

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2012-2014) OF THE TENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

86TH Sitting

Wednesday, 21ST May, 2014

The Assembly convened at 2.20 p.m.

Prayers

[Mr. Deputy Speaker in the Chair]

ANNOUNCEMENT BY THE SPEAKER

Absence of the Speaker

Mr. Deputy Speaker: Hon. Members, I will be presiding at today's sitting, as the Speaker is unavailable. I need your usual kind cooperation.

Leave to Members

Mr. Deputy Speaker: Hon. Members, leave has been granted to Dr. Leslie Ramsammy and Mrs. Carolyn Rodrigues-Birkett for today's sitting and to Dr. Bheri S. Ramsaran for up to the 26th May, 2014.

Installation of electronic gate and scanner at Public Buildings

Mr. Deputy Speaker: Hon. Members, I wish to remind you that, in keeping with the commitment to improve security at the Public Buildings, a new electronic gate and scanner were installed at the entrance of the lower corridor. In light of this, Members will have access through the gate by the use of a pass card which will be distributed to each Member. The

office has arranged for demonstrations on the use of the card from 8 a.m. to 4.30 p.m. from Mondays to Thursdays and from 8 a.m. to 3.30 p.m. on Fridays.

Sympathy motion on the death of Mr. Doodnauth Singh not to be proceeded with

Mr. Deputy Speaker: On today's Order Paper under the heading, "GOVERNMENT'S BUSINESS", there is a motion with an asterisk, "SYMPATHY ON THE DEATH OF MR. DOODNAUTH SINGH, S.C., FORMER ATTORNEY GENERAL AND MINISTER OF LEGAL AFFAIRS," I was informed that it will not be proceeded with at the request of the wife of the late Mr. Doodnauth Singh. I will therefore ask the Clerk to take it off the Order Paper.

PRESENTATION OF PETITION

RETIRED EMPLOYEES OF THE GUYANA TELECOMMUNICATIONS CORPORATION AND ACTIVE SERVANTS OF THE GUYANA TELEPHONE AND TELEGRAPH COMPANY AND THE GUYANA POSTAL AND TELECOMMUNICATIONS WORKERS UNION

Mr. T. Williams: I present to the National Assembly a petition on behalf of the retired employees of the Guyana Telecommunications Corporation and active servants of the Guyana Telephone and Telegraph Company and the Guyana Postal and Telecommunications Workers Union (GPTWU) request that the former employees of the Guyana Telecommunications Corporation, who continued in service with the Guyana Telephone and Telegraph Company and retired, be paid their just and due pension in accordance with the Pensions Act as enshrined in the Constitution of Guyana. Also it is for the Minister of Finance to kindly state the reason preventing the responsible agency from affecting payment of the correct pension that is just and due to pensioners and when the payment to the pensioners would be effected, and request that it be read. I move that it be referred to a Special Select Committee.

The Clerk:

"GUYANA

COUNTY OF DEMERARA

In the matter of recognising the enormous contributions and sustained development of telecommunications in Guyana, through years of dedicated service by retired employees of the Guyana Telephone and Telegraph Company (GT&T) and former employees of the Guyana Telecommunications Corporation (GTC).

PETITION

To: The National Assembly of

The Co-operative Republic of Guyana

Public Buildings

Georgetown

THE HUMBLE PETITION of the retired employees of the Guyana Telecommunications Corporation active servants of the Guyana Telephone and Telegraph Company and the Guyana Postal and Telecommunications Workers Union.

1. That the petitioners are all adults and citizens of the Co-operative Republic of Guyana.

Whereas by way of correspondence dated February 10, 2000, from Mr. Winston Brassington, Executive Secretary and Head of the Privatisation Unit, to Ms. Carol Hebert, former Secretary to the Treasury, on the payment of pension benefits to former employees of GTC he stated that it was the Privatisation Unit's view that those employees, who would have fallen in this bracket and would have attained the age of 55 and were still employed by GT&T, should have been paid their retirement benefits because it was moneys already earned by them, and in fact they should have been paid since 1991 when the company was privatised as it is the practice. He also stated that there were several employees who had accepted the termination offer and had not yet been paid. He recommended that those employees also be paid their pension and gratuity as computed as at January 31, 1991.

AND Whereas by way of correspondence dated January 31st, 2001 addressed to Winston Brassington, Executive Secretary and Head of the Privatisation Unit, Lot 126 Barrack Street, Kingston, Georgetown, from Mr. Godfrey Statia, Consultant, Guyana Telephone and Telegraph Company, on the valuation of GT&T Pension Fund, he informed Mr. Brassington that "emanating from this letter of October 11, 2000 he had met with the representatives in

late October 2000, and at that meeting, it was agreed that it would have been futile to continue discussions or make any decisions until the amount needed to be invested by the Government into the fund, so as to allow for the unification of plans for the benefit of the past GTC employees who were in the employ of GT&T and for whom the Government is liable for the payment of pensions based on the terms of the purchase agreement between the Guyana Government and ATN, was attained.”

AND Whereas the reference to the agreement of sale between the Government of Guyana and Atlantic Tele Network, will respect to employees’ crossover from the Guyana Telecommunications Corporation to Guyana Telephone and Telegraph Company, Mr. Winston Brassington, Executive Secretary and Head of the Privatisation Unit, in a correspondence dated February 10, 2000, to Ms. Carol Hebert, former Secretary to the Treasury of the Ministry of Finance, on the payment of pension benefit to former employees of GT&T stated that “employees will continue their employment with GT&T and their services will be treated as continuous and unbroken and other conditions of service will not be less favourable than that which they enjoyed and that they were guaranteed employment with GT&T for a period of eighteen (18) months, subjected, of course, to right the management to dismiss or discharge them for cause.”

2. AND YOUR PETITIONERS AS IN DUTY BOUND AND DO HUMBLY PRAY:

1. That the former employees of the Guyana Telecommunications Corporation who continued in service with the Guyana Telephone and Telegraph Company and retired, be paid their just and due pension in accordance with the Pensions Act as enshrined in the Constitution of Guyana;
2. The Minister of Finance kindly state, what is the reason preventing the responsible agency from affecting payment of the correct pension that is just and due to pensioners?
3. When would the payment to the pensioners be effected?

AND YOUR PETITIONERS AS IN DUTY BOUND AND DO HUMBLY PRAY:

Petitioners:

1. Harold Shepherd

President - GPTWU

East Street, South Cummingsburg, Georgetown

2. Eslyn Harris

General Secretary - GPTWU

East Street, South Cummingsburg, Georgetown

3. Lennox Skeete

1-17-928 Lachmansingh Street, Tucville

4. Clifford Blackette

14 Norton Street, Wortmanville, Georgetown

5. Archie Clifton

470 Kiskadee Drive , South Ruimveldt Gardens

6. James Kendall,

676 South Ruimveldt Gardens

7. Lloyd Hopkinson

152 Century Palm, D'Urban Backlands

8. Stella Douglas,

Public Road, Kitty, Georgetown

9. Joseph Hyles,

Public Road, Kitty, Georgetown.

10. Arnold Barron

228 South Road, Bourda, Georgetown

11. Kenneth Richards

45 Bel Air Gardens, Georgetown

Dated this 6th day of March, 2014.

Mr. Deputy Speaker: Members, I will now put the question which is “That the petition be referred to a Special Select Committee.”

Question put, and agreed to.

Ms. Teixeira: Mr. Deputy Speaker, I crave your indulgence. The petition that has been read is not opposed but proposal to send to Special Select Committee must come from the floor, Sir, and it is not from you, as Deputy Speaker, or does the petition.

Hon. Members (Opposition): *[Inaudible]*

Ms. Teixeira: He may have moved it but it still has to be seconded. He is not a Minister so he cannot move a motion for a Special Select Committee.

Mr. Deputy Speaker: I am guided by the Clerk.

Mr. Greenidge: Mr. Deputy Speaker, I would like to second this motion, to the effect that the petition be referred to the Special Select Committee for more careful consideration. It has been a matter long outstanding and I think we need to ensure that the matter is completed fairly and expeditiously. It seems to be the only way we will be able to have it properly addressed.

Mr. Deputy Speaker: I am advised by the Clerk of the National Assembly that the petition does not have to be seconded. That notwithstanding, I, again, will now put the question, which is “That the petition be referred to a Special Select Committee.”

Question put, and agreed to.

Petition referred to a Special Select Committee.

ORAL QUESTIONS WITHOUT NOTICE

REPAIRS TO THE ELECTRICAL GENERATOR IN THE COMMUNITY OF KATO

1. **Mrs. Garrido-Lowe:** The question is for the Minister of Local Government and Regional Development. Since parts of the Lister generator based in Kato were removed in 2012 under the instruction of the Regional Executive Officer (REO) of Region 8 and taken to Mahdia to find replacement, Kato’s administrative building, the Kato Police Station and the Kato Guest House are without electricity until today. Most of the nights the police station remains in darkness except for a few hours when electricity is provided by a kind resident of Kato. Also the solar panel can only power the radio. Could the Hon. Minister say when will the generator be repaired so that the main buildings of the Kato community can be supplied with electricity?

Minister of Local Government and Regional Development [Mr. Whittaker]: I have just received this, about 20 seconds ago, and I am not in the position to provide the answer, at this point in time.

Mr. Ramjattan: Give us a date in which you will be able to do so.

Mr. Whittaker: I would suggest, guided by you, Sir, that this question be put forward for written response and I am prepared to do that, but I am not in a position, right now.

Mr. Deputy Speaker: Hon. Minister, when will you be able to provide that answer?

Mr. Whittaker: It is by the next sitting, Sir.

MAHDIA POWER AND LIGHT

2. **Mrs. Garrido-Lowe:** Whereas the Mahdia community has only received 10 and sometimes 12 hours of electricity due to the Mahdia Power and Light being unable to purchase fuel because of the lack of fans;

Whereas the Region 8 administration owes Mahdia Power and Light moneys for electricity to apply for 2013 and 2014 as follows:

- March 2013, \$1.3 million
- April 2013, \$1.3 million
- May 2013, \$1.2 million
- June 2013, \$1.1 million
- July 2013, \$1.4 million
- August 2013, \$1.3 million
- January 2014, \$1.5 million
- February 2014, \$1.1 million
- March 2014, \$1.4 million

It gives a total of \$11.5 million.

Whereas only \$2 million is paid towards this account, the people of Mahdia are still suffering because of Mahdia Power and Light and still cannot afford to purchase enough fuel.

Could the Hon. Minister say when the Regional Executive Officer intends to settle this account so that the residents of Mahdia can enjoy more hours of much needed electricity?

Mr. Whittaker: I love mathematics but I am baffled by these figures and so I am asking that I will be allowed until the next meeting to provide a written response to these questions.

Mr. Deputy Speaker: That is fair enough. At the next sitting we will be expecting both questions.

Mr. Whittaker: That is right.

QUESTION ON NOTICE

Written Replies

1. ESTABLISHMENT OF A LIBRARY AT THE MAHDIA SCHOOL DORMITORIES

Mrs. Garrido-Lowe: Whereas the Mahdia school dormitories do not have a library, hence, students living in these facilities are denied the opportunity of reading for relaxation and enjoyment and for the expansion of their consciousness;

And whereas it is the duty of the State to create a good study environment for these students.

Could the Hon. Minister say if her Ministry has any plans of setting up a library in the Mahdia school dormitories anytime soon and, if so, how soon would that be?

Answer not provided.

2. CONSTRUCTION OF THE PARAMAKATOI PRIMARY SCHOOL

Mrs. Marcello:

- (i) Could the Hon. Minister tell this House why the construction of the Paramakatoi Primary School, Region 8, that started in April, 2012, has not been completed?
- (ii) Could the Hon. Minister tell this House when the construction of the Paramakatoi Primary School would be completed?

Answer not provided.

Minister of Education [Ms. Manickchand]: Can I just indicate again that this is not a question that is properly directed at the Minister of Education, given our laws which caused

education to be regionalised rather than centralised, so this would be a question for another Minister?

Mr. Deputy Speaker: The question is directed to the Hon. Minister of Education.

Ms. Manickchand: I am asking you, kindly, Sir, to rule, perhaps, that it is wrongly directed.

Mr. Deputy Speaker: Who is the proper Minister if you are asking me to do that?

Ms. Manickchand: Education is dealt with centrally by the Ministry of Education and the Minister of Education will answer those questions, but for regional education, which we vote every year in this National Assembly, moneys are allocated to the regional programmes.

Mr. Deputy Speaker: I can direct the Clerk of the National Assembly to send it to the Minister of Regional Development.

Ms. Manickchand: There is no Minister of Regional Development. It is the Minister of Local Government and Regional Development...

Mr. Deputy Speaker: Well, I am instructed by the Clerk of the Parliament. The question for oral reply question no. 3 Hon Member Ms. Ally the Opposition's Chief Whip please ask your question.

Oral Reply

DISBURSEMENT OF THE \$10,000 GRANT BY THE MINISTRY OF EDUCATION

3. **Ms. Ally:** I beg to ask the Minister of Education Question No. 3 standing in my name on the Order Paper. Mr. Deputy Speaker, as you can recall in Budget 2014 that there was a proposal that \$10,000 would be given to each schoolchild, hence, I would like to ask the Hon. Minister:

- (i) What mechanism will be employed by the Ministry of Education to disburse the \$10,000.00 per child, as has been promised in Budget 2014?
- (ii) When will this money be disbursed?

However, Mr. Deputy Speaker, I had a telephone conversation with the Hon. Minister, I think the Minister is challenged to give an answer at this point in time and is asking for about three

weeks or so to be able to probably work out the mechanics and then provide an answer. I will give way to that.

Mr. Deputy Speaker: Can the Hon. Minister give a written response?

Ms. Ally: No. My question is for oral replies only so while we are going to be having three weeks at the end...I do not know when again there will be a sitting, but if it is within three weeks or so maybe we can have these questions reappearing on the Order Paper for the answer.

Ms. Manickchand: I am happy that Ms. Ally indicated that we had a telephone conversation. It was one in which I initiated to indicate that I could not give a definitive answer today and was wondering if she would be okay with us deferring the question. The challenge, which that the Hon. Member Ms. Ally spoke of really, relates to the fact that there are more than 188,000 students across the length and breadth of Guyana, in every single region, and for us to reach all efficiently, and in a manner that would be transparent and accountable, we would like some time to examine all the possible facilities that are available to us in the Government, working with private partners to be able to do this. I have assured the Hon. Member that once we know what would be best, given our consultation with the private sector or private providers as well as our conversation with the parents about what they would best want, I would be happy to share that immediately with the Hon. Member, even if that means before we come back to this honourable House. I want to assure the nation that we are presently working on making sure that our children receive these benefits that are so lovingly provided by this Government.

Mr. Deputy Speaker: The Hon. Member Ms. Ally has consented to allow you three weeks to make your response.

STATEMENTS BY MINISTERS, INCLUDING POLICY STATEMENTS

ESTABLISHMENT OF STEERING COMMITTEE OF COMMONWEALTH WOMEN PARLIAMENTARIANS, GUYANA BRANCH

Minister of Public Service [Dr. Westford]: After several attempts to establish a women Members of Parliament caucus or organisation of the Commonwealth Women Parliamentarians, Guyana Branch, female Members of Parliament, at a meeting held on Monday, 19th May, 2014, unanimously agreed to establish a steering committee. This

committee will meet on a monthly basis to consider a number of topical issues that will not be limited to those affecting women and children but will include social, economical, legislative, political and technological issues, among others.

