

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2015-2018) OF THE ELEVENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

93RD Sitting

Friday, 20TH July, 2018

Assembly convened at 2.09 p.m.

Prayers

[Mr. Speaker in the Chair]

PRESENTATION OF PAPERS AND REPORTS

The following Paper was laid:

Customs (Amendment of First Schedule) Order 2018 - No. 25 of 2018. [*Minister of Finance*]

PUBLIC BUSINESS

GOVERNMENT BUSINESS

BILL – Second Reading

CYBERCRIME BILL 2016 – BILL NO. 17/2016

A BILL intituled:

“AN ACT to combat cybercrime by creating offences of cybercrime; to provide for penalties, investigation and prosecution of the offences and related matters.” [*Attorney General and Minister of Legal Affairs*]

Attorney General and Minister of Legal Affairs [Mr. Williams]: I rise to move that the Cybercrime Bill 2016, Bill No. 17 of 2016, published on 4th August, 2016 be now read a second time.

I rise to make this presentation in support of a Bill that will impact the way crime is fought in Guyana. The development of the information and communications technology (ICT) over the last two decades has revolutionised the way in which societies of the world operate. ICT has significantly impacted on every facet of society and this is evident by its growing use and role in Government, banking, medical and business sectors, to name a few. The revolution of the ICT and particularly its growing use have led to the emergence of a different type of crime, cybercrime.

There is no universal definition of cybercrime, but it has been defined as, “Any activity in which computers or networks are retooled, target or in place of criminal activity.” The prevalence of cybercrime maybe attributed to the internet, a component of ICT, which has provided criminals with a fast, convenient and anonymous avenue to commit various crimes which transcend traditional and physical boundaries.

In 2013, the United Nations reported that a third to half of all nations having sufficiently good frameworks to criminalise cybercrime. The Inter-American Development Bank (IDB) in its 2016 Cyber Security Report stated that internet use had penetrated the country by 37%. In light of our country’s rapid use of ICT technology and growing internet penetration, Guyana is now more vulnerable to cybercrimes. Guyana’s lack of cybercrime legislation may result in the country becoming a safe haven for cybercrime offenders. As offenders may be motivated to commit cybercrimes in other jurisdiction, due to the country’s lack of mechanisms to prosecute the offences. Our lack of illegal framework leaves us powerless to address cybercrimes. Therefore in an effort to combat the cause of cybercrime in Guyana, this Cybercrime Bill was drafted to create offences related to cybercrime and to provide for the investigation and prosecution of cybercrime offences.

In relation to the genesis of this Bill, in drafting this Bill, conventions, model laws and precedent from other jurisdiction were relied upon, particularly the Budapest Convention on Cybercrime. The Harmonisation of ICT Policies, Legislation and Regulatory Procedures in the Caribbean (HIPCAR), cybercrime, e-crimes model policy guidelines and legislative text, the 2014 Cybercrime Bill of Trinidad and Tobago, the 2015 Cybercrimes Act of Jamaica, the 2013 Electronic Crimes Bills of Grenada and Saint Vincent and the Grenadines, the United Kingdom’s

Computer Misuse Act 1990 and cybercrime legislation from the United States of America were also considered.

The draft Cybercrime Bill was heavily consulted on. In September, 2015, a draft Cybercrime Bill was posted on the Ministry of Legal Affairs' website for comments. Comments on the Bill were received by the Drafting Division between October, 2015 and March, 2016. The Bill was also sent out to various stakeholders for comments. Comments were received from many stakeholders including QUALFON Guyana Incorporated, the Georgetown Chamber of Commerce and Industry, DIGICEL Guyana and Teleperformance Guyana. As a result of the comments received, changes were made to the Bill.

Public consultation on the Bill was held at the Pegasus Hotel on 16th March, 2016. It was well attended and suggestions and comments made by stakeholders, including the Director of Public Prosecutions (DPP), the Guyana Revenue Authority, the Rights of the Child Commission, Global Technology, Red Thread and the Guyana Bar Association, were considered and necessary changes were affected to the Bill.

The Bill was reviewed and received in-depth consideration at meetings in the Attorney General's Chambers, between drafters of the Chambers and senior officers of the DPP's Chambers, resulting in certain changes being incorporated into the Bill in order to increase the formulation of offences of cybercrime. The Cybercrime Bill 2016 was then sent to the National Assembly on 3rd August, 2016 and published in *Official Gazette* on 4th August as Bill No. 17 of 2016. It had its first reading on 4th August, 2016 when it was sent to a parliamentary Special Select Committee on that date. While the Bill was before the Special Select Committee, it was reviewed by Mr. Steven R. Chabinsky, an expert in the law of cybercrime from the law firm of White & Case in the United States of America, whose service was made available to the Attorney General's Chambers from the International Senior Lawyers Project (ISLP). The comments of the expert were made available to the Members of the Special Select Committee. Most of Mr. Chabinsky's comments were incorporated in the Bill by the Committee.

The Bill was before the Special Select Committee from 4th August, 2016 to 9th April, 2018 and the Committee's report on the Bill was tabled in the National Assembly on 26th April, 2018.

I would now highlight some key features of the Bill:

- The Bill has three parts. Part I addresses preliminary provisions, Part II addresses the cybercrime offences and Part III provides for enforcement.
- Clauses 3 to 24 of the Bill identify and establish the cybercrime offences.
- Clauses 3, 4, 5 and 6 of the Bill protects our citizens from persons who illegally access the computer systems and illegally intercept, interfere and acquire their electronic data.
- Clause 7 establishes the offence of illegal system interference and makes interfering with another person’s computer system or another person’s unlawful use or operation of a computer system an offence.
- The original clause 9 made the unauthorised receiving, giving or obtaining of access to electronic data an offence.

It must be noted that “Reporters Without Borders” were concerned that this clause could be used to penalise journalist and media for publishing reports based on information from a confidential source, even if the journalist had no basis to suspect that the information was illegally obtained. This clause has since been amended, taking into consideration the above concerns. The amendment has resulted in the removal of the provision that may pose an obstacle to the freedom of the press, that is, the criminal aspect of receiving the electronic data. The type of conduct being criminalised has now been revised and is more specific. The types of electronic data to which this clause refers to have also been defined to include commercially sensitive data, a trade secret or data which relates to national security.

Clause 9 (1) now reads:

“9. (1) A person who commits an offence who, through authorised or unauthorised means obtains or accesses electronic data which –

- (a) is commercially sensitive or a trade secret;
- (b) relates to the national security of the State; or
- (c) is stored on a computer system and is protected against unauthorised access,

and intentionally and without lawful excuse or justification grants access to or gives the electronic data to another person whether or not he knows that the other person is authorised to receive or have access to that data.”

Subsection (2) of clause 9 provides:

“(2). A person who commits an offence under subsection (1) is liable –

- (a) on summary conviction to a fine of three million dollars and to imprisonment for three years; or
- (b) on conviction on indictment to a fine of eight million dollars and to imprisonment for five years.”

2.24 p.m.

Clauses 10 and 11 address computer-related forgery and computer-related fraud. These offences are necessary because the use of a computer system has panned easier methods to commit the crimes of fraud and forgery. For instance, counterfeiting and altering of documents have been made easier with the help of computer programmes.

These clauses state that a person who intentionally and without lawful excuse or justification inputs, alters, deletes, or supresses electronic data, resulting in inauthentic data with the intent that it be considered or acted upon by another person as if it were authentic, regardless of whether or not the electronic data are directly readable and intelligible, commits computer-related forgery.

On the other hand, a person who intentionally or without lawful excuse or justification inputs, alters deletes or supresses electronic data or interferes with the functioning of a computer system with the intent to defraud or deceive another person for the purpose of procuring and economic benefit for themselves or another person commits computer-related fraud.

Governmental agencies and Ministries heavily rely on ICT to conduct their affairs and store critical information vital to the state. If these institutions were to fall victim to cybercrime, it would have a debilitating impact on the state. For this reason, clause 12 of the Bill provides for offences affecting critical infrastructure and provides that where any offence is committed under

any provision of the Bill and the commission of that offence results in hindering or interfering with electronic data, a computer system or a network that is for the use of security defence or international relations of Guyana, a person is liable on conviction on indictment to a fine of \$20 million and imprisonment for ten years.

Identity-related offences are also covered in the Bill. Under clause 13, identity theft occurs when someone uses another's personally and identifying information such as the person's name, electronic signatures or passwords, as a method to gain financial advantage or other benefits in the person's name. This clause provides that a person commits an offence if the person uses a computer system to transfer, possess or use a means of identification of another person with the intent to commit an offence under the Act or any other law. It is also an offence to make use of the electronic signature or password of another person with the intent to commit an offence under this Act or any other law.

The Bill also provides for the offence of child pornography and child luring which is much needed to protect the children of our society. The use of ICT, particularly the internet, has provided child predators with easy access to children upon whom they could prey and sexually solicit without even taking one step outside their homes.

Clauses 14 and 15 provide that a person who produces child pornography or offers or makes available, distributes or transmits child pornography through a computer system commits an offence.

A person who uses a computer system to arrange a meeting with a child with the intent of abusing or engaging in sexual activity with the child or producing child pornography, whether or not the person takes any steps to effect such a meeting, commits child luring.

The issues of cyber bullying, extortion and revenge pornography are also addressed in clauses 16 and 19. Clause 16 addresses the publication or transmission of images of the private area of a person and provides that a person who captures, stores in, publishes or transmits through a computer system, the image of the private area of another person without the other person's consent commits an offence.

Clause 19 deals with the use of a computer system to harass, intimidate, coerce a person and provide that a person who uses a computer system to disseminate false information about another person which damages the reputation of another person or subjects the other person to public ridicule, contempt, hatred or embarrassment commits an offence. A person who uses a computer system with the intent to extort a benefit from another person by threatening to publish electronic data, containing personal or private information which could cause public ridicule, contempt hatred or embarrassment to that other person commits an offence.

Clause 18 was the subject of criticism by the Leader of the Opposition and civil society. In response to those criticisms the Attorney General referred the Bill back to Cabinet for its consideration. The Cabinet considered the clause and decided on deleting subsection (1)(a) which was the main cause of concern. In addition to the deletion of subsection (1)(a), consequential changes were made. Clause 18 has since been revised by the Drafting Division in collaboration with a free speech and media attorney from ISLP. The changes made to this clause and other clauses of the Bill demonstrate that this Government is receptive and responsive to criticism and committed to the democratic process. We recognise that passing of laws affects society and therefore those who will be affected should have an input in the legislative process.

Clause 18 as now amended provides for offences against the state. Some of these offences are where a person, and it states:

“...intentionally publishes, transmits or circulates by use of a computer system, statement or words, either spoken or written, a text, video, image, sign, visible representation, or other thing, that –

...

(a) encourages, incites, induces, aids, abets, counsels any person to commit or to conspire with another person to commit any criminal offence against the President or any member of the Government;

...

(e) excites or attempts to excite ethnic divisions among the people of Guyana or hostility or ill-will against any person or class of persons on the ground of race.”

It is important to know that this clause does not criminalise certain statements or words to ensure that freedom of speech is protected and not infringed upon. These include statement or words of whatever form that:

- “(a) expresses disapprobation of the measures of the Government with the view to obtain their alteration by lawful means;
- (b) expresses disapprobation of the administrative or other action of the Government;
- (c) expresses that the President, any member of the Government or the Government has been misled or mistaken in their measures;
- (d) points out errors or defects of the Government, Constitution or Parliament;”

A part from the offences already mentioned, the Bill also addresses the infringement of copyright, patents, designs and trademarks through the use of a computer system. In clause 20, the clause states:

“A person who uses a computer system to infringe –

- (a) the rights of the copyright owner under the Copyright Act...
- (b) the rights of the proprietor of the patent or the rights of the proprietor of a registered design under the Patents and Designs Act; or
- (c) the rights of the proprietor of a registered trade mark under the Trade Marks Act,

commits an offence...”

The penalty for such an offence is “a fine of three million dollars and imprisonment for three years.”

Another key provision of the Bill is clause 23 which provides that any offence under any other law is a cybercrime offence, if it is capable of being committed by a person through the use of a computer system. A person who commits such an offence is liable to a fine of four times the monetary penalty provided by that law and to the same custodial sentence in that other. This

provision is important, given the fact that the means by which criminals commit crimes today are evolving. ICT has created an anonymous and easy avenue for criminals to commit traditional offences, offences that we may not have envisioned at the time as being capable of commission through a computer system.

Further, the penalty stated in the Bill aimed to be in harmony with those of other CARICOM Member States and to provide a strong deterrence to a person who commits an offence under the Bill that penalties range from a fine of \$3 million to imprisonment for three years for less serious offences to a fine of \$20 million and to imprisonment for life for more serious offences.

The Bill also deals with the enforcement of the offences created under the Act. Under Part III, law enforcement is provided with the necessary tools to investigate and prosecute those offences. In clause 25, the Bill requires service providers to store traffic data and subscribe the information. It provides that service providers shall store traffic data for 90 days from the date on which the data is generated by a computer system. It also provides for the circumstances under which the period of storage may be extended. The storage of traffic data and subscribed information is crucial to the prosecution to these offences as traffic data will allow authorities to trace the origin, destination, geographic location of communications and subscribing information can assist in establishing the identity of offenders.

Clause 27 provides the different circumstances under which the courts of Guyana shall have jurisdictions in relation to an offence under the Act. Clause 27 states:

“A court in Guyana shall have jurisdiction in respect of an offence under this Act where the act constituting the offence is carried out–

- (a) wholly or partly in Guyana;
- (b) by a citizen of Guyana, whether in Guyana or elsewhere; or
- (c) by a person on board a vessel or aircraft registered in Guyana.”

For the purposes of gathering evidence and investigation of an offence, the Bill gives a police officer the power to make *ex parte* applications before a judge seeking (a) a search and seizure warrant for any computer system, electronic data storage, medium or electronic data under clause

28, (b) a production or for electronic data or subscribe information under clause 31, (c) an Order of the expeditor preservation of electronic data or traffic data under clause 32 and (d) a disclosure of traffic data under clause 33.

Clause 34 requires persons who are the subjects of certain Orders made under the Act to keep confidential all information relating those Orders and seeks to impose liability in persons who disclose the details of the Orders without any lawful excuse or justification.

Clause 36 seeks to exempt any person or service provider from civil or criminal liability for any actions taken or disclosures made pursuant to the enforcement of the Act.

The Bill further provides under clause 38 that a judge may authorise a police officer of a rank of Superintendent or above to utilise remote forensic tools for the purpose of a criminal investigation into an offence under this Act or any other law where they are reasonable grounds to believe that evidence cannot be collected without the use of remote forensic tools.

The Bill provides that where a person is convicted of an offence, the court may order that person to pay an additional fixed sum of compensation where another person has suffered loss or damage as a result of the commission of the offence. It also provides for the procedure under which a court may make a forfeiture Order in respect of property used, for or and in connection with and obtained as a result of a commission under the Act.

2.39 p.m.

Clause 43 provides for the admissibility of electronic data, computer system and electronic data storage devices as evidence in criminal proceedings under any law, whether the proceeding concerns a cybercrime offence or a traditional criminal offence, a very important piece of legislation.

In conclusion, the Bill before this National Assembly represents a collaborative effort between Government, the legislature and the people of Guyana. It is a Bill that was heavily consulted on, received expert advice and was reviewed by the Special Select Committee. It was a Bill that is timely and relevant because of the colossal damage of cybercrime. This mode of crime has destroyed lives, the economies of countries have been used to carry out terrorist acts all over the

world. With this Bill, Guyana now stands ready to join the rest of the world to fight this scourge of cybercrime.

The creation of cybercrime legislation is the first step in our battle against cybercrime. However, I wish to state emphatically that the fight against cybercrime requires a compressive approach. This means that along with the legislation which is essential as it is the foundation for successfully combatting cybercrime, there needs to be training of law enforcement, prosecutors and judges as this us a new are for Guyana. This is a process that the Government is fully committed to and we endeavour to deploy the necessary resources to ensure our success.

With that, which I would call my opening statement, I will ask this honourable House to accept the passage of this Bill successfully through this honourable House.

Thank you. [*Applause*]

Mr. Rohee: If that was what the Hon. Minister described as his opening salvo, then I think we would be even more disappointed with the closing remarks which he is to deliver at the end of this debate.

The Bill is entered in the name of the Minister. It has 12 definitions and interpretations, 25 offences and some clauses dealing with enforcement and the role of the judiciary. That is the Bill that we have before us. It is as simple as that. The Cybercrime Bill that is before us, and the applicability of that Bill, or the contents of the Bill, apart from the applicability, the enforcement of that Bill, or the necessary enforcement clauses of the Bill, has to be situated in the context of Guyana's social and economic development. The Bill, as presented, is far removed. In fact, it is very much in isolation from the level of our country social and economic development. The legislation does not provide in any way whatsoever, whether it is going to be used or whether it has the capacity to be used as a development and tool for our country.

Coming, as it is, as a component of law enforcement, the Bill deals exclusively with criminal activities for charges against criminal conductor who involved in cybercrime and any fight against crime. Any fight against crime had to be posited in the context of the country's development. If we do not have the tools and the Cybercrime Bill does not provide the requisite tools to do so, then the Bill will fall flat on its face.

The Hon. Minister in need of a speech, most likely prepared in his chambers, does not provide any developmental visions on the part of the Government. The Cybercrime Bill has to be seen or should have been put in the context of an ICT strategy. This is what is lacking. The Bill stands alone, by itself, and does not fall within the framework of an ICT strategy. What we should have been having before us in the first instance was an ICT strategy of which the Cybercrime Bill should form part thereof. What we are having is that the Hon. Minister had out the cart before the horse. The absent, therefore, of an ICT strategy of which this Cybercrime Bill should have formed part of is what is woefully lacking. For more appearances it appears as though the Bill by its very nature is framed in the context of a First World country that has a necessary requirements infrastructure to address what this Bill calls for. If one examines what the situation is in Guyana in respect of ICT development, we are very far behind in respect of implementing or facilitating what that Bill calls for.

The national capacity, for example, is woefully lacking. The Minister did not have to tell us what exists in Guyana, we know. Having been in the Government, we are fully aware that the infrastructure it requires for the development for us to be able to implement such piece of legislation. Therefore one has, against, to look at the context of national capacity for implementation in respect of this Bill going forward. The Bill is likely to fall flat on its face precisely because infrastructure is lacking, national capacity is lacking and also we do not have, as I said, a strategy in which the Bill ought to have been contextualised.

We are of the view that at no time have we been told in this House, by the Government, that a critical assessment has been made of the vulnerabilities in the ICT architecture in our country. Therefore because there has been a lack of a critical assessment of the ICT architecture in our country, the capacities of the ICT architecture as well, application of the relevant clauses of this Bill, in so far as its realisation is concerned, the Government would be hard-pressed to do so. We expect that others who speak on this Bill will tell us about national capacity and whether a critical assessment have been made in respect to the vulnerability of the architecture in which this Bill is to be implemented.

The question of ICT connectivity, for example, is an extremely important element that has to be taken into consideration when going forward with such a Bill. Connectivity in Guyana, according to the experts, has not reached the level which is required for the realisation of many

of the clauses in the Bill. This brings us back to the correction of the assessment, whether an assessment was made in order for the Government to successfully implement irrelevant clauses of that Bill. Furthermore, there is need for risk assessment to go forward with the Cybercrime Bill in the absence of an ICT strategy. I want to emphasise this point: Cybercrime Bill, as presented, is lacking in the absence of a national security strategy with the Government has not being able to present to us in this House.

The question of the authorities, who will be responsible for certain aspects of this Bill? It would appear as though there will be some questions. Some questions will arise in respect of the authority in so far implementation of the relevant clauses of this Bill expressed. It is quite possible that there is likely to be clashes between Government agencies in departments because usually information is shared either on a need to be basis, or not at all, between the Government agencies and departments which have been responsible for implementing the relevant clauses of this Bill.

We noticed that certain amendments have been suggested or have been placed before us by the Hon. Attorney General in which he briefly spoke to, but the amendments do not address the draconian elements that were in the original clauses. In fact, it reinforces the draconian elements that are contained in the Bill. The language that we find presented by the Attorney General's amendments is aimed at misleading us into believing that the Government has either softened up or removed the offending clauses in the Bill when this is certainly not the case.

The offending clauses in the Bill, clause 18(1) right through to clause 18(4) would require significant efforts, a respect of compliance by service providers.

2.54 p.m.

The Hon. Minister spoke about consultations which were made between the Government and service providers. What he failed to tell us was what came out of those consultations. Did the service providers not say that what they may be called upon will build upon the service providers' more burdensome financial and operational – a heavier burden in terms of the operations and the financing of those firms. The ramification in the so-called amendments holds certain dangers with respect to freedom of information and speech. I am not of the view that the

amendments submitted by the Hon. Minister address those threats to freedom of information and freedom speech in the context of our constitutional rights.

The Bill, notwithstanding the proposed amendments, places tremendous power in the hands of the Government, the Attorney General (AG), the Minister of Information – sorry, the Minister Public Telecommunications that was a piece of misinformation - and the Minister of Public Security. The offending clauses place tremendous authority and power in the hands of these three Ministers. In the context of the modern world today, such power and authority ought not to be vested exclusively in the hands of the Government and the Ministers.

Reference has been made in the public domain to the question of sedition – the so-called seditious clauses. The amendments spoke about clause 18 (1), which advocates the use, without authority, of law or force as a means to accomplishing a governmental change within Guyana. That is at subsection (a).

One is left to wonder whether when it states:

“(b) advocates the use, without authority of law, of force as a means of accomplishing a governmental change within Guyana;”

What are we talking about? Are we talking about, for example, that people must resort to struggle by any means possible in order to bring about a change in their lives? Does the phrase, “by any means possible”, pose a threat to those who walk the corridors of power? This is a clause, or this particular section of the Bill is obviously aimed at containing, repressing and suppressing a position to the Government. For example, if the Opposition uses its capacity to mobilise large masses of people to demand free and fair elections, would you see that as a threat? Providing that the constitutional rights of the people are upheld by those who are engaged in protest activities with a view to bring about change in their lives because people must be free to march for change and people must be free to demonstrate for change. The seditious elements of the legislation ought not be used to suppress and oppress and to use the coercive apparatus of the State to prevent the citizens from exercising their democratic right. *[Interruption]*

[Mr. Speaker hit the gavel.]

