

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION OF THE
NINTH PARLIAMENT OF GUYANA (2006-2007)**

SPECIAL REPORT

OF THE

COMMITTEE ON APPOINTMENTS

**IN RELATION TO THE APPOINTMENT OF MEMBERS OF THE
POLICE SERVICE COMMISSION**

**COMMITTEES DIVISION
PARLIAMENT OFFICE
PUBLIC BUILDINGS
GEORGETOWN**

12TH JULY 2007

SPECIAL REPORT

Introduction

1. The Standing Committee established under the Constitution to address matters relating to the appointment of members of commissions, pursuant to Article 119C of the Constitution and under the provisions of Standing Order No. 84, has agreed to the following as the Third Report -

Members of the Committee

2. At a meeting of the Committee of Selection held on 14th December, 2006, the following Members were nominated to the Committee on Appointments to address matters relating to the appointment of Members of the Commission:

Members from the People's Progressive Party/Civic:

- (i) The Hon. Dr. Leslie S. Ramsammy, M.P
- (ii) The Hon. Robert M. Persaud, M.P
- (iii) The Hon. Brindley H.R. Benn, M.P
- (iv) The Hon. Priya D. Manickchand, M.P
- (v) The Hon. Jennifer I. Webster, M.P
- (vi) Ms. Gail Teixeira, M.P.

Members from the People's National Congress/Reform - 1 Guyana:

- (i) Mrs. Deborah Backer, M.P
- (ii) Dr. George A. Norton, M.P
- (iii) Ms. Amna Ally, M.P

Member from the Alliance For Change:

Mrs. Sheila Holder, M.P

Election of Chairman

3. The Committee at its first meeting held on 21st December, 2006 unanimously elected Ms. Gail Teixeira, M.P. as its Chairperson.

Terms of Reference

4. The Committee, by Resolution No. 17 passed by the National Assembly on 8th May, 2003, was entrusted to discharge the following functions in relation to the appointment of a member of the Commission established under the Constitution -

- “(a) identify appropriate bodies for consultation in the appointment of the relevant members of the Commission, conduct the necessary consultations with them and, where necessary, receive nominations from appropriate bodies;
- (b) make recommendations to the National Assembly
 - (i) for a consensual mechanism for the Ethnic Relations Commission, the Women and Gender Equality Commission, the Indigenous People’s Commission and the Rights of the Child Commission;
 - (ii) for the appointment of members of the Commissions with the exception of the Public Procurement Commission; and
 - (iii) in connection with any other matter referred to it by the National Assembly from time to time.
- (c) report to the National Assembly in relation to each Commission as soon as possible upon the discharge of its function in relation thereto.”

Mandate

5. The Committee was mandated by Article 210 (1) (c) of the Constitution in relation to the Police Service Commission to nominate for appointment by the President:

“four members appointed by the President upon nomination by the National Assembly after it has consulted such bodies as appear to it to represent the majority of the members of the Police Force and any other such body it deems fit:”

Meetings of the Committee

6. The Committee held a total of eleven (11) meetings and one special meeting, as follows:

List of Meetings	Dates of Meeting
1 st Meeting of the Committee	21 st December, 2006
2 nd Meeting of the Committee	10 th January, 2007
3 rd Meeting of the Committee	27 th February, 2007
4 th Meeting of the Committee	20 th March, 2007
5 th Meeting of the Committee	27 th March, 2007
6 th Meeting of the Committee	17 th April, 2007
7 th Meeting of the Committee	24 th April, 2007
Special Meeting	2 nd May, 2007
8 th Meeting of the Committee	8 th May, 2007
9 th Meeting of the Committee	22 nd May, 2007
10 th Meeting of the Committee	5 th June, 2007
11 th Meeting of the Committee	3 rd July, 2007

Process for selection of entities in relation to the Police Service Commission

7. The Committee acknowledged its task in relation to the appointment of Members of the Commission as outlined in Resolution 17 passed on 8th May, 2003 and agreed to utilise the consensual mechanism approved by the National Assembly to deal with appointment of the Members to the Rights Commission for the purpose of nominating Members of the Service Commissions.

8. The Committee at its 3rd meeting held on 27th February, 2007 proceeded to consider the Police Service Commission. It was proposed and agreed that the Police Association and Association of Former Officers of the Guyana Police Force be considered as bodies appearing to the Committee to represent the majority of the members of the Police Force.

9. Consideration was also given as to whether or not

- (i) the Association of Former Members of the Guyana Police Force was functional;
- (ii) there was a senior officers' association and to obtain the names of its post holders;
- (iii) there was any other association representing members of the Guyana Police Force.

10. The Committee subsequently agreed that the Police Association and Association of Former Members of the Guyana Police Force appeared to represent members of the Guyana Police Force and should be invited to submit nominations for the appointment of four of the members of the Police Service Commission.

11. On 28th February, 2007, invitations were dispatched to these Associations and they were requested to submit their nominations to the Committee on 15th March, 2007.