This committee is expected to run for one year and, based on its performance, will determine the establishment of a Commonwealth Women Parliamentarians Association, Guyana Branch. Each political party is expected to identify a member to function as a coordinator who will be tasked with proposing issues for the committee to focus on and coordinating the caucus.

It is hoped that this committee will nurture the working relationship among female Members of Parliament, on all sides of the National Assembly, and function as an avenue for consensus on important issues. The female Members of Parliament also unanimously agreed that, as its first initiative, it would make a joint statement at this sitting condemning the Kidnapping of approximately 300 school girls in Nigeria by Boko Haram which reads as follows:

“As Guyanese women Members of Parliament, we wish to express our grave concern over the abduction of approximately 300 teenage girls who were abducted from their school on April 15, 2014 by the Islamic militant terror organisation, Boko Haram.

We join with the Government, civil society bodies, regional and international bodies in reiterating our strong condemnation of all acts of terrorism and crimes against humanity and join the rest of the international community in unequivocally condemning this dastardly act. Not only is it an abhorrent form of terrorism, but it is a gross violation of the basic human right to education and to the freedom of religion.

We support the efforts being made by the Government of Nigeria and the international community to rescue the girls and express the hope for their personal security and for their safe return to their families.”

Mr. Nadir: Mr. Deputy Speaker, it is just an observation, because it could be a bit offensive, while this may have been fashioned... This motion, it states “Islamic” and I do not think most of us, who have subscribed to the religion of Islam, would subscribe to what is being done. I would just like to move here that the word “Islamic” be taken from in front of it.

Hon. Members: [*Inaudible*]

Mr. Nadir: If you do not want to defend your religion that is your right. I have a right to defend mine.

Mr. Deputy Speaker: It is a statement by Ministers; it does not attract any comment really. The Minister is making a statement; there is not a debate on it.

Mr. Nadir: It is to delete the word. That is it.

INTRODUCTION OF BILLS AND FIRST READING

The following Bill was introduced and read the first time:

WILDLIFE IMPORT AND EXPORT BILL - 2014 BILL No. 8/2014

A BILL intituled:

“AN ACT to regulate international trade of Guyana’s wildlife and to enable Guyana to fulfil its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.” [*Minister of Natural Resources and Environment*]

PUBLIC BUSINESS

GOVERNMENT’S BUSINESS

BILL – Seconding Reading

WILDLIFE IMPORT AND EXPORT BILL 2013 – Bill No. 20/2013

A BILL intituled:

“AN ACT to regulate international trade of Guyana’s wildlife and to enable Guyana to fulfil its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 11973. [*Minister of Natural Resources and Environment*]

Minister of Natural Resources and Environment [Mr. R. Persaud]: I now wish to withdraw the Wildlife Import and Export Bill 2013 - Bill No. 20/2013 which was published on the 2013/11/27 and is listed for a second reading with an asterisk.

Bill withdrawn.

2.50 p.m.

PRIVATE MEMBERS' BUSINESS

BILLS – Second Readings

BROADCASTING (AMENDMENT) BILL 2013 – Bill No. 19/2013

A BILL intituled:

“AN ACT to amend the Broadcasting Act. [Lt. Col. (Ret'd) Harmon]

Lt. Col. (Ret'd) Harmon: The amendment to the Broadcasting Act, standing in my name, be adjourned to another date.

Bill deferred.

MOTIONS

APPOINTMENT OF A COMMISSION OF INQUIRY TO INVESTIGATE THE TORTURE OF PERSONS BY THE GUYANA POLICE FORCE BETWEEN 2006 AND 2013

WHEREAS the Constitution of the Co-operative Republic of Guyana prescribes, at article 141, that “No person shall be subjected to torture or to inhuman or degrading punishment or other treatment;”

AND WHEREAS it has been widely reported that persons were tortured by members of the Guyana Police Force between the years 2006 and 2013, inclusive;

AND WHEREAS in accordance with the Commission of Inquiry Act, Chapter 19:03, “The President may issue a commission appointing one or more commissioners and authorising such commissioner or commissioners to inquire into any matter in which an inquiry would, in the opinion of the President, be for the public welfare;”

BE IT RESOLVED:

That the National Assembly expresses its sympathy with the victims of torture; and

BE IT FURTHER RESOLVED:

“That the National Assembly calls upon the President of the Co-operative Republic of Guyana, in accordance with the Commission of Inquiry Act, Chapter 19:03, to appoint a commission of inquiry to inquire into the torture of persons by members of the Guyana Police Force and to make recommendations to prevent a recurrence of such torture.” *[Brigadier (Ret'd) Granger]*

Leader of the Opposition [Brigadier (Ret'd) Granger]: I have the honour of rising to introduce this motion calling for the appointment of a Commission of Inquiry (CoI) to investigate the torture of persons by the Guyana Police Force between 2006 and 2013.

A mere five days from now, on 26th May, this nation will be celebrating its 48th Independence Anniversary. Our country, Guyana, became independent during a state of emergency, which came about as a result of nearly 12 years of disorder. During that period, 1954 to 1966, over 18 regiments of the British Army were stationed in our country to maintain order. The immediate pre-independence period was very disturbed. It was filled with many instances of police brutality. Recently, the residents of Rose Hall, Canje, celebrated the 101st anniversary of a massacre by police which occurred there in 1913.

The colonial police were characterised by guns, by bayonets, by swords, by mounted police with lances, by riot squads, by lock-ups, by torture, by shooting and by tear smoke. All of those images in our pre-independence period were negative images of a force which was used by the colonial authorities to repress the masses. Those of us, who were old enough at the time of independence, looked forward to living in an independent Guyana where our police, rather than oppressing us, would serve and protect us.

The independence which we are about to celebrate ought to have been the start of an era of better relations between governments and the people – better economic relations, better social relations and better political relations. Most of all we looked forward to greater protection by the police.

Forty-eight years after independence, where are we? We have arrived at a time when the Criminal Investigation Department (CID) interview rooms seem to be equipped with methylated spirits and matches and with condom-covered batons. What is at stake here is the determining sort of country we want and the sort of country we want our children to grow up in. We want to know whether we will live in a country where political ministers will use the

pretext of 'context' to justify an assault on the freedoms of the Guyanese people. What is at stake here is the future of our country, of our sons and daughters and of our villages.

From the disturbances, which occurred 50 years ago, to the troubles on the East Coast, which broke out over 10 years ago, our country has suffered. We feel that, by the end of the last century, we were about to turn the corner to a greater level of civil protection. We were convinced that the police force needed to be reformed but, instead of its being reformed, we ended up with a force that was deformed. We ended up with a force that had the benefit of over 15 interventions aimed at reform between the years 1999 and 2013.

Allow me, Mr. Deputy Speaker, to inform this House of some of those proposed reforms because we all thought they were serious reforms. In 1999, Mr. Paul Matthias of the United Kingdom (UK) visited our country to initiate a security assistance programme from the United Kingdom. The next year, 2000, the Symonds Group, a consultant firm from the United Kingdom, funded by the UK Department for International Development (DFID), presented its report called the "Guyana Police Force Reform Programme" which is known as the "Symonds Report". The same year, 2000, the Hon. Minister of Home Affairs at that time, Mr. Jairam Ronald Gajraj, established a National Security Strategy Organising Committee of which I happened to be a member, attending the first and last meeting, both were the same, of course.

In 2002, the then President, President Jagdeo, promulgated a \$100 million package and menu of measures to improve the police force. He then travelled to London to personally meet the Commissioner of the Metropolitan Police, further seeking help. He established the Border and National Security Committee. Again, I had the honour of serving on that committee, to co-chair that committee with the former Speaker, the Hon. Ralph Ramkarran. The report, of course, has not been seen since.

Then the President established the National Consultation on Crime, and I believe the chairperson is now with us. He then established the National Steering Committee on Crime and in 2002 this honourable House passed four anti-crime Bills – the Criminal Law Offences (Amendment) Bill, the Prevention of Crimes (Amendment) Bill, the Racial Hostility (Amendment) Bill and the Evidence (Amendment) Bill, all on the 19th September, 2002. The next year, the United Kingdom Defence Advisory team presented yet another study on the security sector. The next year, the Disciplined Forces Commission presented its report to the National Assembly. The Speaker at that time was the Hon. Mr. Ralph Ramkarran. I see the

Hon. Attorney General, an eminent member of that commission, is present in the House today.

Between the years 2004 and 2005, the Scottish Police College executed several security projects – a scoping exercise to assess the police force’s training requirements; a series of management training programmes between the months of February and June, 2005; an assessment of the impact of the previous training programmes; a scoping exercise from 26th May to June, 2006; the presentation of the Guyana Police Force’s strategic plan in partnership with the Inter-American Development Bank (IDB) and a project to assess the police force’s operational capability. All of these studies were done with the assistance of the United Kingdom’s DFID.

In 2005, President Jagdeo promulgated the National Drug Strategy Master Plan. In 2006, President Jagdeo met Baroness Valerie Amos, said to have come from Wakenaam, and together they issued a statement of principles as the basis of the United Kingdom’s and Guyana Government’s consultancy. The next year, 2007, the United Kingdom’s High Commissioner to Guyana, Mr. Fraser Wheeler, and the long-serving head of the Presidential Secretariat, Dr. Roger Luncheon, put their signatures to an interim Memorandum of Understanding (MoU) for a security sector reform action plan.

That year, too, Mr. Paul Morisetti, the International Policing Adviser for Latin America, again from Britain, led a task force of police officers from the National Policing Improvement Agency International Academy at Bramshill and Scottish Police College to implement the action plan that ought to have been introduced by the MoU which was signed the previous year. By that time, the plan was about to be thrown out of the window by the People’s Progressive Party/Civic (PPP/C) administration.

In 2008, a framework for the formulation and implementation of the national security policy and strategy was completed. In 2009, the Minister of Home Affairs promulgated what is being called the “Liliendaal Declaration on Crime Prevention”. In 2012, the Minister of Home Affairs promulgated the Citizens’ Security Programme, on Old Year’s Day. Last year, under the leadership of Mr. Patrick Mentore, the Minister established a Strategic Management Department to oversee police reforms. It was 15 reforms in 15 years – 15 proposals. Was the PPP/C administration sincere? Was it serious or was it just fooling the nation? Was it all a hoax? Was it all a charade?

I give this background to show that over the last 15 years this nation has been looking forward to serious police reform. This motion has come because that reform has not taken place. I bring this motion today because the police have not been reformed. We are still faced with the torture of persons and we have come to look at the issues surrounding that torture.

The first issue affects public policy. The Constitution of Guyana, under article 141, states:

“No person shall be subjected to torture or to inhuman or degrading punishment or other treatments.”

Sixteen simple words but not one word is ambiguous - “No person shall be subjected to torture...” Guyana became a signatory on 25th January, 1988, 26 years ago, and it ratified the convention on the 19th June, 1988 - the United Nations Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment. Twenty-six years ago Guyana signed and ratified that convention. We are, therefore, obliged to take effective legislative, administrative, judicial or other measures to prevent acts of torture. The law and the lawyers refer to the crime of torture as *jus cogens*, that is, a compelling law, a fundamental principle of international law that is universally accepted. International law provides that crimes which are *jus cogens* may be punished by any state because the offenders are the common enemies of all mankind and persons who sanction torture and persons who commit the crime of torture should be aware that they could be punished anywhere in the world. They can run but they cannot hide.

What is torture? Again, the United Nations, avoiding words such as “roughing up”, defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on any person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or suspected of having committed or intimidating or coercing him or a third person or for any reason based on discrimination of any kind when such pain or suffering is inflicted by or at the instigation or with the consent or acquiescence of a public official or any other person acting in an official capacity.”

If a policeman commits an act of torture, the responsibility goes all the way up the chain to the Commissioner and even further up to the Minister responsible for public security.

I did not mean this to be an historical session but we should bear in mind that the crime of torture is not unknown in Guyana. Fifty years ago when the People’s Progressive Party (PPP)

was in office, in 1964, there was, perhaps, the most notorious case of torture. In August, 1964, Mr. Emmanuel Fairbain known as Batson, who was arrested on 9th August, had to be taken into a magistrate's court on a stretcher. His sexual organs had been swollen to the size of a football. The PPP/C is in office again and in November, 2007, one Mr. David Leander could not have even get up the steps. In fact, the Hon. Judge had to go downstairs. I am sure the Hon. Deputy Speaker would remember that incident. Would he have been a client of yours, Sir? The judge at the time had to go downstairs to meet Mr. David Leander because he was physically tortured. Some of these torturers seem to have a morbid fascination with the victims' genitalia.

We are now examining a matter which has been debated in this House before, in the Ninth Parliament. In addition to the fact that there has been some issue of recurrence, we now have to face an additional problem of rationalisation. The Hon. Member Mr. Robert Persaud would recall that at the 64th Sitting of the Ninth Parliament, on Monday, 27th October, 2008 at about 20:25 hrs, rising in his place, he said:

“We will find some of the police roughing up and others what we may call excesses intolerable. These do not constitute torture and we need to recognise that.”

It cheapens the definition of torture. We have to face, Mr. Deputy Speaker, what he called “the new criminality” and we have to understand, in the context, that a certain amount of physical and mental pressure would have to be used.

His Excellency the President at that time, as reported in the *Stabroek News* of 6th November, 2008, also had this to say:

“The situation warranted a certain response from the security forces and a different approach in confronting criminals.”

The United Nations' convention is unambiguous. Regardless of context and regardless of the situation, torture is a crime against humanity. Condonation and rationalisation have no place. What we are seeing in Guyana is a pattern. What we are seeing suggests that there is a policy. There is a policy that whenever people perceive that there is a security situation they feel free to use or apply torture. Without any determination of innocence or guilt, without any resort to the courts, some people feel that torture is a useful or a convenient instrument to be applied.

As an independent nation, as we approach our 48th Anniversary, this House must take a stand. Torture is inhuman; torture is cruel; torture is degrading, but, most of all, torture is illegal. This motion is concerned with putting a stop to that illegality and punishing the persons who conducted torture during the period of 2006 to 2013. Torture is clearly defined. Let this House, therefore, not dissemble. Let this House not deceive itself. Torture must be abandoned; it must be condemned and it must be repudiated.

I, therefore, call on this honourable House, through this motion, to investigate every single crime of torture to bring this outrage to an end and to guarantee that our citizens could live the good life to which they are entitled without this cruel and degrading form of punishment.

I thank you. [*Applause*]

Motion proposed.

Ms. Teixeira: This is the second time there is a motion in this National Assembly which has to do with torture. The first was in the Ninth Parliament which was brought by Mr. Aubrey Norton, which was debated, and this is the second one. Having listened to the Hon. Leader of the Opposition, Mr. Granger, he started with the colonial history but seemed to have done a jump from 1966 to contemporary times and it was a quantum leap. Mr. Deputy Speaker, you may not be as old as I am. I understand you had your birthday on Monday - Happy birthday. I understand that you are only 40 years old, so you are not relevant to the period we are talking about. I grew up in the 1960s, in the colonial time, and I remember very clearly some of the actions of the British soldiers and police and what it was like under colonial times.