The Bill does not satisfy in any way the concerns of stakeholders. It does not satisfy and does not give the necessary comfort level to us in the Opposition and in the wider Guyanese community who feel a sense of fear which is permeating the society. What this Bill will do is reinforce the tremendous sense of fear that is permeating our country. [An Hon. Member:

[Inaudible]...] Yes. You may not want to know and hear about that, but it is true. Everywhere you go people are expressing a sense of fear. When you are on a telephone call, people say, “Boy I do not want to talk on the phone them boys listening.” [Interruption]

[Mr. Speaker hit the gavel.]

The cybercrime legislation is aimed... [Inaudible]... Therefore, the people of this country cannot forfeit these rights that are entrained in the Constitution, some of which are God-given rights. Other rights are enshrined in the Constitution. When we combined those rights that are God-given with those that are enshrined in the Constitution, made by man, no man should be in a position to take away either the rights that are God-given or the rights that are constitutional.

Thank you. [Applause]

Mr. C. Persaud: I rise in support of the Attorney General, in the presentation of this Bill and its Second Reading. I will very quickly touch on some of the general clauses and how perhaps they will affect perpetrators. We have seen, if we have looked at the Bill carefully, some clauses that state “on summary conviction” and some state “on indictment”.

For those of us who may not understand the extent of these particular offences, summary convictions are tried by the Magistrates’ Court. If you are charged indictably, it could be tried at the Magistrates’ Court, but you are charged and presented to the Magistrates’ Court. If the Administration of Justice Act is applied, then that particular charge will be tried and completed at the Magistrates’ Court. If it is not, then a preliminary inquiry (PI) commences or is conducted at the Magistrates’ Court and it is then taken to the Supreme Court after, and if there is a *prima facie* case established. The reason for that is at the Magistrates’ Court the sentence cannot be more than five years. Some of these offences, as they are clearly identified here, carry a penalty of more than five years, and so those would definitely be tried in the High Court. Much like the offence of murder, a PI is conducted in the Magistrates’ Court and because the offence carries a

penalty of life imprisonment or death that has to be handed down by a judge and so it is tried in the High Court. The smaller or lighter offences are conducted in the Magistrates' Court.

Not too long ago, I was looking at a definition of cybercrime. I will just read it out very quickly.

“Cybercrime is defined as a crime in which a computer is the object of the crime (hacking, phishing, spamming) or is used as a tool to commit an offence (child pornography, hate crimes). Cybercriminals may use computer technology to access personal information, business trade secrets or use the internet for exploitative or malicious purposes. Criminals can also use computers for communication and document or data storage. Criminals who perform these illegal activities are often referred to as hackers.”

When we look at what we have and I just heard my Friend and Colleague, the Hon. Mr. Rohee, describe as not being ...well Guyana generally. We are not reflective of Guyana's present reality. I am wondering if it has ever been brought to the attention of the Hon. Member that cybercrime activities have taken place in Guyana. A lot of that have been happening and will continue to happen. Are we supposed to just leave these with no particular protection for those who are affected by what the offenders in this case - and I will use the term 'hackers' very loosely to refer to the cybercriminals - what the hackers do? This can take different forms. I have a few cases, but one that is very striking, is the Trinidad and Tobago story. This is something that could happen to anyone in Guyana, and so, there is a need or there must be a law to prevent this from happening. Very quickly, this particular story from Trinidad and Tobago described a young 13-year old boy and his babysitter who were found with their throats cut - brutally murdered. The public was infuriated because the police in Trinidad and Tobago could not or did not, within a reasonable period of time, arrest anybody. One young man named Reyaad Mohammed, took things to a different level and made a publication on Facebook saying that somebody should do the same thing to Dr. Keith Rowley's family. Dr. Keith Rowley, the Hon. Prime Minister of Trinidad and Tobago or is the Hon. Prime Minister of Trinidad and Tobago. What we have to look at here is, did Mr. Mohammed advocate harm or did he sell the idea of causing harm to the family of the Prime Minister? Or was he expressing frustration that the authorities seemingly did nothing to apprehend the criminals in the particular case of the 13-year old and the babysitter? This thing has reached a different level and that is why there is a need or there has to be.

3.09 p.m.

When one speaks of the Prime Minister or the President, the head of a state, one has to be very careful with what one says. We cannot ramble on. We have seen some rambling on Facebook right here in Guyana, which could be interpreted to mean a threat of some sort. Many people, including a particular lawyer, who is a friend and colleague of mine in Trinidad, Mr. Daniel Khan, said what Mr. Mohammed did was to express frustration at a system that did not seem to work in the apprehension of criminals. There were others who said, what if somebody had gone out and done harm to the children, wife or relatives of the Hon. Prime Minister, would they then have blamed this Mr. Mohammed for having said that, if someone said I did what Mr. Mohamed said?

When we look at cybercrime, these are some of the things that must be seriously dealt with. Mr. Mohammed deleted the post, but there was a screenshot taken by a young lady and she ran it viral. The world now knows about it. He was charged. For those of us who are worried that we could be charged for something like that, the question here is: Did Mr. Mohammed advocate some type of cruelty against the family of the Hon. Prime Minister of Trinidad and Tobago or was he in fact frustrated and said, if it was the Prime Minister's family something would have been done sooner? It is subject to interpretation, even if as he is charged, I am suggesting that it is still a matter now for the judges at a different level, to deal with that, if and when they take evidence to determine whether this was in fact sedition.

While we are on sedition, I wish to point out to my friends on the other side and to all of us, that the sedition laws that we may look at now and say, "Why are these things coming here to put some of us in trouble," we have sedition laws and common laws that have been in existence for the longest while. This is nothing new. What is new perhaps is, when these sedition laws were put in place, perhaps computers may not have been in existence so the computer crimes that the Cybercrime Bill is now looking to address, may not have been committed at that time and could not have been committed at that time. Now with the access to all kinds of internet and technology, various things are sent.

A recent case happened right here in Guyana. It was passed through the Court not too long ago, but it did not come under the Cybercrime Bill because it is not yet law. It was in fact a criminal

offence and was dealt with at the Magistrates' Court level, where a young lady, in a relationship with a married man, published pictures of the entire family which she took from his phone. That was something that was addressed in the Indian landmark case. That was the case of the State of Tamil Nadu vs. an individual by the name Suhas Kutti. This was a landmark case in the history of cybercrime in India. It was a 2004 case whereby this young man posted defamatory information about a divorced woman. We do not feel that any woman in Guyana ought to be subjected to abuse on the internet because someone has access to a computer and some things may have been done. This case was tried and Mr. Kutti was convicted for cybercrime. People need to be protected.

I will draw attention very quickly to what the Hon. Attorney General said was the initial presentation. He browsed through the clause. Clause 7, I will read it and for those who have the Cybercrime Bill; we could look at it.

- “(1) A person commits an offence if the person intentionally and without lawful excuse or justification, hinders or interferes with –
- (a) a computer system of another person; or
 - (b) another person's lawful use or operation of a computer system.”

We have our computers. I have seen some of my Friends right here who posted on Facebook. My password and identification were stolen. I was not the person asking for this and that. That should not happen. That is identity theft. It happens and has been happening right here in Guyana. How could my Friend say that we are not really up to speed with this thing? Clause 7 goes on to explain what the word “hinder” means:

- “(3) For the purposes of this section “hinder” includes –
- (a) disconnecting the electricity supply to a computer system;
 - (b) causing electromagnetic interference to a computer system;
 - (c) corrupting a computer system; or
 - (d) damaging, deleting, deteriorating, altering or suppressing computer data.”

That should give all of us, who use computers, a feeling of comfort knowing that this would be a deterrent or should be one. Of course, we may have a few who feel that they could do it without getting caught. When we look at the Cybercrime Bill, it is not merely to protect us or to give us as Government Ministers or officers, a chance to get at somebody, it also applies to Members of the Opposition and the general public, if we are offended by what someone does, using a computer.

I do not know if the Members of the Opposition may have any reason to want to not support this Cybercrime Bill in its entirety. I wish to suggest that cybercrime has been around. It has been for the longest while affecting all of us and we need to address this as the Cybercrime Bill intends.

I will close by looking at another clause, which is Clause 8.

“Illegal devices.

- (1) A person commits an offence if the person intentionally and without lawful excuse or justification, possesses, procures for use, produces, sells, imports, exports, distributes, discloses or otherwise makes available –
 - (a) a device or a computer programme, that is designed or adapted; or
 - (b) a computer password, access code, encryption code or similar data by which the whole or any part of a computer system, computer data storage medium or computer data is capable of being accessed,”

I will conclude by again referring to another case in India. There is the word “phishing,” and there is a lovely explanation for the meaning. That is the way it is spelt, but it is pronounced as “fishing.” When one goes fishing one would use a hook and a bait, hoping that a fish nibbles and gets caught. Phishing is where the person or the hacker, the intended criminal, would use information to literally camouflage himself to catch somebody. This case is whereby a huge company in India, NASSCOM had its data stolen. Clients belonging to that company were in excess of 850 and they were stolen because they believed that the person who was then using the password belonging to NASSCOM was really an individual or an executive member of that particular company, as so they supplied the information. That matter is currently sitting in the

Courts as a serious criminal activity, having gone through computers. Again, cybercrime is the offence here or the cause of this particular offence.

I wish to commend this Bill to the House and ask that it receives support from all the Members here.

Thank you very much. *[Applause]*

Mr. Dharamlall: Good afternoon everyone. Listening to the two Hon. Members of the Government, including the Attorney General and Attorney-at-Law, Mr. Charrandas Persaud, I think...

Mr. Speaker: Let us say honourable.

Mr. Dharamlall: I did say honourable at the start. Those two honourable gentlemen, I think that in 2020, when this Government is removed and the People's Progressive Party/Civic (PPP/C) takes Office, a lot of what this Government is promoting right now, as they would say on the streets, a lot of the members of the Government would be *picking up soap*. This is what the Constitution states about the protection of freedom of expression in Article 146:

“(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference and freedom from interference with his correspondence.”

I think this entire Cybercrime Bill is ill-defined, relatively ill-prepared and woefully inadequate to be presented to us this afternoon. I say so because, in the current climate or with the type of governance that we now have in our country, where peaceful co-existence is being eroded through the oppressive nature of the Government, along with policies which hinder good governance in our country, this Cybercrime Bill is an addition to what we now have as mismanagement in our country. I say this because I genuinely feel that, maybe hundreds of thousands of others in Guyana, especially the majority of our people, the youth demographic, are feeling that this Government is pursuing a state of autocracy. This Cybercrime Bill and the

elements of it, as shared with us by my Colleague, the Hon. Mr. Clement Rohee, I think that it would have serious repercussions on the political and social-eco systems of our country.

3.24 p.m.

When you go through and having listened to the Hon. Attorney General and the Hon. Charrandas Persaud and I might quip that listening to the Hon. Charrandas Persaud, I am not sure that he is going to win any case on cybercrime in our country. This Bill seriously affects and impacts on people's lives, especially the thousands of advocates and journalists that we now have in our country, especially the virtual journalist and the consumers of internet services.

I also feel that our human rights, which are a décor of a democratic society, will be severely affected with this presentation by the Hon. Attorney General in the form of a Cybercrime Bill this afternoon. I think that specific to human rights that the right to privacy, freedom of expression and the free flow of information, are some of the core things which are on the table that this Government did not consider or the fact that they may have considered it knowing the type of Government that we have in our country that our human rights are going to be very misplaced over the next few years or months of this Government.

I would speak about the checks and balances that are in this Bill. Based on my consultation and I have listened to the consultation that the Hon. Attorney General presented to us, and I think that the Bill lacks clear checks and balances. Most importantly, I feel that this Bill counters democratic accountability and it is something that we have cherished in our country since 1992, when the PPP took office. It is something that Guyanese have grown accustomed to and one of the things that differentiate us from many others, especially in the era of 1964 -1992, and from 2015 – now. It is the period of democracy that we had in our country and the freedoms that we enjoyed as citizens of Guyana.

Having grown up in Berbice, I recall the terrible human rights abuses that occur on our rural people, including my family under that previous People's National Congress (PNC) Government. But, there is something else that is also very important for us to understand with this Cybercrime Bill this afternoon.

There is a large demographic called ‘youth’ in our country and their presence on cyberspace is something that we must not take for granted. I think that the core or the heart of the Cybercrime Bill is to stifle innovation and my worry is that, rather than we move forward as a country, we are actually moving backward. This Bill is not going to take us to the cutting edge. It is seeking to censor dissidents, it is monitoring communication, and interceptions are spoken of in the Bill. Importantly too, I think, practically, every Guyanese is online or has access to online services and the most worrying thing about this Government and this Bill is the criminalisation of online users in Guyana for the expressions of their views. As the Hon Clemet Rohee asked, “Why is the Government fearful of people in our country expressing their views?” Why is the Government so fearful? If he enumerated those reasons, I think that the Government is going to suffer some tremendous consequences.

I think too in cyber security there is the issue of encryption. I think that one of the issues that we ought to be worried or concerned about is the struggle for the preservation of human rights and the demands for greater cyber security and national security *per se*. As a result of what we have before us this afternoon, this interplay between human rights and security, we have a repressive Bill, which, if the Government without conscience and without any semblance of connection to the people that it is going to be a repressive law - a law which increases surveillance on free people, where we will end up with a lot of *peeping Toms* in our country or Government.

The regulatory controls that are now before are going to be taking us backward. I think that civil society has an integral role to play in all of what we are discussing this afternoon. I think that it is important that this Government continues the discussion with civil society to enhance its knowledge of cyber security and enhance its skills in dealing with cyber security, even before we think of implementing a repressive and oppressive law as this Bill will end up being. We need to advocate more and I would have really thought that, instead of the Hon. Attorney General speaking of the enforcement aspects, the advocacy based on human rights and on information sharing and collaboration that those things were going to be central to a cyber-security Bill turned law.

There are some other things which I would like to share based on my consultations with the large internet providers in our country. I was able to have a direct contact and feedback from them and they indicated to me that, despite the consultations that the Hon. Attorney General spoke of, the

large internet service providers did not have the kind of detailed interaction that they require with the Government in ensuring that the Cybercrime Bill becomes something that does not encroach and impede on the lives of the people of this country. This was one of the questions that was sent to me;

“Have there been any consultations with service providers”?

They named themselves as interested parties that store data and should be consulted in the process. Any legislation that affects relevant stakeholders should have the input of those stakeholders. They also said that the offence of sedition, which is all of clause 18 (1- 4) seeks to limit the press on freedom of speech against the Government and should be struck from the draft as it would limit freedom of speech and thought of the people. Apparently, the Opposition in St. Vincent and the Grenadines made a public protest against their sedition clause and it was struck off. The internet service providers did say to me that, with a clause similar to what the Government wants to impose on us, it will limit the development of freedom of the press in Guyana.

They also asked the question whether the Government has already considered the establishment of a cybercrime unit and what were the Terms of Reference (TORs) of that cybercrime unit. Whether the current enforcement, undertaken by the Guyana Police Force, had the ability and the capability to engage in cybercrime enforcement at this point in time and what types of training would be needed to ensure that they become effective and efficient, independent and non-partisan in their execution of this law?

They also said that there should be a section that addresses the liability of service providers. They are recommending that the section be included in this Bill. They also shared some concerns regarding many of the clauses in this Bill. For example, they spoke of the Data Protection Act and what was the current status of the Data Protection Act and that many countries in the Caribbean have already passed the Data Protection legislation as an auxiliary legislation to support the efficacy of cybercrime legislation.

Then one of them raised the issue of what is defined as illegal. This is what they had to say, “There has been no context to the meaning of the word illegal, as should have been done in section 2 of the Cybercrime Bill”. The word ‘unauthorised’ would be better suited. Usage of the

word 'illegal' implicates that the device and any other device of that nature is banned in this country and we know that the Government comes from a history of banning. Speaking of the history, I think one of the things that we ought to be aware of as citizens of our country is that this Government has a propensity to rewrite history. I think one of the things that this Government is fearful of, especially in clause 18, is criticism. This is because it does not want people to know about their history. They do not want the young people, especially the young voters, to know of what a terrible set of characters we have in our Government. So, it is something that we ought to be very mindful of.

I would like to ask for example, if an employee was not acting within the course of duties of a company. Clause 21 speaks of the issue of corporate liability and what provisions are made to absolve companies that are affected under this clause?

In clause 25 (2), the Explanatory Memorandum, speaks of internet service provider storing trafficked data. I would like to ask what happens if applications take place outside of the 90-day period. Apparently, there is a window that the Government has given on which data can be stored on a computer system. I would like to know what happens beyond that period and what will drive a police officer to make an application during the 90-day period?

On the issue of search and seizure, apparently this Government is becoming notorious for searches and seizures, albeit unconstitutional, unlawful and inhumane. Clause 28 speaks of making provisions for a police or up to the rank of superintendent, to make *ex-partite* applications to a Judge for search and seizure. But, a Judge is allowed to act upon a suspicion of a crime in this case. Nowhere in the Commonwealth/Caribbean is that present where a Judge is allowed to act upon the suspicion of a crime. So, are we now legislating a search expedition run by the APNU/AFC Government? Is that what this Government is now doing? Are they phishing, as my Colleague, the Hon. Charrandas Persaud used the expression earlier? Are they phishing for private data and information from service providers and other parties? I think that information relevant to evidence to prove an offence, is something that is probably better considered or information regarding the commission of an offence.

3.39 p.m.

Also, in clauses 31 and 32, I think that there is a lot of ambiguity. There has to be a distinction because when one reads the two clauses, there is no effect of an expedition as noted in clause 32. I think that the Hon. Attorney General as is would not, he is usually grazing often. I think this legislation and its expressions in the Explanatory Memorandum are also for the pasture.

Clause 38 speaks of a forensic tool. What exactly is the Government referring to when it speaks of a forensic too? Is it referring to a tool that allows wire-tapping? Would the Government be involved in wire-tapping? Would agents of the Government be involved in wire-tapping beyond the scope of legal investigations? Who would have control of these forensic tools or “wire-tapping tools”? I think that it is important for this Cybercrime Bill to address the definition of a forensic tool.

I also think that the Bill needs to speak more clearly on the violation of privacy. This is spoken to in many of our Caribbean sister-countries, in their Cybercrime legislation. I think also that there must be a clause that speaks to the limiting of the use of data similar to what obtains in other cybercrime legislation in the Caribbean.

Finally, I would like to see in this Bill that there is a total deletion of clause 18, which speaks to the offence of sedition. I genuinely believe that it is autocratic, it is undemocratic, it is repressive, it is oppressive, and it is against my fundamental human right as a citizen of Guyana and as a human being that this Government wants to curtail and to restrict my expression. I think one of the things that build a democracy is my right to express myself. Unfortunately, I am not allowed to express myself the way I want. It is my God-given right to speak and to represent people in this country.

I think that this Government is going down the wrong path. I would like for more consultation. I would for like the removal of clause 18, especially. If it comes to a point where this Bill does not get muster in this House, I think we need to go back to the drawing table. I think my Colleague, Mr. Nandlall, will address the Hon. Attorney General and Minister of Legal Affairs later on in terms of his inefficiencies in dealing with legislation and the ineffectiveness of the legislation that are being forced upon this country under his watch and under his signature.

Once again, I would like to reiterate that our rights as human beings, our right to freedom, and when you go through the sedition clause, our right to association, and our right to express

ourselves, those things are being eroded and affected. I do not think that any Guyanese citizen, whether they are in Government or in the Opposition or whether they support the Government or the Opposition, I think that this Bill would affect the entire country, especially our young people and I would like to call on this Government to hold back and to stop with its autocracy; stop with its imposition of repressive policies and oppressive actions.

I would like to commend my Colleague, the Hon. Member Mr. Rohee, who has given an outline of some of the repressive clauses in this Bill. I suspect that my Colleagues would also be sharing with our Guyanese people other repressive clauses and repressive things.

I want to re-emphasise that this Bill affects human rights. This Bill is seeking to re-write the history of our country. I do not support it at this present time.

Thank you very much. [*Applause*]

Mr. Gill: I would like to first of all offer my condolences. I heard on the way down that a relative of the Hon. Minister Ramjattan has passed away.

Mr. Speaker, while I support the passage of a Cybercrime Bill, and while there are sections of this Bill that are highly commendable others come pretty close to trampling on our Constitutional rights. Guyanese have a unique way of telling someone that they are stubborn. They would say *your ears hard*. Well Mr. Speaker, this Government *ears hard*. It does not listen to the people. Time and time again, Bills are presented to this honourable House for passage. Almost every time the Parliamentary...

Mr. Speaker: Hon. Member, Mr. Gill, would you take your seat, please?

Mr. Gill: Sure.

Mr. Speaker: Hon. Members, I interrupted the Hon. Member to remind us that we should allow everyone to speak and be heard. Thank you. Please proceed, Mr. Gill.

Mr. Gill: Thank you for your protection, Mr. Speaker. Time and time again, Bills are presented to this honourable House for passage. Almost every time the Parliamentary Opposition would point out severe flaws that could be fixed either by a simple amendment to the Bill or by referring it to a Special Select Committee, but because of this trial and error Government that has

the answers for everything, any constructive criticism and suggestions offered are totally ignored, resulting in another piece of flawed legislation being voted into law for expediency by a stubborn Government with a one-seat majority in Parliament.

It took tremendous pressure from civil society for Government to drop the offending clause of this Bill that would have jailed persons for sedition for just attempting to excite disaffection towards the Government.

While this sub-section has been removed, clause 18 (1) (f) is equally dangerous as worded and could easily be abused by a Government with hostile intent to prosecute and jail its political opponents to further its aims and objectives.

This section reads that a person commits an offence if:

Clause 18 (1) (f) states:

“excites or attempts to excite ethnic divisions among the people of Guyana or hostility or ill-will against any person or class of persons on the grounds of race.”

