

National Assembly Debates

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2008) OF THE NINTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

Part I of III

64th Sitting

14:17h

Monday 27 October 2008

MEMBERS OF THE NATIONAL ASSEMBLY (70)

Speaker (1)

The Hon. Hari N Ramkarran SC, MP

Speaker of the National Assembly

Members of the Government (41)

People's Progressive Party/Civic (40)

The United Force (1)

The Hon. Samuel A A Hinds MP

(R# 10 - U Demerara/U Berbice)

Prime Minister and Minister of Public Works and Communications

The Hon. Clement J Rohee MP

Minister of Home Affairs

The Hon. Shaik K Z Baksh MP

Minister of Education

The Hon. Dr. Henry B Jeffrey MP

Minister of Foreign Trade and International Cooperation

The Hon. Dr. Leslie S Ramsammy MP

(R# 6 - E Berbice/Corentyne)

Minister of Health

The Hon. Carolyn Rodrigues-Birkett MP

NATIONAL ASSEMBLY DEBATE 27 OCTOBER 2008

(R# 9 - U Takutu/U Esseq)

Minister of Amerindian Affairs

*The Hon. Dr. Ashni Singh MP

Minister of Finance

The Hon. Harry Narine Nawbatt MP

Minister of Housing and Water

The Hon. Robert M Persaud MP

(R# 6 - E Berbice/Corentyne)

Minister of Agriculture

The Hon. Dr. Jennifer R A Westford MP

(R#7 - Cuyuni/Mazaruni)

Minister of the Public Service

The Hon. Kellawan Lall MP

Minister of Local Government and Regional Development

*The Hon. Doodnauth Singh SC, MP *(Absent)*

Attorney General and Minister of Legal Affairs

The Hon. Dr. Frank C S AntHon.y MP

Minister of Culture, Youth and Sport

The Hon. B H Robeson Benn MP

Minister of Transport and Hydraulics

†The Hon. Manzoor Nadir MP

Minister of Labour

The Hon. Priya D Manickchand MP

(R# 5 - Mahaica/Berbice)

Minister of Human Services and Social Security

The Hon. Dr. Desrey Fox MP - *(AOL)*

Minister in the Ministry of Education

The Hon. Bheri S Ramsaran MD, MP

Minister in the Ministry of Health

The Hon. Jennifer I Webster MP

Minister in the Ministry of Finance

* Non-elected Minister

† Elected Member from TUF

NATIONAL ASSEMBLY DEBATE 27 OCTOBER 2008

The Hon. Manniram Prashad MP

Minister of Tourism, Industry and Commerce

*Mrs Pauline R Sukhai MP

Minister of Amerindian Affairs

Mr. Donald Ramotar MP

The Hon. Gail Teixeira MP

Mr. Harripersaud Nokta MP

Mrs Indranie Chandarpal MP, Chief Whip

Ms Bibi S Shadick MP (Absent)

(R# 3 – Essequibo Is/W Demerara)

Mr. Mohamed Irfaan Ali MP

Mr. Albert Atkinson JP, MP

(R# 8 - Potaro/Siparuni)

Mr. Komal Chand CCH, JP, MP

(R# 3 - Essequibo Is/W Demerara)

Mr. Bernard C DeSantos SC, MP (Absent)

(R# 4 - Demerara/Mahaica)

Mrs Shirley V Edwards JP, MP

(R# 4 - Demerara/Mahaica)

Mr. Mohamed F Khan JP, MP

(R# 2 - Pomeroon/Supenaam)

Mr. Odinga N Lumumba MP

Mr. Moses V Nagamootoo JP, MP - (AOL)

Mr. Mohabir A Nandlall MP

Mr. Neendkumar JP, MP

(R# 4 - Demerara/Mahaica)

‡Mr. Steve P Ninvalle MP

Parl'y Sect'ry in the Ministry of Culture, Youth and Sport

Mr. Parmanand P Persaud JP, MP

(R# 2 - Pomeroon/Supenaam)

Mrs Philomena Sahoye-Shury CCH, JP, MP

‡ Non-elected Member

Parl'y Sect'ry in the Ministry of Housing and Water

Mr. Dharamkumar Seeraj MP

Mr. Norman A Whittaker MP

(R# 1 - Barima/Waini)

Members of the Opposition (28)

(i) People's National Congress Reform 1-Guyana (22)

Mr. Robert HO Corbin

Leader of the Opposition

Mr. Winston S Murray CCH, MP - (AOL)

Mrs Clarissa S Riehl MP

Deputy Speaker of the National Assembly

Mr. E Lance Carberry MP - (AOL)

Chief Whip

Mrs. Deborah J. Backer MP

Mr. AntHon.y Vieira - (AOL)

Mr. Basil Williams MP

Dr. George A Norton MP

Mrs Volda A Lawrence MP

Mr. Keith Scott MP

Miss Amna Ally MP

Mr. Dave Danny MP

(R# 4 - Demerara/Mahaica)

Mr. Aubrey C Norton MP

(R# 4 - Demerara/Mahaica)

Mr. Ernest B Elliot MP

(R# 4 - Demerara/Mahaica)

Miss Judith David-Blair MP

(R# 7 - Cuyuni/Mazaruni)

Mr. Mervyn Williams MP

(Re# 3 - Essequibo Is/W Demerara)

Ms Africo Selman MP

Dr. John Austin MP

(R# 6 - East Berbice/Corentyne)

Ms Jennifer Wade MP

(R# 5 - Mahaica/Berbice)

Ms Vanessa Kissoon MP

(R# 10 - U Demerara/U Berbice)

Mr. Desmond Fernandes MP

(Region No 1 – Barima/Waini)

Mr. James K McAllister MP

- *(Absent)*

(ii) Alliance For Change (5)

Mr. Raphael G Trotman MP

Mr. Khemraj Ramjattan MP

Mrs Sheila VA Holder MP

Ms Latchmin B Punalall, MP

(R# 4 - Demerara/Mahaica)

Mr. David Patterson MP

(iii) Guyana Action Party/Rise Organise and Rebuild (1)

Mr. Everall N Franklin MP

OFFICERS

Mr. Sherlock E Isaacs

Clerk of the National Assembly

Miss Hermina Gilgeours

Assistant Clerk of the National Assembly

PRAYERS

The Clerk reads the Prayers

PRESENTATION OF PAPERS AND REPORTS

By the *Minister of Finance*

- (i) *Financial Paper No. 3/2008 - Supplementary Estimates (Current and Capital) totalling \$1,848,047,997 for the period 2008-07-23 to 2008-10-22.*

- (ii) *Financial Paper No. 4/2008 Supplementary Estimates (Current and Capital) totalling \$984,061,416 for the period ending 31 December, 2008.*

Mr. Speaker, with your permission I wish to name the next sitting of this Assembly as the date for consideration of these papers.

- (iii) *Mid-Year report for 2008.*

ORAL QUESTIONS WITHOUT NOTICE

Mr. Raphael GC Trotman: May it please you Mr. Speaker ... I rise to ask two oral questions without notice as per Standing Order, I believe I had spoken to you about it.
[Interruption]

The Speaker: The first one please Honourable Member

Mr. Raphael GC Trotman: Could I proceed please?

The Speaker: The first one please.

1. SEARCH AND RESCUE FACILITIES

Mr. Raphael GC Trotman: Mr. Speaker the first one is directed I believe to the Hon.. Minister of Home Affairs or any Minister that wishes to answer in his stead and it pertains to the tragedy in the Corentyne River.

Can the Hon.. Minister say why there were no search and rescue facilities available, whether for back-track or not; they are all citizens of Guyana ... When the call for rescuing was received, why were no facilities in place at that time in that river?

The Speaker: The Honourable Minister of Home Affairs

Hon.. Clement J Rohee: I do not think that that question is properly directed Mr. Speaker, I do not have the responsibility to engage in search and rescue operations as the Ministry of Home Affairs.

The Speaker: Is there anyone who can answer that question to whom ... search and rescue is for whom? Prime Minister is there any Member of the Government who is responsible for search and rescue?

Mr. Raphael GC Trotman: I thought it was a police; it would appear Mr. Speaker that there is nobody in Guyana handling the searching and rescuing of any citizen when they go down. It is quite amazing.

The Speaker: Honourable Minister of Transport and Hydraulics ...

Hon.. BH Robeson Benn: Mr. Speaker, as Minister of Transport I wish to state that we are having an investigation into the incident and a full and complete interim report will be provided shortly.

Mr. Raphael GC Trotman: Mr. Speaker, the question was not answered, but nonetheless it is obvious that there is no answer that could be forth-coming. May I with your permission move to the second question?

Hon.. BH Robeson Benn: Mr. Speaker, I wish to state that these are illegal crossings of the Courantyne River; they are unregulated so that at the time in terms of where they leave and where they were going to; there was no formalised response in terms of persons who may have been on the river at the time. There were attempts, I think there was some hailing of a vessel passing at a time when the incident happened but there was no communication as such. There was extensive searching of the river and of the areas over the last two days to find the persons after the incident occurred. I would like to remind you that these crossings are illegal ... *[Noisy Interruption]*

The Speaker: Honourable Members give the Minister an opportunity to answer the question. You asked it.

Hon.. BH Robeson Benn: There are proper regulated, safe crossings of the Courantyne River provided at Molsen Creek through the Canawaima Ferry Service. There were no organised facilities at the time and the Communities - the person at the community - did respond at the time that they were aware that there was an incident and I am aware

that the police and other people in the area made concerted attempts to rescue those persons.

The Speaker: Thank you Honourable Member.

The next question Honourable Member ...

2. REOPENING OF THE UNIVERSITY OF GUYANA

Mr. Raphael GC Trotman: Through you Mr. Speaker this question is directed to the Minister of Education. I do not know whether he will take it or deflect it, but it has to do with the University of Guyana.

Can you tell the people of Guyana, particularly the students and their parents, when the University is going to open and be safe for the students to study there?

Hon.. Shaik KZ Baksh: Mr. Speaker, the determination of the opening of the University rests with the University administration; nonetheless as oversight Minister I would make the following statement:

The University of Guyana has been implementing an asbestos removal project funded in the sum of \$200 million by the Government of Guyana. This necessitated the temporary relocation of the UG faculties, departments and administration. The removal of asbestos from the buildings is completed. A sampling and testing was also completed. The final testing and analysis was in accordance with the Ontario Regulations with a permissible fibre concentration

of 0.05 per cubic centimetre. Extensive works are now in progress to thoroughly clean and vacuum the buildings, painting floors and cleaning and mowing the campus fields. The movement back into the campus has commenced from today. An advisory from the UG administration with whom I have been holding regular meetings have stated as follows and I quote:

The University of Guyana wishes to assure the Public, staff and students that we are anxious to return to the Turkeyen Campus and to begin teaching as soon as possible. As custodians of many of the Nation's best minds it is contingent upon us to ensure before our return that the campus is safe for everyone. [Interruption: 'When' "Be patient ... we will return to the campus and resume operations immediately as it is certified safe"]

Presently the Ministry of Education through its consultants has undertaken to ensure that concerns about residual asbestos on campus are adequately addressed. The Ministry has accepted that the UG technical team works with their consultants to ensure that the sanitisation is done to universally acceptable standards. Provided that satisfactory completion of the sanitisation process is determined at a review fixed for today, Friday, 24 October 2008, the plan already drawn up for return to Turkeyen will be

activated. This will be followed by further registration and supplemental exams over a period of two weeks after which classes will begin immediately. It is, therefore projected that lectures will begin at Turkeyen in mid-November. It is thus contingent upon the contractors to finish and the consultants to certify the campus safe so that we may resume operations there. All efforts are currently being made to have in readiness those items that can be prepared off campus for the 2008 graduation since substantial number of student records is still on campus. However, it is anticipated that graduation can be held in mid- December.

