

**NATIONAL ASSEMBLY**  
**MINUTES OF PROCEEDINGS**  
**OF THE 31<sup>ST</sup> SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST**  
**SESSION (2001-2002) OF THE EIGHTH PARLIAMENT OF GUYANA HELD**  
**AT 2.00 P.M.**  
**ON THURSDAY, 26<sup>TH</sup> SEPTEMBER, 2002**  
**IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN**

**MEMBERS OF THE NATIONAL ASSEMBLY (68)**

**Speaker (1)**

The Hon. Hari N. Ramkarran, S.C., M.P., Speaker of the National Assembly

**Members of the Government (37)**

**(i) People's Progressive Party/Civic (34)**

**(ii) Non-elected Ministers (2)**

**(iii) The United Force (1)**

The Hon. Samuel A.A. Hinds, M.P., Prime Minister and Minister of Public Works  
and Communications

The Hon. Reepu Daman Persaud, O.R., J.P., M.P., Minister of Parliamentary Affairs

The Hon. Clement J. Rohee, M.P., Minister of Foreign Trade and International Co-operation (Absent - on leave)

The Hon. Harripersaud Nokta, M.P., Minister of Local Government and Regional Development

The Hon. Gail Teixeira, M.P., Minister of Culture, Youth and Sport

The Hon. Dr. Henry B. Jeffrey, M.P., Minister of Education (Absent)

The Hon. Saisnarine Kowlessar, M.P., Minister of Finance (Absent)

The Hon. Shaik K.Z. Baksh, M.P., Minister of Housing and Water

The Hon. Navindranauth O. Chandarpal, M.P., Minister of Agriculture  
(Region No. 4 - Demerara/Mahaica)

The Hon. J. Ronald Gajraj, M.P., Minister of Home Affairs  
(Region No. 3 -Essequibo Islands/West Demerara)

The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P., Minister of Labour, Human Services and  
Social Security

The Hon. Clinton C. Collymore, M.P., Minister in the Ministry of Local Government and  
Regional Development

The Hon. Satyadeow Sawh, M.P., Minister of Fisheries, Other Crops and Livestock  
(Region No. 5 - Mahaica/Berbice)

\* The Hon. S. Rudolph Insanally, O.R., C.C.H., M.P., Minister in the Office of the  
President with responsibility for Foreign Affairs (Absent)

\* The Hon. Doodnauth Singh, S.C., M.P., Attorney General and Minister of Legal Affairs

The Hon. Dr. Jennifer R.A. Westford, M.P., Minister of the Public Service

The Hon. C. Anthony Xavier, M.P., Minister of Transport and Hydraulics (Absent - on leave)

The Hon. Bibi S. Shadick, M.P., Minister in the Ministry of Labour, Human Services and  
Social Security (Region No. 3 - Essequibo Islands/West Demerara)

\*\* The Hon. Manzoor Nadir, M.P., Minister of Tourism, Industry and Commerce

The Hon. Carolyn Rodrigues, M.P., Minister of Amerindian Affairs

The Hon. Dr. Leslie S. Ramsammy, M.P., Minister of Health (Absent - on leave)

Mr. S. Feroze Mohamed, M.P., Chief Whip

Mr. Cyril C.L. Belgrave, C.C.H., J.P., M.P. (Region No. 4 - Demerara/Mahaica)

Mr. Donald R. Ramotar, M.P.

Mr. Husman Alli, J.P., M.P. (Region No. 7 - Cuyuni/Mazaruni)

Mr. Komal Chand, C.C.H., J.P., M.P.

Mrs. Indranie Chandarpal, M.P.

Mr. Bernard C. DeSantos, S.C., M.P. (Region No. 4 - Demerara/Mahaica)

Mrs. Shirley V. Edwards, J.P., M.P.

Mr. Odinga N. Lumumba, M.P.

Mr. Heeralall Mohan, J.P., M.P. (Region No. 2 - Pomeroon/Supenaam)

Mr. Ramesh C. Rajkumar, M.P. (Region No. 6 - East Berbice/Corentyne)

Mr. Kumkaran Ramdas, M.P.