While I strongly condemn any person or any attempt to excite ethnic division of our people, and while I also disapprove of Guyanese who refer to themselves as Afro-Guyanese and Indo-Guyanese, for I believe that this creates a division among our people, we have seen how vindictive this Government can be, clutching at straws to find anything that it could use to prosecute the Ministers of the People’s Progressive Party/Civic.

With the Government now exercising powers over the Director of Public Prosecutions (DPP) and the Judiciary, who decides to what extent what could motivate supporters without being misconstrued and falsely accused of race-baiting? The risks at stake are too profound and represent a fundamental threat to our Constitutional right to free speech. Quite frankly, if you ask the average man in the street, most of them are dissatisfied with the direction that this country is heading. High unemployment, more taxes, less disposable income, an out of control crime rate and a Government that is digging huge holes in the economy with its *spend and borrow philosophy*. It is rather difficult to speak about this Government without having some feeling of contempt for it.

If Government is afraid that its citizens may want to rise up and rebel against an emerging dictatorship, then the Government needs to get its act together. It needs to respect our Constitution; create job opportunities for our young people; and take control of the escalating crime wave to protect our citizens and business sector and to make it safe for the tourists and investors to explore our beautiful country. Government needs to stop shooting themselves in the foot by creating new scandals every week. It makes the Administration look like a bunch of amateurs trying to do a man's job. His Excellency President Granger needs to hold his Ministers responsible for the sectors under their control and demand real results. He also needs to rid his Administration of all non-performance and those power-drunk and egotistical Ministers who engage in administrative lawlessness, unless it is the intent of Government to drive fear in ordinary citizens.

Clause 6 of this Bill deals with illegal acquisition of data.

It reads:

“A person who, intentionally and without lawful excuse or justification, acquires computer data of another person commits an offence and is liable –

- (a) on summary conviction to a fine of three million dollars and to imprisonment for three years; or
- (b) on conviction or indictment to a fine of eight million dollars and to imprisonment for five years.”

While I strongly condemn the invasion of one's privacy by someone who steals someone's cell phone or computer, having been a victim myself, it is inconceivable to expect any Magistrate to sentence a common smart phone thief to a fine of \$3 million to \$8 million and imprisonment of three to five years, especially when the lack of jobs and employment opportunities are contributing factors to the increase that we see in petty criminal activities.

Clause 12 of this Bill deals with offences affecting critical infrastructure, which is defined as any computer data, computer system or computer network so vital to the State that it would have a debilitating impact on a host of things if the computer data, computer system or computer network is in any way destroyed or compromised. These include confidential educational

material, banking and financial services, public utilities, essential public infrastructure, such as hospitals, courts, traffic lights and so on. It also includes anything, including the system relating to essential services, such as police, fire and medical services.

While I agree with all of the above, my concern here is the omission of another critical infrastructure from this list – the Guyana Elections Commission (GECOM). Why was GECOM excluded from this list? Was it an oversight or was it done deliberately to create mischief.

3.54 p.m.

Would interference of computer data to alter the outcome of an election not have a debilitating impact on the country as well? Something is definitely not right.

Although I am supportive of clause 13, which deals with identity-related offences, and I am supportive, also, of clauses 14, 15 and 16, which deal with child pornography, child luring and publication or transmission of images of private area of a person, I find the penalties in the rest of the clauses to be outrageously high.

I have also noted the response of the Hon. Minister of Public Security to a query raised by my Colleague, the Hon. Gail Teixeira, on this very subject at a meeting of the Special Select Committee. He indicated that the fines stated in the paragraphs were to give magistrates more latitude when imposing them. The fines and prison sentences, he said, were the maximum. If this is so, why were these paragraphs not amended to read, “A fine of up to” and “imprisonment of up to”? Without these amendments, I am fearful that the magistrates would be reluctant to exercise discretionary powers. With these fines ranging from \$3 million to \$20 million and with prison terms ranging from three to 20 years, Government would have to build a separate prison to house those who violate this Bill.

In trying to get a perfect piece of legislation, Government has failed to taken into account its limited capacity to police every aspect of this Bill. Enforcement is unsustainable and I am afraid that this would be selectively enforced. I thank you.

Mr. Speaker: Hon. Members, we are approaching the 4 o'clock hour. I would suggest that we take the recess now and return at 5 o'clock.

Sitting Suspended at 3.57 p.m.

Sitting Resumed at 5.10 p.m.

Minister of Public Telecommunications [Ms. Hughes]: The International Criminal Police Organization (INTERPOL) states:

“Cybercrime is a fast-growing area of crime. More and more criminals are exploiting the speed, convenience and anonymity of the Internet to commit a diverse range of criminal activities that know no borders, either physical or virtual, cause serious harm and pose very real threats to victims worldwide.”

This Bill, which we are discussing this afternoon, is really expected to curb cybercrimes and computer-related offences to enable timely and effective detection, prohibition, prevention, response, investigation and prosecution of cybercrime.

As this Government commits to using more and more Information Communication Technologies (ICTs) in the way we transact business, and as we commit to provide more and more Government services online, and here, we are talking about applications for passports, business registrations, certificates, applications for driver’s license...All these are services we want to make easily accessible to our citizens by putting them online. Of course, this approach is integral to ensuring that we end the digital divide by which so many communities in our hinterland, poor and remote communities are disconnected today. But even as we are aware of the need to bring technology into the way we do things in Guyana, we are equally and strongly aware and cognisant of the importance of ensuring cyber security issues are always at the forefront of our approach. It is against this background that we bring the Cybercrime Bill, Bill No. 17 of 2016 to this honourable House for passage.

Part II of the Bill outlines cybercrime offences and associated penalties. The focus is on the unauthorised use of computers, the internet and, of course, the penalties that go with these offences. We recognise, in this Bill, that a person’s computer, a system, a network and an unauthorised manipulation of private and personal or corporate data must be punishable in the hardest possible ways.

Part III of the Bill looks at enforcement. In keeping with the current available technology, the Bill highlights and identifies related offences and I really only want to comment on a few of these. These include identity theft and the unauthorised use of electronic signatures and passwords with the intent to commit an offence. These are all the challenges that technology brings and this Bill recognises that these challenges exist and is very strong on providing effective remedies. This, of course, includes the ever-rising computer related forgery and fraud. This Bill is strong on offences that also impact on the critical infrastructure of the State with high fines of up to \$20 million and, in some cases, up to 10 years imprisonment. Some of us and many on the Opposition side, I know, have mentioned that this seems to be an exceedingly harsh penalty, but the punishment fits the crime, as any attack on the State, in any way that it comes, in any shape or form, cannot be tolerated. As we know, cybercrime has had a detrimental effect on the impact of the security of the State, international relations, and also, quite often, the legal structure of a State, banking, finance and much more.

We know that in the world we have had and we have learnt, through the main media, of several occasions when the security protection of places like some of the United State (US) Departments and affiliated agencies have been hacked. When we are talking about the survival and integrity of the State, we understand that this is critical. Today's technology allows the negative impact and this Bill, we hope, would be strong deterrent through the penalties that it recommends.

Identity theft in clause 13, child pornography in clause 14, the transmission of photos, videos and audio files of private areas of persons are all issues that we know exist today. It is not on a national basis, but even in your homes, on your cell phones, on tablets, these are all the challenges any user of the technology could face. So, here in Guyana, we have had recent incidences involving our high school students and rejected partners in relationships who have transmitted videos and inappropriate private photos of persons. This is now punishable under the law with fines, on conviction, of up to \$8 million and imprisonment of up to five years.

What we are saying is that this is not an illusion but this is the reality and these things have already happened right here. I suggest that, even in these areas, again, it is not an unreasonable penalty as we have already known, within the Caribbean region and internationally, situations where distraught teenagers have actually committed suicide after the transmission of nude photos in compromising positions or through frustrations with internet and cyberbullying.

In clause 15, a person who is found penalty of such offence is liable, on summary conviction, to a fine of up to \$3 million or imprisonment for up to five years. What we are saying is that we must be strong and ensure that we could protect our citizens.

In terms of enforcement, provisions of the Bill in clause 28, make it possible that a judge first has to ensure that there is enough evidence presented by the police before executing a search warrant. This is a way and a protection to ensure that there are no frivolous intrusions into the privacy of a citizen. This clause also specifically prescribes how the police are to conduct the search, the seizure of the equipment or the computer, including the provision that any evidence or the computer seized under this Bill cannot be held indefinitely. And at the end of the expiry dates of any seizure conducted, the computer system or other items must be returned to the person to whom the warrant was addressed. I highlight this just to allay the fears persons have that this Bill allows the police force to run rampant.

Recognising that offences involving computers could be carried out at a location that is physically far from the place where the actual offence takes place, clause 27 recognises this and gives the court jurisdiction over acts committed wholly or partly in Guyana and by citizens of Guyana. It generally seeks to protect Guyanese citizens from being injured by persons outside of Guyana. And, of course, clause 39 provides that, where a person is convicted of an offence under this Bill and the court is satisfied that another person has suffered loss or damage, the court may order that person to be compensated for the loss or damage.

I want to use the remaining time to comment on a few of the comments I heard from my fellow Members of Parliament (MPs) on the other side. My Colleague, Hon. MP Clement Rohee, mentioned that the Bill is far removed from our country's social and economic development. He went on to say that it does not fall within the context of an ICT strategy. It is my pleasure to say that the Ministry of Public Telecommunications is close to completing and bringing that strategy for consultation. But, in the meantime, I want to say that almost four or five times a month we demonstrate, in a very tangible and visual way, how that strategy is working.

I know that, in the press...and you have heard me several times talking about our drive to provide connectivity. So, we have connected all the Ministries at this point in time; over 150 Government agencies and over 195 schools - high schools and primary schools. We have created

and opened, in communities all across the country, including Region 9 and one in Region 1, over a 125 ICTs hubs where there is free internet access.

So, when one talks about an absence of a strategy, a strategy has not been put out for consultations, but there is enough indication and discussion about a strategy.

5.22 p.m.

I want to say, also, that I know my learned friend on the other side was concerned that the country was not quite yet there. I want him to know that the internet penetration rate in Guyana, today, stands at 305,007 persons. That means approximately 39.6% of the current population of this country, and those are statistics today, are using or are connected to the internet. The 39.6% might sound low, but it is over 300,000 persons.

I want to refer, also, to the learned Member of Parliament (MP) Rohee, who mentioned that this Bill reinforces fear. I have no idea if that is the same Bill that I read. He mentioned about people listening, and I thought to myself that that has to be the biggest joke. We all know that in the previous Government, the most expensive and sophisticated listening equipment, which had to get a Government approval to be purchased, was actually purchased by a former MP, a former Minister of Health in the former Government. So, we realise that such comments are not accurate at all. *[Interruption]*

[Mr. Speaker hit the gavel.]

The Hon. MP Gill spoke about smart phones. I just want to reiterate that the loss of a smart phone is the most minimum of the crimes that can be committed. We are talking about identity theft; we are talking of stealing data, and all of these things are well protected in this Bill.

MP Dharamlall said that we have to get our act together. He mentioned that we were ill-defined and ill-prepared. But, MP Dharamlall, I want to say that really nobody else but my Colleagues on the other side could talk about being ill-prepared. I have been going through the Minutes of the Report of the Special Select Committee on Cybercrime Bill 2016 – Bill No. 17 of 2016, and it makes for extremely interesting reading. Yes. Actually, the Opposition is represented on this very important Parliamentary Select Committee, which we know met for more than two years.

[Ms. Teixeira: It was seven times.] Even if it were seven times, it would be remiss of me not to mention and to thank the persons that were part of this ... *[Interruption]*

[Mr. Speaker hit the gavel.]

Mr. Speaker: Just a minute, please. Hon. Minister, would you please sit for a while? Hon. Members, we are not going to be different from what we have been. If we were, when this debate began, we would have had a different form of presentation in this House, but that has not been so. There is a saying that we have in Guyana, “*do suh nah like suh*”. What I am saying is that I have spoken, often enough, to Members about staying on course with the matter before us. Members have thought it fit to do otherwise. What I am saying is that Members are again reminded to stick to the matter that is before the House.

Ms. Hughes: Mr. Speaker, I really do want to thank all the Members of this Special Select Committee, and most especially, the Members of the other side of the House: Mr. Clement J. Rohee ...

Ms. Teixeira: Mr. Speaker, a point of order.

Mr. Speaker: You are rising on a point of order.

Ms. Teixeira: Yes, Sir. I would like to ask that the Minister withdraw her statement with regard to a previous Minister, in which she made allegations about him and she did not refer to any evidence or proof, which is what we are called on to do. *[Interruption]*

[Mr. Speaker hit the gavel.]

Mr. Speaker: Hon. Ms Teixeira, when you rise on a point of order, you know what you must do. If you do that, I am prepared to listen to you. What is the point of order?

Ms. Teixeira: It is Standing Order 40. I am asking that the Minister, who has made a statement...

Mr. Speaker: What is it that Standing Order 40 states that is relevant?

Ms. Teixeira: It is Standing Order 40 (a). The Minister has made a statement about a previous Minister, who is not in the House. It was an allegation with regard to equipment being

purchased. She referred to no proof whatsoever of it. I am asking that her statement be withdrawn.

Mr. Speaker: I thank the Hon. Member for making a statement, but that is not a point of order. Please proceed, Minister.

Ms. Hughes: I do want to, at this point in time, thank the Members on the other side of the House who were part of this Special Select Committee. Those were: The Hon. Clement J. Rohee, MP; the most Hon. Gail Teixeira, MP and Chief Whip; the most Hon. Mr. Mohabir A. Nandlall, MP; and, of course, my good friend, the most Hon. Ms. Gillian Burton-Persaud, MP.

In going through this important parliamentary document, the Report on the Special Select Committee, I want to mention that I found it a very interesting reading. On Thursday, 15th February, 2018, as we go through the minutes, there is, at item 7.6, Clause 18 – Offences of Seditious. It highlights what the changes to the clause were.

“Deletion of the words ‘or any other means’ after the word ‘system’ in the third line of the paragraph.”

Then it goes on to state:

“Clause 17 subsection (1) paragraphs (a), (b), (c), (d), (e) and (f) were accepted as presented.”

Subsections of clause 18 were also presented. Now, what is absolutely interesting is that my Colleague, MP Gill, spoke about “our ears being heard,” and, of course, I wanted to say “hard ears”. But there is another thought that came to my mind, which I would not say in this most honourable House, and that thought and local parlance is “barefaced”. I think of that because how could you go through a year and seven parliamentary Select Committee meetings and never once object to this seditious clause? “Twofaced” is another good word that comes to mind. It is interesting that this became a big furore long after.

Ms. Teixeira rose.

Mr. Speaker: Hon. Ms. Teixeira, do you rise on a point of order?

Ms. Teixeira: Thank you, Sir. I believe the Hon. Minister called us “twofaced”. Secondly, the Minister is very aware, as she is quoting from the minutes and is trying to convey to this House, that we were not present in that meeting from July 2017 to its very conclusion. If she were to look at the attendance sheet, she would see that. So, she is misinforming this House. The first thing is that you are the one, Sir, who objects to certain words being used in this House. She called us “twofaced”. I am not twofaced and neither is any other Member on this side of the House. Withdraw it.

Mr. Speaker: The Hon. Minister will put herself in order in relation to the attendance.

Ms. Hughes: Sorry, Mr. Speaker?

Mr. Speaker: In relation to attendance, the Hon. Member said that certain Members of the Committee were absent.

Ms. Hughes: I will acknowledge that, Mr. Speaker, but I will equally say that this Special Select Committee was the mechanism by which Members could have brought all of their concerns. Therefore, if the Committee met and for more than two years this Bill was in a Parliamentary Select Committee for the private sector, civil society and for everybody to air their concerns, then it is unacceptable for you to come now to say that you did not participate. Every organisation can write to a Select Committee and ask to meet with the Committee.

Ms. Teixeira: Under Standing Order 40 (a), my point of order holds in that the Minister has now confessed that, in fact, she knew we were not present in the meetings. The point about her calling us “twofaced” is incorrect. Therefore, she should withdraw her statement.

Mr. Speaker: I thank the Hon. Member. Hon. Minister, please proceed.

Ms. Hughes: Mr. Speaker, I never mentioned who was there and so I do not need to withdraw it.

[Interruption]

[Mr. Speaker hit the gavel.]

Mr. Speaker: Hon. Member, you may proceed. I would call on you to withdraw the epithet “twofaced”, while I caution Members to avoid references. Some words were used here by Hon. Members, whom the Speaker did not interrupt, but I think those speakers knew that, when they

used those words, they ought not to have done so. Now, we will hold everyone to strict account. It is better for all of us. Please proceed. Have you withdrawn the epithet?

Ms. Hughes: Yes, I am more than happy to withdraw.

At the end of the day, what I seek to highlight is that it is unfair to the people of this country for the Members of the Opposition to not participate, especially in a Bill that is so vitally important to people and citizens of all walks of life, of every aspect and every corner of our country. And therefore, at the end of the day, this has a direct, negative impact on the challenges that they face. This Bill, really, is there to give the adequate protections. I regret that the kind of guidance and support that the very important Opposition Members should have given to this Bill, they now claim were not given. And I regret that the people of Guyana have already had to operate for so long without the requisite protection.

With that said, I am happy to present this Bill to this honourable House for passage. Thank you.

5.37 p.m.

Mr. Bharrat: I rise in support of my colleagues to make my contribution to this debate on the Cybercrime Bill, Bill No. 17 of 2016. I have sat in this National Assembly from October 2016 to date, and most, if not all Bills, programmes and policies that were presented in budgets after budgets, are aimed towards bringing further hardship and burden on our Guyanese people, oppressive in nature, much like the Cybercrime Bill that we are debating here. It is in my view, that the passage of this Bill is not really intended to protect our citizens against computer crime, but for the Government to extend a dictatorial hand on the nation and on freedom of speech, especially against the Opposition, the media, the critics, those who are critical of the Government, and in general, the people of our country.

Indeed, with the advent of computers and internet connectivity, cybercrime is a serious problem and must indeed be taken seriously, affecting especially the developed countries which, I must say, are fully automated and mechanised. We support the protection of Guyanese from computer crime, but the question: Is this Bill really intended to protect Guyanese from computer crime or to muzzle Guyanese from criticising the Government on wrong doings? Whether or not Guyana and Guyanese are susceptible to this new trend of criminal act, it is another issue and its needs to

be carefully examined to determine whether there is or are ulterior motives by the A Partnership for National Unity/Alliance For Change (APNU/AFC) Government, with the passage of the Bill through the National Assembly.

Indeed, Cybercrime Bills have been passed in most developed countries and also in the Caribbean countries as mentioned earlier, but, of course, these countries are fully automated and are exposed to high degree of computer crime. However, these countries can be considered as what we term technologically advanced countries which have the immediate and direct need for cybercrime laws to protect its citizens.

While I do not like it personally, Guyana is termed, as what we call, “technologically backward” and I agree with the Government that this must be changed, but, is this the way to effect that change that we all want? I would like to agree with my colleague, the Hon. Member Clement Rohee, and it was actually confirmed by the Hon. Minister Hughes in her presentation, that the Government is indeed putting the cart in front of the horse, because we heard from the Hon. Minister a few moments ago that we are now working on an ICT strategy. There has been no consultation but yet we are at this stage debating the Cybercrime Bill.

We are still considered to be primitive with regard to the use of technology compared to those countries and I say this on the backdrop that we are a far way from being fully digitised. We do not have any form and we are struggling to implement any form of biometrics voter’s identification, more so, electronic voting. The use of plastic money is almost non-existent in Guyana because only a few Guyanese have access to credit cards which still seem as though it is a privilege in Guyana. Mr. Speaker, only a handful of large businesses have point of sale systems to facilitate payments by debit or credit card and you would agree that most of these businesses the ordinary Guyanese cannot shop at. There is no online shopping offered by local businesses in Guyana, hence, there is no immediate local Guyanese owned businesses and there is no immediate need for such a Bill to engage the National Assembly at this time. Instead, we probably should have been engaged in robust discussion or debate on the Sovereign Wealth Fund or local content policy which would aim towards creating employment for young people, which is badly needed presently.

Therefore we, in the Opposition, question the true motive of this Bill which will cause taxpayers hundreds of millions of dollars. The big question: Is it a way to suppress and control the media, control the Government critics, the Opposition and the people who generally criticise the Government? My reason for this suspicion weighs heavily on the fact that we are lagging behind the developed world in technology and yet this seemingly copy and paste Bill, taken from First World countries, somehow managed to gain the attention of the Government to be enacted. Why not present or continue with the consultation on a proper ICT strategy? Why not ensure all the schools are equipped with computers and internet connectivity? Why not continue the One Laptop Per Family Programme? Why not offer incentives to the banks and businesses to encourage the use of plastic money, since the Government seems incapable of handling the spiralling crime wave, especially people being robbed after leaving the commercial banks in Georgetown?

We, in the People's Progressive Party, strongly condemn cybercrimes and will not tolerate any person being victim of any crime. This Bill, however, will put Guyanese at the mercy of the APNU/AFC Government very much in the same manner as the Specialised Organised Crime Unit (SOCU) and the State Assets Recovery Agency (SARA) which are being used to target selected people. It gives the Government authority to spy on persons, seize computer systems, data or any other system on the assumption that a cybercrime has been committed. This by itself is an act of privacy treason towards the people of the country, especially persons who may have grievances towards the Government and those outspoken against the corrupt acts and misuse of public funds by the Government, as we are seeing today.

A Bill, as important as cybercrime, be it in Guyana or any other country, needs widespread consultations. I am fully aware, and we heard the Hon. Attorney General mentioned, and it was posted on the website as well, that there was a grand consultation at the Pegasus Hotel which from the pictures and the internet it would seem as though the head table had more persons than the actual audience. We are aware that there was that one consultation held at the Pegasus Hotel. This is a Bill that would affect not only a section of our population, but as the Hon. Minister Catherine Hughes mentioned, every single Guyanese regardless of where they live, which region they are from and which village they are from, will be affected by cybercrime or cybercrime laws. Therefore they deserve and must be given the right to have an input, especially the service

providers, the private sector, the manufacturing sector, the political parties, the media, civil society and importantly the young people of this country, more so, the students who would be greatly affected by cybercrime and would also be both victims and perpetrators at the same time.