Mr. Speaker I endorse the statement from the administration of the University of Guyana.

Mr. Raphael GC Trotman: Thank you.

Could I ask then,

Is the Minister not embarrassed to read that statement?

We did not understand it.

The Speaker: I beg your pardon.

Mr. Raphael GC Trotman: Mr. Speaker, this one.

Given that the ongoing clean-up exercise or rather the clean-up exercise is ongoing, why is it that workers are being seen ...
[Interruption]

The Speaker: Honourable Members somebody's telephOne is disturbing the House.

Mr. Raphael GC Trotman: No, no, my pHon.e is off. Maybe it is some wire tapping... *[Laughter]*

The Speaker: It is a regular occurrence now.

Mr. Raphael GC Trotman: My pHon.e is off. It is some surveillance equipment, Mr. Speaker.

The Speaker: Ensure the telephOn.es are turned off. The buzzing of telephOn.es disturbing the House is now a regular, every-sitting occurrence. I am asking Members to please ensure that their telephOn.es are in their pockets or somewhere else where they will not interrupt.

Yes Honourable Member ...

Mr. Raphael GC Trotman: I see Donald putting something in his pocket, Mr. Speaker.

Supplementary Questions:

This is a follow up, if indeed as we have heard from the statement that the clean-up exercise is ongoing, why is it that workers are still being seen without protective gear or

facial masks to protect them from possible exposure to asbestos?

Hon.. Shaik KZ Baksh: Mr. Speaker, I have made the point that the removal of the asbestos has been completed, it is completed. This is just cleaning up of the buildings, the air already... I have read this; do you want me to read it again? *Air testing is completed and it has shown that the campus is free from asbestos fibres.* What is happening now is to:

- Clean the lawns;
- Mow the lawns;
- Clean the buildings; and
- Get the place in a state of readiness.

If there is any residual asbestos dust that is detected, that also will be removed.

Mr. Raphael GC Trotman: Mr. Speaker may I ...

The Speaker: One final one; only two you can ask Honourable Member.

Mr. Raphael GC Trotman: Just to say before things maybe end up in a fracas tonight; happy Diwali to all our Hindu brothers and sisters before things go out of hand. I gather it may go out of hand. Thank you.

The Speaker: Once I am here, nothing will go out of hand.

Mr. Raphael GC Trotman: Very well Mr. Speaker.

QUESTIONS ON NOTICE

1. NUMBER OF PERSONS CHARGED UNDER THE PROVISIONS OF THE COMBATING OF TRAFFICKING IN PERSONS ACT

The Speaker: The Honourable Member Dr. John Austin ...

Dr. John Austin:

Could the Hon.. Minister of Home Affairs inform this National Assembly how many persons have been charged under the provisions of the combating of trafficking in persons Act - Act No.2/2005?

The Speaker: Honourable Minister of Home Affairs ...

Hon.. Clement J Rohee: Mr. Speaker that information is still being compiled, as soon as we have the information we will bring it to the House.

The Speaker: Time would have been elapsed for the answering of the question Honourable Member so I will recommend that the ... *[Pause]*

Honourable Member if you ask for the answer to be deferred, it can be deferred for a period of twelve days. I understand the Assembly is likely to meet again before the twelve days, sometime later this week or something.

Hon.. Clement J Rohee: Well Mr. Speaker, may I therefore request that the answer be deferred for the specified period. Thank you.

Answer Deferred

The Speaker: Dr. Austin, your next question please ...

2. SERVICES PROVIDED IN SECTION 18(1) OF THE COMBATING OF TRAFFICKING IN PERSONS ACT

Dr. John Austin: Could the Honourable Minister of Human Services and Social Security inform this National Assembly how many dependent children have been offered any or all of the services provided for in Section 18 (1) of the Combating of Trafficking in Persons Act?

Hon.. Priya D Manickchand: May it please you Mr. Speaker, Section 18 of the Act speaks to persons who are victims and have so been determined because of charges laid in the court. So this question pre supposes that the persons who are victims under the Act, where there are charges lay in respect of those persons have dependent children. So if I am to answer the question strictly, the answer would be none, but that is because the persons who have been determined to be victims by our judicial system or our criminal justice system have no dependent children. We at the Ministry however, do not wait until someone is charged or someone is a virtual complainant before we offer the services at the Ministry; so anyone who comes to us that seems vulnerable to trafficking or seems to have

been in a position where one could easily deem it to be trafficking if we do not know the proper definition of that is offered all the services we have and those include:

- Shelter;
- Provision of clothes;
- Transportation to and from the police station, courts, back into their communities;
- Psychosocial counselling;
- Basic necessities like food and clothes and shelter; as well as
- Repayment of any debt that that person may have incurred that may have made them vulnerable in the first place.

PUBLIC BUSINESS

(i) GOVERNMENT BUSINESS

MOTION

SUCCESS OF THE JOINT SERVICES

The Speaker: Honourable Members in accordance with Standing Order No.28 (ii) I give permission for the following Motion to be proceeded with at this Sitting:
Successes of the Joint Services

WHEREAS the Joint Services have recently succeeded in ridding Guyana of the scourge of the 'Fineman' Rondel Rawlins gang of terrorists, assassins and murders who

terrorized and assaulted Guyanese society for years;

AND WHEREAS these successes of the Joint Services have been primarily a reflection of a motivated force consistently supported by the Government of Guyana in building morale and providing the necessary tools;

AND WHEREAS the Joint Services have thus achieved high professional and technical standards and capabilities in crime fighting;

AND WHEREAS there is demonstrable evidence of increasing levels of public confidence in and support for the Joint Services;

AND WHEREAS the work of the Joint Services reveal a real and selfless commitment to an often thankless job deserving of recognition and support by the society in general:

BE IT RESOLVED:

That this National Assembly conveys to the men and women of the Joint Services its commendations for a job well done; and

BE IT ALSO RESOLVED:

That this National Assembly urges the Administration to extend to the Joint Services suitable tokens of appreciation; and

BE IT FURTHER RESOLVED:

That the Administration, in its overall support for the Joint Services, be urged by this National Assembly to pay particular attention to conducting activities and programmes that are designed to foster greater public confidence , and support for the men and women of the Joint Services.

Hon.. Minister of Home Affairs you can now proceed with your Motion ...

Hon.. Clement J Rohee: Mr. Speaker, the Motion that is standing in my name, I would describe as a red letter Motion. The Motion sets out seven principal factors or reasons justifying why there should be commendations to the joint services for their actions within recent times as regards the Rondel Rawlins and his notorious gangs.

- The Motion first of all recognises that the... or I should say gives recognition to the services in ridding Guyana of Rondel Rawlins and his notorious gang;
- Secondly, it gives recognition that this success is a reflection of the joint services as a motivated force that has increasingly received the support of the Government of Guyana;

- Thirdly, the Motion gives recognition that a high level of professional, technical standards and capacity in crime fighting has been achieved by the joint services; and
- Fourthly, the Motion gives recognition that increasing levels of confidence on the part of the public has risen to demonstrable levels.

It is in recognition of these four principle factors that this National Assembly is being requested to do three things:

- (i) To convey its commendations to the joint services for a job well done;
- (ii) To extend to the Joint services suitable tokens of appreciation; and
- (iii) That the Administration be urged *to pay particular attention to conducting activities and programmes that are designed to foster greater public confidence and support for the men and women in the joint services.*

In essence Mr. Speaker, this is what this Motion is all about from a narrow perspective.

From the broad perspective, allow me to deal with each of the seven components of this Motion in greater detail.

Let us take first, the joint services success in ridding Guyana of Rawlins and his notorious gang. What is the story behind the success? First of all, tomorrow will mark exactly three months since the demise of Rondel Rawlins and his cohort Skinny. The Story is characterised by pain,

suffering and anguish by those who lost their loved ones due to the maniacal behaviour and the brutal atrocities committed by Rawlins and his gang at Agricola in:

- June 2005;
- February 2006; and
- March 2006, respectively;
- At LBI in April 2006;
- At Eccles in February 2006; and
- August 2006 respectively;
- At Canal #2 Polder in October 2006;
- At the Agricultural Road at Mon Repos in December 2007;
- At Lusignaan in January 2008;
- At Bartica in February in 2008; and
- At Lindo Creek between the 20 and 23 June, 2008

Over this period more than fifty persons were brutally and senselessly gunned down by these killers. Mr. Speaker, so great a loud was the national outcry that many wondered whether the Joint Services were capable or rather, motivated to go after this criminal gang and to take them out. Pressure on the joint services came from many quarters, particularly the opposition political parties and sections of the media in particular. If there were one of the many pressure points that the Joint Services felt the brunt of it was certain sections of the media. In this regard the joint services were treated unfairly and everything was written to demoralise and to discourage the ranks of the Joint Services and to make them look bad.

Sections of the media appeared to be fighting as it were, its own war against the Joint Services. In fact their circulation appeared to be thriving on the atrocities committed by the Rondel Rawlins gang, while rubbing their hands in glee over the Joint Services failure at the time to capture the notorious gang according a timetable set by certain sections of the media.

In those trying and difficult circumstances Mr. Speaker, it was always the Government that solidly and unequivocally stood by the side of the joint services. *[Applause]* The Government never gave up hope; it maintained that Fineman his gang would be caught while others for political reasons keep scorn under efforts of the Joint Services creating an impression that they were fighting a lost cause in their efforts to capture the illusive Fineman.