There is the reference that the Hon. Member made to the 1964 period. This was the period of the colonial police, and police were controlled by the colonial office. In fact, he may remember, as he is a very good historian, that Mrs. Janet Jagan, who was then Minister of Home Affairs, walked out and resigned from the Ministry of Home Affairs because the Colonial Secretary was giving orders and instructions to the British Guiana Police Force without her knowledge as the Minister of Home Affairs. He did a quantum leap from 1964 to 1992 but there is something going on right now in Guyana, which had to do with the Walter Rodney Commission of Inquiry, which indicates some of the behaviours, trends and patterns that seemed to have been learnt under the colonial police and transferred to independent Guyana, in terms of the behaviour of the security forces in Guyana, not just the police force, but the prison and the new army, that emerged after independence.

Torture is reprehensive, abhorrent and must be condemned, but it must not be condemned by those who are guilty in the security forces. It must be condemned by persons in private organisations and parties that condone such action of their members. Any torture of a human being by another is reprehensive. In the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which Guyana did ratify in 1988...Guyana's first report to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was in November, 2006 - it was the first to the fourteenth report - when it went to Geneva and was reviewed by the United Nations Committee against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment. We signed quite a number of Rights Conventions but the reporting did not take place until post democracy and the restoration of democracy in this country.

The issue of the period of the death squads, the periods of the House of Israel, the periods of police sometimes being driven by external forces, including the state, to do things that were reprehensible between 1968 and 1992...

3.20 p.m.

Those records and that history will emerge as people gain more confidence in speaking out about what happened in that time, but that the torture of individuals took place in that period... One of the things that we must recognise former President Hoyte for is that in 1986, with the passing of the Police Complaints Authority Act, in 1986 or 1987, the first Police Complaints Authority (CPA) was set up. Why did he do that? It was because, by 1985, the complaints of police brutality and abuse, including torture, were being recorded. When the Police Complaints Authority was established the highest record of complaints against police, since its establishment in 1986 to the present time, was in that first year of reporting of over 585 complaints of police abuse and brutality. Those are from a Guyana Human Right Association (GHRA) report. It is not from Gail Teixeira; it is not from People's Progressive Party (PPP); it is not from Government, but it is from the Guyana Human Rights Association, from its record in which it pointed this out.

We have come through a tortuous time. We have come to a difficult time and the issue of trying the blame game, the questions we must ask... This motion talks about torture and I will come back to respond to one or two things the Hon. Member said about the public security reform measures and the police reform measures. I am glad that he put this motion from 2006 and it is not from 2007. I was Minister of Home Affairs in 2006. It does not really deal with

Minister Rohee, it deals with me. It does not only deal with the Commissioner of Police. Who was the Commissioner of Police then? Mr. Hon. Member Mr. Felix was the Commissioner of Police. [Mr. Felix: *Inaudible*] not one for security.] That is what you are telling me now on the floor. I think you should remember certain things, Mr. Felix. I will not want to embarrass you. I will not embarrass you, Sir, you may not admit, but you and I both know, as I heard Dr. Roopnarine said in the press yesterday, “We knew what we knew”, or something to that effect. Hon. Member Mr. Felix, you and I, know what we know, and we knew what we knew and I will suggest that you figure that out. Do not misinform Mr. Granger. Do not misinform Mr. Granger; he is an honourable man. Do not misinform him because you and I could talk, and if there is a Commission of Inquiry, which Mr. Granger is calling for, I will speak. I will speak. I will not be constrained.

The issue, which we have to address in this motion, is... I think it is clear for every Member in this House, torture is abhorrent. It must not be accepted by anybody. I do not think, Mr. Granger, we differ on that. Our Constitution prohibits it. The Constitution goes further, in that the fourth schedule was put in, the rights and conventions which Guyana has ratified and one of them is the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Now I hope not to miniaturise the issue, but I will just tell the Assembly that when I was before the United Nations Committee against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment I was dealing with what I thought in definitions that we dealt with, and Mr. Granger’s expressed them, but the issue came out that domestic violence was being seen as a form of torture. I was kind of caught off guard, and I admit that, because the traditional way of dealing with torture is: Is it state condoned? Is it state institutionalised? Is it a state policy? Generally, in all our brainstorming in dealing with the issue of torture, we are dealing with the state and not individuals. I was quite taken aback, and I will say quite frankly that we were questioned about issues of sexual violence and domestic violence. Although it was recognised that these are differences between individuals but it was what the state’s position was on it.

I hope we recognise that in the definition there are a range of areas that traditionally, in our own thoughts, we may not contemplate. The countries of the region, which have signed the convention,...There are 26 in this hemisphere and a number of Caribbean Community (CARICOM) countries have not signed nor ratified and a number have just signed and not

ratified. Guyana is amongst a number of those, about 20 odd, which have ratified and therefore are eligible to come under review. In addition to that, most countries in our hemisphere, except Paraguay — Paraguay is the only country that is up to date on the submission of its reports — every other country, the 25 countries, are behind. Sometimes it is two years, five years and ten years.

It is part of our treaty obligations, but it is also part of our law, our Constitution. I am sure the Attorney General will deal with that more. The issue is that in Guyana anybody who has been tortured, or believes that he or she has been tortured and his or her constitutional right has been violated that person has a right to go to several levels for domestic remedy. That is what the convention talks about: Domestic remedy must be exhausted or must be utilised. The Police Complaints Authority, the Office of the Professional Responsibility (OPR), if it is within the army, the mechanisms within the army, if all that fails or if a person feels that he or she is not satisfied that person can go to the court for constitutional redress. There are a number of mechanisms. We have to teach our people that they must use these and not just the media, representing these issues. People must effectively and proactively, where there are cases where persons are being abused or suffering degrading, inhuman treatment, as defined under the convention and in our own Constitution.

The issue is that this is a motion which is talking about torture, and if the motion were about the efforts to reform the police, security forces, and so forth, I think that is a separate issue, but may be linked. The main issue is that there is a motion before this House talking about widely reported ... “AND WHEREAS it has been widely reported that persons were tortured by members of the Guyana Police Force between the years of 2006 and 2013, inclusive;” Mr. Felix, in 2006 you were there, my dear.

The issue is that it would have been helpful, other than referring to a case of 1964, and two cases more recently, on whether the basis of that proposal for a CoI is sufficient, because one has to be able to say: Is this state condoned? Is this state institutionalised? Is this state policy? Does the Guyana Police Force have a manual of policy or protocol that says it is okay to go torture? I am very aware that the Guyana Police Force has no such policy or manual in its possession. In fact, the wide section of the human rights training of the police force, which Mr. Felix is well aware of, which was done with the manual to teach the officers on human rights, made it very clear that torture was prohibited.

Now the issue too with this motion is that it does not attempt to show that this is a direction – a policy direction, an institutionalisation, a condoning by the state on this. Comments by individual persons are not necessarily proof or evidence that this is a direction of the state. The second issue, which one has to look at in this motion, is in the cases where people have alleged that, where they may have very well proven that, have they effectively used the domestic remedies that are available? The Hon. Member himself points to the 2004 Report of the Disciplined Forces Commission. I think he is well aware that it went into the Eighth Parliament, 2004 to 2006, and was headed by the then Attorney General Mr. Bernard De Santos. The Committee did not complete its work and it lapsed for the 2006 Elections and then was brought back in the Ninth Parliament and was passed in June, 2010, in this House. He is right, that the 2004 to 2010 gestation was a rather long time for a disciplined forces' report to have been looked at, but at that time, I believe, the Hon. Member was not a politician and therefore may not have been appreciative of the rather tortuous route sometimes reports and Bills have to go through, including the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill which is being tortured itself. I believe Members on the Governments side are also being tortured. As the Chairperson of that Committee, I honestly feel that I am a victim... **[Mr. Greenidge: Of torture.]** ...of torture.

The 2004 Report of the Disciplined Forces Commission...I believe Mr. Felix, when I was Minister, came before the first Special Select Committee and had submitted, for the Guyana Police Force, all the actions that he had taken with regard to the 2004 Report of the Disciplined Forces Commission. It is in the records of the Eighth Parliament. The then Chief of Staff, Brigadier Collins, came before the Committee and so did the then head of the Guyana Fire Service, I believe, Mr. David and the then Director of Prisons, Mr. Erskine. They all came before the 2004-2006 Parliamentary Special Select Committee and took the recommendations of the disciplined forces and wrote down what they were doing at that point to implement. I believe that the Committee, those of us who were there, honestly felt that the members of the disciplined forces were doing what they said.

The new Committee Minister Rohee headed. I believe they went through the same recommendations and there were actions and decisions and by whom. There is a whole section to deal with the Police Complaints Authority and the strengthening of it, because I believe that it does need to. Ever since I was a Minister, and until today, I believe that the Police Complaints Authority needs to be further strengthened, including having an investigative arm. These are the recommendations of the Disciplined Forces Commission,

and certainly these are things that have to be worked out, and are being worked on. I believe Minister will report on that. The Police Complaints Authority puts out an annual report and I just took those from 2005, 2007, 2008, 2009 and 2011. It catalogued the cases, the reports it has received, what actions have been taken, what cases have been dismissed, what inquests it has recommended, and so forth.

The numbers are certainly not in the numbers of 1986, I could tell you that, and that certainly it recorded some of the frustration in getting speedy responses from the police, those kinds of things, also too most of the complaints. There are complaints about, in a few years, on what is — just looking for the right language — using unnecessary violence. There are a number of cases of those. The problem is that these are reports and one does not know exactly what those mean, but if one takes it literally then obviously there are cases where there is abuse and those have to be rectified, and where there are those cases the Police Complaints Authority recommends actions to do with them.

Certainly, I think that these are issues...My view is that these are individual cases of abuse, of policemen, in some cases, going beyond what is required. It does necessitate the leaders of the police force, the Commander in the division where it would have taken place, and the Commissioner to be the first call to deal with the matter promptly and effectively. Most cases, such as this, which end up at the Minister's door, have generally gone through some layers of investigation in which action is already contemplated or action has already been taken. In most countries where there are such issues the persons whose necks are on the line are not the Ministers generally. I challenge the Member to look at the United Kingdom cases as well as the American cases, including the Abu Ghraib torture in Iraq, which became public knowledge only because the media leaked it out and the cell phone used in the prison showed unbelievable forms of torture. It certainly did not lead to a Commission of Inquiry but it led to a number of investigations, and in some cases some people were dismissed, some people, ten years later, are facing court cases and imprisonment, but it has been a long gestation, regrettably. That has been the trajectory of that.

The points were raised by the Hon. Member to do with efforts to reform. The National Commission on Law and Order was established by the Government, after a CARICOM decision to form such bodies, because of the high level crime, and violent crime, in most CARICOM countries. In 2004 Guyana set up the National Commission on Law and Order. I was the chairperson of the first commission and the representative of the Guyana Police

Force was not Mr. Felix, he sent Mr. Henry Greene as his personal representative. The late Mrs. Deborah Backer was a representative for the Opposition on that commission. The commission was very big with stakeholders from the security forces - the army, police force, fire and prison services, Attorney General's office, private business, women's and religious organisations, political parties and others. The funny thing is that it was in the height of the crime wave, and that the issues that were raised, at no point, despite what was going on in the Disciplined Forces Commission, there was no issue raised in relation to a Commission of Inquiry being required on this issue, although we knew of certain things and there were certain things being reported in the media.

As I said, I cautioned against torture being seen only as a state-driven issue, or a state responsible accountable issue. In the 2002 to 2008 period... That is why Mr. Felix's, statement surprised me and I said that we know what we know and we knew what we knew. There were young boys who were tortured by the gangs, who were later executed. I have several cases, because they were personal to me. The issues of torture must not only be seen in this narrow light, we must all condemn all forms of torture, wherever they take place.

The Hon. Member opened the door with DFID and the number of interactions with the British Government to deal with the citizen security and public safety. He said a very strong statement that it was the PPP that caused us to lose that support. Hon. Member Mr. Granger, regrettably, I had been around for a while and somehow my life, my fate, I am drawn into many things accidentally or on purpose. I have sometimes sat, and I did sit in 2006, right through, when the UK Government withdrew the money from us. We have the letters to prove it, when it withdrew the letters of support for Guyana on the grounds that Guyana did not want to agree with the adviser to the President on public security.

A foreign nation or a foreign country can tell us that the adviser to no less than the President of Guyana must be X, and if the President refuses that, then Guyana does not get its money. We have gone down a similar road recently with another country. "*One, one dutty build dam*", it showed. When everyone said that we are going in the wrong direction, do not do this, we stood on our ground. We are talking again, "*Little axe does cut down big tree*", sometimes. The Member knows - "*Little axe does cut down big tree*", sometimes.

Mr. Granger, there are realms in different cabinets, of discussions, MoUs. And you are right. The efforts to change also have to be driven by the Guyana Police Force itself, and there are reasons why certain things did not happen. There are reasons why things are happening now.

As you like history and I like history, we will find the records to show who held back what, when and where over the period of 2006 to 2013 and 2002 to 2006 and previously to those. Sometimes, maybe, we have to wait 30 years, as the incident of Walter Rodney, before we can talk about some of the very bad pasts and experiences that people have had.

As you know, Mr. Granger, the 1997 and 2001 Elections were horrible periods and I hope you too will condemn what was torture of polling agents in the 2001 Elections, who were pulled out of stations, Sir, and beaten, and taken into the headquarters of a political party. There was video footage which showed evidence of the marks on a person's body, and the fact that that person's head was covered with a sack, was kept overnight and beaten, and tortured and interrogated - a polling agent. It was not anybody else - a polling agent.

[Interruption from the Members of the Opposition]. You opened the door on torture, it is not me. Let me talk torture. Do you want to talk torture? Let us talk it. Let us take a position and we condemn it. Condemn it wherever it takes place. It is not where only you want to point at.

What happened to those people? One was so badly injured and so terrified. They have left the country because they saw who was doing it to them. They saw the face that was doing it to them and they did not have the courage to go before a court, but they gave statements, they gave video evidence and everything else.

The Hon. Member has brought a motion which has to do with torture by the Guyana Police Force, but maybe we should have dealt with the history of torture, maybe of where it took place and by whom. The issue, Sir, is that the motion is restricted to the Guyana Police Force only and therefore makes it appear and wishes away what were issues that happened and executed by political aficionados of the political parties in this country, and who did it under, I assume, some direction.

I believe people can be reformed. My friend down the line here, Odinga Lumumba, used to try to chase me out of Buxton. He never succeeded, but he did try. Look, he is on our side, and he has fought for democracy. My other friend Mr. Joseph Hamilton, who I have known from old days in another capacity, who, as my friend Bishop Edghill said, has seen the light. It is that you shall see the light and be reformed. I do know this: that these two gentlemen, as far as I know, never tortured anybody, but I do know that there are persons, who are in our midst, who have been involved in giving directions on torture.

I am quite aware, Mr. Deputy Speaker, that the motion will pass, the Opposition has the majority, but the issue, Sir, is that if we want to talk about torture, let us talk about it where it has taken place at the political level by political parties and political aficionados, wherever and whosoever they are. Let us deal and clear our chest, clear our conscience, in the Walter Rodney Commission of who was involved with what. Let us clear our soul so that we can say that we are cleansed and healed and we can really try to make changes in this country.