In the same manner that the APNU/AFC toured the entire country to solicit votes prior to 2015, it is only fair to the people of Guyana that a Bill such as a Cybercrime Bill, the same approach be taken. What is wrong with going to New Amsterdam at the town hall? What is wrong with going to Corriverton? What is wrong with going to the Mackenzie Sports Club? What is wrong with going to Hampton Court? What is wrong with going to Tabatinga and Bartica Sports Club to consult with the residents of those areas so that they can have input on this important Bill?

This is a Bill that is speaking to technology; it is speaking to computers; it is speaking to internet connectivity. If we are at that stage as the Government said, then why have we not implemented an online consultative process, whereby, people could give their suggestions, opinions and ideas online? I believe this is the target group and this is the group we are targeting and these are the people who we are trying to maybe suppress. These are the people who are the *vloggers*, the bloggers and who expose on a daily basis the wrongs of the Government which they are trying to curtail through the Cybercrime Bill.

This is even an approach that our Parliament can take. As a matter of fact, last year I attended the Inter-Parliamentary Union (IPU) Assembly in Bangladesh and most of the countries at that Assembly reported that in their countries it is something that is being done, whereby the Parliament allows online consultation between legislators and the people of the country. Maybe this is something that we can look at to enhance our consultations and interactions between the people and the legislators and also to forge greater democracy.

As a matter of fact, we in the Opposition, as was highlighted by my colleague Mr. Nigel Dharamlall, took the opportunity to go and meet with people throughout the country and even went in all the villages and met with our people. We even met with our Amerindian leaders who are meeting presently at the National Toshias Council (NTC) to ensure that they have an input and a say in this Bill. There were a number of questions that were raised by these people which were asked to be conveyed to the Government in this National Assembly today, as was done by my colleague the Hon. Member Nigel Dharamlall. I have a few more here.

The first and biggest question that bothers Guyanese: Are we really ready for the cybercrime law in Guyana? What is the prevalence of cybercrime in Guyana? We would have expected when the Hon. Minister Hughes was giving us the statistics of internet users that we would have also had maybe statistics on people who would have committed cybercrimes in Guyana, if any. The other question: Are we ready with regard to provision of resources, technical personnel, infrastructural capacity of the Government and the service providers as well, and the extent of computer related transactions?

Another question that is bothering the Guyanese people is that they are fully aware that there are existing legislation, existing laws, that could have been amended to deal with certain crimes that we are being faced with on the internet or on the social media. We had a few examples right here in Guyana where people threatened the life of the head of state and those people were arrested and charged with laws that we have currently in place. That was a concern, whether existing laws could not have been amended, rather than going for a cybercrime law that would muzzle the media, the Opposition and the Government's critics.

Another question is, how will this be financed because there are a number of measures that would have to be put in place in order for the cybercrime law to be effective? How will it be financed when our economy is driven mainly on taxes and not production and productivity? I know the Hon. Minister Ramjattan has, maybe I would like to use the words, "a personal obsession" with taxes because he always referred to taxes and that people should and must pay taxes. Every reference that he will make, he will make it with regard to the First World countries.

5.52 p.m.

We would like to have a taxation system similar to the First World countries, but why not deliver services and pay wages and salaries as First World countries as well?

The people are also asking whether a cybercrime action centre unit will be established and at what cost. Will people's privacy be violated and the medium muzzled? Importantly, what preventative measures would be put in place to deal with cybercrime because in all the presentation, from the Government side, there is nothing said with relation to preventative measures of cybercrime. Are we going to wait for it to happen and then it is to jail people or

charge them for sedation? Are we going to put measures into place to prevent them from happening?

Another concern is whether the security forces and the judicial system are prepared to deal with cybercrime, especially when our judicial system is taxed at the moment. Will there be restrictions to internet accessibility and information? Will there be additional cost to service providers and other business? Definitely there will be additional cost to service providers. The Hon. Attorney General mentioned in his opening remarks that there will be a retention period of 90 days. A retention period of 90 days requires new and advanced hardware peripherals. Software comes with a cost. It will carry an additional cost or burden on the service providers. Of course, we know what happens after that and that cost is passed on to the consumers, the ordinary Guyanese people. These are genuine concerns of the Guyanese people and it is only fair that answers be provided in order for us to move forward.

The average Guyanese is more concerned about street crime, gun robberies, such as the one at McDoom Gas Station, yesterday, and as the many that are being committed on a daily basis in Grove/Diamond where I am from, the killings, the rape, the smuggling, the narco-trade, corruption and among others. Quite honestly cybercrime is the last on the mind of Guyanese at this moment of time. It will be criminal of any Government to invest billions of taxpayers' dollars on something that...

Mr. Speaker: Hon. Member, you have infringed something like three or four words which are considered unparliamentary. You will withdraw the one you just used. That word is "criminal". You will withdraw it and continue.

Mr. Bharrat: Yes Mr. Speaker, I withdraw that.

Mr. Speaker: What did you withdraw, Hon. Member?

Mr. Bharrat: I would like to withdraw the word "criminal".

Mr. Speaker: Thank you. Please proceed.

Mr. Bharrat: It will be wrong for any Government to invest billions of dollars on something that has no significant prevalence or immediate treat in our society at this time. When our

brothers and sisters are being robbed and killed, grandmothers are being raped and people are smuggling fuel on a daily basis. Guyanese instead need safer streets, drug free society, jobs, investments, good governance and a professional security force to ensure public safety.

Having said that, permit me to take a closer look at the actual content of the Cybercrime Bill, which from the inception is devoid of any measure to protect local citizens against cybercrime being committed against them by foreigners. There is nothing that speaks to regional and international cooperation which is utmost in the fight against cybercrime. Addressing these challenges require diplomatic efforts and international cooperation. One thing we must be cognisant of is that in cyber security there is no nation by itself that could adequately secure its networks and its people.

Further, the Bill has nothing with regard to public-private partnership and cooperation. The sharing of information and infrastructure, again cooperation and collaboration, are essential to achieve success in the fight against cybercrime. This Bill seeks to give the Government, through its agencies, the power to monitor internet use by our people in real time, meaning as you use you use your computer, as you are browsing you will be monitored.

The cybercrime law empowers the Government to block access to any computer data that is presumed to contain information that violates the law. It could arbitrarily shut down a website at first glance without due process.

Further, the Bill also allows traffic data, including the communications origin, the destination, the root, the time, the date, the size, the duration or the type of underlying service to be collected and monitored in real time and without a warrant. While authorities are prohibited from collecting data on content on news identities, this kind of traffic data could still be used to identify a person and access content on that person's computers. This is a clear violation of a person's privacy.

Interestingly, this Bill, if passed, establishes the possibility for the Government to use this provision against individuals, selected groups and the Opposition as mentioned before. Commenting on this in a recent blog post, the Centre for Media, Freedom and Responsibilities, Deputy Director, Lewis Theodore, said, "...because the monitoring system by the Philippine National Police and the National Bureau of Investigation may put in place a sanction by the Act

are not likely to have the capability to monitor the issuance of millions of bloggers, social media users and websites, what is likely is that there will be selective by monitoring only those sites and individuals that are critical of the Government.”

In another recent case, Facebook, Cambridge Analytical data scandal involves the collection of personally identifiable information of up to 87 million Facebook users and almost certainly a much greater Cambridge Analytical began collecting in 2014. The data were allegedly used to attempt to influence voter opinion on behalf politicians who hired them. This is a serious cause for concern as to whether the Government is using the Cybercrime Bill to gain a political advantage and restrain the Opposition and its critics in order to regain power in 2020, or more so in the November 12, 2018 Local Government Elections.

I, as my colleagues and other critics, strongly agree that there is a need to punish those who use the internet to harm children and women or steal identities, unauthorised access and use of data illegally. We also believe that the Government has no right to impose limitations on freedom of expression in exchange for security on the web. There also existing laws, as I mentioned, that the Parliament could amend to address these violations. Perhaps it is a better option than creating a vague and all-encompassing cybercrime law that could be subject to abuse and witch-hunting which are at the whims and fancies of the APNU/AFC Government.

As was mentioned, there are a number of counties that would have passed the Cybercrime Bill but not without much protest. Almost every single country that passes that Cybercrime Bill was met with protest in some way or the other. One such country that had massive protest was the Philippines. This is what British Broadcasting Corporation (BBC) News had to report on the protest. It states:

“Protestors say the legislation could be used to target government critics and crack down on freedom of speech.

Under the new act, a person found guilty of libellous comments online, including comments made on social networks such as Facebook and Twitter or blogs, could be fined or jailed.

Government officials will also have new powers to search and seize data from people's online accounts,..."

As I mentioned, there are a number of countries that had similar protest even in Qatar. As we know in Qatar is a country that probably has the highest gross domestic product (GDP) in the world and it had protest with regards to passing of a cybercrime law. Further, while the Bill was modelled from countries like United States of America (USA) and India and others, there is a clear omission with regard to ransom ware. It is a form of militia software where hackers seize your important data and they demand a ransom in order for you to get it back with the integrity intact.

This is a serious crime problem and we know that cybercrime accounts for almost 1% of the world's GDP which almost US\$700 billion every year. It must be noted that ransom ware is one of the main contributing factors, yet it was not mentioned in Guyana's Cybercrime Bill. Again, it leads us to the question as to whether this Bill is really intended to safeguard Guyanese from computer crime or, maybe, it has on way of political value to the Government with regard to ransom ware. Are we really serious about cybercrime or is it acceptance by the Government that these crimes are not prevalent in Guyana, but the law is needed to control people and to direct what they say or what they write? This is tantamount to a dictatorship.

Two of the main stakeholders that would be affected by the cybercrime law are the call centres which, of course, seem to be the only source of employment for young people in Guyana and the internet service providers (ISPs). It is advisable that the Government look at the impact of this Bill on these entities to determine whether the new regulatory framework will impose additional cost on these entities, of course, which will be passed on to the consumers. It is essential also to balance the provision of security with the need to properly safeguard the rights of individual. The Bill speaks to mandatory data retention. It is also necessary to balance the cost and the benefits of having data retention provisions. While civil society groups are worried about privacy issues, industries are concerned about the regulatory burden they will be faced with, which translate, of course, to higher cost to operate.

In concluding, I would like to make the following recommendations for cybercrime in Guyana.

One, amend existing laws to address cybercrimes relevant to our society today.

Two, establish a cybercrime unit which will address cybercrime in a coordinated and informed manner, train cyber squads to be agents and analysts who protect against cybercrimes, investigate computer intrusions, theft of intellectual property and personal information, child pornography and exploitation as well as online fraud and other cybercrime stated, but not limited to the offences in this Bill.

Thirdly, establish entities, partnerships so that technology in Guyana could be advanced and the use of plastic money could be promoted. We also need a massive sensitisation awareness programme throughout the country on cybercrime. I believe during the consultation this was a point that was made by the Hon. Minister of Public Security, that there would be a cyber-security programme in schools to edify students about cybercrime. This is badly needed. With proper consultation, articulate a fully mature Cybercrime Bill when the need present itself to do so, and without clause 18 of that Bill as called for by my colleague, the Hon. Member Dharamlall.

Therefore we in the Opposition would not support the passage of this Bill unless adequate and meaningful consultations are held with all stakeholders and people's privacy is not compromised on the premise of data security.

Thank you. [*Applause*]

6.07 p.m.

Dr. Anthony: I rise to speak on the Cybercrime Bill and I just want to add maybe my layman's perspective on this Bill since I am by no means an expert on cybercrime. Cybercrimes are becoming more ubiquitous. We probably would have heard about Chelsea Manning who would have leaked hundreds of thousands of classified diplomatic cables to WikiLeaks. We probably would have heard about Edward Snowden who had many of the National Security Agency (NSA) secrets and we are now hearing about allegations of Russian interference in the United States of America presidential elections. Just recently, we heard President Putin, said that there were more than 25 million cyber-attacks on Russia's information technology (IT) infrastructure during the recent 2018 World Cup. These are some well-known examples of cybercrimes that have dominated the news media.

If we think about the internet by some calculations, the internet is now said to be about 10,722 days old. In this short span it has connected close to 3.2 billion persons and applications or search engines such as Google, Facebook and Twitter have now become household names and we have created special devices such as laptops, mobile phone, Xboxes and now there are a lot of talks about the internet of things to keep us connected to the wealth. There are many positives, many positive aspects to this information revolution. It has increased accessibility. It has search ability, exchange and dissemination of information regardless of geographical distances.

The interconnectedness is one of the greatest strengths of the internet. It has constantly been growing in size, global network power and utility. This has contributed to an exponential increase in our knowledge, in unprecedented economic development, in unprecedented social and political change. The power to all of this progress is cybercrimes where many of our traditional crimes have now migrated online and a Twenty-first Century criminal when successful can have an impact not on one life but on millions of lives. A case in point is in 2007, the cyber strike on TJX Company Inc., the parent company of TJ Maxx and Marshalls in the United States America and TK Maxx in Europe. It turns out that 94 million customers' credit card details were compromised and many analysts believed that these cyber security breaches may have been because the companies involved close to US\$1 billion.

There is no doubt that there is a need for Cybercrime legislation in Guyana and as stated in the memorandum of this Cybercrime Bill that the Bill seeks to combat cybercrime by creating offences related to cybercrime to provide for penalties, investigation and prosecution of the offences and related matters.

The Cybercrime Bill before us have benefited as was already said from an examination in the Special Select Committee on Cybercrime. I have been able to review the report of this Subcommittee and I have noted the changes that were made. The Cybercrime Bill has particular strengths but it also, in my mind, has several weaknesses. The strengths are that it has defined criminal offences and sanctions for four major categories of computer related crimes. These are fraud and forgery, child pornography, copyright infringements, security breaches, such as hacking illegal data interception and system interferences that compromise network integrity and availability. The Cybercrime Bill also sought to establish procedures for detecting, investigating and prosecuting computer crimes and collecting electronic evidence of any criminal offence such

methods, as we are told, include the expedited preservation of computer stored data and electronic communication such as traffic data, system, search and seizure and real time interception of data.

When we look at this particular Bill, let take for example, system search and seizure, the application or what is contained in the Bill pertaining to what obtains physically and locally here, perhaps, it did not make provisions for things such as cloud computing. That is something, perhaps, that the framers of this Bill would need to pay attention to.

Many of these provisions that are stated in this particular Bill are all standard provisions that can be found in perhaps, any Cybercrime Act around the world. Most of these provisions would have had its genesis in the 2001 Budapest Convention on Cybercrime. In fact, the European Council was the one who initiated a lot of this movement in the direction of having legislation dealing with cybercrime. When we look at our particular Bill, this Bill that we are debating here today would have borrowed extensively from that convention. The convention's primary goal is to establish a common criminal policy to better combat computer-related crimes worldwide through harmonising national legislation, enhancing law enforcement and judicial capabilities and improving international cooperation.

Mr. Speaker, when you compare these two legal instruments, the Budapest Convention and the Bill that we have before us, what I found was that the Cybercrime Bill, that is before us, while it borrows almost extensively from the convention, the Government to its discredit has made two fundamental changes. First, it dropped the section dealing with international cooperation and secondly they added a section dealing with sedition. That did not exist in the Budapest Convention on Cybercrime.

Clause 18 (1)(a) of the Bill states:

“A person commits an offence of sedition if the person, whether in or out of Guyana, intentionally publishes, transmits or circulates by use of a computer system or any other means, a statement or words, either spoken or written, a text, video, image, sign, visible representation, or other thing, that –

(a) brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law in Guyana.”

We just heard Minister Hughes when she spoke about who attended and who did not attend the meetings of the Special Select Committee. It is very instructive that for the Minutes of that particular day, the persons who attended included the Hon. Ramjattan, Vice-President and Minister of Public Security, Mr. Michael Carrington, Mr. Audwin Rutherford, all of the AFC. When we look at what happened recently in *Kaieteur News* newspapers on May 3, 2018, Minister Trotman, who is the leader of the AFC has reported to have said to the newspaper:

“I can say that as presently constructed, I, as Leader of the AFC, cannot support clause 18 (1) in the Bill and will therefore be urging for an amendment, and if none is forthcoming, I will vote against it.”

That is good. I suspect that that is why the Hon. Attorney General perhaps had proffered to ask an amendment of this particular section of the Bill. Did it go far enough? What happened is that we dropped the word “sedition” and maybe one or two clauses here and there, but the substance of what can be done by this provision still remains in place. That is very important. Maybe, for purposes of keeping the coalition together they made some superficial changes, but the fact remains that the Guyanese people are still going to be short-changed.

One of the beauties of the internet is that it allows for freedom of speech and expression. While that freedom is not unlimited, there must be an extraordinary reason why it should be a bridge, the imposition of clause 18 into the cyber legislation in an apparent attempt by this Government to muzzle the citizens of this country, whether at home or in the diaspora.

The way that they have defined, the definition that they have here, that the Government that is offended by a citizen’s remark gets to decide what constitutes that disaffection and then it can apply its subjective interpretation to punish the offending citizen with five years of imprisonment. This is a naked attack on our rights to freedom of speech and expression and as citizens we have the right to freely speak, publish, make known our ideas, the least and values. This expression should not be regulated, censored or suppressed, and it is our duty as legislators to defend and uphold this fundamental rights.

There no doubt that the Government must be aware of the powers of social media and he power for it to bring geo-political change. We have all been witnesses to the 2010 Arab Spring when Wael Ghonim created a Facebook page to highlight the slaughter of a young Egyptian protestor at the hands of Hosni Mubarak's security forces. Within two minutes he had 300 people joining and within three months the number had grown to more than 250,000 persons. Platforms such as Facebook and Twitter have become powerful tools in the hands of the masses to remove despotic governments such as those that fell during the Arab Spring.

6.22 p.m.

Citizens' expressions on social media and other online outlets are now part of the 21st Century democracy. Instead of behaving like troglodytes, we must embrace the citizens' social media expression as a part of vibrancy of our democratic culture. This clause 18 has no place in a modern democratic Guyana. My Colleagues have proposed an amendment and I do hope that the Government will utilise its vote to support the proliferation of cyber-democracy in this country.

According to Pew Research Center, 95% of young people in the United States (US) are online. About 74% of teens, 12 to 17 years old are mobile internet users; and more than 95% of young people, age 10 to 23 years old, have access to a social media account. I was very pleased to learn from Minister Hughes that we have about 305,000 internet users, a penetration of 39%. What we do not know is how many of those persons are young people.

Much of access to the internet takes place outside of the purview of their parents. The statistics, as I said in Guyana for young people, are not available. What remains is that there is a challenge and child predators have used the internet to target children. There seems to be a lucrative market worldwide for child pornography. Section 14 of this Cybercrime Bill will now criminalise the electronic production, possession and distribution of child pornography. This Bill is sending a very strong message to paedophiles and others since it attaches criminal consequences to the conduct of each participant in the chain from production to possession.

It also compliments the Sexual Offences Act 2010. The combined efforts of both of these laws would create a stronger framework for the protection of Guyanese children. Of note is that the penalties in the Sexual Offences Act 2010 and the Cybercrime Bill seem to have significant variation. For example, section 13 of Sexual Offences Act 2010, which deals with child

grooming on summary conviction, will attract a fine of \$1 million and imprisonment for five years. Whereas, in the Cybercrime Bill, child luring will attract a fine of \$3 million and...

[An Hon. Member: Looming.] Luring. [An Hon. Member: What is looming?]

In this Cybercrime Bill, there is child luring. Child luring will attract a fine of \$3 million and imprisonment of five years.

When we look at the same section for the two Bills, on conviction, on indictment, the Sexual Offences Act prescribes 10 years imprisonment, while the Cybercrime Bill has an \$8 million fine and five years' imprisonment. Perhaps, there is need for some standardisation of these penalties.

When we look at clause 16 – 'Exposure of genitals', in the Cybercrime Bill, the summary conviction is \$3 million and three years and when one goes to the higher Court, conviction on the indictment, it is \$8 million and five years. When we look at similar offences in the Sexual Offences Act, the offence then attracts a fine of \$500,000, plus two years and when one goes to the higher Court it is imprisonment for 5 years. We need to somehow standardise the penalties here.

While these laws are good, we need to have a programme in schools to help young people to resist cyber-bullying, to learn to detect sexual predators and stalkers and to help them protect themselves when they navigate the web. We need to teach parents how to be more vigilant when their children are using the internet. Of course, we need to have a modernised police force with a cyber-ready department capable of investigating these cybercrimes.

The interconnectivity of the internet has made it possible to seamlessly pass through borders without any visas. Almost instantaneously you can get from one country to another. The disadvantage of the internet is one of its most significant vulnerabilities. A case in point is the 1994 internet bank robbery carried out by Vladimir Levin from his apartment in Moscow. He was accused of hacking the accounts of several city banks' corporate customers in New York and making away with US\$10.7 million. He moved the moneys to accomplices around the world, including those in Finland, United States, Netherlands, Germany and Israel. The big question here is who would have jurisdiction over a crime like this. Which one of these countries? Is it going to be Finland, the US, Netherlands, Germany, or Israel? That is the

problem because we need to establish who would have jurisdiction over a crime like this. If there is no collaboration, how then would these crimes be investigated?

The Budapest Convention speaks to international cooperation and collaboration. Unfortunately, Guyana has not joined that convention and this current legislation makes no provision to partner with other international agencies to deal with multi-jurisdictional issues for some of these cybercrimes. In effect, we are still handicapped in investigating some of these crimes and most of these crimes might emanate from outside of Guyana. Or in some cases, our computer systems might have been used as routing point to commit crime in another jurisdiction. Yet, we are unable to correct this deficiency. If we really want to have a strong Cybercrime Bill, this is something that ought to be corrected.

Guyana needs to develop an adequate cyber capacity that is capable of detecting intrusions. My Colleague spoke about ransomware. There are other forms of software that are out there that are very malicious – some that are called malware, which accounts for a lot the damages done to computers. There are many other ways that computer systems can be destroyed. Yet, I am not sure that we have an agency in Guyana that is capable of doing the kinds of detection necessary to warn the citizens of this country about malware and how to protect them from such malware. Perhaps, we are still in our infancy when we have to deal with things relating to cybercrime. So, we have to build this capacity and this Bill provides no provision. There is no provision in this Bill to make sure that we can build that capacity.