In the circumstances, the Government remained steadfast and gave its fullest all round support to the men and women in the Joint Services. It was this tangible support that motivated the Joint Services and inspired them to go after the Rawlins criminal gang. Mr. Speaker, much has to do with the fact that the Joint Services capabilities reached a high level of technical and professional standards and this is indeed a major accomplishment. I wish to draw attention to the fact that within the Joint Services, standardisation of every feature that was passed from one service to another has been an ongoing exercise. In this regard, the conditions of service has been standardised, allowances have been standardised. There is common training for the officer corps of these services. The cross fertilisation of best

practices based on common and individual in experiences of each of the services continue to take place. Doing away with ill-conceived practices while maintaining and building on those that have proven effective and worthy of advancing to ensure greater affectivity to facilitate joint operations. All of this cumulatively have contributed to common bonding and consolidation of the Joint Services to make it what it is today; an institution comprising of a body of men and women, who will spare no effort in ensuring that the security of the State is not threatened by either criminal or terrorist activities. Mr. Speaker, there is one factor which this Motion asks us to recognise as a basis for extending the National Assembly's support. This is perhaps one of the more critical aspects of the joint services objectives as it must be for other joint services around the world. It has to do with building and increasing public confidence in and support for the men and women of the Joint Services who are in the trenches twenty-four seven conducting their lawful duties just to ensure that we civilians:

- Sleep;
- Work;
- Socialise; and
- Enjoy our leisure time in peace and tranquillity.

It is true and quite justifiably so that some person judges the effectiveness of the Joint Services on the basis of their own personal experiences;

Of their response time to or the capture of persons who may have suffered great physical damage to their person, their relatives or their property. And while it is important to be able to respond to each individual's call for service and protection, which is principally the duty of the police in so far as the Joint Services are concerned, the focus has always been on the big picture and the larger issues, which strikes at the heart of and poses threat to our national security.

In this regard, the Joint Services as a result of patient, painstaking and purposeful work has won on an incremental basis the confidence of the public as they slowly, but surely work to dismantle the criminal enterprise associated with the Rondel Rawlins gang and to either capture or kill in the line of battle members of the gang ... *[Interruption]*

Mrs Deborah J Backer: Mr. Speaker I rise on a point of order. I think it is unacceptable Parliamentary language to speak about capturing human beings in the twenty first century and I would advise that ... that is my point of order Sir. There are other words; arrest or even kill, but you do not capture human beings in the twenty first century. I am offended about that. You do not capture human beings, you capture and you hurt animals.

The Speaker: That is a view Honourable Member, I do not know.

Proceed Honourable Member

Hon.. Clement J Rohee: Mr. Speaker, of critical importance to the regaining and consolidation of this public

confidence was the choice by thousands of Guyanese to give the benefit of the doubt to the Joint Services especially in the difficult and complex engagements with the Rondel Rawlins gang members.

This gesture of extending the benefit of the doubt to our Joint Services is extremely critical for the moral, the confidence and motivation of the ranks of the Joint Services. When we speak of such gestures as the Motion does, extending gestures to the Joint Services we mean the benefit of the doubt as one such gesture. Too often second guessing, fifth columnist posturing has been the order of the day; this posturing and this deprivation of the benefit of the doubt to the Joint Services in difficult situations and in complex engagements are reasons that doubts are created and it is without such gestures, without such tokens of appreciation that the ranks are left to wonder whose sides are you on. This is precisely what must be avoided; questions as to whose side you are on when the Joint services are engaged in the hunt for criminal elements.

Mr. Speaker, I close by commending this Motion for the adoption to this Honourable House. Thank you.

The Speaker: Thank you Honourable Member

The Honourable Member Mr. Corbin

Mr. Robert HO Corbin: Mr. Speaker, for a moment there I wondered whether the Honourable Member, who moved this Motion was really convinced that what he was telling

this House was the true reflection of what is taking place in Guyana.

Mr. Speaker the PNCR-1G has already issued a statement on the killing of Rondel Fineman Rawlins and we stand by that statement. We will not allow the Government to use this opportunity, to in the words of the Honourable Minister himself, he seemed to have thought of the words that I was going to describe this move today as fifth columnist posturing. That is what in fact this Motion is about here today. Everyone knows that when the Joint Services perform well, the public commends them. The PNCR-1G has commended them on several occasions, [*Applause*] but when ranks within those services breach the law or act in an arbitrary manner, similarly we reserve the right to condemn them and ask that something be done about those errant officers. Therefore the policy position of the party is not ambiguous on that question. Therefore, we refuse to be part of an exercise today of a Motion, which timing is very suspicious, brought to this Parliament to delay two Motions that are before this House over a prolong period of time. [*Applause*]

I therefore would not be tempted into any lengthy presentation here; we want to get down to the other matters. I just want to make four points that the motive of this Motion is political gamesmanship rather than genuine concern for the Joint Services or the security situation in Guyana.

Second that the Motion is misplaced in its emphasis and creates the false impression and could create that

impression that the recent actions of the Joint Services has solved our crime situation in this country and lead people into a sense of false security.

The Motion also diverts attention of the Nation from the identified programme to deal with crime and security sector including the benchmarks identified in that programme for measuring progress. I think it is partially an insult to this Parliament to bring this Motion before a number of other Motions and reports that the Government should legitimately bring to this House.

Mr. Speaker, perhaps since I intend that I will be very brief in my presentation; Page 6 of the Stabroek News today provides a useful backdrop of what I want to say under the Editorial. I would just like to read a few paragraphs to avoid me trying to précis it on in any depth.

The massacre at Lindo Creek in June was just as heinous and blood curling as those at Lusignaan on January 26, 2008 and at Bartica on February 17, 2008. More sinister were the concerns that the massacres at Lindo Creek had nothing to do with Fineman Rawlins and his gang, but was executed by rogue elements of the Joint Services. That is not to say that the discovery of the pHon.e and calls made on it in August rules out the possibility that Fineman could have had something to do with Lindo Creek murders. It just means that there is a bit more investigating to do. Investigating that could

gravitate towards the ultimate truth; it would be wise for each and every Guyanese to reflect on an indisputable truth. Thus far, not a sliver of convincing evidence has been presented to the public which ties anyone to any of the three massacres this year, certainly none of the masterminds and the intellectual authors of whom we hear a lot from the other side of the House. Some people have been charged, but they all appear to be extras in these Acts of numbing terror and blood shed. From the outset, it has been argued that independent expert be brought to investigate every facet of the Lindo Creek massacre in light of the accusations against the Joint Services. The Government declined, because it clearly did not want to loose control of the investigation. This stance, however, will not impress those who understand the dangerous implications of what possibly transpired at Lindo creek.

And the final paragraph I would like to read from this Editorial Sir, states:

While he was alive, Rawlins and his gang became a cover all for the Government and the Police Force in relation to crime even though there were holes in the cases that trucks could be driven through. New explanations will have to be hurriedly put

together on who the new bandits are and why the police still seem so inept. Friday night's assault on a minibus on the Linden/Soesdyke Highway is a carefully planned operation by two car loads of men and Guyanese will begin to ask new questions. What will the Government and the Police now say about this and the Arokium pHon.e?

I read from this Editorial Mr. Speaker, simply to illustrate the point that simply passing a Motion on this House and as the Minister glibly tells us, passing a Motion will instil public confidence in the force is a misplaced expectation. Public confidence in the force will be reinforced, when people genuinely see that the police have been carrying out their work effectively and that there is greater transparency in matters which are questionable. *[Applause]*

And so the motive of this Motion today is clear political gamesmanship. This is my contention rather than genuine concern for Joint Services or the security situation. This Motion spells like the one hurriedly brought to this House to commend the National Stakeholders on the crime initiative. We were right then and we are right today that that was not a sincere commitment by the Government to implement the stakeholders made by the stakeholders at the Office of the President and that a lot of fuss was made. Motion to the Parliament; today the National stakeholders are still to meet again despite all the recommendations they will be meeting regularly. So it was a big political masquerade. This Motion resembles that today. After

months, nothing has happened with the stakeholder consultation on crime. That was the subject and the Government feels comfortable to come to this House today with another propaganda exercise. The question is why this Motion is submitted at this time, because this is not the first time that the police have killed criminals.

We did not have a Motion here when Blackie London was killed. The circumstances surrounding his killing were not secret. It is also alleged that he was shot with his hands in the air about to give himself up. Speculation was right that he was deliberately killed, because of the information he had on those whom he would have implicated. The question which arose then was whether it was an execution or perhaps a capture that the Minister was talking about. Why all the fuss about it; today the Government does not want to compensate the owner of the hotel that was destroyed by the joint services, but you want public confidence and you do not want to compensate the owner.

To date I have not heard any Motion commending the services on the Berbice bank robbery, when within hours the force was able to go through the Berbice river and actually in hot pursuit where you can say they function effectively, captured people in the river. I did not see a Motion come to this House [*Applause*] and in Essequibo bank robbery where the police actually carried out arrest and had conviction. There was not Motion before this House, so no conviction even where the Court has proved that they were right and today we come here and it is evident that this Motion was deliberately contrived as part

of the machinery to delay the exposure of incompetence in relation to the torture Motion before this House and the Motion on media from Linden; it is quite clear, the Motion by the Honourable Member.

I want to say that the Motion emphasizes commendation of the force. I have already stated Mr. Speaker that that has already been done, but to come here without telling us and to just congratulate the Joint Services which we have already done. Without the Government considering that perhaps what we needed here was a proper report from them on the killing of Fineman; we do not know anything other than what was reported in the media and speculation by the press. We have no report, no circumstances outlined other than what we have read from the investigative reports in the media; nothing other than that and so we could without that report suggesting that it is okay and normal to violate Article 138 (2) of the Constitution. One may look as though they are justifying criminality, but things need to be put in proper perspective, when we shout and behave like the Minister does when the police kill someone, because the Constitution of Guyana, Article 138 states

That:

- No person shall be deprived of his life in this country; and the State is the guardian of life except In the execution of a sentence by a court or in certain circumstances which the Constitution outlines at Article 138 (2) for the defence of any person from violence; or

- From the defence of property in order to affect a lawful arrest; or
- To prevent the escape of a person lawfully detained or for the purpose of suppressing a riot insurrection or mutiny; or
- Four, in order to prevent the commission by that person of a criminal offence

I mention this because too much enthusiasm without a proper report of the circumstances in which the police executed someone may lead to the incorrect conclusion that it is alright in every circumstance for the police to kill people. Having regard to statements by the Minister of Home Affairs particularly in the last debate, one has to be very careful what one states in these circumstances.

The police went into the House of Shaka Blair in Buxton at five o'clock a morning and killed him. Well, was that normal Mr. Minister? Was that capturing? That is why we should have had inquest, reports and investigations. That is the point on all these matters. *[Applause]* That is the point, whenever there is a killing or an execution there should be a proper report. That should be the norm as someone said in the background. There should be an inquest or commission of inquiry, none of those things have taken place, but you are rushing. We do not know what will be revealed; I was there after, I saw the bullets in the roof, all over the place. *[Interruption: 'Were you there?']* Yes, I visited there at seven o'clock the morning after he was killed. Yes, I visited him, a young man with his wife in the house killed. So we have to be very careful when we move and ask

certain things without giving us the proper report. The emphasis, with this is being placed on the killing of fine man as the article said, leads one to believe that the crime situation in this country is now over. Everything is well, this is the general euphoria because everything that was done in this country, every crime once it involved guns was Fineman and his gang, not a single shred of evidence has been produced to convince us about that yet. *[Applause]* All we have are speculations, circumstantial evidence and alleged evidence from the firearms, but that is also questionable, it has not been tested. This is what I am saying, we have nothing concrete, but speculation and guessing and it provided a useful excuse that everything terrible in this country it was easy to say it is Fineman and his gang - excuse.