Hon. Member Mr. Granger, I believe that my proposal... but you never accept my proposals, but I will continue to try to make them. I am proposing that your motion be amended to have a Commission of Inquiry of levels of torture that was carried out in this country between 1966 and the present time. We will do it such as the Walter Rodney's one, immunity - public scrutiny and immunity for all those who are involved. That is a possibility we could think about, Sir. Do you know what? We need to start having reconciliation in this country. We need to find a way to reconcile ourselves, to heal ourselves of much of the pain and hurt that is taking place in this country. There was the massacre of children; there was the Jonestown Massacre, 900 people; there were the massacres of people in Buxton, in Lusignan, in Bartica. There were over 1,000 people, over 1,374, if my figures are correct, who were killed during the 2002 to 2008, not by the police, and there are the records to show for those. Thirteen hundred and seventy-five people were executed, by criminals. We have to, outside of this motion, be able...

Mr. Deputy Speaker: Hon. Member, your time is up.

Ms. Teixeira: I am closing, Sir. If you give me one minute more, I will close.

Therefore I believe that we have to stick to the Constitution; anybody must have the strength and the support, by all the political parties, to go before the courts and get redress on this. Whosoever is involved in this, and if they are found to be guilty, then they will face the full brunt of the law of this country and the Constitution. Once we leave it in this milieu of "*he seh, them seh, she seh*" and we are accusing each other, and the media is fanning it and people are fanning it, we are getting nowhere because we cannot resolve it this way. Therefore let us strengthen the OPR; let us strengthen the Police Complaints Authority; let us strengthen the prosecutorial capacity of the courts; let witness protection provided and there must be the witnesses' abilities to be able to give their statements in confidence and whosoever, political aficionados, police, army, prison, anybody, must then face the full brunt of the law. Commission of Inquiry is not going to help us do that. The will to do it will help.

Thank you. [*Applause*]

Mr. Felix: As the Leader of the Opposition commenced his presentation and he mentioned the Batson's case, I recalled that I was about 14 years old when he was arrested at Charlotte and Wellington Streets. Within a week after, there were reports in the newspaper of his testicles being swollen, as described. About 16 policemen were accused and eventually charged with offences against Batson. Do you know what? As you will see, as it is currently the experience, they were charged, the cases were eventually transferred from Georgetown to Corentyne where they were all acquitted eventually and no one was guilty of Batson... I will fast forward that a bit later to show that the pattern remains.

3.50 p.m.

I rise to lend support to the motion which calls for the establishment of a Commission of Inquiry, in the name of the Hon. Brigadier (Ret'd) David A. Granger, Leader of the People's National Congress Reform PNCR and of the Opposition, to investigate torture by members of the Guyana Police Force between 2006 and 2013.

I observe that in the "BE IT FURTHER RESOLVED" clause the CoI is "to inquire into torture... by members of the Guyana Police Force and make recommendations to prevent recurrence of such torture." In other words, the intent of this motion is to bring qualitative improvement in the care and custody of persons taken into custody by members of the Guyana Police Force.

Subsequent to the establishment of the United Nations and after the horrendous revelations of the cruel and inhumane treatment of persons held in custody in certain countries, torture was banned. Torture in the twenty-first century is now prohibited under international and domestic laws, in most countries. It is considered to be a violation of human rights and is declared as unacceptable by article 5 of the United Nations Universal Declaration of Human Rights. Consequently, the Convention against Torture, Cruel and Inhuman or Degrading Treatment or Punishment, the United Nations' convention on torture, is an international human rights instrument under the review of the United Nations that aims to prevent torture, cruel inhumane and degrading treatment or punishment around the world. The convention requires states to take effective measures – remember, it is "...requires states" – to prevent torture within their borders and prohibits states from transferring person to any country where there is reason to believe there that will be torture.

Section 17(1) and (2) of the Police Act, Chapter 16:0,1 gives awesome power to the police to arrest, in Guyana, persons who offend the law. The Customs Anti Narcotics Unit (CANU) and the Guyana Defence Force (GDF) Maritime Command for specific enforcement purposes are also empowered to effect arrest in their respective enforcement roles. The legislation earlier mentioned clothed the police to arrest under the following circumstances:

“It shall be lawful for any member of the force to arrest without a warrant –

- (a) any person who commits in his view an offence punishable either upon indictment or summary conviction; or
- (b) any person whom any other person charges with having committed a felony or misdemeanour; or...”

[Interruption]

Mr. Deputy Speaker: Hon. Member, continue your presentation.

Mr. Felix:

“(c) any person whom any other person -

- (i) suspects of having committed felony or misdemeanour;
or
- (ii) charges with having committed an offence punishable on summary conviction, if such other person is willing to accompany the member of the force, effecting the arrest to the police station and to enter into recognisance to prosecute such charge.

(d) any person whom such member of the force finds disturbing the public peace; or

(e) any person whom he had good cause to suspect of having committed or being about to commit a felony, misdemeanour or breach of the peace; or

(f) any person whom he finds between the hours eight o’clock in the evening and five o’clock in the morning lying or loitering in any highway, yard, or other place and not able to give a satisfactory account of himself.”

I am sure that no one will deny that for a person to be torture, such a person must be deprived of their liberty or freedom and taken into the custody of the state. A clean and well maintained lock-up is the official holding place for a person detained in police custody. A detained person must not be beaten or in any way ill-treated or “roughed up”, as was the term used in this honourable House a few years ago to explain, in a way, allegations of torture. In fact, section 4 (L)(1) and (2) of the Police Discipline Act, Chapter 17:01, creates departmental offences for making an unnecessary arrest and for using unnecessary violence to a prisoner or other person with whom he may be brought into contact, in the execution of his duties. I have highlighted these sections of laws to indicate that persons, in the custody of the state, can only be detained following a lawful arrest for a cause.

Of course, the A Partnership for National Unity (APNU), which is always on the watch for the violation of our people’s rights, noted certain frightening incidences triggered by the conduct of law enforcement personnel. I will now proceed to mention a few.

Patrick Sumner and Victor Jones were arrested by members of the police and defence forces in September, 2007. They were taken to the Guyana Defence Force’s headquarters at Camp Ayanganna, the Guyana Police Force’s headquarters in Eve Leary, then to another military camp where they claimed that they were tortured. As a matter of fact, they bodies were made public to manifest marks of violence.

Michael Dunn, Sharth Robertson and Alvin Wilson, three Guyana Defence Force soldiers, complained that they were tortured by being beaten, cuffed, kicked, shot, struck with metal objects between November and December in 2007 in a military camp. The first time in the history of the Guyana Defence Force soldiers tortured soldiers. [Mr. Nandlall: You are supposed to deal with the police.] Torture is an international crime, remember that. David Leander, also called David Zammet, or Biscuit, was arrested in November, 2007. He was so badly injured that he was unable to walk, could hardly speak and had to be hoisted into the Magistrates’ Court to answer the charges of attempted murder and possession of narcotics. [Mr. Nandlall: Who was the Commission of Police at the time?] In 2007, I had retired. [Ms. Teixeira: When?] It was in 2006. Do you not remember? [Ms. Teixeira: What date?] It was the 1st November, 2006 - remember that.

Twyon Thomas was arrested in October 2009 on suspicion of involvement in the murder of Ramnauth Bisram, a PPP stalwart and former Vice Chairman of the Essequibo Islands-West Demerara, Region 3. The boy was taken to La Grange Police Station on the West Demerara

and thence to Leonora Police Station on the West Coast, where he was beaten and burnt in the genitalia area. In that matter two policemen were charge, but their cases were unceremoniously dismissed for want of prosecution. I think a civil action for damages is now pending. As a matter of fact, I think Justice George had awarded damages, which would be regarded as punitive, and the state has appealed it. Just as the Batson's case in the 1960s, it was dismissed.

Colwyn Harding was arrested in November, 2013. He has accused a policeman at the Timehri Police Station of sodomising him with a condom-covered baton. Harding reported suffering several internal injuries...

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: Mr. Deputy Speaker, if I may draw to the attention of the honourable House there is the Standing Order which deals with matters that are *sub judice*. Colwyn Harding has filed two writs of summons, one against the Attorney General and one against a policeman, in which he is making certain allegations. There is a rule that prohibits the National Assembly discussing matters that are engaging the attention of the court. Sir, I wish to draw that to your attention.

Mr. Deputy Speaker: Thank you Hon. Attorney General. I suppose I am bound by precedent. I recall, only at the last sitting, a matter has been filed with respect to the Guyana Cricket Board and is pending before the court, and, that notwithstanding, the entire debate, in relation to that matter, was carried on.

Mr. Nandlall: Sir, in my presentation you will recall that I detailed, at some lengths, the matter which was pending in the court with the ultimate objective of establishing, to the satisfaction of the Speaker, that that matter had no relation whatsoever. The subject matter of the allegation, to which Mr. Felix is making reference, is the actual subject matter of two pending High Court matters.

Mr. Deputy Speaker: I do not agree with you. What I would say is that the Hon. Member was making an allusion and he is not dwelling on the subject. I will ask him to continue.

Mr. Felix: Unless it is an attempt not to hear more, I will now speak about Alex Griffith. I have no intention of speaking in depth on these issues.

Alex Griffith, 15 years old, this is not before the court as yet, after three weeks, was arrested at his home by a cadet officer of the Guyana Police Force for questioning, in relations to a

crime allegedly committed on a relative of the officer. The cadet officer questioned him in a nearby yard, where he allegedly played Russian roulette with a revolver in Griffith's mouth, causing a round to be discharged, injuring the child.

I want to pause here to point out that the characteristics of torture, as indicated in the definition given by the Leader of the Opposition, suggests that for a person to be tortured that person has to be in the control of somebody in the authority of the state. That is the first thing. There must be this infliction of pain, mental suffering and anguish, psychological. That pain and suffering must be administered by a person with an asymmetrical power relationship between the interrogator and the person tortured so that that person loses power and control of his own actions and can only respond to the torturer.

I am making this point to differentiate between some descriptions I heard earlier about torture and politicians, when in here. According to the definition of torture one cannot be tortured if one is free to move. One can be abused, but not tortured. [Ms. Teixeira: But that is inhuman degrading treatment. The definition goes on, Mr. Felix.] There is absolute validity in what I am saying and I am not denying yours.

Torture, as I understand it, commences from the questioning of suspects. Under the judge's rule, which is published in Chapter 3:02 of the High Court Act, it is:

“When a police officer endeavouring to discover whether or by whom an offence is committed, he is entitled to question any person, whether suspected or not, from whom he thinks that useful information may be obtained. This is so, whether or not the person in question is in custody, so long as he has not been charged with or informed that he may be prosecuted for an offence. As soon as the police officer has reasonable grounds for suspecting that the person has committed an offence, he shall caution that person or cause him to be cautioned, before putting to him any question or further questions relating to the offence.”

This is where investigators overstep and we have all sorts of allegations. What is wrong here is the unprofessional approach to investigations or extracting their confessions through the use of force. Later in the High Court Act, it states at paragraph (e):

“It is a fundamental condition of the admissibility of evidence against any person equally of any oral answer given by that person to a question put by a police officer and of any statement made by that person that it shall be voluntary, in the sense that it

has not been obtained from him by fear of prejudice or hope of advantage exercised or held out by a person in authority or by oppression.”

It goes on in the second paragraph.

“Non-conformity with these rules renders answers and statements liable to be excluded from evidence in subsequent criminal proceedings.”

This is the unprofessional part of beatings. The trial lawyers in this House would immediately recognise that the moment the prosecution would attempt to tender that statement, once there is reason to believe it was obtained under these conditions, the objection would be raised, then we would run into a whole long *voir dire*, a trial within a trial, to determine the admissibility of the statement. In some cases the statement is thrown out and where there is no other evidence available, then that case is likely to go down the drain.

It is *penny wise and pound foolish* for the police or any law enforcement agency to continue a practice of obtaining these statements either through force, fear or violence to the person. That is why, in observing these shortcomings, the Leader of the Opposition is right in proposing that the Guyana Police Force should be reformed, which is just giving lip service and it is to get a reform proposal on areas which are unhelpful to improve the day to day performance of the Guyana Police Force. Why would we have succession planning as a reform component, as against reforming criminal and traffic investigations? These are areas which the image of the Guyana Police Force is either lifted or debased, depending on the professionalism of those. Since the 1960s the Guyana Police Force has not had a change in policies or the investigative capacity. The call by the Leader of the Opposition came at the right time, but it would appear as though the Government side would not hear or listen.

I would focus on torture so that listeners would decide for themselves what falls into the category of bodily and mental anguish, pain and suffering.

Mr. Deputy Speaker: I thought you left out three, of which I thought were mental and psychological...

Mr. Felix: That is correct. Torture includes such practices as electric shock, shock treatment to the genitals, severe beatings, water boarding, which is submerging in water and dousing with water to produce a sensation of drowning, the denying of food and sleep for days and weeks, at end. Torture is already being defined by the Hon. Leader of the Opposition in his

presentation. Arising from that definition and the examples of torture stated earlier are the following:

- The intentional infliction of extreme physical pain and suffering, for example, beatings and deprivation of sleep intended to break the will of a defenceless victim, during an interrogation.
- Loss of autonomy or the intentional substantial curtailment of the exercise of the non-consenting person's ability to determine and act at its own volition.

[*Mr. Deputy Speaker left the Chair.*]

[*Mr. Scott in the Chair.*]

By virtue of the control the torturer has over the victim's body, any physical sensation, the torturer is able to heavily influence other aspects of the victim's mental life. He can now think little else, but his extreme suffering and the torturer.

There are two things that are manifestly wrong with torture. Firstly, torture consists, in part, of the intentional infliction of severe physical suffering. It is an experience of severe pain; torture hurts very badly and we should not condone it.

Secondly the torture of human beings consists in part of the intentional substantial curtailment on the individual's autonomy to act as the individual chooses and for the loss of freedom, torture is bad as it is evil. For this Government to fail to act decisively, to correct apparent wayward behaviour, creeping into law enforcement, is the mischief to be cured for the benefit of this nation.

The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has developed provisions, which are binding on all state parties to it. I will quote certain pertinent provisions from the convention, taken from C. de Rover, "*To Serve and to Protect: Human Rights and Humanitarian Law for Police and Security Forces*", Geneva, 1998, at page 339:

"No exceptional circumstances, whatsoever, may be invoked as a justification for torture. Superior orders may not be invoked as a justification for torture. Torture must be prohibited under domestic laws. All persons accused of committing torture must be brought to justice, irrespective of their nationality or where the crime is alleged to have been committed. The training of law enforcement officials must take full

account of the prohibition against torture. The prohibition of torture must be incorporated in general rules and instructions issued to police officials responsible for the custody of detainees.

Arrangements for custody and treatment of persons deprived of their liberty must be kept under systematic review. Suspected acts of torture must be promptly and impartially investigated. Alleged victims of torture are entitled to a prompt and impartial investigation and must be protected against all ill-treatment or intimidation as a consequence of their complaint.

Domestic law must ensure redress to and an enforceable right to a fair trial and inadequate compensation for victims of torture. Evidence obtained through torture is admissible in court.”