There is no doubt in my mind that we need to strengthen our legislation to prevent criminal activities in cyberspace. But, we have to be careful. We must prevent cyber-censorship while we protect freedom of speech and expression. We must prevent cyber-suppression while we protect cyber-democracy. We must prevent the pervasive cyber-surveillance by Governments while we protect people's privacy. These are the big questions that we must grapple with in the information age. We must all take a stand to prevent the erosion of rights that the people of this country have already won and we must stand-up and defend those rights and allow our citizens to express themselves freely on the internet, without the opinion police trolling them to see what they are writing.

I beg that they remove the entire clause 18 from this Bill.

Thank you very much. [*Applause*]

Ms. Manickchand: May it please you, Mr. Speaker. I am pleased this afternoon to stand to speak on the Cybercrime Bill – Bill No. 17 of 2016.

Why are we here? What is it that we are trying to do with this Bill in the National Assembly? What is crime and where did it derive from? From the beginning of time, we have always had right and wrong determined by the people themselves in various civilisations and countries and then rules made along what people believed were right and wrong, and then penalties for the breaches of those rules. That has developed and evolved the years. So, things that societies thought were unlawful have perhaps become ugly, not so nice, but they have removed them from being unlawful, like heresy in most countries and adultery. Those are no longer crimes that are in breach of a law that is established in our statutes – they are still frowned upon and they still should be frowned upon.

The people have decided that the Government must not dictate for them in their individual relations and so on. We have laws that define what we must and must not do and those laws evolve with the passage of time. New laws come on the book when we discover that new crimes are being committed and archaic laws are removed from the books, when we discover that they are indeed archaic – old fashioned, out of step with our country, our people, and our evolving population.

The Cybercrime Bill comes to me at a time in Guyana when we need it. Cybercrime legislation is put on the table and is being debated, in my considered view, at a time when we need it and indeed when we are ready for it. This Cybercrime Bill does not meet our needs and, in fact, takes away from the liberties, rights and fundamental freedoms and inherent human rights that Guyanese have fought for and won and continue to fight for to this day. For me, while I believe that we need cybercrime legislation, I believe that it is equally important for us to determine what goes into that legislation with a view to what exists in our country presently.

In fact, I do not even know if we need to speak after the Hon. Member Minister Hughes. I believe she has made all of our points for us. The Hon. Member said to us that there were 190 schools I believe that are connected to the internet and I believe that 150 Government agencies

are connected and gives a very pleasing percentage of our people who have access to and utilise the internet every day.

6.37 p.m.

Approximately 39 % of our people do that. The Hon. Member said 305,007. I am not sure how that is counted. Let us stick to the 305,000 persons who use the internet every day - 39% of our population. Whatever we do here today is going to affect 39% of our population. As I hope you know, since you are quite aged on that side, the people that this would affect mostly are our young people. The people we need to step up and build this country; the people we need to be using computers and exchange ideas and thoughts to develop and innovate in our beautiful Guyana. That is who you are affecting with this Bill, either positively or negatively. This is who we are legislating for today. This is who we are making the law for today and so we had better be careful with what we are putting in this law, this afternoon.

Before I go further into the Bill, we heard much from Minister Ms. Hughes. I think that it was written and read, so this was prepared stuff. It was about who turned up at the Parliamentary Select Committee when the Cybercrime Bill went to that Committee. Minister Hughes was very clear. She regrets that the People's Progressive Party (PPP) was not there to protect the people of Guyana. An honest question that this begs is: Who are we protecting the people from? We, the PPP has to come and protect the people of Guyana from the *big bad* Government who cannot create and make laws that serve the people of this country. And so, I thank her dearly for that admission.

The problem with that is, we are essentially saying to all the people who are looking and listening to us right now that... *[Interruption]*

[Mr. Speaker hit the gavel.]

We are saying to the people of this country, the Government is saying to the people of this country that it cannot be trusted to do what is right, as far as it relates to drafting laws by itself. It has to get monitors and Members of the Opposition to come and say, "You are doing something wrong." What kind of Government is that? If not one that is absolutely careless, incompetent and totally out of touch with what its people needs and wants.

I believe that it is necessary and very clear to us, given that admission, for us to always be present to protect all of our people, those who voted for them and those who voted for us. It is because this affects them all. We must be present to protect them from your inability to understand what our people need and to draft legislation accordingly - across the board and we commit that we would be there in that regard.

We were also told that the Bill was in a Special Select Committee. This is quite a marvellous thing, coming from someone who is a Member of this House and who has been one for quite a while. I did not hear any corrections. We were told that the Bill was in a Special Select Committee and so everybody could have gone there and said what they wanted. Why did they not come? That is not how we work. That is not how it works. Could the Private Sector mosey on along into the Parliament Office, sit in a Special Select Committee and say what it feels? That is not how it works. *[Interruption]*

[Mr. Speaker hit the gavel.]

The Guyana Trades Union Congress (GTUC) cannot come into this National Assembly, run into a Special Select Committee and tell them how the Committee how it feels. That is not how it works. The Guyana Telephone & Telegraph (GT&T) Company cannot come here, write submissions, walk in or pick up the telephone and call anybody. Particularly, with the memorandum that I saw on our desk last week that restrains us all from discussing what is happening in these committees, until it comes out of the Committee. I am not sure how these bodies, GTT, GTUC, the Guyana Press Association (GPA), Transparency Institute of Guyana Incorporated (TIGI) and hundreds of letter writers in the newspapers and on Facebook and all the people who objected to this, to stand here in this National Assembly and say that they were not making their objections known before we came out of Special Select Committee is - I believe she used the word, "unacceptable." It is quite contemptuous of the people of this country who we stood here and swore to serve.

Mr. Speaker: Hon. Member, Ms. Manickchand, I knew the word contempt was used and now we are contemptuous. Let us not be contemptuous nor look at our fellow Members with contempt. Those words would not be uttered here in this House. Please proceed.

Ms. Manickchand: It is a certain scorn that must be attached to the thought that except someone speaks at a particular moment, whether that person be a single citizen of this country or an outcry or the outpouring of persons that we heard from, it is against the grain of democracy to say that they must come at a particular time, even without our invitation, or we cannot hear them. That is not the Parliament that I would like to see us serving. We must serve in a Parliament that is open to hearing what people have to say; that would listen to what people have to say. Indeed, I do not know what the heckling is about. If you feel that you are all free speakers, then why did you not all get up and speak?

The fact that the Government has come back with amendments, says to us very clearly that they know what was in the Bill at the beginning was totally unacceptable, so said admirably by Government Members sitting in the front seats on that side that this is unacceptable. How could you stand here and defend it now?

What was it that was being decried by the majority of persons in this country? My Colleague, Mr. Vickram Bharrat, made the point that we are dealing with cybercrime, which is peculiar. It is the usage of certain systems, programmes and utilities that would make one a criminal or not. We should have heard more than we were willing to, from those persons whom this would most affect - the people who are blogging, using the internet and Facebook. Some speakers are standing here to speak and they cannot even send an email. They have no clue how this is really going to affect people.

The most offensive parts of this this Bill are captured in clauses 9 and 18. Let us address clause 9 first. Clause 9 (1) states:

“A person who is not authorised to receive or have access to computer data commits an offence if he intentionally and without lawful excuse or justification receives or gains access to computer data from another person, whether or not he knows that the other person obtained the computer data through authorised or unauthorised means.”

It proceeds to list offences, then states that anyone convicted on a summary offence under this section, is liable to imprisonment for three years or a fine of \$3 million and,

“(b) on conviction on indictment to a fine of eight million dollars and to imprisonment for five years.”

We, this National Assembly, said, encouraged by the Government of Guyana, that we are more leaning on the side to transparency and openness, than we were on the side of hiding information. We passed the Protected Disclosures (Whistleblower) Bill, where we said that we wanted people to come forward and say when things were going wrong. They are not going to be punished and criminalised. We are going to listen to them, hear them and act, if it is in the best interest of this nation.

This clause is completely negating the benefits and protection we granted to our citizens under the Protected Disclosures (Whistleblower) Bill. With the amendment that was placed before this House last night - we got it this morning. I received my amendment this morning after 10.00 a.m. and I could say for sure that I am speaking on behalf of the people who have made contact with me. They do not know what is in the amendment. To simply say, we have hurt the people and we are putting an amendment without going back to the people to say - how hard is that? GTUC, GTT, Priya and people on Facebook: Is this what you wanted?” How high-handed it is to have your people draft an amendment and dash it in the National Assembly at 10.00 a.m., on the morning it is to be debated. It is high-handed and it does not serve the purpose of consulting with the people, hearing them and giving effect to what they want.

This amendment seeks to play with the words a bit, but it comes back in and states:

“9. (1) A person commits an offence who, through authorised or unauthorised means, obtains or accesses electronic data which –

(c) is stored on a computer system and is protected against unauthorised access,..”

Almost all the information that will come to us through whistleblowing is stored on a computer system and is protected against unauthorised access. That is why the person has to blow the whistle because it is unauthorised information. If not, all of us would know.

We know what this Government has done to the nurse from Fort Wellington who blew the whistle about what was happening at her hospital, to the detriment of the people of Region 5.

What has happened to her? That poor nurse - your supporter. She was punished, banished and shamelessly removed from the position she held, for doing what we say we want people to do. Tell us what is going on so that as a people we could fix and correct it.

This offends against encouraging persons to come forward. Anybody who comes forward and uses information that was stored on a computer and was protected against unauthorised access, very easy to prove, would be in serious trouble and liable on conviction to \$3 million or \$8 million and imprisonment for three or five years. This cannot be what an open transparent Guyana wants to say for itself. It cannot be that we are speaking to our people, saying this is how we want you to help us to be transparent and accountable. I am suggesting that this particular clause not be struck as we were asking and as you will hear for clause 18, but that it is fixed to really address what we want to address. That in fixing it, we make sure that it is married properly to what we said we wanted, when we passed the Protected Disclosures (Whistleblower) Bill. Other than that, this section needs to be put on hold until it is dealt with. We are saying that very clearly from this side of the House.

The other very offending clause is the one which seeks to make a criminal of persons. Your Honour said we could not say that the Government is criminal, but we are standing here and calling the nation criminal, when they do certain things through this Bill. We cannot say our Government, that has a duty to invite us to scrutinise it is criminal, but we want to stand here and make laws that would make possibly 39% of our individual citizens criminals. That is what we are doing here and that cannot be allowed in this National Assembly. Yes, we understand that high-handed attitude.

Clause 18 of this Bill has been written about, commented on, spoken about and protested against by all of our civil society persons, as well as individual letter writers, some of whom are supportive of the Government, had no shame in doing so, and did that proudly, and some whom were very clear and said, "We do not support the Government and we think that you need to be out of there." There were also some of them who very clearly do not support any of us. They just want to have rights as a human being living in a country and they want those rights protected.

6.52 p.m.

Clause 18 of the Bill,

“18. (1) A person commits an offence of sedition if the person, whether in or out of Guyana, intentionally publishes, transmits or circulates by use of a computer system... a statement or words, either spoken or written, a text, video, image, sign, visible representation, or other thing, that - ”

Essentially amounts to sedition.

Sir, we might have changed the language in this amendment. Either it was hurriedly done or the people drafting it are too honest to say otherwise. We changed the language in the amendment, but the Bill that was drafted as a result of that change continues to state that clause 18, in its Explanatory Memorandum, provides for the use of a computer system to commit offences of sedition. That is really what the Bill is stating. Sir, sedition is old, it is archaic, it needs to come off our books entirely and it should not be the law of this country, whether the PPP or the PNC is in office.

[**Mr. Jordan:** When did you become aware of this?] Sir, there was a time when heresy was an offence against the laws and there was a day after the last time it was that it was no longer an offence against the laws. So, this is very tired, “When did you become aware of this”, the day before we pass the Sexual Offences Bill in this House on the 22nd April, 2010, we did not have modern sex offences legislation. If I had taken the attitude you take, we would have never gotten modern sex offences legislation. I am saying, whether we discovered it yesterday, we were not talking about cybercrime legislation until earlier in the year. So, now that you have slipped in sedition in a law that you copied primarily from the from the Budapest Convention, which does not have anything to do with sedition, so that you could pull Opposition Members and PPP supporters and lock them up, coming on to the elections or just citizen X who wants to represent himself so that he has a better country, you are taking away from people their very right, not only to speak, but to make representations that they believe would be good for Guyana.

Sir, I believe that the Transparency Institute of Guyana Inc. was the body that did a test and it does not want to say it, but if it said that the President is an idiot, it is something that it is distasteful, but most of the people that they had polled did not believe that it was something that should be unlawful or should attract a jail sentence.

[**Ms. Wade:** Which President are you talking about?] I do not think you understood what I said. The Institute did a study

and this is what it found out. What we are trying to legislate here is for people to love their individual Ministers. You cannot make a law that tells people that they must like you. You have to earn that through your service, warmth and dedication to people. What they are trying to do here is to pass a law which states that if you say anything about the President and the Ministers of the Government - that is what part of the law states, I am not using the President's name, you are going to get lockup. One has to like the President and the Ministers of the Government. What on earth? In 2018, are we passing a law that forces the people of Guyana to like the President and the Ministers of the Government? *[Interruption]*

[Mr. Speaker hit the gavel.]

Sir, this for me is very important that we are careful that we do not criminalise people's good intention. Over the last 20-25 years, we have taught our people as a country to join the progress train, speak up when they see something going wrong, speak towards building our country, add to it, and talk about it. And, indeed, as one letter writer said, it is that ability to speak up and speak in one's own favour and in one's good conscience, and to articulate views that cause this Government to go into office. As soon as they got into office, they try to take away from the people of this country, the ability to remove you from office by doing the very same thing that got them there. Our people have to be free to articulate views, whether it is through their speech or through typing on a computer, blogging on a blog, tweeting on twitter, writing on Facebook, writing in the newspapers or wherever it is, our people must be free and must enjoy unhindered, except it clashes with the law, that constitutional guarantees and allows them to speak freely in this country, Guyana. Then we can sing about *Guyana the Free*.

What we are trying to do here seriously clashes with that fundamental right that we have given to our citizens. That right around the world studies have determined the world's citizens are born inherently with. A human right to freely express oneself, to articulate, advocate and agitate for what one believes would be in his/her best interest. That is what we are trying to take away from people.

I heard Mr. Ramjattan, on previous occasions saying in his very own unique way, and it is something that could find sympathy with me, that one cannot want a law to exist on earth and it does not exist in space. So, whatever is here in the law books on earth, we must put in the

Cybercrime Bill so that it is a crime in space. If one does not delve deeply into that, it sounds like something that makes logical sense, except this same Government. Generally, if one causes the death of the President, in the law on the ground one is sentenced to death, except you cannot do that now with your founders. So, you come and do what is right, I agree with this, and you say that it would be imprisonment for life. In terms of the sentence, I agree with it. So you recognise that some things cannot go in a modern 2018 legislation, some things that are archaic and really for the ecclesiastical age you are going to put it in a 2018 legislation; so you have changed it here. If you can change this here, then certainly you can strike sedition off the books here and then go back to the AGs chambers and strike it off the law books there. We can do that as a nation. We on this side of the House would support that. I would tell you now that you would get my personal support and I believe that I speak on behalf of everyone else, I am not sure, but I believe sedition is archaic and old and should come off our law books. It has no place in a 2018 law which seeks to shut people up and restrict their access to information.

With the advent of the internet, we have seen some horrible crimes committed ...

Mr. Speaker: Hon. Member, you have three minutes remaining.

Ms. Manickchand: Thank you Sir. Horrible crimes committed particularly against women and children as it relates to sex offences. I believe it was sometime before 2011, I know for sure, that I had publicly cautioned our women and girls that they should be careful with how they take pictures of themselves, whether partially or fully naked or in-action pictures. It is because those pictures were turning up in what has now become known as revenge porn and published on websites even if it is not in revenge. I think last week, the Crime Chief issued a statement that said pictures of Guyanese women were on a website available for the world to see on the worldwide web. So this is a Bill that is necessary particularly in this time and particularly for offences like those. Why is it that we are unable to come here, when we say a Bill is ready, necessary, and will be useful to Guyana? We are unable to come here and agree that this is the Bill for now that we would like to see go ahead in Guyana.

We did that. I lay before this National Assembly, seven very important legislation that we use every day in this country - some for children and some for women. Every single one of those Bills were passed here with the full consensus of the House because we took them to a Select

Committee. We heard what the Opposition had to say because it made sense – they are hearing from people we did not get to hear from, they are hearing from their and we put that in the Bill. We heard from wider society and we came back to this House and we passed all those Bills, unanimously. What is happening now? They are working single every day for the women and children of this country mostly. Why are you coming with a Bill that is needed? Why are you coming with a Bill that should be passed and you refuse to hear, not only what the Opposition Members have to say, but what a majority of the persons who have spoken on this legislation have to say. So much so that even you believe you needed to go home and make some amendments.

I am saying that these amendments do not meet the needs of the people of Guyana and in keeping with the amendment laid here in the National Assembly, proposed by the Hon. Gail Teixeira and seconded by the Hon. Member, Mr. Clement Rohee, we strike clause 18 completely from this Cybercrime Bill and you will get my full support. We could do that and we could correct the issues at clause 9 in this Bill.

I, thank you. [*Applause*]

Mr. Speaker: Hon. Members, we are somewhat passed the 7 o'clock hour. We will return at 7.35 p.m.

Sitting suspended at 7.04 p.m.

Sitting resumed at 8.00 p.m.

Ms. Teixeira: If this Bill is passed in this House tonight, with the undemocratic clauses intact, it will be a very sad day for democracy in this country. If it is amended in accordance with the Attorney General's amendments, it will still be a sad day for democracy in Guyana. Unfortunately, this Bill reflects, after a compendium of laws which this Government has brought that are increasingly becoming more repressive. The Anti-Terrorism Bill, where 14 times the penalty of death is listed; there is the Anti-Money Laundering Regulations Bill that takes away certain powers from the Courts and from a range of other entities that, under normal democratic governance is unacceptable. We have this Bill and this Bill has an interesting history. I have heard previous speakers, who were not members of the committee, make some statements. Let

me give you a background of the trajectory of this Bill. It is an interesting trajectory and the problem the Government cannot face is the lack of trust. When things are done in this way, it creates an environment for the lack of trust.

In 2016, the Attorney General's office sent a Bill called the Cybercrime Bill of 2015 to various people, including the PPP and different stakeholders to comment on. The Inter-American Development Bank (IDB) and the United States (US) Ambassador went to a forum where the 2015 Bill was discussed. The 2015 Bill, which was posted on the website and sent out to different agencies, did not have clause 18.

8.03 p.m.

The original 2015 Bill never had any insertion of a sedition clause. I have copied the Sections of the Bill that list what is there. I also went back to the Bill and checked it just to make sure that I was not wrong.

The 2015 Bill, which went through some form of consultation, did not include clause 18 which deals with sedition.

On 4th August, 2016, the Cybercrime Bill of 2016 was brought to this House. On 4th August, 2016, the Attorney General and Minister of Legal Affairs moved the First Reading and referred the Bill to a Special Select Committee. However, no one had seen the Bill. When the Minister read the Intituled section of the Bill, the Bill had not been circulated in the House. It was delivered two days later. [Mr. Greenidge: You do not *[inaudible]*] I have proof of that, sir, so please do not get into an argument with me.

The Special Select Committee was set up seven months later. On 4th August, 2016, the Bill was read the First time. [Mr. Rohee: You have the proof, read it.] I have in the *Hansard*, my objecting to a Bill being brought for first reading when no one had seen. It is in the *Hansard*. If you do not believe me, it is not my problem.

Seven months later, the Special Select Committee was set up. The Hon. Member, who spoke about the Bill being two years in Committee and who said that she read the Minutes and the Report, obviously does not understand what the Report talked about. The Special Select Committee was set up in March, 2017 and it had, in the period between March, 2017 and April,

2018, seven meetings – 22nd March, 2017, 12th April, 2017, 21st June, 2017 and 5th July, 2017. All these meetings the Opposition attended. In those first few meetings, we talked general issues about the Bill. It was only at the last meeting of 5th July, 2017, and the Minutes shows that, that we started to look at the first set of clauses. We did not reach anywhere near clauses 8, 9 12, 18, *et cetera*. After 5th July, 2017, there was not any meeting of the Special Select Committee until 15th February, 2018. It had two more meetings in March and April, 2018.

What happened to the Bill that was circulated in 2015 without any sedition clause in it? When the Bill came to this House, in 2016, it had it. It came after the Anti-Terrorism and Terrorist-Related Activities Bill 2015 had been debated. It was also rushed through all three stages in this House. Suddenly, we come to this Bill that has sedition in it. It went to a Special Select Committee. The Special Select Committee decided to hire a Consultant whose name is Mr. Steven R. Chabinsky. Mr. Chabinsky assessed the Bill of 2016. In fact, here is what he had to say about clause 18:

In the margin he states:

“It is beyond the scope of our representation to provide the legal review of this Section.”

The Hon. Minister cannot say that this has the *imprimatur* of any consultant whatsoever.

Unfortunately, when people are not part of a Committee, they do not always know the little nuances of being on a Committee. I wrote letters to the Committee, although we were not attending meetings. I think this whole House knows why we did not attend. Since people seem to pretend that they do not know, I will explain. The Special Select Committee had seven meetings. The Chairman of that Committee was the Hon. Attorney General and Minister of Legal Affairs. There were problems, sometimes, of meetings not being held because Government Members were not available. However, seven meetings were held in which the Opposition attended four of those meetings.

After July, 2017, there was no other meeting for seven months until February, 2018. In the interim, what happened? We went through the whole process of submitting names for the Guyana Elections Commission (GECOM) Chairman. We submitted 18 names. On 19th October, 2017, the *Constitution*, in our opinion, was violated and a person was appointed as Chairman,

who was not in accordance with the *Constitution*. Therefore, we made it publicly known on 19th October, 2017 that we would not be cooperating in a series of events and appearances with Government Ministers and the Government.