Therefore, the better thing would be to not have these people executed, try to bring them to justice so you could get more information and the evidence and not kill them like Blackie. As I said, I am not condemning the security forces for killing Fineman. I do not know the circumstances other than what was reported in the press. It may be that that was their only choice available to them in the circumstances. I am willing to give them the benefit; did you not see our statement? We made a statement, it may be that they were justified, but the Minister says that we should give them the benefit of the doubt. Benefit of the doubt is for the courtroom after evidence has been led, not for circumstances like that. In circumstances like that you want statements and reports of what took place, what happened. That is what we need, so it is not a question of

giving benefit of the doubt. Are we to give them the benefit of the doubt in killing Shaka Blair or the three young men at Mandela Avenue, whose killing, when I had Merai in the box, he admitted they could have arrested him in the inquest? So I am not guessing, I am saying that you cannot have such blank cheques issued in circumstances where the Government does not Honour its obligation to have proper investigation so that we can know what is happening. It is premature; we should have had a proper report presented to us and after that we would have said well done, fantastic job, you had no other choice.

Let me not allow this House to be deceived, because the impression is given that once this gang is gotten rid off, everything is back to normal, they are doing a fantastic job. All the gunmen finish. This is the headlines, *Kaieteur News, 29 August 2008 - Guyanese Most Wanted Fineman, Skinny Killed.*

No this is the newspapers, the *Kaieteur News [Interruption]* This is what you are saying, you said so in the Motion. This headline ... *[Interruption: "I said to. Let me correct myself, Sir, the Minister did not say at last, but he said, Guyana's most wanted Fineman and Skinny killed"]* So the newspapers reported this on 29 August 2008. Do you think I am talking about the headlines? I am not talking about the headlines; this is not the headline, but I looked at the next day's paper, of Wednesday, 3 September 2008, a few days later and what did the headline tell me? *Businessman Shot In Attempted Robbery.* You go to Page 3 of the paper in

Georgetown, not at Lindo Creek, not on the Highway or Bartica. This is what the businessman says:

The motive was plain robbery; Mrs Jairam told this newspaper that at the hospital while her husband was receiving treatment...sorry Mrs Jairam told this newspaper while her husband was receiving treatment. The businessman had been robbed on several occasions including one in which a security guard was shot dead. His wife related that this was the second attack for the year, the first occurring on February 7, 2008. She believed that the perpetrators of yesterday's attack were the same ones that carried out the attempted robbery in February.

Well it could not be Fineman, because Fineman was killed and reported in the August 29, 2008 paper.

Then Mr. Speaker, I looked at the next day, *Thursday, 4 September 2008 - Kaieteur News*, headline - *Armed Bandits Raid Brazilian Dredge*. If you go to Page 11 of that newspaper; you will get the details of what transpired. *[Interruption]* I know, you think you are going to delay me long, I am not going to be delayed, but on *4 September 2008: Armed Bandits Raid Brazilian Water Dredge*. Well I do not know if it is Fineman.

Kaieteur News, again *12 September 2008*, Page 12 - *Bandits Stormed Wismar Hospital, Nurses Robbed*

One Sexually Assaulted. The same day ... Nurses Raped At Gunpoint At Wismar.

Sunday, 20 September 2008 - Businessman Robbed Of \$2.9 Million Near Harbour Bridge, headline in the newspaper.

Kaieteur Newspaper - Tuesday, 23 September 2008 - Headline - Internet Café Owner Slain In The Alley Way.

Kaieteur News Monday, 13 October 2008 - Headline - Woman Gunned In Kitting In Front Of Her House.

Stabroek News, 25 September 2008 - Bandits Rob New Amsterdam Shops.

Wednesday, 15 October 2008 - Gunmen Storm Tuschen Grocery Store

Tuesday, 21 October 2008 - Canal Grandmother Dies During Robbery.

Kaieteur News Tuesday, 21 October 2008 - Gunman Shot Dead Another Wounded After Invading Meadow Brook Home.

Saturday, 25 October 2008 - Headline - Gunmen Shoot Up Linden/Lethem Bound Bus, Driver Shot - Passenger Robbed.

That is the story of Guyana as it relates to reports of sensational crime. That is not the crime report; the morning report from the police stations will reveal a lot more. What we are seeing are the sensational ones being reported and I have used those that involve guns and according to the detailed report big guns. Which in the past, there would

have been no investigative work but we would have been told that this is another job from Fineman Rawlins gang. That is what we would have been told in the past. Well I do not know what will be told this time.

So a review of the Newspapers since August 28, 2008 reveals that this panacea that was painted is really not true and there is a lot of work, which needs to be done if we want to bring the crime and security situation in this country under control.

So this Motion is deliberately intended to divert our attention and the attention of the nation from the identified programme to deal with crime and security which was approved by the stakeholders generally and for which benchmarks were set in this document here. We have not heard anything about it. If the Government wants us to commend them, because that is what it seemed the Minister wanted us to do, because he was saying they give the police this, they were the only ones that were backing the police. He should have come with a report showing that these benchmarks set in this Security Sector Plan were being met. He should tell us how much money from the British assistance promised in this programme has been released to date; tell us and it if none, why not.

He must tell us what you have done in relation to the recommendations here about the holistic approach to crime.

What you have done about the recommendations which state that, among other things, if you are going to give the police and the security forces greater authority in terms of

the carrying out of their duties you have to ensure that there is greater accountability and set up the institutions to ensure that you can check on what they do so that there will not be any excessive use of powers? This report tells you that, and that is the area of concern, because if you put those controls and they are operative no one will question when the police kills anyone, because there will be opportunity for accountability investigation and to check whether the circumstances around the killing were legitimate or not, but nothing ... I am speaking about a Motion which is misplaced as a diversion so that instead of telling us what you have done to enable the police to be more effective, because this is what the background of the effectiveness of the police force is ... not them running behind Fine man Rawlins only. You have to increase their capability generally, and this plan was to do that. So if by chance they managed to do one job and they are not equipped to do it generally you are not equipping them to do the job efficiently in the future.

So what we want to hear is not their success only in one area; we want to hear what you have done to provide them the resources that this report recommends, but you come here to fool us and divert our attention from the real issues. So Mr. Speaker, the Government seeks to divert our attention on these issues and we have heard nothing about this security sector report. I think it is basically tantamount to an insult to us in this House that the Minister to come to this House and ask us to commend the Joint Services for killing the Fineman gang that according to the Minister was responsible for

- The Lusignaan killing
- The Bartica massacre
- The Lindo killings

and not a single commission of inquiry has been done by the Government to verify the facts of those matters. It is an insult to this House. That is what you should have spent time on, because if you had done that then the evidence would have been available though the commission of the role of every agency that was involved in:

- The Lusignaan killing;
- The Bartica killing; and
- The Lindo killing that you have adamantly refused to have an independent commission of inquiry
[Interruption]

The Speaker: Your time is up Mr. Corbin

Mrs Deborah J Backer: I rise to move that the Honourable Leader of the Opposition be given fifteen minutes to continue.

Question put and agreed to

Motion carried

Mr. Robert HO Corbin: Where is the commission of inquiry into the Lusignaan massacre? Where is the commission of inquiry into the Bartica massacre? Where is the commission of inquiry into Lindo killing?

Now, what about the Donna Herod's killing? I am told they are now hustling to start the inquest sometime this week. I did not hear anything about that. Mr. Minister you want confidence in the force? This is what, citizens' witness? This is an eye witness statement on 4 September 2007. This what the eyewitness has put in a statement. So I am glad you are finally, I am told, bringing up the inquest of Donna Herod, so I will be there to find out from the persons involved personally about this.

On the 4 September, 2007 around 12:05 pm I was at Friendship Railway Embankment road in the vicinity of the New Friendship Nursery School when... [Interruption]

The Speaker: Honourable Member is that in connection with a pending matter in court?

Mr. Robert HO Corbin: No Sir, the police have refused to do anything about it so it is not yet a court matter as far as I am aware Sir. *[Applause]* I am hoping soon it will become and that this presentation will force them, because this is an eyewitness.

There were four ranks standing next to the vehicles, at that time parents with their children were on the road; school just having been over. I then proceeded East along the Embankment Road accompanied by four other parents and stopped at Brushe Dam where three of the parents proceeded down Brushe Dam.

I would not go into all the details, but I would go further down:

As I was looking in the direction of those parents I saw about nine policemen on both sides of the road, some crouching, others standing, some in black clothes others in Kaki, all were armed with long guns pointing at us. I then shouted to the said mothers, do not go further, there are police there and they were pointing guns at us; so they turn back. At that time only Donna and her children were on that road. I then heard the sound of what appeared to be gunshot and I ducked; the sound came from a southern direction where the policemen were. I then heard several more shots ring out; I looked and I saw Donna on the ground, her children were crying. After about two minutes I raised up, the shooting had stopped. I then ran to where Donna was and I looked at her and saw her lying on her back with her children standing next to her. I saw blood in the region of her right eye; she was motionless and appeared to be dead. I hugged the children and told them to quietly run home. I then shouted, but what is ...

At the end of this eyewitness testimony

... about ten minutes later three police vehicles came up to where the body was, the

said police also came; I told them they were not moving the body until her children came, but the police took the body out of my hand and threw it in the back of a pickup and took her away.

I have several other eyewitnesses, but you see, we have no eyewitness to some of the killings and that is why the point I am making is that while you may want to give the police the benefit of the doubt, that is why you have to put in systems to investigate properly to ensure that they act properly in the law. Months after we could not get any leeway to an investigation into the killing of Donna Herod that you will bring this report to this House and ask us to commend the Joint Services which we do not object to doing and you do not have the self-respect to bring the torture report to this Parliament is an insult to us in this House. To bring this Motion to commend the services and you have said nothing that you are prepared to do about the deaths in strange circumstances of prisoners while in the custody of the police force is an insult to this House. The last one died at the Brickdam Police Station a few moments ago; we have heard absolutely nothing from the Government to enforce accountability. So if you just proceed to commend the services, which as I have said we have already done and you do not at the same time as a Government tell us that you are putting in controls to monitor the excesses of a few elements of the force, you might be giving them *carte blanche* to continue in unlawful activity.

Only last week, Mr. Speaker the Honourable Minister sought to justify in this House the unlawful arrest of young men across the villages of this country and detention for days without charge and you expect us to believe that by just passing a superficial Motion, it will be superficial if on the ground the residents of this country do not see a change in attitude by some elements of the Guyana Police Force, not all of them, by some of them, because we have always commended officers, who have behaved properly. We have made public statements commending them and we will continue to do so. We have had delegations to the Commissioner of Police, not the present one, acting, the last Commissioner of Police and his predecessor commending him and making suggestions as to how the police force could be more effective and offering suggestions to the police force, but at the same time we will not sacrifice or give up our right to similarly criticise them when they go out of line.