Mr. Khemraj Ramjattan, M.P. (Region No. 6 - East Berbice/Corentyne)

Dr. Bheri S. Ramsaran, M.D., M.P.

Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P.,  
Parliamentary Secretary, Ministry of Housing and Water

Mrs. Pauline R. Sukhai, M.P. (Region No. 1 - Barima/Waini)

\*Non-Elected Minister

\*\*Elected Member from The United Force



**Members of the Opposition (30)****(i) People's National Congress/Reform (27)**

- Mr. H. Desmond Hoyte, S.C., M.P., Leader of the Opposition (Absent - on leave)
- Mr. Robert H.O. Corbin, M.P. (Absent)
- Mr. Winston S. Murray, C.C.H., M.P. (Absent)
- Mrs. Clarissa S. Riehl, M.P., Deputy Speaker of the National Assembly (Absent)
- Mr. E. Lance Carberry, M.P., Chief Whip (Absent - on leave)
- Mr. Ivor Allen, M.P. (Region No. 2 - Pomereroon/Supenaam) (Absent - on leave)
- Mrs. Deborah J. Backer, M.P. (Absent - on leave)
- Mr. Deryck M.A. Bernard, M.P. (Absent - on leave)
- Mr. C. Stanley Ming, M.P. (Absent)
- Mr. Raphael G.C. Trotman, M.P. (Absent)
- Mr. Vincent L. Alexander, M.P. (Region No. 4 - Demerara/Mahaica) (Absent)
- Mr. Andy Goveia, M.P. (Absent - on leave)
- Mrs. Volda A. Lawrence, M.P. (Absent)
- Dr. Dagleish Joseph, M.D., M.P. (Absent - on leave)
- Miss Anna Ally, M.P. (Region No. 5 - Mahaica/Berbice) (Absent - on leave)
- Miss Sandra M. Adams, M.P. (Region No. 10 - Upper Demerara/Berbice) (Absent - on leave)
- Mr. Jerome Khan, M.P. (Absent)
- Dr. George A. Norton, M.P. (Absent)
- Miss Myrna E.N. Peterkin, M.P. (Region No. 4 - Demerara/Mahaica) (Absent - on leave)
- Mr. James K. McAllister, M.P. (Region No. 3 - Essequibo Islands/West Demerara) (Absent)
- Miss Lurlene A. Nestor, M.P. (Region No. 4 - Demerara/Mahaica) (Absent)
- Mr. Abdul Kadir, J.P., M.P. (Region No. 10 - Upper Demerara/Berbice) (Absent)
- Mr. Ricky Khan, M.P. (Region No. 1 - Barima/Waini) (Absent - on leave)
- Mrs. Rajcoomarie Bancroft, M.P. (Region No. 8 - Potaro/Siparuni) (Absent - on leave)
- Mr. Nasir Ally, J.P., M.P. (Region No. 6 - East Berbice/Corentyne) (Absent - on leave)
- Miss Judith David, M.P. (Region No. 7 - Cuyuni/Mazaruni) (Absent - on leave)
- Miss Genevieve Allen, M.P. (Region No. 4 - Demerara/Mahaica) (Absent - on leave)

**(ii) Guyana Action Party/Working People's Alliance (2)**

Mrs. Sheila V.A. Holder, M.P.

Mrs. Shirley J. Melville, M.P. (Region No. 9 - Upper Takutu/Upper Essequibo) (Absent - on leave)

**(iii) Rise, Organise and Rebuild Party (1)**

Mr. Ravindra Dev, M.P.

**OFFICERS**

Mr. Sherlock E. Isaacs, Clerk of the National Assembly

Mrs. Lilawtie Coonjah, Deputy Clerk of the National Assembly

**COMMENCEMENT OF SITTING**

The Sitting commenced at 2.06 p.m.

**PRAYERS**

The Clerk read Prayers.

**ANNOUNCEMENTS BY THE SPEAKER**

**Leave**

The Speaker announced that leave had been granted to:-

The Hon. Clement Rohee

The Hon. Anthony Xavier

The Hon. Dr. Leslie Ramsammy, for that day's sitting,

and the Hon. Members,

Mr. Desmond Hoyte

Mr. Lance Carberry

Mr. Ivor Allen



5.