We made it very clear. It was a public statement. There was no shying away from what we were doing. We do not have to be ashamed of what we are doing. We were quite clear and we make it publicly known. People may or may not have agreed with it. You may not agree with it, but it is our position.

I wrote to the Committee a number of times and called for public hearings with various national stakeholders and Information Technology (IT) specialists to discuss how to treat with a number of issues in the Bill. I wrote and I got a response from the Clerk of the Committee saying that the Committee discussed my letter and that I should provide a draft proposal or an amendment for consideration by the Committee. The assumption was that I had one amendment. I wrote again about the fact that the Bill needed to have a proper review, that there were a number of issues in it and that we needed to have stakeholders' input.

If you go to the earlier parts of the Minutes, which the Hon. Minister said that she read - but, again, I have a problem because I am not sure what she read - in the four meetings that we attended, we pointed out, including the comments related by my Hon. Member and Friend, Ms. Manickchand, that we needed to make sure that there was synergy in the Bill between the issues of sexual offences, child pornography, child luring, *et cetera* and the fines. That was ignored.

The Minister, as Chairman, kept saying that I could amend when we reached to the clauses, *et cetera*. That is the fact. We did not attend meetings after July, 2017 and the Bill came here.

In regard to a comment made that we should have been in the Committee, I want to remind this House, and some of you were in the House at that time, that between 1999 and 2001 the Opposition did not attend any Sittings of the National Assembly at all. **[Mr. Patterson:**

It was 1998.] It was from 1998. Thank you, Mr. Patterson, for the correction. It was in 1998 and 1999. It had to be brokered with the international diplomatic community, the then Leader of the Opposition and the President to have you return. Yet, the business of the House went on.

The Hon. Member, Ms. Manickchand, is absolutely correct. When we, the Opposition, are not in Committee, you really have a problem. It is because half of the time some of your Members do not attend. They do not read the Bills that they are dealing with. I have had my own Members castigate me for doing the work of the Government in Committees, including checking the drafts, editing, correcting things that are said and referring to the *Constitution*. Well, we were not there to do it for you this time and look at what you have produced.

You had this big forum, in 2016, with the Inter-American Development Bank (IDB) and the Ambassador of the United States of America all baptised what you did. They did not know that the Bill that they baptised was not the one that got into the House in 2016 and is not the Bill that is before us today. They have no idea about that. None!

It was only in April, 2018 that the whole issue of what this Bill really contained became public. You had a consultation of a Bill that never came to this House. You slipped in parts and then you brought it to the House and you are blaming stakeholders because they do not know what is going on. Seriously?

Mr. Williams stood.

What have I said wrong to you, Mr. Williams? Is shingles a bad word too?

Mr. Williams: Under Standing Order 40(a), the Hon. Member is imputing improper motive to the Hon. Members on this side of the House who were in the Special Select Committee. She is accusing us of slipping in things into the Bill. I am asking that she either recants or withdraws it, Mr. Speaker.

Mr. Speaker: I thank the Hon. Attorney General for his comment. Hon. Member, Ms. Teixeira, if you implied that the Government Members of the Special Select Committee acted improperly, you should put yourself in order by withdrawing it.

Ms. Teixeira: I did not say that.

Mr. Speaker: I will not have an exchange.

Ms. Teixeira: I did not say that. I said that the Bill that went public and the Bill that came to the House are two different Bills. I did not say “the Committee slipped it in”. I said that the

Government slipped it in before it came to the House. I am not accusing the Committee. What I accused the Committee of was not doing its work.

Mr. Speaker: Hon. Member, Ms. Teixeira, if there is an imputation of improper conduct on the part of the Members of the Committee, you should avoid it.

Ms. Teixeira: Mr. Speaker, I understand what the Hon. Member is saying, but I am saying that I did not say that. I said, very clearly, from the beginning, that there was a forum which the IDB, the Ambassador of the USA to Guyana and stakeholders had. There was a Bill in 2015, which I have an email of and which was sent off by the Attorney General's Office, which shows that the sedition section was not in here. The Bill that came to the House, which is this one that we are debating today and which went to a Special Select Committee, had it in it. That is what I am accusing the Government of. I am accusing the Government of inserting sedition in the Bill between the consultation process and bringing the Bill to the House.

Mr. Speaker: Hon. Member, Ms. Teixeira, please proceed with your speech.

Ms. Teixeira: Thank you, Sir. My Comrades before me have all presented different components and concerns of the Bill. I do not want to repeat what they said. They made them eloquently and pointedly.

I want to add my own two bits in this sense. When a Bill, two years later, according to the Minister, only then engenders the kind of comments in the media...The Guyana Press Association is on record, in the media, calling for the Bill, particularly the sedition clause, to be scrapped. Reporters without Borders, an internationally respected body that monitors and oversights press freedom, put out a statement calling on the Government to scrap the sedition clause 18. Transparency Institute (Guyana) put out a statement calling for the same thing and pointed out the problems with clause 9 to do with the conflict with whistle blowers as well as clause 18.

The Guyana Telephone and Telegraph Company (GTT), which is not a civil society organisation and is not a body that has an axe to grind with the Government, came out and said that it was calling on the Government to remove this clause from the Bill. The GTT, which is a service provider and which is concerned, said in a press report of 2nd May, 2018:

“GTT has also called for the removal of the offence of Sedition.

In a correspondence dated 25th April, 2018 and seen by this Media group, GTT posited that:

The offence of sedition seeks to limit the press and freedom of speech against the Government and should be struck from the draft as it would limit freedom of speech and thought of the people.”

8.18 p.m.

GTT proceeded to say:

“What about the passage of the Data Protection Act?” the company queried. “In other Caribbean countries, the passage of the Data Protection legislation was needed as auxiliary legislation to support the efficiency of cybercrime [laws].”

That is GTT, not a People Progressive Party (PPP) outfit. I am sure you know that.

Then, we have other international bodies that monitor press freedom. Then, there are people who are working and are friendly to the Government, such as Ruel Johnson, who was or is the Director of Culture, and Freddie Kissoon, who is a Columnist. We have thousands of people on Facebook who are commenting on this. But it is the *sleight of hand* in all of this.

What the Government has failed to explain to this House is: how is it that a Bill that went to the PPP and to other stakeholders did not have these clauses in it; there was no process for amendments and so forth, and, in a matter of months later, the Bill was dropped in this House; it was not circulated until a few days later; a Committee was set up and then is when you realised there was a new clause and new areas in it, including sedition.

There is nothing for the Government to say that, in this Cybercrime Bill, here are the different provisions that we are bringing.

In addition to that, we have the response by one of the Hon. Member of the Coalition. I am going to be delighted to hear the Prime Minister speak after me because I do not know if he would speaking for the Alliance For Change (AFC), for the A Party of National United (APNU) or for

himself. But in the newspaper, again, the Leader of the AFC, Mr. Raphael Trotman, he was to speak, but apparently he has a throat problem, I hear, said:

“I can say that as presently constructed, I, as Leader of the AFC, cannot support clause 18 in the Bill and will therefore be urging for an amendment, and if none is forthcoming, I will vote against it,”

This is in the newspaper. No one put out a disclaimer. It is not my words. It is there. Mr. Ramjattan apparently had a different view on the issue of the sedition clause and he still has it up to now.

When I began my speech, I talked about a sad day for democracy in Guyana if this Bill passes as is. The younger generation is using Facebook and social media, but, unfortunately, they do not know certain things about the history of this country.

In the 1950s, there was something called the Subversive Literature Act, under the British Colonial Government when we were a colony. The Subversive Literature Act was used in 1953 to arrest, control and put people under house arrest for distributing pamphlets that were calling for independence, *et cetera*. The Subversive Literature Act was used effectively by the Colonial Government. In those days, there was no internet and so for the younger generations, it may be hard to envisage a time in Guyana when most people did not have phones. They might have had a phone in the village, if they were lucky, but that was about it. It was all done in paper - pamphlets, hand bills.

In fact, the history of the PPP is about the number of women who carried subversive literature, such as pamphlets for independence and to tell people when there was a rally or when there was march - in their market baskets and they were arrested too sometimes.

The Subversive Literature Act is a precursor to what we are seeing here 60 years later. It is just a different time. It is a different technology, but it is the same point about freedom of expression. So, that is why I talked about it being a sad day. I was not an adult then, I am not that old, I could tell you that, but I remember. I grew up in the political framework of knowing that this had happened in our country and what it did to our country. It led to the British Government removing a democratically-elected government of the first PPP Government, 18 out of 24 seats

in 1953, after merely being in office for 133 days, and setting up an interim government and using the Subversive Literature Act as a means to control expression and information.

So, we come to the next stage. Prior to 1977, after Independence, the National Security (Miscellaneous Provisions) (Amendment) Act was passed. This expired, and it was brought back into effect and re-enacted in 1982 and here it is:

“Act No. 2 of 1982

Signed by:

“L.F.S. Burnham

“President

“1982-205-22

“NATIONAL SECURITY (MISCELLANEOUS PROVISIONS) (AMENDMENT)”

This was another piece of legislation to control our people, to arrest and to throw people into jail and to stop public meetings and stop certain activities. Of course, this was before the internet age. This was when we were all face to face.

In the 1990s, the PPP, just like it removed the Subversive Literature Act in the 1960s when it was in Government before Independence, also removed this Act, the National Security (Miscellaneous Provisions) (Amendment) Act of 1982. Its Chapter then was 18:02. If you go to the new laws of Guyana, Chapter 18:02 is now a Caribbean Agricultural Research and Development Institute Act. Chapter 18:02 does not exist anymore for National Security (Miscellaneous Provisions) (Amendment) Act at all. So, if anyone is asking me to prove that we repealed it, I am proving it to you. It no longer exists. It was removed by the PPP as a repressive piece of legislation. *[Interjection]*

[Mr. Speaker hit the gavel.]

There was that trajectory of the Subversive Literature Act and the National Security (Miscellaneous Provisions) (Amendment) Act, the period of the late 1970s and 1980s, and the removal of the National Security (Miscellaneous Provisions) (Amendment) Act. Before today,

we had the Anti-Terrorism Act which is, really, a nasty piece of legislation, I must say that. It is a really nasty piece of legislation. It is undemocratic. [Mr. Williams: We are dealing

with nasty people.] You could say that, but if you had done your homework and you had read some of the anti-terrorism legislation of other countries, you will find that ours is, sadly, weak because it seemed to be focused on getting rid of so-called terrorists in your own country. The way you defined it, it could mean anybody going out for a picket, protest and, even today, putting one's views on the internet.

When you look at other countries that are dealing with cybercrime, most countries have a cybercrime strategy or plan and then they create the legislation around that to allow that to operate. We do not have any plan. There is no cybercrime security plan. There is not even a security plan for this country. You had one produced by Mr. Combe, which is now seven or eight months old. We understand that it is before the Cabinet being considered or whichever body you take it to in your Cabinet and nobody knows what is in Mr. Combe's plan. What is your agenda? What you seem to be more concerned about is control.

In the meantime, you brought the Telecommunications Act, there is an Interception of Communication Act, there is a Criminal Law Offences Act and there is the Protected Disclosure (Whistleblower) Act. There is a pile of legislation that deals with criminal offences regarding activities that could be considered terrorist and anti-government.

I must say this: it would be very difficult for me to comprehend, as a member of a Cabinet for 20 years, that any Bill could have come here without the Cabinet approving. I could only assume that your entire Cabinet, your President and everybody, read it and they agreed that it must come to this House. I cannot believe that a Bill would come to this House if the Cabinet did not stamp its approval. It would be awfully difficult for me to comprehend that. Therefore, I have to come to the logical conclusion that the Cabinet of this country has brought sedition clauses that are so undemocratic. You have adopted this and that is what is scary. That is why I said it is a sad day for democracy.

Mr. Speaker: Hon. Member, you have four minutes remaining.

Ms. Teixeira: Thank you very much, Sir. I have looked at other pieces of legislation and there are no other pieces of legislation, which I have gone through, I cannot say I went through all, that

have sedition clauses, even in countries that may not be considered open and or free. The Philippines and India do not have it under their cybercrime bills. Sedition has remained under the criminal offences legislation and I agree with my Colleague, Ms. Manickchand, that we should remove it from under the cybercrime legislation, which is dealing with the freedom of information, the freedom of speech, the freedom of expression, the freedom of the press. This is taking us into the 1950s again, except that it is nothing dealing with subversive literature. You are talking, now, about control of access by hundreds and thousands of people in Guyana and access outside.

Let me, in closing, ask a question which one of the writers raised. So, you would not say it is Ms. Gail Teixeira, which seems to offend you. One of the writers wrote this:

“Another important merit of avoiding suppressive contrary views is that opposition or critical views could help us to filter our defects in our reasoning, appeal for change for the better and even give us better discernment on matters of truth and falsehood. How else could be sure about our positions without opposition? How could we know whether we are, say, introducing a sound piece of legislation, without honesty back from our constituency if we only allow for positive views? How else would the current Administration have been successful in their 2015 campaigning, if not for countless persons, largely on the social media, expressing their dissatisfaction for the previous government? Where would the Coalition be if such legislation had been in place in that time?”

If we had dared to bring a Bill like this when we were in Government, you would have had riot outside. You would not have heard the end of it. Regent Street would have burned down. We know the usual threats of burning. We have heard it before. In the 2015 elections, the results had to be given without a recount, so that you all would not burn down the city. That is what you told all the diplomats and the observers and everybody got frightened.

Were this legislation to be in place before 2015, the social media, which you used to attack, would not have been able to be used. If this is your methodology and if this is your agenda to control us, you have another thing coming. The year 2020 will show who the real victors of this country are.

8.33 p.m.

First Vice-President and Prime Minister [Mr. Nagamootoo]: I will hope that I could use the light roller on the pitch tonight. I am still in recovery mode, but I am an old warrior, so I can deal with the issue before us, as I am mandated to, to express support for the Cybercrime Bill that is before us.

Your Honour, the Cabinet does not make laws for Guyana. I think it is an elementary principle of our system. It is the National Assembly, the Parliament, that makes laws. We observe the concept of this separation of power, so we send a Bill to the National Assembly and, in this case, a Bill that has gone to a Select Committee of the House. The Select Committee, as we know how the Select Committee should operate, would vet the Bill. More particularly, if it is a bipartisan Select Committee, it ought to represent the entire constituency that is Guyana.

The Government and the Opposition should be able to use the eyes of the people to look at Bills. Here is a case where a piece of proposed legislation, as important as this one, as we were told by all Members of the House, had gone to a Select Committee and the Leader of the Opposition said the Opposition Members of the Select Committee “dropped the ball”. The Leader of the Opposition is quoted in the *Stabroek News*, as saying, at his Monday, April 30, 2018, news conference:

‘that the parliamentary Opposition “dropped the ball in addressing the Cyber Crimes Bill, given the absence of PPP/C Members of Parliament (MPs) at the meetings of the Select Committee dealing with the Bill.’

The constituency that voted the Opposition in the National Assembly would have thought that this was unforgivable. You are dropping the ball. How many balls would you be dropping that they gave you to carry for them in the National Assembly? Therefore I continue quoting from the Leader of the Opposition:

““You can blame us ...”

[Mr. Greenidge: Read that again. That cannot be right.]

admiration for the Leader of the Opposition.

No. I have to express

“You can blame us and some of the MPs for not attending the meetings (of the Parliamentary Select Committee) and it would be justified ...”

Why is it that we have this manifestation of disappointment with the Government, that the Government did something in the broad light of day that surprised and stunned the Opposition? It is because they did not come to do the work for which they are paid - not free work, paid work. In law, if you did not work for the money you receive, there is an offence that is created that is defined in law. I am not going to deal with that.

The Member of the Opposition, the Hon. Member Gail Teixeira, took us back to the 1950s, about history, which I suppose that the subversive ‘Literature Act’ is something that we should know about, that took place in 1953, leading to the suspension of the Constitution. We had thought that what the British did in suspending our Constitution would not have been repeated, but we saw that in 2014. Our Parliament was prorogued, just as well as the British did. Here we are being lectured about the good-old-bad British doing these horrible things and we do the same things.

In 2008, I recall a former army officer, Oliver Hinckson, who was charged with sedition. I was a member of the People’s Progressive Party (PPP) then. I had not resigned, though I had walked four years before. I had just walked, but had not formally resigned. I do not want to go back into the reasons why I walked. I will have time to deal with that *in extenso*. We saw death squads and people in bed with drug lords, criminal of the worst types, and terrorists roamed the land with impunity. On to this day, we have, in our statute, in our Criminal Offences Act, an offence for treason - seditious libel, in fact. You could not have the expression that you claim you want to have, an unfettered expression. It is because those who are claiming that the Cybercrime Bill is intended to curb freedom of expression, themselves, enjoyed laws and imposed laws under that administration that restricted freedom of expression. It has still the statute. I hope that before the first term of this coalition administration we will expunge the seditious libel laws from our statutes.

Therefore I want to go back a bit to the history. In 1996, internet was introduced in Guyana for the first time, while I headed the position of Minister of Information. Internet, at that time, was almost an alien word in the context of Guyana, and there were pockets of opposition, that if the

internet was allowed in Guyana, there would be exposure of our children to pornography and all manner of ills. We had, on one occasion, visited the office of the Guyana Telephone and Telegraph Company (GT&T), which was the sole provider of internet service then, and I had to ask to access the World Wide Web at that time to have a clear understanding as to whether or not we could build what was called, and communicated to us, as firewalls to have protected distribution of internet feeds. On that occasion - I refer to coverage of the newspaper then that quoted the General Manager of GT&T, Thomas Minnich, it was the *Stabroek News* on November 14, 1996 - "GT&T General Manager said that mechanisms would be put in place to prevent abuse of the internet".

Here it was that we were, in 1996, under a PPP administration, trying to have access or use of internet. At that time, it was foreseen that mechanisms should be put in place to prevent the abuse of it. Today, this Bill before us, and I read the Bill in conjunction with the amendments that are being tabled, is intended to do just that, to be able to combat the abuse on internet, not the use of it. The use we see as legitimate, as useful, as bringing our children, our world and our civilisation into the new era of technology and information – the technological and information revolution. No one is preventing access of the internet to any of our children.

The Hon. Minister Catherine Hughes, only recently I heard her, said that 125 information communications technology (ICT) hubs had been opened in various parts of Guyana and in schools in the hinterland to access our children to the knowledge and technology that are available in the world. I suppose that has been the work as well of the former People's Progressive Party/ Civic (PPP/C) administration. No one is impeding or interfering with the flow of information on the World Wide Web. What is being addressed is the use of internet for criminal purposes. This went back, way behind, to the movement in the world to protect our civilisation from those who are bent on perpetrating criminal intent via computer. It is not for legitimate, lawful purposes; it is for criminal purposes.

Since 1990, the United Nations' General Assembly adopted a resolution on computer. It is called the Computer Crimes Law. In 1997 the Group of Eight (G8), the most powerful countries then, implemented an action plan to address the issue of computer generated crime. In 2001, the Council of Europe adopted and passed the Convention on Cybercrime and specified internet criminal behaviours. By 2002, the Commonwealth provided a model law to address the same

issue. Other countries have adopted the law; other countries have followed the conventions. Today, I am told that 138 countries ...

Mr. Speaker: Hon. Prime Minister, would you allow me one moment?

Mr. Nagamootoo: Yes Sir.

Mr. Speaker: Hon. Mr. Ganga Persaud, would you rise from your seat?

Mr. G. Persaud: Yes Sir.

Mr. Speaker: You are disrupting the discussions and the debates of this House.

Mr. G. Persaud: I do not see it that way, Sir.

Mr. Speaker: Hon. Member, I did not ask your opinion.

8.48 p.m.

Mr. G. Persaud: Well Sir, I am not your child. You cannot speak to me in that manner.

Mr. Speaker: I am telling you what you are doing and if you persist, other steps would be taken against you. Just have your seat.

Mr. G. Persaud: I trust you would be equal with that, Sir.

Mr. Speaker: Hon. Member Ganga Persaud.

Mr. G. Persaud: Yes Sir.

Mr. Speaker: You are out of order.

Mr. G. Persaud: If you say so, Sir.

Mr. Speaker: Please be reminded of what I have said to you. Have your seat. Please proceed, Prime Minister.

Mr. Nagamootoo: I believe that we have lagged behind in bringing a law to protect our citizens and our state from crimes generated by the use of a computer. Therefore the attempt to mix this with all types of expressions is misleading.

In the original Bill that went before the Special Select Committee, clause 18, as stated in the amendments, clearly stated these. Clause 18(4):

“For the purposes of subsection (1) a statement or words, a text, video, image, sign, visible representation or other thing does not constitute an offence if it –

- (a) expresses disapprobation of the measures of the Government with a view to obtain their alteration by lawful means;”

You could express disapproval, non-support for a Government or any measures. There is no hindrance to the expression of one’s disapproval or lack of support or condemnation, and you can call for the alteration of any measures of the Government by lawful means.

I know the problem that is plaguing the Opposition because it has decided to add upon its recent history, track records of boycotts, heckling, disruptions and protestation. They will adopt other forms of struggle. In anticipation having now defined the other forms that they wish to unleash on Guyana, they have decided that the computer could be a device that may be deployed in the other forms of struggle. The other forms of struggle are not intended to fit into the lawful alteration of measures by lawful means.

You could express disapproval of any action of the Government. You could express that “the President, any Member of the Government or the Government has been misled or mistaken in their measures.” [*Interruption from the Members of the Opposition.*] I said I am reading this Bill in conjunction with the proposed amendments which has been circulated and I can read the original as well.

Mr. Speaker: Hon. Prime Minister, the amendments are not before the House at this time.

Mr. Nagamootoo: There are proposed amendments which have been circulated.

Mr. Speaker: They are not before the House at this time. The amendments will be considered at the Committee stage of our discussions.

Mr. Nagamootoo: Page 22, clause 18(4) has -

“(iv) comments that point out errors or defects in the Government, Constitution or Parliament.”