So Mr. Speaker, this Motion before the House is inadequate to cope with the tremendous amount of concerns, which people of Guyana have at the moment about crime and security. While the PNCR-1G has no problem with commending the police, which we have already done, we do not have to come to this Parliament. What the Government should be doing is commending them, increasing their wages and salaries, telling us how they have implemented a report. That is what will demonstrate that you are really behind them and the people of Guyana will fully support the joint services in anything they want to do. Thank you very much. *[Applause]*

The Speaker: Thank you Honourable Member

The Honourable Prime Minister and Minister of Public Works and Communications ...

Hon.. Samuel AA Hinds: Mr. Speaker, Honourable Members, it is when we recall and we think of the fear that gripped our country; how all of our people felt they were at the mercy of this gang; I think it is when we recall this that we can see how right and proper and appropriate it is for my Honourable colleague, the Minister of Home Affairs to bring this Motion to this House to extend commendation and appreciation to the joint services for bringing an end to the reign of terror, mayhem and murder perpetrated by Rondel Rawlins and his gang.

We commend the Joint Services, we extend appreciation and we urge that the fearless fight against crime and criminals be continued with sustained vigour.

In every country from time to time, there have been notorious individuals and gangs, who have fallen into a life of crime, murder and terror and citizens have longed for an end to their reign. Nonetheless their lives must always be a matter of regret and warning. There has been a great sense of relief, but their end cannot be a celebration; we do not celebrate. When all is said and done they are humans too and their lives show the terrible things we humans could do.

Mr. Speaker, Honourable Members, I find that in a number of serious issues such as this I am drawn back to some of

my earliest teachings, say, for example, while we may judge and while we may condemn, we should always have the feeling, *there but for the grace of God go you or I*, and the recognition that we are all cut from the same cloth. So we commend the Joint Services; we appreciate their efforts in the face of many criticisms and many ambiguous statements made by a number of people including the Leader of the Opposition who has just been speaking. Some of those criticisms no doubt may have been justified, but many were not justified. There is a great sense of relief in our country, but we do not celebrate; it is not a matter of celebration.

Mr. Speaker, Honourable Members, as the Honourable Member speaking before me has alluded, these are just allegations against Mr. Rawlins and his many known accomplices. They have not been proven in court and it may well be said that they are all but surmised, but I do believe that Fineman was present and actively participated in the killings of:

- The Lusignaan massacre
- The Bartica massacre and
- The Lindo creek massacre

There are other infamous killings and crimes

- The slaying of our colleague, the late Minister of Agriculture;
- Slayings at Agricola;

- Slayings of MMC Personnel at Sharema, Sharebana among others to which he has been linked.
[Interruption: “Ronald Waddle” ‘I do not know that he was linked to Ronald Waddle’]

Mr. Speaker, I think it is appropriate that I should speak a bit again and refresh memories about how this Nation was challenged by the Lusignaan and Bartica massacres. I was very disturbed by the massacre of Lusignaan called by a resident in the area before day- break. Consulting with my colleagues, all of us in great disbelief, working up the courage and the face to visit the community, meeting a hurt, grieving, painful, angry crowd; no one knowing in which way the crowd may turn in its grief.

The security forces present were at the receiving end of much anger and insults and we in Government were also receiving much of that anger and insults for not protecting, saving so many innocent persons including children. Our Nation was walking along an edge and one could feel the tension in the social fabric of our Nation. It was truly a testing time. So I think it is appropriate that my colleague should bring this Motion.

Mr. Speaker, Honourable Members, I was concerned about our Joint Services in that situation. The sensitivity and patience that was required, whether they would demonstrate the sensitivity and patience that was required; the need to understand the mood, the feelings of the people to accept a lot, to swallow a lot to sense where to draw the line and to draw the line just right and firm. A police officer was slapped even whilst we were there, a part of the crowd was

trying to turn over a frontend loader brought in by Minister Benn to help clear the blockage of the road and for hours no one could be sure where things would turn. So that was the situation we had that morning, those servicemen who had been assigned there, who found and held the right line earned then my quiet admiration. Today in this House I proclaim that admiration. *[Applause]* One could not but recognise that theirs was a service which went beyond pay. That they understood that their performance was critical that our social fabric could be torn and in the circumstances of the insults they were receiving, there must have been the question in their minds about what a thankless job a job in our security forces must be. We thank them for their:

- Patience;
- Good judgement;
- Strength; and
- Work which was clearly not for money, but for love of country *[Interruption]*

That is true. Mr. Speaker, Honourable Members, the demise of Fineman and a large part of his gang is a fit and proper occasion for the Administration to move this Motion. It is an appropriate opportunity in which we take in publically recognising the growing professionalism of the Joint Services. I say growing, because for all of my previous Honourable Member colleague has been speaking about where the joint services is not today, where they ought to be and where they are today. Maybe some distance, even a far way away, but what we should look at in this House is where they were before; where they were in 1992, when we

came and met them *[Applause]* That is what we should be talking about. How we have taken them from a group that was responding to political directions and participating in political activity. We brought them to a group now that is becoming more and more each day a professional group.

Mr. Speaker, Honourable Members, this Motion is one that says let us seal a new relationship with our Joint Services where lawful service to Nation and State is what is asked for, nothing more, nothing less. Lawful service to Nation and State is what the Joint Services should provide, nothing less, nothing more. Serving and protecting all the people of Guyana without fear or favour, affection or ill will; with no sense of kit and kin or better yet a sense of every Guyanese being kit and kin. This Mr. Speaker is a good occasion for us to commend the Joint Services and assert that. *[Applause]*

We speak about a police force steadily more capable, more equipped; I can recall Sir, when we came into Government and we visited around the resources, the conditions under which the joint services worked. As we commend the Joint Services we are not unmindful of many incidents which give rise to allegations of brutality and torture against members of our Joint Services. Let me affirm that this Government does not desire our joint services to be engaged in brutality and torture. At the same time, as I said earlier we must be realists as where we are in Guyana and where we were in Guyana. We must realise also that the viciousness of the attacks at:

- Lusignaan;

- Bartica; and
- Earlier periods of attacks on members of the Joint Services must be weighing on the minds of the members of the joint services.

They must expect to encounter such as they set about their jobs. The men and women of the security forces are people just like us. Indeed a major part or a major source of the anger that unforgettable morning at Lusignaan was the report that when the nearby Victoria Station was called, the policemen at Cove and John were hearing the guns, but they had nothing to match the bandits and they advised that Eve Leary be called rather than come out to protect the villagers with whatever arms they had. So our police men and women, the people in our Joint Services are people just like you and me; they have the same fear of loss of limb and life in these encounters. They have learnt to expect no quarter as they engage with suspects. They know that their own life and limb are in danger.

This Government has put in place over its years a number of programmes to better equip our joint services with better protective gear, better arms and with training to better handle dangerous situations. The clear support of this Government has been leading to:

- Improved moral;
- Greater motivation; and
- Higher professional and technical standards as stated in the WHEREAS Clauses

Mr. Speaker, we commend and we need to take this opportunity in commending and encouraging our Joint Services, to call on every member of society to support and encourage our Joint Services as they maintain law and order. We need to enlist the whole society in the maintenance of law and order, because we are coming from a time when the sense of law was totally compromised. Yes, maybe it was twenty years ago, but that chapter has never really been closed in our life, when nearly everybody in Guyana took part in some activity which was not quite lawful.

Mr. Speaker, Honourable Members, I mentioned earlier the conditions of the police stations, police barracks, police lock-ups that we meet and at my first walk-through earlier in 1998, through the Brickdam and the Camp Street. Even with the improvements that we had already brought by that time, I recognized truth in the statement that the jailer and the jail are not very far apart. We must recognize that even though it may be said that the period of our difficulties in our nations in the 1970s and 1980s were long gone, yet still a certain culture developed in that time which still persists.

We are pleased to see signs that the Joint Services are being taken out of that culture into which they fell in those days. We must recognize too that the behaviour of the members of our Joint Services are bounded by the society at large; the members of Joint Services come out of our society and the expectations of suspects and their behaviour are also conditioned by the experiences of the society. One only has to record even lately too the beating which villagers not

Joint Services people have inflicted on persons suspected rightly or wrongly of carrying out criminal acts.

So Mr. Speaker, Honourable Members, in commending our Joint Services, we not closing our eyes to on-going misdeeds of the few as the Honourable Member, who spoke before me did aloud; we are not closing our eyes to the misdeed of a few. Indeed we would look for the support of the Honourable Member in going ahead and identifying and bringing an end to those. We are looking with both eyes to where our Joint Services were in past time and where they are today; we see improvements; we see progress in the right direction. We want to encourage that progress. Our Joint Services are not yet what we want them to be, but it is fit and proper that all of us in this National Assembly urge the government as in the third RESOLVED Clause to pay particular attention to conducting activities in programmes that are designed to foster greater confidence for support of the men and women of the our Joint Services.

Mr. Speaker, Honourable Members, I find no difficulty in providing my support to the Motion brought by my Honourable colleague and I think that no Member of this House should refrain from lending his/her support to the Motion. Thank you.

The Speaker: Thank you Honourable Member.

Honourable Members, we can take the suspension now please.

15:56H - SUSPENSION OF SITTING

17: 15H -RESUMPTION OF SITTING

The Speaker: We can now continue and resume our discussions on the Motion.

Honourable Minister of Tourism, Industry and Commerce

Hon.. Manniram Prashad: Mr. Speaker, I rise to support this Motion - Success of the Joint Services - moved by the Honourable Minister of Home Affairs, Mr. Clement Rohee.

Just before the close of the last session the Honourable Prime Minister alluded to the fact that just before 1992 how things were and after 1992 some of the issues that had to be dealt with, but I think the geneses of this Motion is where we came from and what happened and the success of the Joint Services. I remember as a young boy growing up in Kitty, the Police Force, the Police and law officers in general, when your mother would tell you if you do not stop doing this she would call the police and you would cry; you are scared of the police; you respected the police; they were highly respected in those days. And then also I remember way back the BG Volunteer Force which later after Independence and around that time, became the Guyana Defence Force, but I remember the high standards that you had to attain to get into the Police Force and the respect our law officers were given.

But after Independence several things happened, the first serious deterioration took place in 1968, when to remain in

power the PNC had rigged the 1968 elections and they did that in the first instance with the help from members of the Police Force. Then as the situation deteriorated, we went into 1973 and then we know that the GDF hi-jacked the ballot boxes and what happened? But the point I am making is that because of the deterioration in quality of and respect for our law officers ... all that went down, so that we saw a police force where standards deteriorated significantly and then, of course, much later, apart from the poor quality of the recruits in the Joint Services we had deportees. We had this flawed policy of some North American governments in deporting hardened criminals back to Guyana, and when they arrived here, they spread a new kind of crime in Guyana with sophisticated weaponry. Our security services at that time, I do not think we were equip with resources or capable of dealing with these hardened criminals. The government after 1992 put resources into the Joint Services and tried to revive the high standards that we were accustomed to pre-1966. Within recent times, I would just go back a little from the ... (I am not going to talk much about the fine-man arrangement) but we see improved standards in the quality of the service from the Police and from the GDF.