12. These Associations were advised that the Committee would have no objections to them consulting with each other on their nominations.

13. The Committee wrote the Commissioner of Police on 16th April, 2007 enquiring as to the status of the senior officers' association. By letter dated 2007-04-18 from the Commissioner of Police, the Committee was advised that the recently held elections to form an executive of the defunct Association of Senior Police Officers had raised questions about the composition of the current structure and efforts were being made to locate the rules which would point that body in the correct direction.

14. The Commissioner of Police reiterated that the Police Association was the only legal arm. His letter listed other bodies linked to the Guyana Police Force such as the Police Credit Union, Police Consumers Co-operative Society, Police Wives' Association, Association of Former Members of the Force and Ex-Police Associations of America, Canada and the United Kingdom.

15. At the meeting held on 20th March, 2007, a proposal was made for the consultation process to include the National Commission on Law and Order and the National Executive of Community Policing Groups. There was no objection to this.

16. Subsequently, at the meeting held on 24th April, 2007, the Committee formally agreed to invite the National Commission on Law and Order and the National Executive of Community Policing Groups to submit nominations. The Committee agreed that it would not consult with the Association of Senior Police Officers.

17. A letter was sent to the National Executive of the Community Policing Groups on 3rd May, 2007 inviting them to submit nominations. However due to an administrative error, the letter was not received by the National Executive of the Community Policing Groups. Another letter was sent subsequently with an extension to the deadline for submission of their nominees.

18. One of the PNCR-1G representatives addressed the Committee by letter dated 25th April, 2007 stating that the Police Service Commission, in keeping with its Terms of Reference, had the mandate to address issues of promotion, discipline etc, regarding Police and reiterated that after reviewing the Terms of Reference of the National Commission on Law and Order felt that it could not properly be asked to submit nominations for the Police Service Commission.

19. At its Special Meeting on 2nd May, 2007, the letter was discussed and the Committee agreed to defer further discussion to the meeting of 8th May, 2007.

20. On 8th May, 2007, the Committee discussed this issue. The PNCR-1G's position on the issue was reiterated. They cautioned that nominations should not come from an entity that was '*non-police*'.

21. This was not supported by the other Members from the PPP/C and the AFC who were of the view that the Committee should not restrict itself in its consultation and should therefore seek wider consultation of entities related to the Police and Law and Order issues. It clearly understood that it would not include entities extraneous to such areas of interest when selecting bodies to consult. For example, it would not go to an entity that addressed the issue of fisheries when seeking nominees for a Service Commission dealing with the Police.

22. The Committee decided at the said meeting that it would not proceed further with the nominees it had received thus far from the Police Association and the Association of Former Police Officers until the other entities had responded.

23. A decision by majority was taken that the Committee should invite the NCLO to submit nominations, indicating that such nominations may include persons who were familiar with the workings of the Guyana Police Force as well as persons who were former members of the Guyana Police Force, if it so determined.

24. A letter dated 9th May, 2007 was subsequently dispatched to the National Commission on Law and Order inviting it to submit nominations for members to the Police Service Commission.

25. The PNCR – 1G recorded its opposition to the Committee's decision.

26. In the interim the Chairperson asked the Committees Division to prepare a draft report on the Police Service Commission with reference to the inclusion of the National Commission on Law and Order for discussion at the upcoming May 22nd meeting.

27. The Chairperson at the May 22nd meeting informed the Committee that due to the experience with the Ethnic Relations Commission motion in the House and in the interest of reaching some closure on this matter she had asked for the draft report and motion to be prepared for the views of the Committee.

28. The Committee, at its 9th meeting of 22nd May, 2007, decided to bring the issue of the inclusion of the National Commission on Law and Order to the attention of the National Assembly and to seek its guidance. It is at this meeting that PNCR-IG asked that the National Executive of the Community Policing Groups be included in the report and motion for the National Assembly's consideration. The Committees' Division was asked to amend the preliminary draft report and motion for its consideration at its next meeting.

29. At the meeting of June 5, 2007, the Committee asked that the Committees Division make further amendments to the motion and report and re-circulate to members for discussion at the June 19th meeting.

30. The Committee then decided to refer the matter to the National Assembly and seek its guidance to include the National Commission on Law and Order and the National Executive of the Community Policing Groups as two among the bodies that appear to it to "represent the majority of the members of the Police Force and any other such body it deems fit" and,

- (i) to advise on the Committee's unanimous recommendations to consult with the Police Association, the Association of Former Members of the Guyana Police Force and the National Executive of the Community Policing Groups as bodies that appear to it to represent the majority of the members of the Guyana Police Force and any other such bodies it deems fit; and
- (ii) that in the interest of reaching consensus the Committee decided the matter of the inclusion of the National Commission on Law and Order and subsequently the National Executive of the Community Policing Groups as bodies that appear as any such body it deems fit be referred to the National Assembly to make a determination.

31. The Committee hereby submits this matter to the National Assembly for its consideration and guidance.



Gail Teixeira, M.P.
Chairperson
Committee on Appointments

3rd July, 2007