(v) comments that procure, by lawful means, the alteration of any matter of government; and

(v) comments that point out, for the purpose of removal, matters that produce or tend to produce feelings of hostility and ill-will between different classes of persons in Guyana.”

These were in the original Bill as circulated. I am saying that the Government has listened to comments on this Bill and the Government has responded to aspects of these comments and has decided that the sedition aspect of the Bill should be removed. I would have thought that that would have brought some jubilation or representation on the part of the Opposition, but, of course, in their contribution, the Hon. Members on the other side are reading into the intention of the Government that it has retained the sedition clause of the Bill. There is no sedition when the amendment would have been considered and that would not have been part of the Bill.

I have received a letter from Reporters Without Borders. Reporters Without Borders said, in a letter dated 6th June, 2018:

“We do not dispute the principle of this law. The internet should not escape Government regulation altogether and we believe that it is perfectly legitimate to proscribe conduct such as computer fraud, identity theft and even more serious, child pornography.”

This is a letter that was sent from Washington, from the North American Director of Reporters Without Borders. I had responded to the letter and there are some other sections that were...

[**Ms. Manickchand:** You are dishonest.] Madam, dishonesty compared to some of the transgressions of others is a virtue.

I had to reply to the letter sent by Reporters Without Borders and I said that since the Bill had been tabled in the National Assembly, there had been reviews taken place and we are considering some of the comments that had been sent to us, including those from Reporters Without Borders. We did say that the Sub-Committee of the Parliament and the Cabinet were informed about these criticisms, and it was after consideration of the criticisms that the decision was taken that amendments ought to be tabled. Hence, the amendments, in regard to the elimination of sedition, the offence of sedition and the expressed

guarantees that were articulated, would protect freedom of expression, would protect the work of journalists to access information. We have before us a piece of legislation to be approved by this National Assembly that does two things: it protects us against the exorcist and criminal misuse of computers and, at the same time, it guarantees and reinforces the freedoms of the individual under the Constitution, the freedom of expression to say what you can say without being persecuted or prosecuted.

As I said, I had not intended to speak to all the issues raised. The criticisms I have heard of the Bill, I think that they are highly exaggerated. They are blown out of context, pitting a legitimate course of action by a state to protect its citizens from intrusion via a computer and from criminal advocacy and criminal dissemination of ideas that would lead to violence and that would lead even to death. We believe that this legislation is very timely and it could not be converted into a piece of legislation that was intended as an attack on our young people or an attack on computer users and an attack against journalists. It is not the intention of this Bill, expressly so, or by intention it is not an attack on the freedom of the citizens.

I believe that we could, on sober reconsideration of this piece of legislation, give it full support because we need to register our country as among those countries in the world that have recognised the danger that inheres in the abuse for all the crimes that have been adumbrated by Members of the Opposition themselves. Members of the Opposition, themselves, had talked about some of these aspects of crimes that have been exploited by the user or abuser of the internet and computers.

I want to recommend that all Members of this House should unanimously approve the amendments and to see in the amendments the concerns of those who have opinions contrary to the intention that those have been addressed in the amendments.

I wish to support the Cybercrime Bill 2016 and urge this House to see this Bill as a very serious addition to our statute that will guarantee safety to our people.

Thank you. [*Applause*]

Mr. Nandlall: Sir, I thank you for the opportunity to make my contribution to the debate ongoing before this House and we have made tremendous progress, in terms of the exchange of views on this matter.

I want to begin by recognising that in the year 2018 no one can seriously dispute the importance and the relevance of cybercrime legislation. Therefore this Bill is a most timely intervention. We communicate today more on cyberspace than we do as human beings in person. There is no doubt about that. Therefore as there has long been recognised the need to regulate human conduct, interactions and communications on earth, there exists the need to regulate the same interaction in cyberspace.

9.03 p.m.

In fact, the academic writers all lament the sloth with which legislation of this type have taken to be promulgated even in the advanced world, more so in the Third World region. I would like to quickly share with this House some crime statistics which are recorded to show how important it is that we have regulation in this form in relation to cyber activities. For example, in 1993, web statistics show criminal complaints at 1.7 per day that rose to one million per day by 1999. In the year 2018, I have no doubt that it would have increased many fold over. Against that backdrop, I had hoped that this debate, being a very important legislation that is being debated and being the first of its kind in our country, we would have had a serious debate devoid of politics where we could have debated as a collective and put out there a Bill that would have found the acceptability of all concerned, a Bill that would have regulated activities in cyberspace, but at the same time maintain democratic traditions, the constitutional, rights of our people, right to privacy and all the modern rights which are out there.

This would not be our last Bill of this kind. This is our first and it would be the first of many more Bills that will have to come to this House as we evolve and as the internet gets more advanced to deal with situations of cyberspace interactions. If we start out this way, I am very apprehensive of the direction that we will eventually lead to. I advocate absolutely cybercrime legislation, and I do not think anybody in this side would want to question the need for cyberspace. What we are emphasising is that delicate balance must be struck. The same rules which govern us in relations to promulgations of laws that apply to the land, that is, they must

comply with constitutional prescription; they must not be inconsistent with the constitution; they must recognise the fundamental rights and freedom of our people. The same limitations that our laws suffer which we make to govern us on land, must also apply to the laws that we are making to regulate us in space.

The Hon. Member, during the lunch break, my colleague Odinga Lumumba drew to my attention to the fact that if America had started cyber laws as it did in 1982 with this kind of approach, we may not have had Google; we may not have had Facebook; we may not have had Twitter and we may not have had so many other social platforms.

The clauses to which I will turn, as I go on with my presentation, demonstrate sadly that we are not envisioned, forward-looking as our younger population would want us to be. Why do you think? Do you not think that our younger population are aware or our parents are aware of the ills of cyber space unregulated? The Hon. Minister of Telecommunications Catherine Hughes shared with us some very encouraging statistics of how *au fait* our people are with the internet. Do you not think that our parents out there would want us to ensure that child pornography is prohibited? Obviously, why has there been such an uproar to what should have been a good Bill? I have a stack of correspondence here.

The learned Prime Minister referred to Reporters Without Borders. What he said, the Hon. Prime Minister, is a very unfortunate thing. Reporters Without Borders made a statement. I will deal with that just now. The Leader of the Opposition made a statement, April 30, condemning a few provisions of the Bill. The Guyana Press Association (GPA), through its President, Nazima Raghubir, on April 26, made a statement condemning it. *Stabroek News* newspaper did a long feature article condemning it, May 29. Afra Raymond, a transparency activist, did a big feature in the *Guyana Times*, May 4, condemning the Bill. Adam Harris, no lover of the PPP, wrote a featured column, May 13, condemning the Bill. Guyana Trades Union Congress (GTUC) General Secretary Lincoln Lewis wrote a long article May 2, condemning the Bill. All of these Guyanese were ignored according to the Hon. Prime Minister. All these Guyanese voices were ignored, but according to the Prime Minister, he acted only when Reporters Without Border sent a letter to him. What message is he sending to the people of this country?

Mr. Nagamootoo: On a Point of Order, the Hon. Member is misquoting in his reference to what I have said. It is a misrepresentation. [Ms. Teixeira: Which Standing Order?] It is Standing Order 40(b), [Ms. Teixeira: You have to get the Standing Order to take us through.] Yes. I will get the Standing Order. It is Standing Order 41 and Standard Order 40 as well.

Mr. Speaker: Prime Minister, please proceed.

Mr. Nagamootoo: Yes. I have never said that I ignored the representations made. I referred to several representations, but I chose to quote from one that I said I acknowledged and the Government acknowledges that representation have been made by a number of bodies. It would be quite a misrepresentation to say that I ignored everything else.

Mr. Speaker: Thank you Prime Minister.

Mr. Speaker: Hon. Member Mr. Nandlall, you know what you must do to put it right. Please do that.

Mr. Nandlall: Your Honour, I never said that the Hon. Member ignored them. I said that despite this avalanche of calls from Guyanese, the one that he said that he responded to was Reporters Without Borders. That is what he said, Sir.

Mr. Speaker: Perhaps Hon. Member, it is what you said afterwards, “What message is he sending?” Hon. Member, put yourself in order and proceed.

Mr. Nandlall: Guyanese have a right to feel slighted base on what transpired.

I will move on. The Hon. Prime Minister also did not do himself well when he chose to read only part of what reporters without borders said. He read the part of the letter which complimented the Bill, which I complimented, but he omitted to tell us the objectionable part, that clause 9 criminalises the receiving of information from the internet in an unjustifiable way, that ‘Section 18 allows officials to prosecute online speech they believe to excite “disaffection” toward the government,...’ That is undemocratic, and a whole set of other sections. That is what they said.

Even if we are to accept what the Prime Minister said, that the Government acted upon the advice of Reporters Without Borders, Reporters Without Borders called for an extermination of

clause 18 from the Bill. They wanted it to be completely removed and clause 9 to be excised completely from the Bill, not amended in this way. They also cited clause 37 as objectionable. Clause 37 appears here as unaltered.

Hon. Prime Minister, that reference to that letter did not help your debate. We need to deal with the issue that is the bone of contention. That is what we need to deal with. The issues have already been identified long before this debate started. It concerns clause 18, clause 9 and I will add clause 17. There is a serious problem with clause 17 as well.

Your Honour permits me as a Hon. Member of the Special Select Committee to express my view on what has been said here about the Special Select Committee. Of course, we were absent for a few meetings. That is public knowledge. The Leader of the Opposition spoke about it on our behalf. Nothing is wrong with that. Justifiably we were criticised. We accepted those criticisms. As the lead person in relation to the legal sector in the Opposition, I was accused of abdicating my responsibility. I pleaded guilty. What I would not accept responsibility for though is putting clause 18, clause 9 and the objectionable clause in this Bill. That is not what we will accept responsibility for. We do not know how it got here. The Bill that was circulated for public consultation did not contain clause 18. We do not know how it reached there. We are not going to accept responsibility, absent or present in the Special Select Committee for clause 18. We want to make that very clear. In any event we did not have the voting majority in that Committee. Were we there it would have made no difference. I wanted to make that very clear.

Let us deal with the offence of sedition. Of course, we were in Government and sedition was there as part of the laws and persons were charged. It is not Mr. Benschop. His name was mentioned; he was charged with treason. Four or five people died as a result of an act in relation to that charge. Let us not mix up the issues here. Sedition, the world knows that it is an anachronistic archaic offence and the world all over is removing it. Yes, we have been sloth in that regard, but in 2018, we have to be the only country on planet earth that is legislating for sedition. That, I have no doubt about introducing it.

9.18 p.m.

The Hon. Prime Minister obviously found himself in this conundrum, being self-professed champion of journalism and free expression and he told us in this House that he hopes that

within this term of Government, they will remove sedition. They will remove sedition from the law books and here it is tonight, on 20th July of 2018, we are putting sedition on the law books. How can the population accept that as a statement of any commitment that one can accept with credibility? That is why when asked to comment, the consultant said, on clause 18, it was beyond the scope of his retainer of the duties. The poor man never studied sedition. It abolished 45 years in England. No university teaches it. We have here in 2018 propagating a law that is out of sync with reality.

We have to modernise our law and that is why we have voted money in this Parliament for a Law Reform Commission to be established. One of the functions of the Law Reform Commission is to go through the law to remove from it all of the anachronism and to put modern laws. That is how society evolves. At one time, when a person that person's arms would have cut off. When one raped, horrible things were done to that person. We have moved away from that. You used to be tried under a tree. Now we have court system. Do we want to state that state? Do we want to move our legal system and our society forward? This is a most retrograde step to have on the law books of our country in the year 2018.

Let us examine it a bit closely. In anticipation of the amendment that is coming. I will not refer to clause 18(a), but I will deal with the other clauses. Let us look at clause 18(c), for example, a person commits an offence, if that person is in and out of Guyana:

“encourages, incites, induces, aids, abets, counsels any person to commit or to conspire with another person to commit any criminal offence against the President, Prime Minister or any Member of the Government;”

I think that the Hon. Prime Minister was speaking of the concept of mirroring all of the laws that we have that apply to us, that we must put it in the sky. There is no law like this now on the law books of Guyana - none. This is a new injection in our law, and this is any offence. Littering is a criminal offence. If someone sends an email to litter in the Prime Minister's yard tomorrow, see what the penalty is. It is \$3 million fine. These are the kinds of things that pass when you do not look at the thing carefully. Do you want that kind of love? It is any criminal offence.

There is a very penal law here, and the Government is not defined. Who constitutes the Government? Is it the Speaker? He is a member of all forms of the Government, if you look at

that from that constitutional perspective. A judge can be a member, a judicial branch of Government if you look at it from that perspective. A Minister is a member of Government, an adviser to Mr. Harmon, would that person be a Member of Government? There are members of Cabinet who are not Ministers. Are they not members of Government or are they members of Government? Do not trivialise this thing, Mr. Harmon. You are a lawyer. I am speaking about you are creating a net and you do not know who you are catching in the net. That is the point that I am making. It is that we cannot be so imprecise when we are dealing with people's liberty. You are speaking about five years of a man's life here and you are ambiguous, you are ambivalent, you are equivocal, you do not know who is a Government.

I am sure it was not the intention of the chief parliamentary draft person to create any offence, a misdemeanour. Would you charge a man for littering, making loud noises, loitering? All of those are criminal offences. It is not stretching it. It is what the law is. We are making this the law tonight and if you did not realise what you are doing, it is not too late. You will not be in Government forever. That is the point that I am making. You are making an unsafe law. You are an experienced criminal lawyer and you know what I am talking about.

Over on the next page, the situation becomes even grave. It states:

“Where the death of the President, Prime Minister or any Member of the Government or any other person occurs as a result of the commission of an offence under subsection (1), the person who commits the offence is liable on conviction of indictment to imprisonment in life.”

That same loiterer or litterer who never had the intention to cause death, because a crime is made up of the *actus reus* and the *mens rea*, that person is now a death result, not necessarily because of my idea to cause death, but because of this little scheme some little children may have and they are posting something on the internet. All of them are condemned to death, liable to be charged and liable to death. I am not making this up. That is why the Hon. Minister Trotman said that he will not support this law. I believe that it is not a problem that he did not want to speak. I believe he does not want to speak for his own political survival. That is only my view. I think that Mr. Trotman went through this as a seasoned lawyer and he agrees with the point that I am making. Those are two issues with this here that I have pointed out. There are many more

throughout the Bill and throughout this very clause that I do not think was even taken into account by the other side when they were in the Committee.

I want to go to clause 17, quickly. Clause 17 states:

“A person commits an offence if the person –

(a) intentionally initiates the transmission of multiple electronic email messages from or through a computer system; or...”

If he does paragraph (a) and that causes harm to a person or damage to a computer system and then go to a penalty, that person on a conviction or indictment gets a fine of \$5 million and imprisonment for five years. Let me read it back again:

“intentionally initiates the transmission of multiple electronic email messages from or through a computer system;”

There is nothing wrong with what I am doing here. I am in this Parliament and I did an article called ‘Unruly Horse’. I want to send it to the media, so I grabbed all of my group emails together and I sent my article out. I have done nothing wrong. I intentionally initiated the transmission of multiple electronic mail messages from or through a computer system. That is what I have done with my iPhone, in relation to my article. If that email causes harm to a person or damage to some computer system, I am going to jail for five years at \$5 million imprisonment. What kind of law is this? I could understand if the section had the word “and” because the word “and” is conjunctive. It means that I have to do paragraphs (a) and (b) because it is the paragraph (b) that has the malicious and wrong intent. Paragraph (b) speaks with the intent to deceive and mislead a recipient, but I am not doing that and I could get convicted on clause 17(a) alone.

Every news cast, *Demerara Waves*, for example, sends out messages to all its 20,000 recipients. *News Room* has over 100 followers on its Facebook reading alone. They transmit electronic messages. If that message damages someone’s computer, then those people who are heading those news agencies are going to jail. That is the law that we are passing in 2018.

Then clause 9 is the identical thing. The Hon. Member Manickchand spoke about the killing of the whistle-blowing concept, it does that. I can be at home and someone who thinks that I could help him or her, being a Member of the Opposition, wants to send me some information. I have not solicited it or that person sends it at random, any information. It is not even the whistle-blowing. Let us just take that concept out because that issue is established. Anyone who sends me an email that he is not supposed to send, but I receive it, I become the criminal. I am not soliciting the email. I do not even want to the email. I have no control over if the email comes into my inbox. I am being made a criminal so that person can set me up. Someone can set people up quickly under this Bill by sending them emails that that person is not supposed to send containing some unauthorised material, and I am the recipient. I cannot stop it. I am receiving it just as how I have received every other email, spam mail. If I go to jail, I am liable to be charged.

Mr. Speaker, this Bill is a horrendous piece of legislation. It not only violates constitutional rights and freedom, it is simply dangerous to personal liberty and freedom.

Thank you very much Sir. [*Applause*]

9.33 p.m.

Mr. Williams (replying): If it pleases you Mr. Speaker. I would like to thank the Members on this side of the House, the Hon. Prime Minister, the Hon. Member Catherine Hughes and the Hon. Member Charrandas Persaud for their support of this Bill. Equally, I would like to thank the other Members on the other side of this House for their contributions. I am not sure whether they are supporting the Bill, not everyone indicated a position. That notwithstanding, I still thank them for their contributions, it is all part of this process – a democratic process.

Needless to say, I perceive that some of the Hon. Members, obviously, were labouring under certain misapprehensions. I also believe that those misapprehensions were fuelled by an absence of actually reading the provisions in the Bill and that is why we have this divergence of opinions. The Hon. Member, Mr. Nandlall, knows the Principle of the Estoppel. This principle is a very important principle because a person cannot be part of a process and then attempt to retire from that process when *the going gets tough* or it gets hot. As usual, the heat would be too much, so, the Hon. Member flees. At least he will hear what I am saying where he is going. How could he regale us with clause 9? Mr. Nandlall was present in the Special Select Committee when clause 9

was discussed - they participated. The Hon. Member Clement Rohee; the Hon. Chief Whip on that side – Ms. Gail Teixeira; the Hon. Member Anil Nandlall; and the Hon. Member Gillian Burton-Persaud, they were all there and we discussed clause 9. There was no dissent. As Chairman, I concluded that, in respect of clause 9, it was agreed to and ordered to stand part of the Bill. This is a matter of record and this was the Fifth Meeting. Present were: Ms. Gillian Burton-Persaud and also Mr. Clement Rohee. [Mr. Rohee: At what meeting?] It was this meeting of the Special Select Committee. [Mr. Rohee: *Inaudible*...] Yes, you were there. It is here as a matter of record.

[Mr. Speaker hit the gavel.]

Mr. Speaker: Hon. Member, you will address your remarks to the Chair. Thank you.

Mr. Williams: Yes Sir. This honourable House cannot countenance a Member, certainly when a decision is made by his side of the House that he should now come and indicate that these are difficulties which he sees in those things, as though he never participated in the Bill. It brings me to this point. This Bill, as I indicated in my opening statement, I do not think there is any other Bill that this Government has dealt with that had this type of consultation and preparation. Earlier, I gave you an account in this honourable House. How could experienced Members of this honourable House come to say that some provision was slipped into a Bill and it was not there when it was sent out for public consultation? That is the reason for public consultation. There is a Bill, it is sent out and when the comments are made or changes are proposed and they are taken on board, the Bill has to be altered. The Bill that goes to consultation is not necessarily the same Bill that comes back. I do not know how such a contention could be made about slipping in and not know. That notwithstanding, this Bill came to this House and was sent to a Special Select Committee. So, I do not know what lame excuse that is.

To me, it is suggesting to us that Members of that side of the House, in that Committee, after one year and a half, have still not read the Bill. It could not be that they were waiting to go to a Select Committee to be acquainted with the clauses and provisions in a Bill, otherwise, it is a wasteful exercise and they are wasting the time within the Select Committee. Everyone knows that if you fail to prepare, you must be prepared to fail. They have failed their constituents. This is a gross dereliction of duty for their constituents. It is because you are there to represent the interest of

your constituents and you did not do so. Then you come to this House and admit so and then try to chastise us. All these provisions were there throughout the life of the Special Select Committee. *[Interruption]*

[Mr. Speaker hit the gavel.]

After the Bill came to the House, it was discovered by the Leader of the Opposition that clause 18 (1)(a) looked very similar to the contents of a charge that was put forward against him for making statements that were tantamount to be statements that tended toward racial hostility. That is why we are at the stage where the objection was then made. The senior members on the other side, obviously, saw nothing wrong with the provision. They came to meetings and never raised any objections, even after we ended the work of the Committee and before we came to the House, the Hon. Member, Gail Teixeira, sent to us certain amendments which she proposed and wished for us to consider. None included clause 9 or clause 18. So, it is clear that they had no problem with it and that it was only the Leader of the Opposition who had that problem, and I can understand that. That notwithstanding again, I said that we will take this Bill to Cabinet and we did so. The Cabinet Sub-Committee, headed by the Hon. Prime Minister, looked at it and we agreed that we would excise clause 18 (1)(a), the only offending clause that was inveighed against. Nothing was said about the other clauses and clause 18 (1)(a) until tonight and that is a problem we would have in our dealings with the Hon. Members on the other side. How do we make agreements with them, if one thing is dealt with today and then we come tomorrow and they resile from what they agreed on today? How are we going to do business for the people of Guyana if we are going to have this type of attitude? There were no serious objections neither to clause 9 nor clause 18 during the life, just under two years, in the Special Select Committee.

We will also regale the questions of and allusions to breaching freedom of expression *et cetera*. Every student of the law would know that freedoms are not absolute. All freedoms in our Constitution are subjected to certain limitations. It follows because we are in a society and if everyone could do absolutely what he or she wanted then there would be chaos and disorder. So, this whole question of the sedition, we expunged it, and yet a lot of time was wasted on dealing with seditions. Sedition has been in the United Kingdom (UK) for hundreds of years. We all know the case of Thomas à Becket. It was not until 2009, not 45 years ago, that the United Kingdom abolished this offence of sedition. The reason they did that, they have hundreds of

years of development. We have 51 years of fledgling democracy. This offence was an offence designed to protect the State. *[Interruption]*

[Mr. Speaker hit the gavel.]