For instance, we know that the reputation of the Immigration Officers at the then Cheddi Jagan International Airport was poor and then we saw an improvement within recent times and I can give you an instance. Right now, the Chief Immigration Officer, Officer Vyphuis, I think if you look at what happened in the past and what is happening now in terms of passport and in terms of clearance at the

Cheddi Jagan International Airport, we have come a long way. So the standards are coming back and even within more recent times, I remember many years ago the police band used to play in the Botanical Gardens and the Seawall, lovely music in those days and now we have the Police band, they are coming back again with cultural presentations at the National Cultural Centre. We also have the gymkhana is coming back. Many years ago, the police was in the forefront in sports, so I am just bringing these facts to you of where we came from and what we have achieved today and that is why this Motion to commend the success of the Joint Services is so relevant and necessary.

The headline the Honourable Leader of the Opposition showed us at last while a few of us may look at that as sensationalism, that reflected the views of the majority of Guyanese living locally and overseas, because people were fed-up with the crime wave and the criminal elements and the marauding gang of terror, so that was a sense of relief to all Guyanese; most Guyanese except maybe a few in this House would question that.

We must recognise that the greatest threat to our country's economic and social development is when our internal security situation deteriorates and the public confidence in the security force's ability to protect declines. Guyana's image along with the confidence in our ability to maintain peace and security and to protect our citizens against terror has seen tremendous improvements of late due to the recent successes of the Joint Services.

Let us look at what the public has to say about the recent successes of the Joint Services and this is from the Chairman of the Private Sector Commission, Mr. Jerry Gouveia. I spoke to him just two hours ago and I got some quotations from him. The Chairman of the Private Sector Commission, Captain Jerry Gouveia had this to say:

People should be rewarded for results and not efforts.

He said that on many occasions. So this is the right time for the Joint Services to be rewarded and commended. This is what the business community is saying, this is what the Chairman of the Private Sector Commission is saying and people need to understand the different and difficult circumstances the force faces and to give the necessary support. We need more supporters of the force to assist them in information gathering and we need greater co-operation especially from you Members of the Opposition; you can assist in helping the Joint Services.

I also spoke with the President of the Georgetown Chamber of Commerce and Industry a few hours ago and these are private sector people, these are the movers and shakers of industry and I am mentioning their names, because I spoke with them recently. According Mr. Chintamanie, he said within recent months the business environment has improved tremendously; more and more tourists are coming into the country because they feel a sense of security. While Mr. Chintamanie said that we cannot eliminate crime, there is currently a high sense of security in the

business community and he feels that the tension is now on the global financial crisis rather than on security.

People in the Diaspora are sometimes not fed the news accurately - sensationalism - but the feedback from Guyanese overseas is generally positive and supportive of the Joint Services efforts. There is a sense of relief since the capture of Rondel Rawlins, Guyana has noted an increase in arrivals by four percent and by 2.8 percent for the months of August and September respectively. August arrivals of 14,455 persons were the best since 1994 - a record;

September arrivals of 8,603 were the best all time; CARIFESTA X was hosted incident free. None of our visitors felt unsafe.

Even when the perception of crime was high, Guyana hosted the RIO Summit and to have six South American Presidents in Guyana is an achievement; and then, within a few months, we hosted the Commonwealth Finance Ministers' Conference where over forty finance ministers were here in Guyana in this very environment.

It is clear that Guyana ... and the crime situation as it improves ... will be host to many more international events. We also hosted the Caribbean Bankers' Conference and the Conference of the Caribbean Association of Industry and Commerce (CAIC) and these are the Heads of all the Private Sectors in the Caribbean. They feel that Guyana was the safest place to host this conference [*Interruption: 'What about Barbados?' 'In Barbados they had recently*

two tourists who were killed and they could not capture an escaped criminal for six years”] [Noisy Interruption]

The Speaker: Honourable Members, please allow the Member to continue his presentation uninterrupted ...

Hon.. Manniram Prashad: Thank you Mr. Speaker. Within recent times also, we hosted several international televisions film companies and crew. Recently TREX in the Wild World from the UK was filmed and Real Adventures just a month ago and Dave Discovered Sports Fishing in Guyana and the Gentleman who came from Real Adventures is going to set-up a company in Guyana, an eco-resort throughout the length and breath of Guyana to indentify sports fishing.

Also for some of my good friends on that side of the House, the feeling at the bars that are opened late at nights and the hotels most of you who frequent those bars, you feel secure going out there - night life - going out there the bars are crowded, the hotels are crowded (I see some smiles from some of my friends over there). It is evident that in our shopping malls and in our communities it is business as usual. Thanks to the highly visible presence and the behind the scenes work of Joint Services. These are the people who work very hard to make life easy and comfortable. We increase the salary from \$3,000 to \$34,000 now and there are more increases to come. They deserve praise and recognition as they put their lives on the line to rid our beloved country of criminal elements.

Investments in tourism, new hotels, resorts, restaurants and services continue to gather momentum in Guyana. This shows confidence in our economy as well as confidence in our security systems and work of the Joint Services.

Investors need a safe and secure destination in order to invest. The Lions District 60 is hosting their meeting in Guyana in November. Lions from around the Region will converge here; it is because they feel safe. Again thanks to the patriotic and hard work of the Joint Services. Next year the Caribbean Scouts Jamboree will be held here, over eight hundred persons will be here and the Insurance Association of the Caribbean will be having their Conference here in Guyana, over a thousand persons will be attending.

The Joint Services have contributed significantly to restoring confidence in Guyana as a destination and has helped to reassure visitors that Guyana is a safe destination and a safe place in which to conduct business.

The Joint Services operational efficiencies and synergies have contributed to creating the atmosphere in which tourism can prosper and where investment is nurtured. The Acting Commissioner, Mr. Henry Green and Chief of Staff, Mr. Gary Best have made a difference ... Let us continue to support these spin twins and their team of dedicated crime busters in fighting crimes and criminal elements.

As the government, we will ensure that Guyana remains a safe place to live, visit, do business and invest. Therefore, I join with my colleague Minister Rohee in supporting this Motion. Thank you very much. *[Applause]*

The Speaker: Thank you Honourable Member.

Honourable Member Mr. Raphael Trotman:

Mr. Raphael GC Trotman: Mr. Speaker, I rise to make my contribution to this Motion, promising to be short.

Many, many decades ago the then Prime Minister of the United Kingdom or Great Britain as it was then known Benjamin Disraeli during a debate, going the way this one is going, when an opposition colleague made some statements which were not borne out by facts or statistics, uttered now very famous words:

They are lies, damn the lies and then there are statistics

What we just heard falls into that category, if I may quote the latest US State Department Travel Advisory on Guyana perhaps my learned friend and colleague may re-assess his statement about visitors' arrivals on how things are going in Guyana and I quote from the Travel Advisory, it says:

Serious crime, including murder and home invasion seems to be a serious problem. The murder rate in Guyana is three times higher than the murder rate in the United States.

In early 2008,

And I am locating and dating it in November 2008,

An attack in Georgetown suburb of Lusignaan and in the Essequibo River Town of Bartica by heavily armed gangs resulted in the deaths of more than twenty persons; mostly innocent Guyanese civilians.

I will spare us the agony of what is written about Guyana and go on to say this:

The response of local law enforcement authorities to the increase in violent crimes has been largely ineffectual. The police are co-operative, but lack resources to respond effectively to serious criminal incidents.

And a litany of criminal incidents is listed, including:

- hotel room strong arm break-ins, which according to them are on the increase;
- Robberies;
- Thefts;
- Hijackings.

They warned that we should not go anywhere near the seawall, jog or walk or go with your family. Pick-pockets, et cetera, are roaming.

Mr. Speaker that is the reality of what Guyana is and we are not proud that this is so. We believe that the security forces have a right to tackle crime; we support the Government in

its efforts to tackle crime. What we will not accept are these platitudes and these speeches here this afternoon which suggest that with the killing of two persons a few months ago that all is now red and rosy and dandy.

Mr. Speaker, according to all of the pundits; according to all that I heard and that is why I am making this statement, because if you were to listen to what has gone before, it would appear that once we turned the corner in 1992 gymkhanas stopped taking place; the police band stopped performing at the bandstand and we just went below ground.

All of those things that the learned Minister spoke about a few minutes ago happened during the time of the PPP/C Administration. I attended gymkhanas; I attended concerts at the bandstand; I have seen the troops paraded and their colours paraded. All of these things grounded to a halt after 1992. So that is the reason why I thought a reminder of Disraeli's words was appropriate at this point of time.

I need to go the route which was taken by Mr. Corbin by saying that the Alliance For Change as have the other Opposition parties in this country, has given this Government every measure of support that it has asked for, when the crisis loomed large in January and February of this year.

Mr. Speaker, we attended meeting at the Office of the President hours upon hours on-end; we were invited; we were embraced; we were thanked for our participation and for our contribution and so I am personally insulted that the

Minister of Home Affairs would come this afternoon and say that it was only them that give the support to the security services. We sat for hours, we listened to you; we assisted you and now to say that only over there was where the support came from and if there is one statistics that cannot be impugned this evening is that after 1992, the security forces have not voted for the PPP/C Administration. And here it is, you have given them all the support and they are so in love with you, well then I challenge you to go to the polls and see what the result is going to be tomorrow. That is a statistics that I believe is worth repeating.

So Mr. Speaker, if we are going to be Hon.est, let us accept that crime is not, despite the killing of two men which must commended that that in itself has not halted the onslaught. I myself, participated in the drafting of a Statement on behalf of the AFC, when the news reached us that Rawlins and Skinny had been gunned down and I said the AFC commends the security forces, but the root causes of crime still must be addressed and with your permission I would like to quote from aspects of that statement. It says:

Events such as these are not one for jubilation or celebration

And that is why we do not accept what is happening here today:

... but for introspection and expression of relief of what was a sordid past, perhaps is

coming to an end. It is apposite to note, however ...

And I am still quoting;

... that despite the apprehension, killing or capture or whatever words you want to use of several members of the gang, the conditions which spawn the rise and activities of this and other gangs in the past remained ever present in our society

We went on to say that -

The AFC and other stakeholders have been advocating for a thorough review of all of the causes of security in Guyana and hopefully lead to a better understanding and elimination of the root causes that trigger and drive violent crime.

What we here today is reminiscent of a celebration that all is now good, that these men are dead and I am to quote some of the wording, *murderers; terrorists; assassins*, who terrorised and assaulted and yet I heard the Leader of the Opposition relayed for us and chronicled all the offences that have taken place since then, people are shot at as they are going to Lethem to do business. People cannot operate regular businesses whether it be a hair salon or a taxi business ... *Throats being slit* ... This is what is happening long after; and why are we celebrating?