Mrs. Deborah Backer  
Mr. Deryck Bernard  
Dr. Dalgleish Joseph  
Miss Amna Ally  
Miss Myrna Peterkin  
Mr. Ricky Khan  
Mrs. Rajcoomarie Bancroft and  
Miss Genevieve Allen up to the 31<sup>st</sup> October, 2002,  
Mr. Nasir Ally for that day's sitting,  
Miss Judith David up to the 15<sup>th</sup> November, 2002,  
and  
Miss Sandra Adams up to 31<sup>st</sup> December, 2002.

**STATEMENT BY MINISTERS -**

**Two grave and grievous incidents, which occurred on the evening of September 25, 2002 and the crime situation generally in Guyana**

The Minister of Home Affairs made the following statement on two grave and grievous incidents, which occurred on the evening of September 25, 2002, and the crime situation generally in Guyana:-

"I am taking this opportunity to bring to the attention to this National Assembly and the Nation two grave and grievous incidents, which occurred yesterday, September 25<sup>th</sup> evening.

Even in the midst of the upsurge in criminal activities triggered off after the widely known prisoner escape in February this year yesterday's incidents were particularly callous, daring in their commitment and represents utter disregard for the human rights and lives of our citizens going about their normal business and social activities. The violence of yesterday, indeed, all the incidents, especially during this period, have stirred in our nation, feeling of anger and well-founded calls for firmer actions by the appropriate authorities and in which law-abiding citizens from all walks of life show a willingness to assist.

6.

On the evening of Wednesday, 25<sup>th</sup> September, preliminary reports indicate that a vehicle drove up to a home in Craig Street, Campbellville. At that location persons from the vehicle sought to force a man in the vehicle who resisted and, in the process, was shot and killed. The vehicle involved in this incident was reportedly next seen, very shortly afterwards, at the scene of another crime committed at a business premise on Lamaha and Pike Streets, Kitty. Reports suggest that another vehicle was also involved. Several men entered the business premises where patrons were at the time and opened gunfire, obviously indiscriminately. Four persons including a female were fatally shot while several others, including the Director of Public Prosecutions and two law enforcement ranks were seriously wounded. This is undoubtedly one of the more serious of incidents experienced since February. And has heightened the fear and anxiety our law abiding citizens, particular certain geographical areas and communities of our country.

I feel constrained to point out that such terror against Guyanese cannot be divorce from the climate created by the constant attacks directed against our principal law-enforcement agency, the Police Force. These attacks from several quarters, no doubt, often prompted by narrow self-interests are deliberated orchestrated sand calculated to demoralize our law enforcement agencies so at to adversely affect their effectiveness and emboldened the criminal.

In these trying times, the Government has not shirked its responsibility to meet the challenges in the security domain. In fact, a range of measures have been and are being put in place to face up to this menacing development in our society. They include substantial additional financial inputs, training and retraining projects, provision of more vehicles and equipment, addressing welfare aspects of the Police Force, strengthening of community policing groups, including wide cross section of our population - church, business and political interests - country wide consultations of citizens on how to enhance policing, restructuring programmes of the Police Force with the collaboration of friendly overseas agencies as well as involvement of the Guyana Defence Force.



7.

I am certain that we all recognize that we are going through extra-ordinary times in the field of law and order. This certainly require from us more than the usual and tested methods of law-enforcement. Today, this National Assembly will be considering Bills that are not only relevant but germane to the critical criminal situation which confronts our citizens and nation and which are intended to be yet another step to contain crime and assure citizens that we will act responsibly we will leave no stone unturned in our quest to contain, if not eliminate this scourge from our midst.

I take this opportunity to thank those numerous countrymen and women who have selflessly come out to assist in these efforts. I also take this opportunity to call on all law abiding Guyanese to join in the efforts to genuinely fight crime.

I express the optimism that with our collective and national efforts we will over come the crime menace and the painful period, which has raised its ugly head within our midst.

I take this opportunity to also express my and the Government's condolence to those who have lost their loved ones as a result of yesterday's heinous criminal acts."