It is an offence that was designed to protect the State and it took a great country – a conquering country like the United Kingdom, an empire state – to abolish sedition in 2009. It could only be that it was felt in England that the society had reached a level of maturity and that it had compensating institutions to look after the situation of sedition.

In addition to that, we are talking about sedition and this person was not charged with sedition. It is a good thing I have been around the courts. Mr. Mark Benschop, Mr. Bynoe and others were first charged with sedition and I appeared in court and represented them. **[An Hon.**

Member: *[Inaudible]...* I say so. After representations were made, Mr. Bynoe and others were released. Mr. Benschop was then charged with treason and I represented them at all times during that period. *[Interruption]*

[Mr. Speaker hit the gavel.]

Let us examine the circumstances because we were talking about charges against the President. Why were they charged? They were charged when they marched along the roads of Guyana. They were not marching in force. They were not marching armed. They were not an armed insurrection. *[Interruption]*

[Mr. Speaker hit the gavel.]

Their only offence was to go outside the Office of the President and stand up. They were mowed down; they were shot where they were on the road. You do not have any right to tell us nothing about sedition and treason. *[Interruption]*

[Mr. Speaker hit the gavel.]

You butchered our people who were outside there just because they were exercising their constitutional right of protest. I recall the lady from Bare Root who was shot to her head

[An Hon. Member from the Government: Ms. McKinnon.] It was not Ms. Donna

McKinnon. This person was from Bare Root. Ms. Donna McKinnon was shot because she was

protesting outside of Freedom House in Robb Street and you are telling us about oppression and repression. You slaughtered the people of this country. *[Interruption]*

9.48 p.m.

Mr. Speaker: Hon. Member, Mr. Basil Williams, were you winding up the debate?

Mr. Williams: Mr. Speaker, sedition... *[Interruption]*

Ms. Teixeira: Mr. Speaker, on a Point of Order, under Standing Order 40 (a). The Hon. Member accused everyone on this side of the House of slaughtering people. I believe that is not proper language in this House. It should be ruled Out of Order and he must withdraw it.

Mr. Speaker: Hon. Member, thank you.

Ms. Teixeira: It must be expunged from the record too.

Mr. Speaker: Hon. Member, Mr. Williams, “slaughter” is not a word that I would permit the use of in Parliament.

Mr. Williams: Yes, Mr. Speaker. I was saying that they were slaughtered under the watch of the Hon. Members of the other side.

Mr. Speaker: You would withdraw the word, “slaughter.”

Mr. Williams: As it pleases you, Sir. Sir, they were mowed down under the watch of the last Government of the Hon. Members on the other side of this House. You have the Hon. Member, Mr. Nandlall, speaking about any offence and littering. If they were to go into the compound of the Office of the President and throw rubbish in it, it is no different. They would have been imprisoned and slaughtered. They were shot. **[An Hon. Member from the Opposition:** “Slaughtered”, Sir.] That is hypothetical now. *[Interruption]*

Mr. Speaker: Hon. Member, Ms. Teixeira?

Ms. Teixeira: Mr. Speaker, you have been very judicious in trying to ensure that certain languages are not used in this House.

Mr. Speaker: Hon. Member, Ms. Teixeira?

Ms. Teixeira: Yes, it is Standing Order (40)(a).

Mr. Speaker: Thank you.

Ms. Teixeira: I hope it goes for everybody else, doing this. You are already careful that I must do it and I obey you Sir, out of respect. I hope others do it too. The Hon. Member said, “You slaughtered people.” Now he tried to change it and said, “We mowed down people.” He has to withdraw completely what he has said.

Mr. Speaker: Hon. Member, I thank you.

Ms. Teixeira: He repeated it. Even when you asked him, he repeated “slaughtered” again.

Mr. Speaker: Hon. Member, Mr. Williams?

Mr. Williams: Yes please, Mr. Speaker.

Mr. Speaker: The language that you are using is unparliamentary. You will withdraw the language and proceed.

Mr. Williams: Thank you, Mr. Speaker. So, Mr. Speaker...

Mr. Speaker: Hon. Member, you will withdraw the language and then proceed.

Mr. Williams: I do agree that “slaughtered” is unparliamentary, so it is withdrawn. The killing fields that occurred under the watch of the last Administration...

Mr. Speaker: Hon. Member, Ms. Teixeira, please resume your seat. Hon. Member, we cannot do this all night, but I am up to it, if that is what we must have. I do not believe the language which we use is helpful in this debate. It is unparliamentary and I would recommend first that you do not use it.

Mr. Williams: The suspicious deaths...

Mr. Speaker: Hon. Member, I am about to ask you to stay with the matter in the House. What is that matter? Let me remind you Hon. Member. It is that you, the Hon. Attorney General, are winding up a debate concerning the Cybercrime Bill.

Mr. Williams: That is what we are dealing with - offences. We are dealing with offences of sedition....

Mr. Speaker: Attorney General, do that.

Mr. Williams: ...the offences of treason and the deaths which occurred. This is what you call oppressive.

Mr. Speaker: In this Bill, I do not believe that any deaths have occurred.

Mr. Williams: This Bill is being labelled as repressive - that our Government is passing repressive and oppressive legislation. That is what they were accusing us of. The question of the President being attacked, if you would recall, people went on the internet and threatened the dear President of Guyana.

Mr. Speaker: Hon. Member, I would advise that the name of the President not be brought into this.

Mr. Williams: I am only responding to what was referred to and it is in the Bill. That is why the clause in the Bill is addressing that. When the complaint was made against clause 16 (1)(a) none was made against the other provisions in clause 18. What is being contended now is that all of clause 18 should be withdrawn. What does the rest of clause 18 include? It includes the charge of treason. They are asking for us to withdraw this charge, when persons have been charged with treason under the watch of the last Government.

Mr. Speaker: Hon. Member, we are not yet at the stage to discuss the amendments. We are still listening to the end of the debate. When we get to the Committee stage, then proffer to mention the amendments.

Mr. Williams: I am guided by you, Mr. Speaker.

Mr. Speaker: Thank you.

Mr. Williams: I always felt that once there are amendments, which you know you have, and they are laid in the House, you address the amendments in your presentation, but I am guided by you.

I am respectfully submitting that the whole question and the thrust in the mischief of this Bill are to ensure that we protect the Guyanese people from offences using the medium of cyber. That our use of the computer system must be protected. It is not true to contend that because we are creating cybercrime offences it affects the young population of Guyana. In fact, we are protecting the young people of Guyana by passing this Bill. We would be allowing them to be able to use the internet safely and judiciously. It is untenable to contend that, to create cybercrime, it is a bad thing.

The Hon. Member, Mr. Nandlall, used parliamentary language...

SUSPENSION OF STANDING ORDER NO. 10(1)

Mr. Speaker: Hon. Attorney General, I want you to resume your seat for the moment, while I invite the Prime Minister to move the adjournment to 10.00 p.m.

Mr. Nagamootoo: Mr. Speaker, I move that the House continues to sit until the end of this debate on this Bill.

Mr. Speaker: I thank you. Hon. Members, the House will continue to sit until this debate is concluded. Hon. Attorney General, you have the floor.

Question put, and agreed to.

Standing Order suspended.

Mr. Williams: Thank you Mr. Speaker. The Hon. Member, Mr. Nandlall described this legislation as an horrendous piece of legislation, using parliamentary language. As I said, clause 9 was a clause that no one complained about until the Reporters Without Border, at the eleventh hour, wrote us. That notwithstanding, we took the observations on board and we attempted to address some of the issues they raised. We do not want this to be lost. We believe that the State has a right to protect itself. We believe that. We were prepared to accommodate the concerns raised in relation to clause 18 (1)(a) and that is why we excised it.

The rest of the provisions in clause 18 are sound provisions. They are provisions that would protect the State, if force is used against it to overthrow it. It would protect the State from treasonable acts and it would protect the society from inflammatory, racial and hostile racist

language. These, I would respectfully contend that Hon. Members on this side of the House would dare to retain because we cannot leave the sanctity and safety of the State to barbarians at the gate. We have a duty to protect the State. [*Interruption*]

I wish to address the contention by the Hon. Member, Ms. Teixeira, that the Bill was read in the House, when it was not in the House. I would like to respectfully rebut and reject that contention as out of hand.

In addition to that, it was suggested that the amendments to the Bill were not circulated. As I had said, I described the entire process that we employed to the Bill. There is no question of any slipping. At all material times, the very experienced Members of the House on the other side were engaged in this matter.

The question of the penalties raised by the Hon. Member, Dr. Frank Anthony and the attempt to link those penalties with penalties under the Sexual Offences Act. This Act, the penalties thereunder, are meant to be dissuasive. Why? It is not like the Sexual Offences Act where you have an *actus reus* between two or three persons. This is a situation when the offence is committed on the internet and it reaches the world. That is why the penalties have to be dissuasive. If you take out a photograph of a child and it constitutes pornography and you put in on the World Wide Web, that damage is incalculable. They are not alike. The penalties have to be dissuasive. It is no different from the Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) Act. The penalties are dissuasive under that regime also. That is why, in the AML/CFT Act that was passed by the Hon. Members on the other side in 2009, there was provision for a fine together with death.

When we came with the Anti-Terrorism Act, and the complaint was made by the Hon. Member, Ms. Teixeira, the Hon. Member was pointed to the provisions in the 2009 Act. This is what the world currently is addressing.

Ms. Teixeira: Standing Order 40 (a), the Hon. Member is misleading this House. The Anti-Money Laundering and Countering the Financing of Terrorism Act of 2009, does not include any death penalty in it whatsoever. He is misleading this House.

10.03 p.m.

Mr. Speaker: Hon. Member, Ms. Teixeira, that was not a point of order.

Ms. Teixeira: [*Inaudible*] He is purporting to mislead the House on an Act that is on a website that anybody could read. It has no death penalty in it, whatsoever, and he is telling this House and the people listening that it has the death penalty. I do not know what to do.

Mr. Speaker: Is the Attorney General wrapping up?

Mr. Williams: Yes.

Mr. Speaker: Would you please continue, Sir?

Mr. Williams: Mr. Speaker, this is the umpteenth time I have had to ‘school’ the Hon. Member on the other side. Every time this is said in this House, the Hon. Member gets up and says the same thing and we have to show her the similar provision in the Anti-money Laundering and Countering the Financing of Terrorism (AML/CFT) Act that was passed in 2009. They were replicated because the penalties within the regime have to be in harmony. So, they have to be both dissuasive and in harmony. So, there cannot be a penalty of two years in one anti-terrorism Bill and 20 years in another. They have to be harmonised. We did all of that at the last debate on the Anti-Terrorism and Terrorist Related Activities Act. I thought this lesson was learnt on the last occasion, but I reiterate that we have legislation, which was passed by the last Government and also passed by us, that contain dissuasive penalties and, at the highest, there is death together with a fine. One could say that it is incongruous that somebody who is going to be put to death could be fined, but that is to make terrorists afraid of coming to Guyana. So, when a terrorist decides he wants to look at Guyana and he sees that we have such penalties in our law, he will decide that these are crazy people and he will bypass us and go to another country.

I also wish to say that the contention that the letter from Reporters Without Borders called for the expunging of clause 18 was also erroneous. Reporters Without Borders did not call for the excising of clause 18 from the Bill. They voiced some concerns about the Bill but they recognised, as the Prime Minister had said earlier, the importance of having provisions in the development of a society to protect itself against the intromissions of others on the internet. What they were inveighing against was the word “disaffection” and that, in fact, was removed. So, the contentions that were made are unfounded and they do not sound... For example, we had a

situation in Linden where persons were shot on a bridge whilst they were protesting; that is why the contentions that are being made now have to be looked at in a different context. What were those persons doing? They were not using force to overthrow the Government. They had a day of protest and that is the fate they suffered. While they were suffering that fate, we understand the Hon. Member, Mr. Clement Rohee was in an underground bunker, at the time, and could not receive the report of the situation that was developing on the bridge that day in Linden.

It pains us, on this side of the House, to hear these hollow objections to what is a Bill that has received the best attention and more attention than any other Bill that we have dealt with, so far, in the Ministry of Legal Affairs. We had experts looking at this Bill and Mr. Chabinsky's work, in relation to the other provision in this Bill, including clause 9, was approved by the Members of the side. They did not object to clause 9. [Mr. Nandlall: You cannot want to put there and we were not.] I read to you just now that they were present for the consideration of clause 9. [Mr. Nandlall: We were Members of the Committee, but not present.]

I would not detain this honourable House, but there is the issue of spying. I did not object, but the Hon. Member Bharrat accused us of having provisions in this Bill to spy on the Guyanese people. They are accusing us of evil motives. The Interception of Communication Bill was passed in this honourable House by the Hon. Members on the other side and that Bill provided for intercepts of people's communications. So, *what is good for the goose must be good for the gander; mutatis mutandis*. If it is good in the interception of communications, it must be good in this Bill that is before this honourable House.

We have the experience where the provision for privacy that was in our *Constitution* was edited out without any consultation with the people of Guyana. How do we know this? When interceptions were being made and recourse was sought in the *Constitution* on the grounds of the privacy guaranteed in that *Constitution* being invaded, lo and behold, the provision on the right to privacy had been removed. I had to do intensive research and what did I find? The constitutional provision in the 2001 revision, there was a suite of amendments in one motion before the House and amongst them was the removal of the right to privacy that were inhered in article 40. Just look at the removal and the publication of an intercept of conversations.

So, we cannot continue to be regaled with the intromissions that have been attributed to the Members on the other side. They do not even know that the right to privacy was removed from the Constitution. I am not going to say that it slipped out from the Constitution. I am not going to impute motive about it, but that is it.

There is nothing wrong with the provisions in this Bill. This is a good Bill. It is a timely Bill. The Bill has the support of members of the international community. We must protect our children. We must stop cyber bullying. We must prevent identity theft. This Bill is a Bill whose time has come and the Guyanese people deserve this Bill so that this would be another shield that would protect the young people of this country and they need protection badly from the predators that surf the web and come in all forms and guises.

I believe that the *proof of the pudding* and the test of this legislation would be when we get the first child luring victims. Do not tell us that we do not have architecture and we do not have this or that. Lure a child, get charged and then you will find out if the provisions are efficacious. That is the test. We will operationalise this Bill and deploy it and let us see what will happen to those predators and the young people of this country. Let us see cyber bullying.

I would like to commend this Bill to this honourable House for passage.

I thank you very much.

Question put and carried

Bill read a second time

Assembly in Committee

Mr. Chairman: Hon. Members, the Bill has 43 clauses and there are four amendments. What I intend to do is go through each clause and as we reach the clause where there are amendments, I will so indicate and invite the person (s) proposing the amendments to address the Committee.

Ms. Teixeira: Just a clarification. Are we dealing with the amended Bill, which is in the Report, or the Principal Bill that came to the House? It is because there are amendments presented by the Committee for the Bill that went to Committee. So, the Report has the amendments in bold and by clause. So are you putting that to the Committee?

Mr. Chairman: Hon. Ms. Teixeira, in response to your question, the document from which we are working is entitled the 'Fifth' document. Whether it is the un-amended or the amended document, this is the document we are working from. There are also four amendments, which were submitted between yesterday and today and they will be taken. Is it the case that there are more than ...

10.18 p.m.

Ms. Teixeira: Yes, Sir. In the Report, in all of the Sections on child pornography, *et cetera*, are new inclusions in the Bill that were never in the version that you have there. These are new inclusions from the Committee. They have to be put, as far as I know, unless you are putting the entire Report and it is accepted and then we go back to the Principal Bill. I am not sure. That is why I am asking.

Mr. Chairman: Thank you. Let me ascertain whether this is not the correct document from which we should work.

Hon. Members, I crave your indulgence for a few moments while I ascertain what we should be working from.

[Mr. Chairman in aside with the Clerk.]

Mr. Chairman: Hon. Members, I must first enquire if all Hon. Members have copies of this Report. We will examine the Bill from the text which is contained in the Report. May I invite all Members to turn to that portion of the Report? It is found in Appendix IV. I assume that all Members have the Report and are at Appendix IV.

Mr. Williams: Mr. Chairman, may I respectfully propose that we adopt the Report with the amendments to the Bill? The other amendments, which we have now, we could then relate to the specific clauses in relation thereto.

Mr. Chairman: Hon. Members, the Report, copies of which we all have, will first be presented to the Committee for adoption by this Committee. Thereafter, we will examine the text of the Bill which is contained in the Report. I invite the Attorney General and Minister of Legal Affairs to move the adoption of this Report.

Mr. Williams: If it pleases you, Mr. Chairman, I move the adoption of the Report.

Mr. Chairman: I thank the Hon. Attorney General and Minister of Legal Affairs.

Report was adopted.

Mr. Williams: Mr. Chairman, I move that the amendments in the Report be adopted by this honourable Committee.

Mr. Chairman: I do not follow the special reason why that should be so. If you adopt the Report, you then adopt all of the Report.

Mr. Williams: As it pleases you, Sir, as long as that is clear.

Mr. Chairman: Thank you. The amendments which we have received since the Report will be considered as we reach the clauses to which those amendments relate. We will now proceed with the consideration of the Bill, as set out in Appendix IV of the Report of the Special Select Committee. The Bill, as I indicated, has 43 clauses in three Parts. What I propose to do is to deal with each Part and where there are amendments, we will take them as we arrive at them.

Clauses 1 to 8

Clauses 1 to 8 agreed to and ordered to stand part of the Bill.

Clause 9

Mr. Chairman: There is one amendment to clause 9. That amendment stands under the hand of the Hon. Attorney General and Minister of Legal Affairs. Do you wish to speak to your amendment?

Mr. Williams: Yes, please.

I move that clause 9 be substituted for the following clause, as shown in the amendment, which is the new clause 9 (1) and (2):

9(1) “A person commits an offence who, through authorised or unauthorised means obtain or accesses electronic data which -

(a) is commercially sensitive or a trade secret;

(b) relates to the national security of the State; or

(c) is stored on a computer system and is protected against unauthorised access, and intentionally and without lawful excuse or justification grants access to or gives the electronic data to another person, whether or not he knows that the other person is authorised to receive or have access to the electronic data.”

9 (2) “A person who commits an offence under subsection (1) is liable —

- (a) on summary conviction to a fine of three million dollars and to imprisonment for three years; or
- (b) on conviction on indictment to a fine of eight million dollars and to imprisonment for five years.”

Mr. Chairman: Thank you. Do all Hon. Members have copies of the amendment? I should have asked this question before.

Clause 9, as amended, agreed to and ordered to stand part of the Bill.

10.33 p.m.

Clauses 10 to 11

Clauses 10 to 11 agreed to and ordered to stand part of the Bill.

Clause 12

Mr. Chairman: There is an amendment to clause 12. This was presented this evening during the course of our debate. Have all Hon. Members got copies of this? May I invite the Hon. Member, Harry Gill, to speak to the amendment?

Mr. Gill: I move that a paragraph be added to clause 12, subsection (2) to read as follows:

“(i) the capacity of the Guyana Elections Commission to discharge its role and functions as provided for under the Constitution and Laws of Guyana.”

Amendment put and negatived.

Clause 12, as printed, agreed to and ordered to stand part of the Bill.

[Interruption]

Mr. Chairman hit the gavel.

Mr. Chairman: Hon. Members, I do need your assistance, at least so that I could be heard by everyone else.

Clauses 13 to 17

Clauses 13 to 17 agreed to and ordered to stand part of the Bill.

Clause 18

Mr. Chairman: There are two amendments to clause 18. The first amendment was received on the 19th July, 2018 at 2.10 p.m. and the second amendment was received on the 20th July, 2018 at 9.15 a.m. I would take them in the order in which they were received. All Hon. Members would have these amendments. The first amendment:

“Offences of Sedition”

“Delete entire clause 18 (1) – (4)”

That is the first amendment received. May I invite the Hon. Member, Ms. Gail Teixeira, to speak to her amendment?

Ms. Teixeira: This has been the basic tenor of our entire discussion today in terms of the deletion of the sedition clause 18 in its entirety and its subsections 1 to 4. There is just one thing that I want to say. When the British Parliament decided to remove sedition in 2009, Justice Claire Ward stated:

“Sedition and seditious and defamatory libel are arcane offences - from a bygone era when freedom of expression wasn’t seen as the right it is today. Freedom of speech is now seen as the touchstone of democracy and the ability of individuals to criticise the state is crucial to maintaining freedom.”

Thank you.

Mr. Chairman: Hon. Members, you have heard the amendment presented by the Hon. Gail Teixeira. It relates to deleting the entire clause 18 (1) to (4).

Amendment put and negatived.

Mr. Chairman: There is one other amendment in relation to clause 18 and that amendment is under the hand of the Hon. Attorney General. May I invite you sir to speak to your amendment?

Mr. Williams: Thank you. The amendment is to substitute the existing clause 18 and replace it with the clause 18 in the amendment.

Mr. Chairman: Hon. Members, you have heard the amendment which we are now considering that is to replace clause 18 (1) to (4) found in the text with the amendment.

Clause 18, as amended, agreed to and ordered to stand part of the Bill.

Clauses 19 to 43

Clauses 19 to 43 agreed to and ordered to stand part of the Bill.

Assembly Resumed

Bill reported with amendments, read the third time and passed as amended.

10.48 p.m.

Hon. Members, that concludes our consideration of the Cybercrime Bill. I thank you all for your assistance in so doing.

Hon. Members, you have copies of the Order Paper for the next Sitting of the National Assembly. The paper reads the next Sitting to be on Thursday, 26th July, 2018. I ask you to pay particular attention to that date after the Prime Minister has spoken.

ADJOURNMENT

Mr. Nagamootoo: Mr. Speaker, I move that this House be adjourned until Friday, 27th July, 2018 at 2:00 p.m.

Mr. Speaker: Thank you. There is an error in the date, as just announced by the Prime Minister. Copies of the Order Paper for that Sitting have already been circulated, I am told. So, I will invite you to make the necessary corrections and be guided by the new date, which is Friday, 27th July, 2018.

I thank you.

The House stands adjourned until Friday, 27th July, 2018.

Adjourned accordingly at 10.50 p.m.