I consulted with colleagues throughout the Caribbean, but particularly in Jamaica where crime is of a very high level and sometimes takes on an urban warfare type characteristic and they said to me that no Government in the history of independent Jamaica has ever risked bringing a Motion of this nature before the House of Assembly of Jamaica and that members of their security forces are commended and rewarded with medals in the way it was always meant to be from time immemorial.

It used to be a time in this country when I believe Minister Teixeira, as she was then, advocated that national awards should be given to members of the security services. Today, she has gone silent after the water is no longer under her feet. That is why there are medals and awards known as:

- Medal of Service;
- Medal of Bravery and Hon.our;
- Discipline Forces Medal

These are medals that were crafted by our predecessors, particularly to meet situations like this, not to hand out tokens and cash and create bounty-killers; to go hunting and when they are sent out simply to kill like dogs, they end up with grenades in Queenstown and hundred of rounds of ammunition, terrorising sixteen year old girls. And if I may *en passant* ... how is it that a serving officer of the Guyana Defence Force armed with grenade could be

having a relationship with a sixteen year old and living with her ...? *[Interruption]*

The Speaker: Well we do not know that, Honourable Member.

Mr. Raphael GC Trotman: I am asking?

The Speaker: Honourable Member, we do not know that ...

Mr. Raphael GC Trotman: But it used to be ...

The Speaker: Honourable Member, we do not know that. That was a report in the newspaper, so we have to be cautious about a person.

Mr. Raphael GC Trotman: Then I will not ...

The Speaker: Honourable Member, please do not engage me in that conversation.

Mr. Raphael G C Trotman: I will not engage you, I will move on.

The Speaker: I am not talking to you. Sorry, just a minute.

Ms Gail Teixeira: Mr. Speaker, if I can have your ear under Standing Orders 41 - Content of Speeches, I think the reference to the police as bounty-hunters should be withdrawn. *[Noisy Interruption]*

The Speaker: I didn't get that. I did not hear what you said. There is too much of noise in the House, Honourable Member!

Mr. Raphael GC Trotman: ... neither did I.

The Speaker: I am talking to you Honourable Member; I did not hear what you said

Ms Gail Teixeira: Sorry Mr. Speaker, under Standing Order 41 the Honourable Member referred too when he was speaking of making members bounty-hunters and I am asking for the withdrawal. The implication is that the police are being made into bounty-hunters.

Mr. Raphael GC Trotman: Your Hon.our, could I rebut in my defence, please?

The Speaker: Yes.

Mr. Raphael GC Trotman: Could I be allowed to rebut? I said, Mr. Speaker ... or you would take council from the Clerk?

The Speaker: Yes Honourable Member, I do not think that is the correct way to say about the police.

Mr. Raphael GC Trotman: May I be heard by way of rebuttal? I think I am entitled to that.

The Speaker: Yes.

Mr. Raphael GC Trotman: I said if we engage in the act of paying them which we have not yet done ...

The Speaker: Yes.

Mr. Raphael GC Trotman: ... then they could be considered ... I said that. I said if we are to pay them. That is what I said. *[Noisy Interruption]* But could I then clarify what I meant?

The Speaker: Yes, Honourable Member.

Mr. Raphael GC Trotman: I am saying ...

The Speaker: Please clarify what you meant.

Mr. Raphael GC Trotman: I am saying that ...

The Speaker: That does not necessarily follow ... anyway you could explain.

Mr. Raphael GC Trotman: I am saying in my humble opinion as a legislator, if I am to engage in payment of police officers by given them tokens and not the medals which have been proscribed by law for them to receive, I can in my view, judge them to become then when they would offered and taken - bounty-hunters. That is what I meant.

The Speaker: I hope you are clarifying that to mean that if there is an award publicly made for the arrest or for information leading to the arrest or otherwise of people and people collect that award. I am expecting you to exclude that from your allegation that that constitutes ...

Mr. Raphael GC Trotman: Mr. Speaker, you and I know each other and of course I will, but this Parliament should not be engaged in issuing instructions for reward monies. I believe that we are above that. *[Applause]*

Mr. Speaker, that notwithstanding, as far as I know and believe you ought to know and those who are legally trained and practise law know that a crime does not necessarily solve with making the arrest; apprehension, killing or capture of the person who is accused, but when the facts are brought before the court whether a public opinion or the Court of Law that says that this is the motive; this is how it was executed and this is why it was done. All we have are allegations without anything to support them. That is not to say as Mr. Corbin has pointed out before that we are not prepared to give the benefit of the doubt.

But I believe as the National Assembly is regarded sometimes even as a Court of Law or of equal standing as a Court of Law that this Assembly should demand a higher level of probity, conduct and that we should not just come here with a Motion that is so bald it calls people assassins, terrorists, murderers without at least giving us the facts. These were the fifteen murders that Fineman committed; this is why he did it; this was his motive and so you asked very much like in a Court of Law to bring in a verdict that says I agree with you, but what we have is the Prime Minister of Guyana saying a few minutes ago that he agreed that these were merely allegations but in his mind he has linked Fineman and his cohorts to these murders.

I demand a higher level of probity as a legislator than that which is coming from over there. There is an admission from the Prime Minister that all they were at no stage were they elevated to nothing more than tissues made up of allegations.

Mr. Speaker, I have quoted somewhat from our article, I go on to quote and again this is because I came with an open mind to support thinking I would for and good support this Motion but when I was accused of not giving support; of castigating and I believe that the press is entitled as well to an apology, because when it was in the morning of Lusignaan when people were being knuckled and shoved and cursed. It was the State media that was reporting that not the private media, we were able to see what happened to the Ministers through State media and there now the private media are being castigated and demonized for what was shown on air on State television. I believe that they are entitled to an apology; we give you every measure of support, when you needed us we were there, Mde Teixeira. We were there, we dialogued, we *conferenced* and we drafted statements together for which we could feel proud and I am disappointed that they would come tonight or this evening with a self-serving Motion such as this. What it has done is the opposite; it has exposed all of the cracks and fissures in the State's security apparatus or architecture to use the new language of the Minister.

Mr. Speaker, to use Shakespeare own comments, he has been hoisted on his own petard.

He now lies before us skewed by the many crimes which have continued on his watch and the statistics do not lie. People are still terrified to go out at nights; they are terrified to venture into the interior; they are terrified to get into mining. The Honourable Prime Minister knows about the daily incidents of robberies with high-powered weapons in the interior; they are terrified of being raped and the perpetrators are not caught and so they go and kill themselves out of fear. They are terrified and these are the other crimes that continue on a daily basis because this Government refuses to look causes, the sociological aspect of crime in Guyana and that is why we are going to have these recurring cycles of crime and violence and so we commend the security forces. We reserve the right to chastised and condemned them when we feel that they have stepped out of line. We have commended them in the past; we believe that need to do more and they have our support for doing more. We wish that in management of these special squads that aspects their social relations are inquired into, so that we do not see reports in the papers, let me put it that way, Mr. Speaker, of Lieutenants of the Guyana Defence Force appearing with grenades threatening people homes. Such a report should never enter the newspaper and should never be reported that once that Lieutenants, in fact he does exist was arrested and he was released and the armoury handed over to the army and the army reporting in a statement if at all this happened, because these are only newspaper reports that they have him under house arrest. You or I could never risk should a thing turning up at a sixteen year home with a grenade threatening her mother and father. Who is he? Who is he to think that her can

terrorized civilians, because he had be authorized and imbued with some force authority that makes him feel that he can go and demand, that a sixteen year old infant is handed over to him or else she suffers the same faith as Fineman and others.

The Speaker: Is sixteen the age of consent?

Mr. Raphael GC Trotman: Yes, but the paper said that she was living with him.

The Speaker: I am just inquiring.

Mr. Raphael G C Trotman: The paper said that she was living with him since she was fifteen in a bottom flat, this was the newspapers report, which has not been refuted.

Mr. Speaker, this Motion as I said, we find that it is superfluous, there is no reason to bring a Motion of this nature to have the highest decision-making forum in the land offer tokens to the security forces. They are deserving of our accommodation, we have done so, we believe that the labels of terrorists; assassins; murders, et cetera, need to be supported with more facts. We have not been getting the facts, maybe if we have the facts, we are not saying the Minister is not in procession of the facts - the evidence - but certainly this is the highest decision making forum as I said it has the highest standard applied.

We cannot step out into the streets and say we supported something simply because Minister Rohee said that we should. If he has the facts ... he has a duty to bring the facts before us. Mr. Speaker, building morale needs to be built;

we do not necessarily have a problem with building of morale, though we are not convinced that it happened only recently, but has a lot to do with the injection of aid from DFID and British Government trainers, et cetera. There is no mention of these people; there is no mention of the work of the Security Sector Reform Action Plan and all the drafters who came out of Guyana to prepare it; not a mention of it, but all of a sudden sterling work in being done by members of the Government. If you want to recognize people, recognize those people behind the scenes who have helped you as well. Mr. Speaker, this is the sorry state of affairs that we are faced with. I promised to be short, I would like to end with a little story which is well documented in the Canterbury tales, The Nuns, priest to be exact. There was a certain fowl-cock named Chanticleer who paraded around the farm yard, crowing; thwarting, fluffing and having people sing to him and he was something to look at, always bringing up Motions for debate in the farm yard until one good afternoon a certain fox by the name, Russell the Fox encountered him [*Interruption: 'Desrey!' "Not the Hon. Member; this is a male Fox known as Russell that happened to answer to Chanticleer"*] ... and he was in one of those ever-aggressive moods that afternoon, crooning about his achievements and the fox began to work on that ego and Chanticleer began to soak it up, and if I may quote some of the words, it says:

With this Chanticleer stood high upon his toes, he started to stretch, stretching his neck and both his eyes did he close and so crowed

right loudly for the nonce. –(that is Old English for the ‘last’)

... and Russell Fox, he started up at once and grab our Chanticleer, flung him on the back and tore the wood did stare.

The morale that has come out of this story has been with us for time long ago is that crime always goes. We stand in support of the security forces of Guyana; we do not stand in the support of hypocrisy; we do not stand in support of superficial self-serving Motions of this type.

Thank you very much. *[Applause]*

The Speaker: Thank Honourable Member.

The Honourable Minister of Labour

Hon.. Manzoor Nadir: Mr. Speaker, we must thank the last speaker for once again reminding us of the fairytales of the past.

I want to begin by first commending, complementing and congratulating the Honourable Minister of Home Affairs for bringing this Motion.

I must say Sir that it is a Motion well earned and well deserved of our Joint Services. I would agree with comments from some quarters, which say that there is much more to be done, but in this regard I want to be and optimist, many persons are looking at the glass that is half full, they will say it is half empty.

In this regard, we our security forces are concerned, the work is not done, but the half that has been completed so far has been well done and we are so today by this Motion, complementing the membership and leadership of the Joint Services.