I heard the Hon. Member indicating about the large number of complaints received at the inception of the Police Complaints Authority. The Police Complaints Authority came into being as recognition by all countries. If it is checked it would be found that around the Caribbean countries that all might have been establishing Police Complaints Authorities at the same time. It has nothing to do with the politics of the day. It was a police arrangement to support the force to control its errant members. That is why we have got on to it.

In this Walter Rodney Commission of Inquiry, as the Hon. Member was calling for – a Rodney-like inquiry - we have to deal with a new phenomenon where the Commission of the Inquiry, under the Commissions of Inquiry Act 19:03, can create its own rules, so that, by doing so, the inadmissible evidence, which cannot be taken into a proper or competent court or a court of competent jurisdiction in a trial, is admitted there. Anyone who dreams up something can go there and speak and that person is not subjected to the laws of perjury. That is what we are having at the Rodney Inquiry. I would hate to know that in a situation, where we are seeking to eliminate torture, that any inquiry...

Mr. Nandlall: I just wish to put on the record to join issue with my...

[Mr. Deputy Speaker assumed the Chair.]

4.20 p.m.

My friend has just made a very inaccurate statement of law, that a Commission of Inquiry, in particular the Walter Rodney Commission of Inquiry, does not have the power to apply the law of perjury, and that is absolutely inaccurate.

Mr. Felix: It is subject to immunity. What is the Attorney General saying? In other words, one can go there and say anything and it goes.

Mr. Nandlall: The immunity, which is conferred, is in relation to acts done on prior occasions about which the person is testifying. It is not that a person can go there and testify about a lie.

Mr. Felix: I rely on what I have said earlier, so I would hate to know that an instrument, which is to be used for the benefit of this society, is reduced to nothing and that we could get nothing meaningful out of the Commission of Inquiry. That is the fear on our side since this commission has manifested its operation.

This motion seeks to direct the attention of the servants of the state to their legal obligations under customary international law and domestic legislation, so that the protection of all persons, nationals and non-nationals, can be respected and observed. We need a professional police force, but we must point it to its shortcomings and take pertinent steps to rehabilitate it. It takes a government, which is willing to abide by issues and requirements of good governance, to manage the redirection of the state agencies which are under scrutiny.

I support this motion fully and trust that this country would benefit from the resolution derived there from. [*Applause*]

Mr. Deputy Speaker: Thank you Hon. Member.

Hon. Members, I think this is a good time to take the suspension. The sitting is suspended for one hour.

Sitting suspended at 4.24 p.m.

Sitting resumed at 5.30 p.m.

Mr. Nandlall: I rise to express some observations on the motion moved by the Hon. Leader of the Opposition that is currently under debate. The motion embraces two fundamental concepts, the question of torture and the question of cruel and unusual punishment. I do not think that anyone in his or her right mind will in any way attempt to dispute that both of these

phenomena are international wrongs, are constitutional wrongs, and are violations of the basic rights to which human beings are entitled, whichever part of the world he or she may dwell. Indeed, there are many international treaties and conventions which speak to the importance of ensuring the absolute elimination of these human rights travesties.

I want to say, from the outset, that the PPP/C administration has acceded to, has signed on to, every single international treaty and convention in the western hemisphere which addresses the question of human rights, generally and specifically, which speaks directly to the issue of torture and cruel and inhuman treatment. Our record, as a Government, cannot be credulously and credibly questioned by anyone. In 2001, under this administration, we engineered vast changes to our Constitution, and while our Constitution, at that time, guaranteed as fundamental rights, protection against torture and cruel and unusual treatment we removed from it certain hurdles and procedural impediments to ensure that those rights, which are guaranteed and self-evident, as expressed in the Constitution, are actually enjoyed by the populace and do not remain illusory.

Mr. Deputy Speaker, you, more than most persons, would be aware that prior to 2001 there was a provision in the Constitution which, in essence, provided that if there is an alternative remedy which can be accessed under the ordinary laws of the land, then access to the constitutional fundamental rights, as guaranteed by the Constitution, should be deferred in preference to the access of a litigant to that ordinary law or the remedy provided by that ordinary law. That was interpreted by the academics, as well as the judges, to be a constitutional bar to accessing fundamental rights. The constitutional reform process, in which we were engaged, in 2001, removed that procedural obstacle. The provision manifests itself in article 153 of the Constitution which, as Your Honour is aware, is the provision that speaks to the enforcement of fundamental rights under the Constitution. It now reads words to the effect:

“That notwithstanding the existence of a remedy under any other law, access to the Constitution, shall remain ready and available to a litigant who chooses to resort to a constitutional method of enforcement.”

Another important wave of change which that exercise brought to a constitutional architecture, as it relates to the question of human rights and, in particular, the question of torture and inhuman treatment, is that it added an article to the Constitution, now reading article 158 under the heading “Protection of Human Rights.” Recall what the Constitution

had before was fundamental rights and freedoms as guaranteed to the individual. For the first, time after 2001, we introduced different jurisprudential specie of rights described as human rights. These are rights that are separate and apart from those captured in our conventional constitutional matrix. It is in this section of the Constitution that an obligation is created, which obligation devolves upon all the branches of Government to ensure they uphold human rights in the discharge of their respective endeavours. It also speaks to the establishment of a Human Rights Commission. It provides that abrogation or allegations of abrogation in which those human rights are to be ventilated before that Human Rights Commission.

It also embraces and incorporates into the Constitution, as a schedule, a number of conventions, all which address exclusively the question of human rights. They are Convention on the Rights of the Child, Convention on the Elimination of all Forms of Discrimination against Women, Convention on the Elimination of all Forms of Racial Discrimination, Convention against Torture and Other Inhuman and Degrading Treatment or Punishment, Covenant on Economic, Social and Cultural Rights, Covenant on Civil and Political Rights, Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. All these conventions have, in a direct way, been made part of the constitutional architecture of our country. I say that as introductory remarks to buttress the contention that this administration has a record of supporting, advocating and embracing human rights and standing firm against violation of human rights, however they manifest themselves, more particularly in relation to torture and cruel and unusual treatment.

Mr. Deputy Speaker: Hon. Attorney General, are the human rights enforceable in Guyana?

Mr. Nandlall: Are human rights enforceable?

Mr. Deputy Speaker: If someone alleges that it is breached, where could that person seek recourse?

Mr. Nandlall: If you are asking me whether the Human Rights Commission is in force and established the answer is no.

Mr. Deputy Speaker: Therefore breaches of human rights conventions and provisions are not enforceable.

Mr. Nandlall: Sir, thank you for reminding me. Under this administration, also, for the first time in the judicial history of this country, we have established a specialised court to deal specifically with the question of constitutional violation.

Mr. Deputy Speaker: Do you have an idea when it is going to be constituted? [Mr. Ramjattan: Where is the court you established?]

Mr. Nandlall: The constitutional court, Sir, to answer the Member, is situated in that yellow building called the Victoria Law Courts. It is presided over by Chief Justice Ian Chang. That is the constitutional court. I said that it is a court established specifically and exclusively to deal with the violation of constitutional matters. I stand firm in that pronouncement.

The record of the administration, I do not think, can be reasonably questioned. My colleague, Hon. Member Madam Gail Teixeira made it very clear that when one accuses the police force, as this motion does, it is imperative that one establishes, at least on the record, on the face of the motion, that there is a policy that is deliberate, that is systematic, that is institutionalised, which advocates violence, which advocates torture, which advocates the violation of human rights. There is nothing on this motion that suggests that at all. To make the allegation, to which I will now make reference:

“AND WHEREAS it has been widely reported...”

Widely reported, where?

“AND WHEREAS it has been widely reported that persons were tortured by members of the Guyana Police Force between 2006 and 2013.”

This is a serious allegation. I am not disputing whether this exists or not. I have been asked by the Hon. Member to speak to a motion and, as an advocate, it is expected that set out in the motion will be sufficient empirical and other evidence that would tend to suggest that which the motion seeks to establish. One cannot make a bold and bald allegation that it has been widely reported that members of the Guyana Police Force tortured persons from the year 2006 to 2013 without setting out in the motion paper a singular instance in support or a singular incident in support of the allegation. It is stated here that it is widely reported. When I read this, as a researcher, I do not even know where to look. Where is it reported? If the Hon. Member had said that it is reported in the *Guyana Chronicle*, or in *Kaieteur News* or some document or a journal or in statistics at the Guyana Bureau of Standards or the

Statistical Bureau then one could have been directed to a source, so that I can decide whether I can support the motion or not. The motion here is an absolute nudity; it is bereft of any data in support of it. [Mr. Ramjattan: Your efforts are tortuous.] You have a long time more to listen to me.

The second point I want to make is the utilisation of the process of this National Assembly to deal with a matter such as this. That makes me question the *bona fides* of this motion. Is the mover of this motion seriously interested in torture? Is he really interested, the Hon. Member, in the question of cruel and unusual treatment? If he was, the obvious question one has to ask is: Why confine it to the Guyana Police Force? Why confine it to a period of time? Is it that people, who were allegedly tortured before, are unimportant? Is it that people, who were allegedly tortured after, are unimportant? Is the Guyana Police Force the only institution in Guyana against which allegations of torture are to be levelled? Why restrict it? If we are dealing with torture then let us deal with torture. If we are dealing with cruel and unusual treatment why we exclude Jonestown, for example, which was the biggest mass suicide in the western hemisphere? Is that not torture? Why can we not discuss the dozens of people who were killed during the crime spree after the jail break of 2001? Why do we not discuss those people? Were they not tortured? Were they not tortured in their homes and killed or slaughtered? Why are we confining it to people? [Ms. Ally:...Shaka Blair.] Shaka Blair is included. It is all the people at Annandale, all the people at Enterprise, all the sugar workers who were slaughtered in the *backdams* and we cannot find them up to now. Why confine it? That makes me questions the *bona fides*. Is it just an attempt to gain political mileage? Is it an attempt to attack the police force? What is it?

Brigadier (Ret'd) Granger: Mr. Deputy Speaker, it is just for the information of the Hon. Attorney General. I had submitted a motion on the 12th December, 2012, and if he turns to page 14 of the Order Paper he will see what he is talking about was submitted since December, 2012.

Mr. Nandlall: Mr. Deputy Speaker, are we going to be a Parliament of motions? We split and on the question of torture there are about 100 motions dealing with different aspects of torture. Why is it we cannot have a comprehensive motion that treats with torture from the time of independence or before independence to now? Why?

Ms. Teixeira: Mr. Deputy Speaker, I just want to have clarification. The Hon. Member Mr. Granger implied, if it is not said directly, or it would appear to be, that the motion, which he

has, was asterisked on the Order Paper for quite a long time. It was implied or it appeared to be that the Government had something to do with that. The Government has nothing to do with Private Members' Business. The asterisk was not put by the Government and it is certainly not by me. I am the one who puts the asterisk on anything for the Government.

Secondly, the Government tabled amendments to that motion and so did the Alliance For Change. There was a meeting with the Speaker in which he agreed to some of Mr. Nandlall's amendments and some which he did not agree to. Those amendments have been sitting in the House for many a month. There is no lack of desire from the Government to discuss it. I just want to say, for the record of this House, that the asterisking of Mr. Granger's motion on the violence of 2004 to 2010 is the choice of the Opposition. It is not this side of the House.

Mr. Nandlall: Thank you very much, Mr. Deputy Speaker, for permitting my colleague to set the record straight. Comrade Leader, you have your answer there.

It also makes me question the method chosen to investigate this matter. We have to be weary; we are a constitutional creation. The same way we have a constitutional mandate, remit, and jurisdiction, the Constitution has also charged different entities and organs, which the Constitution has created, with specified responsibilities. We must not usurp, interfere with and encroach on the functional responsibilities of those agencies. The agency to which I am making reference to, in particular, is the judiciary.

Now, Mr. Deputy Speaker, as you know, the judiciary has the constitutional mandate and responsibility to deal with all questions relating to constitutional and legal wrongs. As I have indicated earlier, and as the motion, itself, expressly recognises, torture is a constitutional wrong. The Constitution of our country states that anyone who alleges that his right, under the Constitution, has been contravened, is being contravened, or is likely to be contravened, has a right, an unhindered right, to access the High Court for redress. We cannot come here and usurp the functions of the courts. There are many of these cases, I have no doubt, which are engaging the attention of the court.

The Hon. Member Mr. Felix, former Commissioner of Police, cited the case of Twyon Thomas. He is the teenager who alleged that police threw methylated spirit on his genitals. I want to take this opportunity to correct him. That case was filed and heard and determined by the Hon. Mdm. Justice George. It was not dismissed. [Mr. Felix: That was the civil case. The criminal case was dismissed.] The civil case, which I am speaking about, was heard

and determined by Justice George; compensation was ordered and it was paid. An appeal was filed and the appeal was later withdrawn and the compensation was paid. Mr. Ramjattan can account how much of that compensation actually reached the victim. That is a question of a different debate. We cannot come here and pretend that there is nothing going on to deal with these allegations of torture.

Torture is wrong and it must be condemned in the strongest possible way, and this Government has always done that. There are many cases in the court. I refer to the case of Colwyn Harding. There are two cases filed and both are pending before the court. It is not as the impression that is conveyed here. [Ms. Ally: Mr. Nandlall, when are we getting Sash Sawh's own?] The Satyadeow Sawh's case, a lot has been said. Mr. Speaker, there has been an investigation by the police. The Minister, as this National Assembly clearly recognises, does not direct the police on what to investigate or how to investigate. The police have investigated, they have concluded their investigation and based upon public information, the information disseminated publicly and reported in the press the case has been investigated fully. [Lt. Col. (Ret'd) Harmon: What fully?] I do not know how anyone can sit here and tell me that it has not been when the authorised statutory body is saying that it has done so. If you believe that is not so go and challenge it elsewhere. Do not come here and tell me it has not been done. [Lt. Col. (Ret'd) Harmon: The police investigated Rodney's case and they said that they were finished and you called an inquiry.]

Let us speak a bit about the Walter Rodney Commission of Inquiry.

Mr. Deputy Speaker: Is that not *sub judice*?

5.57 p.m.

Mr. Nandlall: The mover of the motion has stated publicly that he finds objectionable a particular clause, a particular term of reference in the terms of reference. Do you know specifically what that term of reference speaks to? It speaks to the political climate which existed at the time, between 1978 and 1980, in relation to what environment Rodney operated under before he was blasted to pieces by a bomb. If we are interested in getting to the bottom of torture, why is it that we do not want an inquiry into those circumstances? The point I am making, Mr. Deputy Speaker, is that we cannot cut and choose what we want to investigate. If we are *bona fide*, if we are serious about... [Mr. Greenidge: Who said *[inaudible]*?] You should not speak you were in the Government at the time.

Mr. Greenidge: Mr. Deputy Speaker, this particular speaker is in the habit of coming on the floor, speaking off the top of his head, often...

Mr. Nandlall: What is the Point of Order?

Mr. Greenidge: You are a liar.

Mr. Nandlall: I am a liar; that is the Point of Order.

Mr. Greenidge: You withdraw and I will withdraw.

Mr. Nandlall: Withdraw what? Were you not a Minister in the People's National Congress (PNC) Government?

Mr. Greenidge: If you knew then you should not have...You should have asked before you spoke.

Ms. Teixeira: The Hon. Member made an accusation of lying and this is not allowed.

Mr. Deputy Speaker: Hon. Member Ms. Teixeira, are you standing on a Point of Order?

