



## Requests for Leave to Move the Adjournment of the Assembly on Definite Matters of Urgent Public Importance

101<sup>st</sup> Sitting dated November 12, 2009

### THE PROPOSED INVESTIGATION OF THE TORTURE OF A 14 YEAR OLD BY RANKS OF THE GUYANA POLICE FORCE

#### Preamble

*A request by Mr. Robert Corbin, Leader of the Opposition, to move the adjournment of the Assembly on a definite matter of urgent public importance, to wit, the proposed investigation of the torture of a 14 year old by ranks of the Guyana Police Force, as announced by the President of Guyana, was disallowed by the Speaker because the matter was a subject of investigation by the Police and under adjudication by a court of law.*

#### Verbatim

**Mr. Robert H. O. Corbin:** Mr. Speaker, I wrote you earlier today, indicating that I propose to request leave to move the adjournment of this National Assembly, at today's Sitting, to discuss an urgent matter of public importance, to wit, the proposed investigation of the torture of a 14 year old by ranks of the Guyana Police Force, as announced by His Excellency the President.

The thrust of my Motion is to call on the Government, Mr. Speaker, to mount a credible inquiry to be conducted by persons of integrity, who are not members of the Guyana Police Force, so that citizens would have confidence in any investigative process and the resultant report.

As I stated in my letter to you, Sir, I have no doubt that this matter qualifies as definite, urgent, and of public importance. Since it is not my intention to address the general issue of torture by the security forces, which has been the subject of repeated allegations and also the subject matter of a debate on a Motion by a PNC/R-1G Member of Parliament, I wish to deal with the definite matter of the proposed inquiry into the specific act of torture of a 14 year old at Leonora Police Station.

I am also conscious that two police ranks have been allegedly charged. I do not propose to deal with the criminal charges either. My intention is to address the specific issue of the inquiry: its terms of reference and its composition.



I believe the matter is urgent, Mr. Speaker, as I said, because the nation is aware of the public announcement by the President of a time frame of two weeks for some preliminary report, after which we may be persuaded to hold a public inquiry. Therefore, the urgency of this matter cannot be in dispute. The public importance is obvious from the many statements of condemnation that had been made by the overwhelming majority of Guyanese and foreign organisations over the most recent torture of the said 14 year old while in custody.

I am sure, Mr. Speaker, that you have had time to address your mind to the subject, and I am confident that with the issue of torture so much in the air, you will be disposed to agreeing with this adjournment to deal with this matter today.

[*Applause*]

**The Speaker (Hari N. Ramkarran):** Thank you, Hon. Member.

I believe this matter is the subject of investigation by the Police, and I also believe that it is under adjudication by a court of law; I think some persons have been charged. On those grounds, Hon. Member, I am afraid I am unable to accept your request.

**Mr. Corbin:** Sir, you know that I tried to explain that it is not my intention to deal with any matter that is *sub judice*. A Commission of Inquiry, which has been announced, was announced in the face of all that has been happening, by His Excellency, and, therefore, that is why I would like to address the Terms of Reference because the Terms of Reference would have to deal with the phenomenon of torture in the Police Force, and to go beyond what are those systemic difficulties or issues which contribute to certain behaviour by ranks of the Force. It is not my intention to do the job of the police, but if we are told, publicly, that a Commission of Inquiry is going to be established, I do not believe that it is right for responsible Members of this Parliament to wait until some Terms of Reference are issued, like the Terms of Reference that we had when we were investigating the last Minister of Home Affairs, Ronald Gajraj, on the issue of the death squads - sorry, I called the name Minister Gajraj - when the Terms of Reference completely eliminated the essential issues that were of concern to the people of Guyana, and we are still left in the dark, where the Opposition parties are now asking for a Commission of Inquiry into those events that could have been investigated since then.



Really, what I am suggesting, Sir, is that I am not traversing on any matter under adjudication, but I am looking at the whole issue of how the State should approach this particular investigation, and ensuring that the Terms of Reference which are appointed, which are agreed upon, are Terms of Reference which will allow for a credible investigation and for the citizens to be satisfied.

I mean, I have to accept your final ruling, but I hope you will consider the issue.

**The Speaker:** Mr. Corbin, but let me add this: there are two separate and independent issues here:

1. The allegations of torture committed on a 15 year old young man, which was in the newspapers, in the news recently; and
2. The other, according to what you are saying, is the question of a Commission of Inquiry about which the President spoke in a news conference.

The allegations of torture against the young man is a serious matter; whether it falls within the definition of *matter of urgent public importance*, that is another issue; but we do not have to consider that because you say that is not a matter that you are raising, and, in any event, that is a matter which is being dealt with by a court.

You say you are raising the issue of the Terms of Reference of a Commission of Inquiry about which the President spoke. That is not a matter of urgent public importance. [Interruption] But that is the matter for the President. If he calls him to book, if the President says it will be done in two weeks, if the two weeks are up, ask the President, “What happened to what you said?” That is not a matter for the Parliament.

**Mr. Corbin:** Sir, I am going to make a final effort to persuade you to review your decision. In the context of the urgency stemming from the fact that this event is likely to take place in two weeks and my attempt to have this National Assembly intervene, to wit, what ought to be done before the expiry of the two weeks so that we are not faced with a Gajraj-type inquiry.

This is what we are trying to avoid, Sir. So we will waste resources, have a Gajraj-type inquiry, and then at the end of it, we would still have the Guyanese people being very dissatisfied that anything is being done about torture.



**The Speaker:** I appreciate what you are saying. Unfortunately, I do not agree. I have a feeling that I did not quite follow, perhaps like you did, in the greatest of details that I should have, what the President said. I know the broad outlines. I do not know whether the President was advised, but it would be difficult, from my perspective, and you are a lawyer of some distinction, Mr. Corbin, for the President to - and you have many Members here; Mrs. Backer is a specialist on torture too! [*Laughter*]

Let us not personalize it. The Government might be well inclined to listen to its legal advisers in relation to establishing an inquiry involving a specific incident when that incident is before the court. So I will have to leave it there, but that is an issue that may well engage the attention of ... [*Interruption*] I cannot agree with you, Mr. Corbin. I am sorry.

### **Announcements by the Speaker**

**117<sup>th</sup> Sitting dated February 24, 2010**

### **ALLEGATION BY MR. KHEMRAJ RAMJATTAN OF HANSARD RECORD TAMPERING**

#### **Preamble**

*Mr. Ramjattan laid allegations in a letter to Kaieteur News that the Hansard was tampered with to change the words of Hon. Irfaan Ali from "We have spent it already." to "We are ready." The Speaker requested the audio to be played in the National Assembly and the audio confirmed the words spoken by Hon. Irfaan Ali to be "We are ready." and not "We have spent it already."*

#### **Verbatim**

Mr. Speaker (Hari N. Ramkarran): Hon. Members, there was a report on page 2 of today's Kaieteur News under the heading "Parliamentary records tampered with – Ramjattan." The report says as follow:

“Alliance For Change (AFC) Chairman Khemraj Ramjattan is charging that the Parliamentary Hansard has been tampered with. Ramjattan was referring to the session which relates to the controversial \$4 billion allocation which was allotted to the Housing Ministry...”