## **PUBLIC BUSINESS**

### **BILLS - Second Reading, Committee and Third Reading**

#### **ITEM 1 - CRIMINAL LAW (OFFENCES) (AMENDMENT) BILL 2002 - Bill No. 9/2002** **published 2002.08.30**

The Minister of Home Affairs moved the second reading of the following Bill:

A BILL intituled AN ACT to amend the Criminal Law (Offences) Act.

**(Read a first time on 2002.09.19)**

8.

The following Members spoke to the motion:

Mrs. Sheila Holder

The Attorney General and Minister of Legal Affairs

Mr. Ravi Dev

Mr. Bernard De Santos

The Minister of Tourism, Industry and Commerce

Thereafter, the Minister of Home Affairs replied.

#### **SUSPENSION OF SITTING**

At 4.00 p.m., the Sitting was suspended for refreshments.

#### **RESUMPTION OF SITTING**

At 4.30 p.m., the Sitting was resumed.

Assembly resumed consideration of the Criminal Law (Offences) (Amendment) Bill 2002.

The motion for the second reading of the Bill was put and carried.

The Bill was read the second time.

Assembly resolved itself into Committee to consider the Bill clause by clause.

#### **In Committee**

Clause 1 was passed as printed.



Clause 2

The Minister of Home Affairs moved the following amendment:

Substitution of the following for subsection 1 (b):

“(1)(b) Whoever commits a terrorist act commits an offence and shall -

- (i) if such act has resulted in the death of any person, be punishable with a fine of not less than one million, five hundred thousand dollars together with death;
- (ii) in any other case, be punishable with a fine of not less than five hundred thousand dollars together with imprisonment for not less than ten nor more than fifteen years.”

The amendment by the Minister of Home Affairs was put and carried.

Clause 2 was passed as amended.

Assembly resumed.

On a motion by the Minister of Home Affairs, the Bill was read the third time and was passed as amended.

**ITEM 2 - PREVENTION OF CRIMES (AMENDMENT) BILL 2002 - Bill No. 10/2002**  
**published 2002.08.30**

The Minister of Home Affairs moved the second reading of the following Bill:

A BILL intituled AN ACT to amend the Prevention of Crimes Act.

(Read a first time on 2002.09.19)

10.

The following Members spoke to the motion:

Mrs. Sheila Holder

The Attorney General and Minister of Legal Affairs

Mr. Ravi Dev

Mr. Ramesh Rajkumar

Thereafter, the Minister of Home Affairs replied.

The motion was put and carried.

The Bill was read the second time.

Assembly resolved itself into Committee to consider the Bill clause by clause.

### **In Committee**

Clause 1 was passed as printed.

Clause 2 was passed as printed.

### **Clause 3**

The Minister of Home Affairs moved the following amendment:

In the inserted Section 3A(1):

Insert the following as subsection (8) immediately after subsection (7) -

“(8) The application referred to in the opening part of subsection (1) shall be made by the Commissioner within two years of the arrival of any person referred to in paragraphs (a), (b) and (c) of that subsection, but the Commissioner may on good and sufficient grounds be permitted by the Court to make the application after the expiration of two years.”



11.

The amendment by the Minister of Home Affairs was put and carried.

Clause 3 was passed as amended.

The Schedule was passed as printed.

Assembly resumed.

On a motion by the Minister of Home Affairs, the Bill was read the third time and was passed as amended.

**ITEM 3 - RACIAL HOSTILITY (AMENDMENT) BILL 2002 - Bill No. 11/2002**  
**published 2002.08.30**

The Minister of Home Affairs moved the second reading of the following Bill:

A BILL intituled AN ACT to amend the Racial Hostility Act.

(Read a first time on 2002.09.19)

The motion was put and carried.

The Bill was read the second time.

Assembly resolved itself into Committee to consider the Bill clause by clause.

**In Committee**

Clause 1 was passed as printed.

Clause 2

The Minister of Home Affairs moved the following amendment:

For the words "sixty-five thousand dollars" substitute the words "one thousand dollars" in paragraph (a).

The amendment by the Minister of Home Affairs was put and carried.