Mr. Greenidge: The Point of Order is that he has to withdraw the statement.

Ms. Teixeira: Yes Sir. The Hon. Member Mr. Greenidge accused the Hon. Member Anil Nandlall of being a liar. This is not acceptable. Could he please retract it, Sir?

Mr. Deputy Speaker: Comrades, Hon. Members... *[Interruption]* Hon. Members, the Hon. Member is continuing. Hon. Attorney General, you are on the floor.

Mr. Nandlall: Yes Sir. The other question that we have to address...

Mr. Greenidge: Mr. Deputy Speaker...

Mr. Deputy Speaker: Hon. Member Mr. Greenidge, on what basis are you standing?

Mr. Greenidge: I am standing...

Mr. Nandlall: Why are you obstructing me?

Mr. Greenidge: ...on the Standing Order 40. The Attorney General has made an assertion which is untrue, once more. I was not a Minister in the Government at the time of the Rodney's Inquiry or at the Satyadeow Sawh's Inquiry.

Mr. Nandlall: I never said... [*Interruption*]

Mr. Deputy Speaker: Hon. Members, I believe that you have exchanged impositions and they are cancelled out because you were imputing improper motive to him and he called you a liar, so it is cancelled out, but I would expect... Hon. Member, could you sit?

What I am saying to you... [*Interruption*] Hon. Members. You could proceed, Hon. Attorney General.

Mr. Nandlall: The other question, which I want to speak to, is that we have to be careful lest we convey the impression that we regard certain issues as more important or rather deserve more attention than others. Why choose torture, if we presume that that is a problem, and make that a subject of a motion? There are other pressing problems in the country. There is the question of suicide. [**Mr. Greenidge:** Corruption.] There is corruption; there is domestic violence and that is why I am questioning the rationale of this motion.

The motion does not convince me that there is any major problem of torture in the country. The motion has two paragraphs, one which speaks of some wide reportage of persons tortured by the Guyana Police Force from a particular period, 2006 and 2013, and there is nothing else. On what basis should this entire National Assembly...? On what basis are we moving this Assembly to call on the highest office of this land to exercise the exceptional power of creating or establishing a Commission of Inquiry? On what basis - that this it is widely?

The Commission of Inquiry Act is a very simple Act but it is a special piece of legislation. It invests in no other authority in the land but the President with certain executive powers. There must be a reason why he did not put that power in a Minister or he did not put that power in any other agency. It vested that power in the supreme executive authority of the land. There is a reason why. It is there so that it cannot be invoked trivially and flippantly. When its invocation is sought, a case that is sound, a case that is compelling, a case that is cogent must be presented. It is not a one-page document that makes an unsupported allegation that somewhere, in wide space, there is some report that there is torture in the police force between these couple of years. And you are asking the supreme executive authority of the land to invoke his power, to investigate what? What have you given him to investigate? Mr. Deputy Speaker, you cannot dilute the significance of the executive power.

For those reasons I submit that this motion is frivolous and vexatious.

Thank you very much. [*Applause*]

Mr. Bond: I join with the other Hon. Members of the National Assembly to support the call, the motion for the establishment of a Commission of Inquiry into incidences of torture between a particular period.

I must say that it was heartening to hear the Hon. Member Madam Teixeira say that it is commendable as well, although, in her own view, she would have appreciated an expansion of the period. The Hon. Member does not feel the motion is flippant and vexatious. As Chief Whip of the Government side and adviser to the President on governance, the Hon. Member does not feel that it is flippant and vexatious. I do believe the Hon. Member would speak like Dr. Luncheon, that the Attorney General does not speak for her, that he does speak for her side of the House.

Ms. Teixeira: Mr. Deputy Speaker, I would like you to ask... Mr. Bond does not speak for me either.

Mr. Deputy Speaker: Hon. Member, are you on a Point of Order?

Ms. Teixeira: Cancel.

Mr. Bond: The Hon. Member said enough for herself. I do not need to speak for her. I do not need to speak for you, Madam. You have spoken well for your own self.

I am surprised that my learned friend, whom I have great respect for, before I entered into this House, as a young lawyer, seeing him in the courtroom and having defeated him on an occasion, when I was a prosecutor in the Mahaica attempted murder case,... [*Interruption*]

Mr. Deputy Speaker: Continue Hon. Member Mr. Bond.

Mr. Bond: I am always respecting him and I have always admired his style and I do believe that he is a comely Attorney General.

However, the research that my friend claims that he is endeavoured to go upon...I am surprised that he has not seen the reports, the incidences. I am afraid that my friend is lost in his own world. As lawyers are trained to do, we tend to look beyond the black and white. We are called to a higher degree, a higher calling. We cannot, as ordinary Guyanese, look at a literal interpretation or a literal meaning. We must go behind the scenes and discover what the author is trying to say. That was the training I have got. I do not know if my friend has

got the same training but I will give him some examples of my research. This would not have been the thrust of my presentation but, however, I will divert just to educate my learned friend.

In October, 2009, Deonarine Rafick said that he was beaten with a piece of wood and burnt on the inside of his mouth with cigarettes to be forced to sign a confession statement. He had a gaping wound to his head when he was brought to court. Nouravie Wilfred, 20 years old was held incommunicado for seven days. Twyon Thomas, 15 years old, was burnt on his genitalia with a flammable liquid. In Berbice, two police ranks were charged with assaulting ten years old Ravanlee Chan causing him grievous bodily harm. In May of the same year, two men said that they were whipped, beaten and handcuffed and thrown in the back of 4x4 by joint services ranks at their home in Linden. They were pictures of cuts and bruises on their skin.

In November, 2007 Gurundatt Prakash, 26 years of age said that he was beaten by police resulting in head injuries. According to one eyewitness Prakash was beaten into a state of unconsciousness. In October 2007, Patrick Sumner, Victor Jones and David Leander, from Buxton, said that they were tortured for over a three-day period. I represented David Leander and I saw the injuries he received. His eyes were bulging and bloodshot, he was shot through and through in his hand. He could not walk. We saw him in the courtroom having to be held into the court.

I do not know if my learned friend would have to... He was not around during this period, I would presume.

In November 2008, three Guyana Defence Force ranks, Alvin Wilson, Sharth Robertson and Michael Dunn, who were accused of the disappearance of an AK47, said that they were choked, sprayed with pepper spray and whipped with metal pipes by GDF officers of the Military Criminal Investigation Department (MCID).

In August 2008, Edwin Niles was brutalised and died while in the custody of the Guyana Prison Service. In February 2011, Ryan Gordon, he was 17 years, said that he was brutalised by members of the joint forces in Wakenaam. In February 2009, Mitchell Thomas reported that he was put to lie in an ant nest while being questioned by police ranks. In May 2009, Troy Small was picked up by a group of persons, one of whom claimed to be a GDF officer, and he was beaten and brutally dumped in front of the Alberrtown Police Station. Small said

that even though he received medical treatment for his injuries he was too afraid to seek medical help.

These are some of the incidents... Just last year, 2013, in Meten-Meer-Zorg where nine persons were accused of being involved in a murder, all of them claimed except, my client, Cassandra Singh - she was not beaten by the police - that they were badly beaten by the police. One Delwyn Croft - I knew Delwyn Croft from travelling to Supenaam via speedboat - had both of his eyes in his sockets but after his torture episode with the Guyana Police Force his left eye was bulging out of his head. He claimed that they put clamps on his head and squeezed it until his eyes bulged out. It is right there if my learned friend wants to see it.

Shaka Chase's family called and said, "Mr. Bond, he has been tortured." I read the evidence on facebook. I interviewed Shaka Chase, they give him a substance to drink causing him to mess himself. He said, "Mr. Bond, go behind the latrine and you will see the pants with the faeces and my boxers". I went and there it was as he had claimed. These are real reports. It was not an airy-fairy incidence thrown for some attention or political mileage.

We must understand that the rights of our human beings are the greatest rights. I must say that anything touching and concerning human rights must be given the utmost priority. We, in this House, should not shy away from a responsibility to protect the rights of ordinary Guyanese. When our Attorney General, who is the epitome of the protection of such laws, said that a motion to examine the root causes, the hows, whys, whens and wheres of human rights abuses, of tortures and the dehumanised treatment, is frivolous and vexatious it causes me to wonder if he speaks for the Government or he speaks for himself. It causes me to wonder.

When we speak of torture, the authorities have said it clear that those in authority must not acquiesce. We must not, by our actions or by our words, give the impression as though it is okay. If it is to examine how we have dealt with torture and reports of torture, it is that we have not taken any action and by not taking any action we tell the world, we tell the ordinary man in the street, that it is okay. I do not want to call the names of persons who have said or given statements that may suggest that it is okay, but we have heard it all along.

It causes two things in which we must look at when it comes to torture. Yes, in Guyana we have seen a plethora of physical abuses. We must also look at the mental abuses and trauma that the families are put through. We must also remember that it is not only that men are

affected but women too. We have had reports of women, whilst they were in police custody, being raped and impregnated by the officers. These are real issues affecting our women and we cannot call them frivolous and vexatious.

If I may quote, at length, the *Amnesty International Report 2014*, the article is deemed “Thirty years of broken promises”. I want to read in totality what it is saying here. It states:

“Two overarching reasons torture occur is that governments believe they benefit from torture and the persistence of a culture of impunity that is, the failure to bring to justice those responsible for serious violations of human rights and international and humanitarian law.”

The PPP/C Government has a responsibility to its people, not just their supporters, but to the Guyanese people, to have this Commission of Inquiry to show that one should not think that one could get away with torture if one would use torturous methods. It should be jumping at such an opportunity. Instead we are jumping at, I would not quote, other Commission of Inquiries. This is of serious concern. It states:

“In many countries torture is often used not only to inflict pain on a specific victim but also to terrorise others be they suspected criminals, political dissidents or perceived enemies so as to deter them from taking whatever action the Government deems to threaten their interest.

Governments in many parts of the world rarely investigate, prosecute, try and punish torturers, a serious crime under criminal law.”

That is the same for Guyana. In Guyana, in our criminal law, torture is not an offence, it is not a crime and that is what we should have. It should be that as soon as an allegation is made, it is investigated and charges are brought, one is put before the courts. It is an indictable offence and one is liable to imprisonment. One must not have a civil action of going through causation, courts and compensation. We must have criminal punishment for these criminals.

“Where investigations do occur they are often stalled through inaction, ineffectiveness or complicity of the investigating body. Torturers are rarely brought to account.”

That is the article. It reminds me of a statement made by a former President when he said: “Certain actions warrant certain response and a different approach in confronting criminals.”

In this case the ends never justify the means. We must take this seriously; we must examine the hows, the whys, the whens, the wheres. We must examine it and this opportunity to have a Commission of Inquiry should be grasped at by this entire House. It is not only for this side of the House, it is for that side more so.

Those are my statements please. *[Applause]*

Minister of Home Affairs [Mr. Rohee]: Let me take this opportunity to congratulate you on assuming the speakership responsibility for this session.

I have had adequate time due to the postponement of this motion on several occasions to examine it in great detail and particular attention has been paid to paragraph two of the motion which is the third whereas clause where reference is made to the following that:

“...it has been widely reported that persons were tortured by Members of the Guyana Police Force between the years 2006 and 20013, inclusive.”

My concern with the construction of this particular whereas clause has to do with how it is formulated, “widely reported”. I take that to mean that it has been widely reported in the media. but stories, which are widely reported in media, I am sure we would agree, would be basically stories that have to be substantiated by the presentation of evidence in a court of law or if cases are to be made out in a convincing manner in any situation that requires hard evidence.

The other observation, in respect of these widely reported instances of torture, would be where were these cases occurring that were widely reported? Reference is made also to persons. I would like to know who are these persons, what are the names of the persons. Finally, was it that that they were tortured by members of the Guyana Police Force? **[Ms. Ally: Yes. They were.]** Well, who were the members of the force?

The force is an institution and it cannot be taken to a court. It is individuals and specific ranks of the force if they are found guilty or if they are alleged or suspected to be involved in these matters. It would seem to me that in the same way we would want to identify who the persons are that was tortured, I would want to suspect, in a similar manner, we should identify by whom they were tortured. They cannot be tortured by the institution called the police force. I think for the purpose of comprehensiveness, for the purpose of being complete and being

objective in the articulation or formulation of the whereas clause these things should be included. Regrettably, they are not.

I think we are engaged in a debate and therefore views on both sides, since this is a Parliament and we are here to *parlez* with each other, with some degree of tolerance, ought to be facilitated. As the Hon. Leader of the Opposition spoke in his preliminary introductory remarks to this motion, and as I listened to some of his colleagues speak as well, I was tempted to allow my imagination to wonder as to the purpose of the motion. I know that the Hon. Leader of the Opposition is a politician and he obviously would seek to eke out political mileage from a motion of this nature, precisely.

6.27 p.m.

I want to suspect that... The Leader of the Opposition could allay my fears probably when he rises to wind up the debate on the motion. He would have to clarify these matters because I am deeply suspicious that the intention is to go beyond the politics of this motion's intent and that it has probably some futuristic intention of what forbids for the future. This House and outside of this House, has been regaled, from time to time, about the need to have established Commissions of Inquiry. I have been paying special attention to this matter. So long as I hold this responsibility, as the Minister of Home Affairs, I understand the full weight of the historic situation that we are in and how this historic situation, and all that occurs during this period, could have implications for the future.

The international experiences, as well, make me even become more suspicious about what this is all leading to. I have the quotation from an article, which appeared sometime ago in a section of the media, in which the Leader of the Opposition, himself, made mention of the interest that is inherited in proceeding in this directory. In the *Stabroek News* on the 8th of February, this year, in an article entitled "Granger moves for Commission of Inquiry into police torture", I would like to quote a particular section. This is what Mr. Granger, and I use the word, alleged to have said because it is in a newspaper article. This is what it states:

"APNU asserts that there is abundant evidence that the crime of torture has been committed repeatedly in Guyana."

He said:

“While also signalling to the defence and police forces and police officers that torture is a crime of universal jurisdiction.”

He was signalling this to both the military and the police. He went on to say:

“Those who order or carry out such acts can be prosecuted anywhere in the world in respect of the nationality, of the victim or perpetrator. No one can claim exemption from this because of his or her official capacity, there is no statute of limitation of such crime under international law.”

[Hon. Member (Opposition): That is what you are afraid of.] Afraid? I have never been afraid of Burnham, why should I be afraid of Granger? It is with due respect, Mr. Deputy Speaker, Hon. Member. I have survived all these years, so fear has never been something that is near or close to my heart.

Mr. Deputy Speaker I return to you, Sir, I will not allow myself to be distracted. This is a frightening statement... *[Interruption from Members of the Opposition.]* It is not for me. I do not want to enter into personalisation of this discussion at this point in time. I do not want to enter into that level of the debate. I have passed through so much in my life already that there is not much for me to fear not even death, but I am fearful for others who do not have the opportunity to speak here or to defend themselves in this. I am fearful for those persons, and I have spoken to a number of people. I have consulted with a number of persons who would have read this and have concerns. As you know, Mr. Deputy Speaker, the Hon. the Leader of the Opposition and a few of his colleagues met with the Chief of Staff of the Guyana Defence Force and with the Commissioner of Police some time ago. I followed that encounter with great interest because I worried about the apparent pretention at having the best interest at heart of members of the Guyana Defence Force and members of the Guyana Police Force while at the same time saying things such as this publicly.

