Government. It reads thus:

“Any person who by any means directly or indirectly, wilfully provides or collects funds or other property, with the intention that they should be used or in the knowledge that they are to be used in whole or in part -

(d) by a terrorist organisation, commits an indictable offence and shall –

(i) if such act resulted in the death of any person, be punishable of a fine of not less than one million five hundred thousand dollars together with death;”

If the Hon. Member believes this is only one illustration, might I respectfully refer this honourable House to Section 68(5)(a) of the same Act. It provides –

“A natural person who contravenes this section commits an indictable offence and shall –

(a) if such act resulted in the death of any person, be punishable with a fine of not less than one million five hundred dollars together with death.”

Let me give another illustration. That is why I always believe that Members must be honest with their presentation in this honourable House and not just try to score cheap political points. It is just a pyrrhic victory, a short lived victory.

**Ms. Teixeira:** Mr. Speaker, the Act of 2009 which the Hon. Member refers to...

**Mr. Speaker:** Hon. Member, is it a Point of Order?

**Ms. Teixeira:** Yes Sir.

**Mr. Speaker:** You know the procedure. You state the Point of Order, you state the Standing Order and you proceed.

**Ms. Teixeira:** Yes Sir.

**Mr. Speaker:** It is not a speech please. Proceed.

**Ms. Teixeira:** Sir, the Point of Order is that the Member is saying that this Act was passed by the PPP Government. The Point of Order is that Act of 2009 was passed by a parliamentary Special Select Committee unanimously recommending these issues to the House. That is all I wish to say, Sir.

**Mr. Speaker:** Hon. Member, there is a procedure which you must follow or I will not hear you.

**Ms. Teixeira:** I have heard you, Sir. I have made my point. Thank you.

**Mr. Speaker:** Hon. Attorney General please proceed.

**Mr. Williams:** Much obliged Sir. Let me give another one. I do not want to regale this House. I just want to make the point that a fine together with the death penalty is not an alien penalty in Guyana. It is in our law books. Let me refer Mr. Speaker and this honourable House to section 69(b)(i) of the same Act which reads thus:

“Any person who –

(b) enters into, or becomes concerned in, an arrangement as a result of which money or other property is made available or is to be made available, for the purposes of terrorism, or for the terrorist organisation, commits an indictable offence and shall –

(i) if such act resulted in the death of any person, be punishable with a fine of not less than one million five hundred thousand dollars together with death;”

The premise that this is something hilarious, unknown in the laws of Guyana, I suppose I can excuse the Hon. Member, but this Bill has been under the law, under the AMLCFT regime. The Hon. Member Anil Nandlall, for nearly the last four years, had custody for that Government of this regime when it was in office. I do not know why they are regaling us about these matters when they know these things were mandated by FATF. How else could it be in the AMLCFT Act? It was a FATF requirement. They did that because of what they called the dissuasive effect. They just wanted to maybe dissuade the would-be terrorists. That is why there are the fantastic fines, for example.

When I was in Trinidad for the CFATF meeting recently, Trinidad having entered the fourth round - we are only in the third round and we want to exit the third round - was the first country to be mutually evaluated. It was struck down because it had several acts within the regime and they all had varying offences. It said the ones with the lowest offences must be equated with the ones that have the highest offences, it calls proportionality. We are going to confront the same things when we enter the fourth round. It is going to check that penalties are dissuasive and that they harmonise. In fact, in our case it is saying that there is no proportionality with penalties on the Countering the Financing of Terrorisms (CFT) side of the Act as against the Anti-Money Laundering (AML) side of the Act. These are issues that have to be addressed. It is not a fiction in our imagination or our own creation that there is a penalty. I know the Chief Parliamentary Counsel (CPC) has been saying to me that he does not understand why it wants something as that to be put in. If a man is going to be sentenced to death or killed, why would he have to pay a fine?

The fact of the matter is that we have been instructed, by the unit that was left behind by the former Attorney General, that if we do not stick as close as possible to the wording of the



recommendations, the 40 plus nine recommendations, especially those nine that deal with terrorism, it tends to reject the country. It is very strict. If it wants something to be mandatory, and the word “may” is used, that is a six-month wait because it is going to be rejected. When one reads the language they want it to be mandatory. That is how they have been operating. As a result of that, we have the situation that we have some outrageous provisions that if we do not adhere or implement them we are not going to be out of the process... [*Interruption from Members of the Opposition.*] I do not know if I have your protection, Mr. Speaker.