Clause 2 was passed as amended.

Clause 3

The Minister of Home Affairs moved the following amendment:

For the words "thirty-two thousand, five hundred dollars" substitute the words "five hundred dollars" in paragraph (a).

The amendment by the Minister of Home Affairs was put and carried.

Clause 3 was passed as amended.

Clause 4 was passed as printed.

Assembly resumed.

On a motion by the Minister of Home Affairs, the Bill was read the third time and passed as amended.



**ITEM 4 - EVIDENCE (AMENDMENT) BILL 2002 -Bill No. 12/2002**  
**published 2002.08.30**

The Attorney General and Minister of Legal Affairs moved the second reading of the following Bill:

A BILL intituled AN ACT to amend the Evidence Act.  
(Read a first time on 2002.09.19)

Mrs. Sheila Holder spoke to the motion.

Thereafter, the Attorney General and Minister of Legal Affairs replied.

The motion was put and carried.

The Bill was read the second time.

Assembly resolved itself into Committee to consider the Bill clause by clause.

**In Committee**

**Clause 1 was passed as printed.**

**Clause 2**

The Attorney General and Minister of Legal Affairs moved the following amendment:  
Substitution of the following for Clause 2:

“Amendment  
of section 28  
of the  
Principal Act.

2. Section 28(b) of the Principal Act is hereby amended  
by the deletion of the words beginning with the word “and”  
and ending with the word “officer” ”.

The amendment by the Attorney General and Minister of Legal Affairs was put and carried.

Clause 2 was passed as amended.

Clause 3

An amendment by the Attorney General and Minister of Legal Affairs for the deletion of clause 3 was put and carried.

Clause 3 was accordingly deleted.

Clause 4

The Attorney General and Minister of Legal Affairs moved the following amendments:

Renumbering of Clause 4 as Clause 3.

In the opening part: For the words "89 to 94" where those words occur for the second time substitute the words "89 to 94A".

The inserted section

89(b)(iv): Delete

The inserted section 92: (i) Re-number subsection (3) as subsection (5); and  
(ii) Insert immediately after subsection (2) the following subsections as Subsections (3) and (4) -  
“(3) Nothing in this section shall render admissible as evidence any statement made by a person interested at a time when proceedings were pending or anticipated involving a dispute as to any fact which the statement might tend to establish.  
(4) For the purpose of this section, a statement in a document shall not be deemed to have been made by a person unless the



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document or the material part thereof was written, made or produced by him with his own hand, or was signed or initialed by him or otherwise recognised by him in writing as one for the accuracy of which he is responsible”.

Insertion of the following immediately after the inserted section 94, as section 94 A:

“Fax 94A. (1) In any legal proceedings -

(a) an electronic signature incorporated into or logically associated with a particular electronic communication or particular electronic data: and

(b) the certification by any person of such a signature, shall each be admissible in evidence in relation to any question as to the authenticity of the communication or data or as to the integrity of the communication or data.

(2) For the purposes of this section an electronic signature is so much of anything in electronic form as -

(a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and

(b) purports to be so incorporated or associated for the purposes of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both.

(3) For the purposes of this section an electronic signature incorporated into or associated with a particular electronic communication or particular electronic data is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that -

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- (a) the signature;
- (b) a means of producing, communicating or verifying the signature;  
or
- (c) a procedure applied to the signature, is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication or data, the integrity of the communication or data, or both”.

The amendments by the Attorney General and Minister of Legal Affairs were put and carried.

Clause 4, renumbered as Clause 3, was passed as amended.

#### Clause 5

An amendment by the Attorney General and Minister of Legal Affairs for the deletion of clause 5 was put and carried. Clause 5 was accordingly deleted.

#### Assembly resumed.

On a motion by the Attorney General and Minister of Legal Affairs, the Bill was read the third time and was passed as amended.

#### ADJOURNMENT

At 6.32 p.m., on a motion by the Minister of Parliamentary Affairs, the Assembly was adjourned to a date to be fixed.



**HARI N. RAMKARRAN**

**Speaker of the National Assembly**

**PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown.**

**26<sup>th</sup> September, 2002.**