[Mr. Ramjattan: You are Granger’s fear.] You should be the last to speak about fear. You should be the last to speak of that.

The Hon. Leader of the Opposition played the motion in what could be described as a historical context, in terms of the evolution of the Guyana Police Force and law enforcement in this country. I have no argument with such methodology because it brings, probably from his point of view, a lift, so to speak, to the level of debate and that very is important, but there is history on history. Every historian probably has the authority and the perspicacity to

interpret history but as one great historian said, “The history is not to interpret history, the history is to change it.” Too many of us have interpreted the history of this country in various ways but I think it has not got us far. I do not think it has taken this nation intellectually or academically because the young generation, who is the future generation for this country, still has quite a lot more to learn about our past and even our present.

When we were told that the police force was used by the colonial powers to oppress and suppress the masses and 48 years after independence the question was asked, rhetorically, where are we since then? That is a good question for a debate, but I do not think that the National Assembly is the place to debate where we are, in so far as the police force is concerned, since independence. I mean, we can talk about it, but there is much *more in the mortar than in the pestle*. There is quite a lot which has been written about it and has not been written about it as well. I recently saw the Colonial Office has released the files from the MI5 which reveals what took place in Guyana in the 1950s, the efforts by the British secret police and intelligence service to overthrow the legitimately elected government of Cheddi Jagan in 1953. Those files have now been released and are available for anyone who wishes to purchase them. Our party has purchased them and are now studying them. It is quite interesting to read those documents because it puts in prospective what the Hon. Leader of the Opposition said, but in a different prospective. It shows the hand of the colonial powers using the then law enforcement agencies to get rid of a legitimately elected government.

Reference is also made to the role of the police between 1962 and 1964 period, which is another era, our pre-independence era, which was a very troubling period. I asked for the Volume 1 of the speeches of the late Janet Jagan. In that volume, as a member of the senate between 1963 and 1964, she made, for public record, the notice of resignation that was read in the senate on the 1st June, 1964. In fact, the anniversary of that, what I would term monumental speech, is soon approaching and in that speech the then Minister of Home Affairs elaborated on the role of the police, the role of the British Governor and the role of her government and she, herself, as Minister of Home Affairs.

The British Government, through the Governor, had virtually taken away a significant amount of powers from the Minister of Home Affairs and invested it in the Governor, so that when the then Minister, Mrs. Janet Jagan, requested certain actions of the police it had to be done through the British Governor and if the British Governor was not convinced which her actions, which were coming through political understanding and awareness of what was

happening, he would not have given instructions to the Commissioner of Police to act. That was a most unfortunate period in our country's history.

The Hon. Leader of the Opposition then fast-tracked his presentation to the present situation in which we are in and he spoke on the question of police reform. Police reform, notwithstanding what the Opposition might believe, think or is convinced about, is very close to my heart. I am very passionate about it, and genuinely so, because I am in the heart of the system. I know, probably, better than most people, except the President and Dr. Luncheon, what is actually taking place within the police force.

I can say here, without fear of contradiction, that never in the history of the Guyana Police Force, under no other administration than this one, has the depth, scope and scale of reform, which are currently taking place, ever being initiated. I do not have to say this for propaganda sake. I do not have to say this here to convince the Opposition because it has already made up its mind that nothing is happening. That is its judgement call, but we have the right to have our judgement call as well. The truth must lie, however, in the facts. I was hoping, I refer back to the meeting among the Leader of the Opposition, Mr. Felix and the Commissioner, that the opportunity would have been taken to question the newly appointed Commissioner, acting, about this whole question of reform that is taking place within the force. I never did ask Mr. Persaud about what was discussed between himself and the former Commissioner of Police because I did not consider it as my business to do that, but I was hoping that in the public statement, which was issued subsequently, that I would have read at least a passing mention, something *en passant*, to the reforms that are taking place in the force.

Mr. Deputy Speaker, crave my indulgence for me to refer to concrete steps, in respect to the reform that are now taking place in this organisation. I think that it is important for the records of this House because I cannot say - I have no crystal ball to say - when again this House will debate this matter in such great depth as it is doing today. Within the Guyana Police Force, it has started, three to four years ago, the integrated crime information system. All the police stations are now linked up with real time connectively. If we are talking about reforms, the definition and notion of reforms must be all-embracing. The definition cannot be one-sided to the satisfaction of the Opposition. The definition and the notion of reform must be all-embracing in the sense that this particular aspect, technological innovation application of information technology within the forum, has never been to the extent that it is now- never ever. I am quite positive that had the Government not taken steps to bring the level of

information technology and its applicability to law enforcement, to crime detection, there would have been a demand for it to happen. Almost the entire force is now computerised. I would say about 85-95% of the workings or the operations of the force is now computerised.

The Government is not only sending or utilising offers from the donor community for police to be sent abroad for training. It is now be published on a regular basis, and I am sure that Members of the Opposition would have read, the training opportunities which are being taken up by the police ranks both at home and abroad. More than 70 Data Entry Clerks have been employed to assist the Guyana Police Force in the collection and analysing of data - crime data, traffic data. All of these are a part of the modernisation and reform that is taking place within the force. Some new innovations have been introduced within the force and all of these things are dealing with the human factor within the force. For reforms to take place the force has to take ownership of the process. It cannot only be driven from outside. The force, having been in a situation that it was over the year, neglected, not being given the resources, has now been given these resources and therefore it has to adapt. It is a transformational process that is taking place that it requires.

There is the introduction of the Strategic Management Department within the Guyana Police Force. Never before, in the history of the force, was there a management department headed by civilians who are assisting it with the implementations of its responsibilities. My own view is that these measures are helping the process

I would like to refer to the speech that I gave recently to the Police Officers' Conference where I made reference to the same concerns which were raised by the Hon. Leader of the Opposition. I pointed out to the police force - it was the senior officers of the police force - certain challenges in these reforms. The first challenge, I pointed to, was resistance to change. The force has been structured, organised, in such a way that there is a culture in it. The Hon. Member Mr. Felix knows about this culture. In any organisation, which has been cultivated in a certain manner over the years, there will obviously be resistance to change. It is one of the challenges that are there.

Mr. Deputy Speaker: Your time is up, Hon. Member.

Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]: I move that the Hon. Member be given 15 minutes to continue his presentation.

Question put, and agreed to.

Mr. Rohee: Several challenges were pointed out to the leadership of the Guyana Police Force because we have concerns as well. If the Leader of the Opposition believes, with due respect, that it is only his party has concerns about modernisation and reforms of the police force then it is not correct. **[Ms. Ally: [Inaudible] and talk about the inquiry.]** We will come to that. We have concerns too because we live in Guyana and we have concerns just as everybody else about the modernisation of the Guyana Police Force.

We also appointed to the opportunities of the police force... In the speech to the police officers I made these remarks, I said that the Ministry will be taking steps shortly to reintroduce a police legal adviser at the Guyana Police Force. Base on the advice I received from the distinguished Attorney General, which I have accepted, soon there will be reintroduction of a legal adviser to the Guyana Police Force. We believe that that is sorely needed.

I have also mentioned that we are committed to engaging the police in respect to the future role and place of the Office of Professional Responsibility. I also said that steps will be taken to beef up the Police Complaints Authority, to make it more proactive and investigative-orientated.

I also told the leadership of the force that consideration would be given to initiate, whenever deemed necessary, civilian-based enquiries into allegation of police indiscretion and excesses providing there is reasonable justification to do. We are committed to initiating civilian-based enquiries into allegation of police indiscretion and excesses.

Finally, I am committed to considering new and innovating ways of creating a way to civilian oversight of the role and function of the Guyana Police Force greater civilian oversight.

I have, with me here, a publication called *Justice The struggle for the democracy in Guyana from 1952 and 1992* written by Father Andrew Morrison. When we come to talk about torture, Mr. Deputy Speaker, I can give you my own experience. I do not have to quote from anybody who was tortured. I can share with you my experience where in 1991 - if we want to talk about cruel and unusual treatment - as a result of a protest in front of this very Parliament Office on the devaluation of the Guyana dollar, I was among many who were arrested in front of this place, dragged on my back to the Brickdam Police Station, put in a room and was beaten by ranks of the Guyana Police Force. What is ironic about this process from a historical perspective is that there was a political active, in 1991 who was dragged, along this

Brickdam, to Brickdam Police Station, beaten in the police station, harassed and the same political active, who was already a terrorist, is now sitting at the Ministry of Home Affairs overlooking the Guyana Police Force. How ironic history can be at times. *[Interruption]*

6.57 p.m.

You do not want to hear, Mr. Deputy Speaker. I ask you to protect me, Mr. Deputy Speaker.

Mr. Deputy Speaker: You are doing nicely. Let us move on.

Mr. Rohee: Talking about torture, I refer to what Father Morrison wrote in this book about an incident that took place in 1976 at Linden in which the workers went on strike. This is what he wrote:

“The next morning 27 more were arrested as they picketed the station. All 42 were charged with unlawful assembly. Locked in a crowded cell, they chanted and sang until tear smoke was fired into one of the cells causing panic.”

How much more inhumane can we get to tear-gas bauxite workers, 42 of them, in a cell?

Let me read, finally, from this book, because there is a lot in it that I would like to refer to. This story is called “Big Brother against Professionals.”

“Senior Superintendent Dick LaBorde, in May 1969, was sacked by orders coming from the very top when he refused to carry out instructions issued by Prime Minister Burnham in accordance with a policy that appeared to him to be racist.”

I would not read out the rest. Reference was also made to an incident that took place just after the election in 2001. Information was requested about this matter. Let me quote from the *Guyana Chronicle* of 22nd March, 2001, because reference was made to cruel and unusual treatment in relation to torture. This is the statement made by two persons who claimed:

“...they were taken to Congress Place Headquarters of the People’s National Congress where he was tortured...”

Deputy Speaker: Hon. Member, what is your source?

Mr. Rohee: It is the *Guyana Chronicle* of 22nd March, 2001. Mr. Randolph Hackett and Ms. Delana Isles were the two persons.

“...they were taken to Congress Place Headquarters of the People’s National Congress where he was tortured, slapped, beaten about the body by persons asking him about stolen ballot boxes. The young lady said she was questioned and taken to Congress Place where she was again questioned.”

I agree with the Hon. Attorney General. If we are to talk about torture we cannot restrict it to only the police force and we cannot restrict it only to one era; we have to go far and wide.

I have here with me a document from the Guyana Police Force, dated 28th February, 2014, in which the Guyana Police Force made an assessment of the extent to which it had carried out the recommendations of the 2004 Report of Disciplined Forces Commission. My colleague, Madam Teixeira, made reference to the report up to a certain point, but the fact of the matter is that the police have, from time to time, done their own internal assessment of the extent to where they have gone in the implementation of these recommendations. This is a fresh publication, – 28th February, 2014. I can lay this over – I know your favourite term is whether we lay over the document – to the Hon. Members so they can see for themselves the extent to which these recommendations have been implemented by the Guyana Police Force.

There are many other documents which we can lay over to show two things because I believe the Hon. Leader of the Opposition based the foundation of his argument in respect to torture to the absence of reforms and the absence of change within the force. In other words, his basic premise was: the force remained as it was over the years and, therefore, we need to do something about it because so long as it remains as it was over the years and as it is now, in his deliberate judgement, what obtains now in respect of torture and allegations of torture cannot change unless internal changes are taking place within the force itself.

We have the evidence to show factually what the changes, which are taking place within the force, are. As I said, the Government is certainly not satisfied – there is always room for improvement – about the pace at which these changes are taking place, having invested millions of dollars.

The Leader of the Opposition spoke about our abandonment of the reforms which were put. He mentioned 14 studies that were done. I have said, time and time again - I cannot force people to listen to what I am saying - that all of those studies, every single one of those studies, all the recommendations, have collapsed in the Citizen Security Programme which is completed or about to be completed on 30th June, 2014, within the meaning of the agreement

signed between the Government of Guyana and the IDB. Within that programme, there is the strategic plan which the force has adopted and is now implementing. There is no mystery. We are pushing at an open door here. The fact of the matter is that the force is implementing the strategic plan, which has come out of the Citizen Security Programme, and the Citizen Security Programme has pulled together all 14 of the studies which have been done in the past.

I can announce here – the Hon. Minister of Finance is aware of this – that we are now moving to the stage where we will soon be negotiating with the IDB a Phase II of the Citizen Security Programme. We will be encouraging as many stakeholders as possible to be part of this new succession programme of the first Citizen Security Programme.

I would like to conclude at this point by saying that as far as I am concerned this motion is, in my view, a motion that portends negatively for the future of this country. It has motives that, in my view, are sinister and because of those two factors I certainly cannot support the motion in its present form.

Thank you very much. [*Applause*]

Mr. Nagamootoo: Mr. Deputy Speaker, I would like to, first of all, offer my congratulations to you, Your Honour, for presiding over a very tortuous session. I am amazed and impressed that you have been able to keep your equanimity and calm at times which appear to be verbal and rhetorical torture.

This motion, for us in the Alliance For Change, is not the most ideal of motions that would have come before this House. It is a motion that would have, of necessity, invoked history in testimony to what is being alleged in the motion – the subject being torture.

I am also disappointed that Members of the PPP/C Government did not grasp an opportunity to do what the motion invited them to do and they have recognised that the period, which it captured, could have been widened. It is an option that is available to the Government, if it wishes, to propose its amendments. We cannot speak for the Government. If it does not do so, then it cannot blame anyone by saying that the motion is too narrow, in terms of the period that would require an inquiry.

The debate has degenerated to an aspect that says that the police force is on trial. [**Mr. Nandlall:** That is what the motion states.] The motion states members of the Guyana

Police Force. A very elementary interpretation of that would be those members who would have committed acts of torture. It would not require any amount of intellectual aptitude or virtue to know that almost every country in this world has rogue cops. Every police force would have rogue cops whose activities would neither be condoned or allowed by the police force. I want to submit that the wayward activities of those rogue cops have not and are not being condoned by the leadership of the Guyana Police Force and they would welcome an opportunity for a process whereby the good members of the force – there are many good members, very many capable leaders, leaders of integrity in the force – could be vindicated that they have not lent support, directly or indirectly, to acts of torture.

I am, as I said, disappointed that the thrust of the argument of the Government was that the force is being targeted. If we were to go back to the very political and ideological practice of the PPP and all who embrace a Marxian interpretation of history and class struggle, we would know that the police force has historically been an instrument of class power of the ruling class; it has historically been an instrument of coercion. There is the acronym PPP which sometimes, correctly, in historical context, focuses on the role of the pulpit, the press and the police in Guyana. That is the meaning of the acronym PPP, because historically we have seen the class nature of these agencies. **[Mr. Nandlall: Do you want to come...[inaudible.]]** I am trying to interpret history for those who have not lived it and those who could not understand it. The catalyst for the formation of the PPP was precisely the excesses of the police force. When the Enmore five were shot in cold blood - defenceless citizens and workers were shot - it was a demonstration of excesses by the police force. Part of the dialectics of our history and struggle is in this precious book called the *Constitution of the Co-operative Republic of Guyana*, in which, because of the struggles of the people against excesses of the state, it sought to protect the citizens against the excesses of the state, arms of the state and agencies of the state and the police force is one such agency. The state is an instrument of class rule. All states have been instruments of class rule. Until we have a government of national unity in Guyana we would not be able to move that oppressive class rule into people's power. We can change the agencies to become instruments of people's power and not class oppression.