The Hon. Member Mr. Nandlall has regaled us about the death penalty and all these matters. I do not know. It was that same Government that entered the reservation with the human rights convention. The Members are saying that they are not going to recognise the human rights committees and its processes from Guyana that would enable someone from Guyana to appeal to the Inter-American Court on Human Rights against the death penalty. In other words, they denounced the treaty and they re-acceded with the reservation in order to secure the death penalty in Guyana, and it is still in operation right now in this country. I do not know why they keep coming and making these statements.

The Hon. Member Nandlall in the *Kaieteur News* of 15<sup>th</sup> October, 2010... This is what he is reported to have said:

“What this does is that it retains the death penalty but also provides an alternative.” Nandlall told the House that it must be noted that when one interacts with people, their reactions to certain violent crimes is invariably why the death penalty is not being used. He said that it must also be noted that there are several large human rights organisations and conventions, many of which Guyana has signed on to, which are calling for the abolition of the death penalty, and no democracy can ignore these calls.

He said that what the amendment does is provide a delicate balance, adding that the Government’s obligation is to use the law as a mechanism to find...’

We are just showing the consistency of the Hon. Member.

*10.09 p.m.*

“Mr. Nandlall did impress upon the House that there is something fundamentally wrong with the mandatory death penalty across the board.”

Mr. Nandlall is now on record to have earlier said...

**Mr. Speaker:** Hon. Member Mr. Nandlall, you are on the verge of being disruptive.

**Mr. Nandlall:** I apologise to you, Sir.

**Mr. Speaker:** Please proceed Attorney General.

**Mr. Williams:** Yes, please.

“Attorney Anil Nandlall believes that the failure to read that warrants to the remaining prisoners on death row has been an omission on the part of the relevant authorities. He notes that the courts have found that the death penalty is constitutional and that the delays resulting from the litigation initiated by the death row appellants do not amount to cruel and inhumane treatment. As a result, he believes that the law should apply where legal proceeds have been exhausted the death penalty is part of the laws and the legislation has seen it he states. While adding the executive has seen it fit to keep it and the law must be applied swiftly and quickly.”

Mr. Speaker, with your leave, I will move on to another issue. The Hon. Member Gail Teixeira also touched on this question of surrender and transfer which is in clauses 38 and 39. Clause 38 reads *inter alia*:

“When the Director of Public Prosecutions declines to prosecute, foreign State has jurisdiction over the offence concern, the Minister shall inform the foreign State accordingly with the view to the surrender of the person to the foreign State for the prosecution by that State.”

Remember the Hon. Member was making heavy weather of this and imported all kinds of arguments to frighten us in that regard. Clause 39 states this, immediately following those words:

“The proceedings refer to in the Fugitive Offenders Act shall apply with the necessary changes in respect of any surrender refer to it in Section 38.”

Again, I cannot blame the Hon. Member but I will assist her in this regard. The Fugitive Offenders Act is an Act that deals with extradition in Guyana and all of this is saying that the surrendering, which she was contemplating, that you told this nation about, is not that kind of surrender. Any surrender is within the context of the Fugitive Offenders Act, not this, within the rules of extradition in Guyana.

I compliment the Hon. Member Khemraj Ramjattan because he has spoken of many of the things that I wish to concur in. Offences of this nature always seem and appear to be colliding with human and fundamental rights, but we have to decide how we will deal with a terrorist who puts in his shirt or jacket explosives and has no compulsion to go amongst a crowd of innocent people and detonate such explosive. How do you deal with that?

As I was coming to the sitting of the National Assembly, today, my driver was trying to balance himself behind a car that was in front of us. The car obstructed us even here by coming across where the police were and next thing, as you know, the car was going straight and then it suddenly turned in front, again, to come into the compound. The driver was saying that the man did not know where he was going because it did not look as if the car was one that we would see here regularly. Well, the thought just occurred to me to let us hope that he was not going in there to detonate the vehicle. I wonder too that if something detonates there it could kill a person by the courts.

I do not know why the Anti-Terrorism and Terrorist Related Activities Bill is my head all the time. I am just seeing the scenarios. How do you deal with that? You have to try something. Being dissuasive could only be one of the weapons in armoury because there has to be resources and that is why there would be a lot of phone tapping, a lot of surveillance, all these things, and that is the name of protecting the nation or protecting the common wheel from an extremist and persons who are bent on committing terrorist acts.

As I said, we have a pre-disposition to democracy and fairness on this side of the House. I wish to say this because it came out from the consultations and the Hon. Member Mr. Nandlall was making some statement. I do not know why he did not turn up at the consultation. Some great issues were raised here. When the definition of a terrorist act was dealt with, a contributor said, "Well, listen that same said thing could make me a terrorist because I am a professional

protestor. When I am protesting, it means that I could be deemed a terrorist.” He had a good point but then when you look at the definition section of what a terrorist act is, it states a

“terrorist act” means -

- (a) An act whether committed in or outside of Guyana which causes or is likely to cause –
  - (i) loss of human life or serious bodily harm;
  - (ii) damage to property;
  - (iii) prejudice to national security or disruption of public safety including disruption in the provision of emergency services or to any computer or electronic system or to the provision of services directly related to banking, communications, infrastructure, financial services, public utilities, transportation or other essential infrastructure.

and is intended to -

- (A) compel a Government or an international organisation to do or refrain from doing any act; or
  - (B) intimidate the public or a section of the public for the purpose of advancing a political, ideological or a religious cause;
- (b) or an act that constitutes an offence within the scope of or is defined in any of the Convention.’

When the protestor who said he is a professional protestor...when you look at what it is saying here and when you go on a protest or demonstration down the street... If you did not read you would want to believe that the comrade could have been right but when you read on you would see why his concerns were laid. I read the proviso to this definition section, Sir.

“Provided that an act which –

- (a) causes death or serious body harm to a person taking active part in armed conflict in accordance with the applicable rules of international law; or...’’

This is the one that is relevant to him and to us who indulge in demonstrations

- (b) disrupts any service and is committed in pursuance of a demonstration, protest or stoppage of work and is not intended to result in any harm referred to paragraph (a) of the definition of the terrorist act shall not be considered a terrorist act.’’

Demonstrations are protected; protests are protected; trade union activities, protests and strikes, are all protected. There is no question of when a person, who is protesting, is walking down the street that that person could be properly deemed a terrorist within the meaning of these provisions. The only people who have a concern about this Act would have to be would-be terrorists because the normal ordinary law abiding citizen has nothing to fear because the regime in this Act is intended to protect the country.

As I said, I was particularly pleased that the Hon. Member Mr. Rohee recognised that we need to be unified in our approach in the fight against terrorism. I would like to compliment the Hon. Member and Vice-President Mr. Ramjattan for his cogent support in relation to this Bill. Mr. Nandlall, I thank him also for his contribution.

I, therefore, commend this Bill to this honourable House for passage.

I thank you Mr. Speaker. [*Applause*]

*Question was put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

**Mr. Speaker:** Hon. Members, you would have your copies of the draft Bill and I propose to take it in parts. We have Part I, Part II and Part III. I propose that we proceed in that way.

*10.24 p.m.*

**Mr. Chairman:**

*Bill considered and approved.*

*Assembly resumed.*

Mr. Speaker, I rise to report that the Anti – Terrorism and Terrorist Related Activities Bill 2015, Bill No.16 of 2015, was considered in Committee clause by clause and was passed without amendment. I move that the bill be now read the third time and passed as printed.

**Hon. Member:** Division.

*Question put.*

*Assembly divided: Did not vote 30, Ayes 31 as follows:*

*Did not vote*

*Ayes*

Mr. Gill

Mr. Rutherford

Mr. Anamayah

Mr. Rajkumar

Mr. Dharamlall

Ms. Patterson

Mr. Charlie

Mr. Figueira

Mr. Damon

Mr. Carrington

Dr. Mahadeo

Mr. Allen

Mr. Chand

Mr. Adams

Mr. Neendkumar

Ms. Bancroft

Mrs. Pearson-Fredericks

Ms. Wade

Mr. G. Persaud

Ms. Henry

Mr. Mustapha

Ms. Broomes

Ms. Selman

Dr. Cummings

Dr. Westford

Mr. Sharma

Dr. Ramsaran

Mrs. Garrido – Lowe

Mr. G. Persaud

Ms. Ferguson

Mr. Croal

Mrs. Hastings – Williams

Mr. Hamilton

Mr. Holder

Mrs. Chandarpal

Mr. Gaskin

Dr. V. Persaud

Mrs. Hughes

Mr. Seeraj

Mr. Patterson

Bishop Edghill

Mrs. Lawrence

Mr. Lumumba

Mr. Trotman

Mrs. Campbell–Sukhai

Mr. Jordan

Dr. Anthony

Dr. Norton

Mr. Nandlall

Mr. Bulkan

Mr. Ali

Lt. Col. (Ret'd) Harmon

Ms. Teixeira

Ms. Ally

Mr. Rohee

Mr. Williams

Mr. Jagdeo

Mr. Ramjattan

Dr. Roopnarine

Mr. Greenidge

Mr. Nagamootoo

*10.39 p.m.*

**Mr. Speaker:** Hon. Members, in accordance with the prescriptions of time imposed on us and to which we agreed we have passed the 10.30 p.m. mark. This brings us to an end of our labours for today or if I may say, for this year.