I say this, Your Honour, because I think it is necessary that we try to dissect the argument. For me, I do not see it as vexatious or unnecessary to speak to a reality. Reality could not be invented. It could be avoided, as Members of the Government side seek to do, as if torture does not exist, to deny the expatriation of my learned friend and colleague, the Hon. Member

James Bond, in giving the instances of actual torture. Contemporaneous acts of torture were not invented. They were meant to help this House come to terms with a serious matter that affects the citizens of the country. Those are the citizens in which the Constitution, under article 141, states that inhuman treatment ought not to be meted out against them. It states that cruel treatment ought not to be meted out, that is, inhumane, degrading treatment. These are the types of treatment that would constitute human rights violation.

In article 154 A of the Constitution... (I had a role in the embellishment of this document when I served both on the Constitutional Reform Commission from 1996 to when I became the Chairman of the Oversight Committee on Constitutional Reform that brought into being the 164 amendments to the Constitution.) I chaired that Committee... for the first time a new article 154A, was introduced in the Constitution that speaks to the issue of human rights abuses and human rights protection and identified that any such abuse must be an abuse that emanates from the state, Government, agencies and other bodies because it wants to guarantee protection of the citizens against excesses of the state. That is why we cannot commingle this issue with other abuses or speak with such disdain that one would dare bring a motion to the National Assembly to question excesses by an agency of the state, and rather we should look to private prosecution of these excesses.

I believe that when one speaks to the issue of where the evidence is, we here as the High Court of the National Assembly and you, Your Honour, as the high judge of this House, the higher judge in effect, you would have taken judicial notice of that abuse. We would have all taken judicial notice. That is only what is required. When a motion, such as this, asks this House to intervene in a matter, it is being invited to take judicial notice of a fact and the fact is that torture has been a very worrisome development in our society.

It is like suicide. No one could deny and no one should say, "Give us the names of those who committed suicide." We know it is a scourge in Guyana. At one time, as a young man on the Corentyne, it was generally thought that suicide was the culmination of excessive consumption of bush rum or if a family had some horrible shameful stories it wished to hide, a member would commit suicide. Now, we realise that this scourge of suicide ensnares not only the rich and the poor, the mighty and weak, the Indian, African, Amerindian, Chinese and Portuguese, but it is all of us, by whatever status, we have our rights to be citizens of this country. All of us are ensnared by this dark cloud of suicide that is haunting families and creating so much distress in, perhaps, once happy and united families. Should we not

interrogate that? Should this House not take cognisance as a notorious fact the prevalence of suicide in the same way it should take notice of a notorious fact that torture exists? We do not have to come here and plead the evidence. We need here to bring a motion that satisfies the procedures of the House and to plead this case.

I feel that periodisation is important. I listened with some sadness to the way how we are trying to wash away the fact of torture with a reality of reform. Reform had been fought for, and I take cognisance of the fact that a lot has been done to improve both the capability as well as the image of the Guyana Police Force, but the Hon. Minister, himself, recognises it is not enough. More needs to be done. The reform of the police force itself cannot be an answer to the issue that plagues the operation by these rogue elements. It needs support and it needs institutional support. The Guyana Police Force would cry out that this National Assembly should recognise that it has a problem and that it wants it to interrogate that problem and give it the attention it deserves. The victims of torture could come forward and say how, when and why they were tortured, more particularly, how and by whom. The relatives and families could also come to give their anguish.

If my good friends feel that perhaps I speak flippantly on this issue, such as my good friend, Hon. Minister Clement Rohee, I have been the victim of multiple episodes of torture. I can speak with conviction about it. It is not something that exists in one period and not another. As I said, in a historical construct, what the role and nature of the police force has been. I have been the victim of near death experiences involving the police force. Some Members can wish it away as if it is not an issue. I could recall when I was placed in a vehicle with a cocked gun at my head. That was in the presence of Mrs. Janet Jagan; it was in her vehicle. On one occasion, I was blindfolded, brought from Berbice to Georgetown and held incommunicado for 10 days. If that was not torture, then nothing else is. On another occasion, I was handcuffed behind my back, blindfolded and taken in a direction, I guess it was the Le Repentir Cemetery, a gun was pointed at me, because I could have felt it, and the only way I knew that I was not going to be taken to a grave was when a voice cackled, on the radio in the car, "Bring the prisoner in". I say this because it is a laughing matter when I speak about real torture. They want to brand it "PNC" or "PPP" but torture has no brand. Torture is torture simpliciter. It is an inhumane act; it is forbidden by our Constitution; it is proscribed by every single convention on human rights in the world and it has received the attention of all the higher bodies which deal with human rights, from the United Nations to the European Human Rights Commission to the Latin American Human Rights Commission.

7.27 p.m.

Every important body that deals with human rights issues would have focused on torture. Why? It is because torture has not only been an instrument of domination and control of civilians. Torture had seeped into the political sphere, in some of our countries which were called National Security States such as Chile, under Pinochet after the coup in 1973, where thousands of people were tortured, some disappeared, including one great and exceptional human being, Victor Jara, the famous singer. My good friend Mr. Clement Rohee, the Minister, is very familiar with this. There was a person with a great voice, who played the guitar rhythmically, to touch persons' soul, his fingers were broken, one at a time before he was executed - Victor Jara in Chile. There is also Argentina where, up to today the Mothers, in *Primero de Mayo*, are in the streets of Chile, seeking justice for their lost and loved ones.

[Mr. Ramjattan: Argentina.] Argentina. What was I saying?

An Hon. Member: You said Chile.

Mr. Nagamootoo: I said Argentina. All right. I may concede that your knowledge of geography is more impeccable than mine, but it is Argentina. In El Salvador under *D'Aubuisson*, hundreds and thousands were tortured, not only torture that was indigenous in terms of its methodology, torture that was imported as an act of support to minority and unpopular governments, to hold their citizens down, to keep the Opposition in check, to silence the dissident voices, to kill the opponent and the critics. That is where it seeps into the political sphere. We have to..., as someone said many years ago after the Holocaust of Germany, and it was symbolised by Pastor Niemöller, when he said: "Beware of the small beginning". When they came for the first person, he said the people did not speak out, so, they came for the communists, they took them; they came for the Jews and they took them" and he said when they came for him there was no one left to protest.

This House must not surrender its responsibility to the people. It has to constantly protest. It has to constantly demand that certain recognition be given to the problems affecting people. Even though this motion may have spoken to a period, it is not the period that covers an entire spectrum of abuses, at least it is a beginning. It is a start; that we start with the things that we know more recently and I will support if a reasonable amendment comes.

I may say this, your Honour, that I read the motion and it did bother me very much because mention was made of the Walter Rodney Commission of Inquiry and I would not want to

prejudice it, because it is an inquiry that is now taking place, it has to do its job, but I had wished many times around that there could have been a broad inquiry. We should go back because all of us recognise on both sides that when the speakers were addressing this House they were talking about things that happened in “this period” and in “that period” and everybody was pointing fingers at everybody. It is that we should have had a Truth and Reconciliation Commission that would have gone back to the genesis of our problems.

I had spoken to, in this House, a motion dealing with slavery and the slave trade. I have spoken to, in this House, a motion calling for the right to reparation for the wrongs that were done through the slave trade. It was because I recognised that there was a distinct period of our lives when national ethos and national connectivity were destroyed by foreign interventions, by foreign forces, that played on our weaknesses and played on our ethnicity and decided that they would intervene to set us up against each other. I would be interested to know why the PPP was split in 1955. I would be interested to know what the role of the Central Intelligence Agency (CIA) and the British and all of the agencies that created the mayhem and the division in Guyana was and that if an inquiry, properly conducted, would indict them just as the people of Kenya, the *Mau Mau*, that were wrongly treated in the past, or the Japanese, who lived in the United States of America, were allowed to have compensation. We could be compensated for the loss of life and the damage of property that were caused by external influences in Guyana’s politics.

They could not probably bring the healing balm to the legacy of bitterness that has engulfed this nation and will continue to engulf it in the near future. They would not do that but at least we would have justification that an inquiry is taking place where we laid all the cards on the table and we do not flagellate ourselves, and beat up each other because we were set upon each other, and we did horrible things to each other.

The torture of the past should not be an excuse for the torture of the present because the torture of the past was done by someone else. We should not be justified in doing it ourselves; after all we are just following bad examples of the past. That is not how our history ought to be rewritten. That is not how Walter Rodney invited us to rewrite our history and to recreate our lives. We have to do so with the recognition of reality and that reality is staring us in the face, that torture exists and that we need to focus on it. For those reasons the Alliance For Change supports this motion, Your Honour, and call for the Government as well

to give its full support as it will help us to identify this scourge in our country and to plan and make recommendations how to deal with it in the future.

Thank you very much. [*Applause*]

Brigadier (Ret'd) Granger (replying): I am very happy for this exhaustive exploration of the theme of torture and I am heartened by the encouragement of our colleagues in the Alliance For Change for lending their support to this motion. I was particularly impressed by one of the later statements of Mr. Moses Nagamootoo, “the torture of the past must not become an excuse for torture of the present.” When he spoke of a gun being cocked, that was scary, but the reality is that, in 2014, Alex Griffith did not only hear the gun being cocked once, but he heard the gun being fired through his mouth. Mr. Nagamootoo was lucky that it was just a cocked gun, but Alex Griffith’s experience showed that we still need to come to grips with the reality of torture.

I think the debate tonight has been very useful for both sides of the House. It is not a matter of washing dirty laundry. I think everyone here has expressed concern about human safety; everyone here has expressed concern about public security; everyone here has expressed concern about civil protection. I would like to thank my colleagues, particularly for the spirited presentation by our Comrade James Bond. The research that he did, the cases that he cited and the energy in his presentation, I think, all showed how concerned we are about the history of torture. I thank my colleague Mr. Winston Felix and, as I mentioned, my colleague and friend Mr. Moses Nagamootoo too, who have added weight to the Opposition’s arguments here.

I do not dismiss the remarks of Ms. Gail Teixeira, who described torture as reprehensible. She confronted the issue of torture and I believe that I can depend on her advocacy, as counsellor, as the adviser to the President on governance, to ensure that this motion which I expect to be passed, when it becomes a resolution, will be one of the resolutions of the Opposition which will actually be put into effect.

I paid careful attention to the remarks by Mr. Nandlall and Mr. Rohee. I do believe that a lot more attention has to be paid to what the motion was calling for, that is, an examination of the problem of torture and the persistence of torture up to the present time. Why, in 2014, we still have to be talking about torture? Why do we still have cases of torture? These are real incidents. These are not fabrications and we should not try to sweep them under the carpet.

The second point I would like to make is that we must identify the offenders. I do not want to run into these people when I go to Mahdia and say, "Did I not see you in Linden?" All that is happening is that policemen and officers who are accused of malpractices in one part of the country, end up somewhere else, trying to move me out of some meeting hall in Mahdia. I know the people. We want to ensure that the police force takes action against persons who are involved in these criminal activities. Do not cover up; do not drop charges; do not lose the files.

The Hon. Minister remembers very well his presentation to the Police Officers' Conference, a few weeks ago. I want him to remember very well the President's presentation to the Police Officer's Conference, a few weeks ago and compare the two. The President was very acerbic in his remarks, about losing of files and the fact that people who are caught on camera committing serious offences are walking scot-free. That is what the President said. [**Mr. Nandlall:** He also talked about the money laundering Bill.] He always talked about money laundering Bill. We have been talking about it all the time too. We want to pass the Bill. Why does he not assent to the Bills that we have passed?

It is important that we take the lessons from this debate to make sure that there is rigorous investigation, not just by a weak OPR which is just a section of the Commissioner's Office. It is not just a weak PCA, because just 10 years ago the Hon. Nandlall and I, and Mr. Ramson, and other Members of the Commission, made recommendations for investigators to be provided. Justice Cecil Kennard came before the Commission and asked for those investigators because he knows that his function is mainly postal. He receives complaints and he sends them to the people against whom the complaints are being made. That is the problem with PCA. He does not have an independent ability or capability to investigate these complaints. It is a 10-year-old story, and the Hon. Minister has a green book here, but he should have had it 10 years ago.

We have now arrived at the stage in which the majority of persons, who have addressed the issue of torture tonight, agree that torture is reprehensible. The whole purpose of the motion is to ensure that torture is eliminated. That it is eradicated completely. I would like to call on the Governments side, to lend a support to this motion. I would like to call particularly the Hon. Member Gail Teixeira, as Presidential Adviser on Governance, to demonstrate to the entire hemisphere that Guyana is serious about eradicating poverty by passing this motion

and by ensuring that the resolution is implemented by the executive branch and that we have a proper Commission of Inquiry to bring torture to an end in this Republic.

Mr. Deputy Speaker: Could we have a seconder to the motion?

Lt. Col. (Re'td) Harmon: I rise to second the motion.

Question put, and agreed to.

Motion carried.

Mr. Deputy Speaker: Honourable Members, I think it is time for a break. Would you care to take a half hour break or we will continue?

Brigadier (Ret'd) Granger: Mr. Deputy Speaker, with respect, I think the Whips have reached an agreement on a certain matter and I will ask them to speak.

Mr. Deputy Speaker: Thank you Hon. Member.

Ms. Ally: Mr. Deputy Speaker, we have just one item more on the agenda and the Whips have agreed that we can defer that item.

Item deferred

ADJOURNMENT

Mr. Hinds: Mr. Deputy Speaker, I now moved that the House be adjourned to Thursday, the 19th of June, at 2 p.m.

Brigadier (Ret'd) Granger: On behalf of the Members on this side of the House, I would like to extend Independence Day greetings to everyone, to the staff of the National Assembly, to you, Mr. Deputy Speaker, and to all the Members here. You would recall that in my opening remarks I did refer to the 48th Anniversary of Independence and I think that after this debate, tonight, we will probably reflect a bit more deeply on how far the country has travelled over the last 48 years. With these remarks I would like to congratulate the country, but also extend Independence Day greetings to everyone.

Mr. Ramjattan: I wish to take this opportunity to extend to all Members and, of course, all our countrymen out there a Happy Independence Day... [An **Hon. Member:** And women.] ...and women. Forty-eight years is a pretty young age for a country and in any event, as was

just seen here, we are struggling but we are getting there. We can get there a bit faster in a more efficient manner, but I think we are trying our best at this age to make this place a far happier, more progressive one and that will continue. Once again, since we would not be here for the 26th May, a Happy Independence Day to the Members, the parliamentary staff and of course, all Guyana.

Mr. Hinds: Mr. Deputy Speaker, Hon. Members, the Governments side wants to join in extending Happy Independence Anniversary Greetings to all other Members of this House and, indeed, to all Guyanese. We would like to endorse the hope that I have been hearing, that in spite of the seeming bitterness in some of our debates and our difficulties at this time, that we may be about to turn many pages and lead ourselves into a brighter and better future.

Mr. Deputy Speaker: Hon. Members, the Assembly now stands adjourned to the 19th June of June, 2014.

Adjourned accordingly at 7.47 p.m.