## **ADJOURNMENT**

**Mr. Nagamootoo:** Mr. Speaker, before I move the motion to adjourn the House, permit me to offer you, Sir, best wishes for the New Year and the same to the Clerk of National Assembly, the Deputy Clerk and all the staff of this National Assembly.

I also wish to extend felicitations for the New Year to Members of this House. It appears as if we have started this House this year in division and we are ending our last session for 2015, as a divided National Assembly.

The division, however, for this year 2015 has not been in vain. It has defined us. It allowed the Guyanese people to see those who are patriots and those who would not want to see progress in Guyana, hence the change that was effected in May of this year. That was 2015. It was in 2015 when we felt that the Guyanese people could make a choice. We are hoping that we can transcend this division in the New Year, that we can find grounds on which we can agree and that we can find consensus on issues of national importance and the national agenda. More particularly, as we observe the 50<sup>th</sup> year of our country's independence - our golden jubilee next year - it is our hope that we can use the opportunity to reflect on the path we had traversed in those last 50 years and to map a course that we intend to take in the next 50 years, whether we are here or not. We can share our vision for our country.

This year has also seen an unprecedented attack on the sovereignty of our country. It showed us also that, in the face of the enemy, we need unity and cohesion. It is not only our sovereignty and territorial integrity that came under attack. We also know that our security, the security of other countries and the world, face today a greater challenge from terrorism, climate change, diseases, *et cetera*. We all need to be resolved, to come together with one voice, one will and with one determination so that we can combat the evils that surround us.



Guyana deserves no less and in saying these few words, I wish the people of Guyana, of all the 10 regions, of all ethnicities, religious persuasions, beliefs and faiths, I wish them all the very best for 2016.

In saying these few words, I ask that this House be adjourned to Thursday, 7<sup>th</sup> January, 2016.  
*[Applause]*

**Leader of the Opposition [Dr. Jagdeo]:** Mr. Speaker, on behalf of the People's Progressive Party and all the Members on our side, I would like to wish you all the best for the New Year and to thank you for your service to our country and to this National Assembly for the past several months.

I would also want to wish the Members on the other side, a productive year ahead of us. I would like to believe that we are all sons and daughters of Guyana and all patriots in this House, and that we would all like to see our country succeed in spite of the political differences we have. What unites us and all the people of this country is our love for Guyana and the deep desire among all of our people to live and work together, which is something that is so important and so aligned with the message of this season – a season of goodwill and hope that the Christ Child brought to the world.

I wish all Guyanese, through this National Assembly, that even those who have faced difficult circumstances at this point in time, that they too will enjoy the rest of the festive season and that they can look forward to a year when the Government will work harder in the Executive and when we in the National Assembly will also work hard to address their concerns and to make Guyana a better place for all. Thank you. *[Applause]*

**Mr. Speaker:** I thank the Hon. Member, Bharrat Jagdeo for his statement. Hon. Members, before we rise, it gives me much pleasure to say thank you for the period of time fallen to me to be with you here in the Assembly. It has been a very eventful year, certainly for me, and I suspect for those no longer freshmen, but I will say freshmen MPs who are gracing or being part of this band, which is entrusted with the responsibility of guiding Guyana. I am comforted by the fact and the belief that streams flowing from all directions sometimes eventually find themselves gliding to a larger body of water or into the Atlantic Ocean. The start is not the issue, it is the

ending. I continue to believe that we are all committed to the same end, and I am privileged to be a part of that effort.

This is our last day of work for this year. Perhaps, there is some time for reflection and by the time we meet on 7<sup>th</sup> January, we will all have a new perspective or perhaps the same perspectives, somewhat influenced by thought and reflection.

In my first address to this august body, I did say that there is a great deal of work to be done and I hope that and in fact I know that, we can put our minds together to do it.

I must confess to one mystery. It was a mystery until now because I am sure that when I ask Hon. Members they will tell me the reason. I confess to a mystery which says: "I can support a proposal but I cannot vote for it". It is a mystery which I am sure will be explained to me in different ways by different Members of Parliament. I must tell you that I have been grappling with it since I came here. To borrow a certain remark, as a *new kid on the block* I was puzzled then as I am puzzled now. Hopefully, I will not be too puzzled for much longer, when my Members are kind enough to explain that mystery to me.

We are all together, working towards the same end. I am sure Members would find no disagreement with me on that point.

I wish you a merry Christmas and I will say, God willing, we meet again in the New Year, refreshed and with new perspectives. My best wishes to yourselves and your families. Thank you.

*Adjourned accordingly at 10.53 p.m.*