Among the functions of the Joint Services are:

- The maintenance of Law and Order;
- The provision of National Security defence of our Sovereignty;
- Crime prevention;
- Crime fighting; and
- Crime solving.

The question therefore is: have our Joint Services serve Guyana well in these regards? If, yes then this Motion has to be non-contentious and certainly Sir, from this side of the House we are unanimous in our support for the Honourable Minister with respect to this Motion. We believe that the Joint Services have done well; we have seen them doing well and as the Prime Minister said we want to continue supporting them so that they can do even better. *[Interruption: 'Raise of salary.']* Mr. Speaker, I would not even comment on the aside that I am hearing about raise of salary. Time and time again we have shown from 1992 to 1996 the last time it was raised. The salary of the Joint Services has been increased no less than ten times. From a Constable earning \$3,000 in 1991, a Constable

earns over \$40,000 today. So we would not go there again. I want to say to the speaker who spoke about statistics and lies, that is, statistic that nobody can refute. Mr. Speaker and the Leader of the Opposition also, Sir, had those similar increases.

The Honourable Leader of the Opposition said that with this Motion the Government gives the impression that crime will stop with the death of Rondel Rawlins that is Fineman. He used a string of articles from the newspapers and no one factual and no one will contend that they are not accurate and he used that to show that the attack from the newspaper seen to have shown and increase in crime.

Mr. Speaker, I think we need to go back and separate the records and the reality from his rhetoric; we need to go back and do that.

If you go back to:

- 1992, they had one-hundred and forty-two murders;
- 2003 - two-hundred and six;
- 2007 - one-hundred and fifteen.

In terms of robberies under arms; robberies with violence; those two categories:

- In 2002 showed over nineteen hundred offences;
- In 2007 - twelve hundred

There are nine categories of serious crimes, we all understand there are going to be some amount of under-reporting and like some newspapers they might be some overstretching of the brutality of some incidents.

In 2002 the nine categories of serious crime:

- Murder;
- Robbery;
- Robbery under arms;
- Robbery with aggravation;
- Larceny from the person;
- Rape;
- Burglary;
- Breaking and entering larceny'

There were 5,308 reported cases and it consistently fell from 2002 to 2007, when there were 3,428. I will agree with every single one, all of the citizens of this country, we all agree that 3,428 serious crimes in 2007 is 3,428 too many and we have been fighting it with providing motivation and more resources to the Joint Services.

There was a call from the opposition about greater controls and accountability and I again want to go back to the issue of separating the record and the reality from the rhetoric.

Since 1992 and the Honourable Member Mr. Manniram Prashad did trace the professionalism of the force post independence to the deterioration prior to 1992 and the Prime Minister did mentioned the state of affairs that we inherited in 1992, but since then you have seen and we have seen an improvement and the introduction of the Office of Professional Responsibility within the Police Force, their own internal affairs.

Today perhaps and I would go with the Vs this time. We have a vigilant; a vibrant; and perhaps a vexed media; and perhaps a vexatious opposition. This is another check on all of us in power, the security forces; the executive.

One must look the functioning of the Police Complaints Authority especially over the last seven years. The fact is and this is not a statistic, the Police Complaints Authority in 1992 was barely given a pittance in the 1992 budget. Actually the capital expenses for the Police Complaints Authority in 1992 were just about \$700,000 and the current expenses was \$419,000.

In 2007 and 2008, the Police Complaints Authority budget, and I agree they need more money, but their budget for the two years is over \$20,000,000.

One has to look at the reactivation; the re-energizing of the Police Complaints Authority and so in the reports of the Police Complaints Authority which have been tabled in the House and they are tabled every year and I have been around a long time, till I have gotten gray on the chin as

some people say. [*Interruption: 'You stopped dying'*] I have not stopped dying, I am alive

- In 2005, there were 277 written complaints to the Police Complaints Authority and 245 were resolved.
- In 2006, there were 257 written complaints went to the Police Complaints Authority and 214 of them were successfully and positively addressed.
- In 2007, there were 191 written complaints were received and 107 so far have already been resolved.

On Pages 5 and 6 of the 2006 Report, Chancellor Kennard noted, he said:

The reason for this significant increase is due to the fact that I have visited several rural areas, appearing on television and radio and disseminating brochures on the work of the Police Complaints Authority.

And he mentioned the support of the Bar Association, the RDC in this mission to make the Guyanese public aware of the existence of the Police Complaints Authority and what the public can do with respect to bringing charges against the police for whatever reason.

On Page 6 of that Report, he says also:

Many Members of the practicing Bar have been sending their claims to the Authority to lodge complaints.

That shows the level of support for checks and balances, which this Government has given credence and cash to. That is the level of support. Even members of the Bar are calling the Police Complaints Authority; prior to 1992 I never heard of that happening, but at an unprecedented level today. This is in the report of Justice Kennard who is head of the Police Complaints Authority. That separates the record from the reality and the rhetoric

The other issues of the resources, and we all agree are that:

- Crime fighting is not only about better pay and working conditions for the police;
- Crime fighting is not only about more equipment for the police;
- Crime fighting is not only about how we motivate the police.

All those are necessary things, but we all will agree that they are not sufficient and so what the Joint Services is required to is this unanimous voice and especially from those of us who are rulers of the land to say with a voice loud and clear that we support your efforts. Inside and outside of the House we need to say it and I listen quite carefully, the Leader of Opposition was at pains from saying and I trust that somebody will call a division when we have this Motion. Let us put on record who will support a Motion like this or who would not.

When we look at the resources dedicated to the Police Force; when you look at the Capital Budget today versus the 1992, you will see it increased in excess of ten times. When the police use to get a measly \$3,000,000 for their Capital Budget and a bare \$30,000,000 to pay all their wages and salaries and to run the force; today the Police Force, the Joint Services has billions of dollars annually in the budget in order to fight crime. That separates the record of the Government; that separates the reality from the rhetoric.

This Motion has been labelled as misplaced, could you imagine someone standing up in this House and calling a Motion to commend our Joint Services - calling such a Motion misplaced -ridiculous, another 'r'.

One cannot deny that Guyana have come a long way and Guyana like the entire world and a recent issue, I think, it would have been the July Issue of the Economist Magazine and I know that some Members like to read a lot. When they spoke of the crime in Guyana, they said while Guyana has crime levels one has to look at the leader in the Caribbean today for serious crimes. And you know where that is Sir? The Bahamas, not even Jamaica and Trinidad and Tobago, but the Economist Magazine and it says that while we have not put a total lid on the serious crimes; while we still have people concerned, what it says we have done a fairly good job. Our security forces in the country, the Joint Services they have done a relatively good job and we want to say to them, we are behind you a hundred percent from the highest forum of the land to continue as I said before doing a better job.

There was no denying that many politicians play on the security forces for political gains. The good the Government has done for the Joint Services has been labelled as trying to buy their votes, but yet they do not vote for the Government. Whether they vote for the Government that is their choice by right, the State has a responsibility to be able to provide for their adequate needs and the commitment that this Government has given to the forces it shows that the Government has not discriminated against the Joint Services in spite of who they vote for at election.

In spite of the political feelings of the forces, we all must take our hats off to them in being professional, because they have done a good job in providing for the security of our people. In every organization there are going to be rogue elements, we said so before in every organization there going to be rogue elements and that is why I said we have the checks and balances. We have put up the Office of Professional Management. I know you were not listening. We have increased the capacity of the Police Complaints Authority. We have the most vigilant, vibrant and vexed media as said I before. So what we have before us is a long national recognition of the efforts of the Joint Services and my party and I fully support this Motion. The membership and The Untied Force representative in the House fully support the Motion tabled by the Honourable Member Minster Rohee. Thank you very much. *[Applause]*

The Speaker: Thank you Honourable Member.

The Honourable Member Mr. Donald Ramotar

Mr. Donald R Ramotar: Mr. Speaker, I also rise to support this Motion and I am very much concerned that today the opposition is trying to create the impression that we are saying by bringing this Motion that crime has ended within the society, but one particular nature; one particular heinous type of crimes headed by a gang that seems to be having taking joy in massacring people in numbers, that gang have been brought to an end. That I believe. is very important for us to extend our congratulations to the Disciplined Force in bringing this to an end.

I think it is very important too for us sometimes to let our security forces know that we appreciate when they do good work for the benefit of our country and our society. After all, these people put their lives on the line every time they go out on duty and they confront very, very dangerous criminals in our society.

This Motion deals specifically with work of the Joint Forces in tracking down and eventually bringing to an end this gang that has created such havoc in our society beginning 2002 with the escape of the five prisoners who escaped and spawned a situation that we have never known before in our society and we were never accustomed to before. Up to that time, the police themselves or the security forces themselves have never confronted criminals of this nature and of this type.

You could recall Sir, that the police themselves became targets, the security forces themselves became targets with this period of time and it has been shown that from 2002 to 2006 more officers from the disciplined forces in our society

died in the line of duty than in the whole history of the police force in Guyana.

So we are dealing with a particular gang that has caused so many problems within the society. I recall Sir, that these people were engaged in beheading some of their victims. The first one is Barrow in Agricola, I am surprised that our opposition would make such statements as they have made here tonight, taking into consideration that this gang held a village in Buxton hostage. According to Eusi Kwayana's Book *The Morning After*, these people committed rape on our women; destroyed many, many decent people lives in that community and this is the community that they claim to have a lot of supporters in.

These were the people who had the whole gang, not only Rawlins, the whole gang that was there committed and used the people of Buxton, held them as hostage and used their village as a base to carry out some of the worst crime in our society.

Moreover, remember we were talking about people and the Opposition Leader quoted just now eyewitnesses. Well we have had several eyewitnesses who said they saw Fineman at East Bank Demerara when eight people were murdered, slaughtered on the road and several eyewitnesses.

In fact, Fineman himself admitted and it was published in the Kaieteur News that he was responsible for massacre at Lusignaan and only when it suits you to quote the media and when it suits you to talk about eyewitnesses, it is all well and good.

We are talking about people, that the same Kaieteur News staff, laid people down on the ground and executed them in their heads. We saw children and women murdered in their beds at Lusignaan. We say also at Bartica a man shot over a freezer and five people made to laid down on the ground at Bartica Stelling and executed. This is what we were confronted with, these are some of the things that this gang did and therefore I am surprised and the Opposition Leader and some of the speakers from the other side, Mr. Trotman mentioned that they give support. But whenever they give support, they appear to be giving it grudgingly and at the same time, they are very, very quick to condemn the security forces and to attack them using spurious eyewitnesses.

The brutality of the gang itself was terrible, I have not heard that any statement from the

PNCR-1G condemning the burning of the houses of the Chesters in Buxton. I have not seen any statement coming out condemning those people who had to remove from the village that they were born in and grow up in our society. I got all your statements. [*Interruption: 'Why you did not read them?'*] I read them very carefully

Mr. Speaker, I would like to bring to your attention, Sir ... I plan to be very short today, but I am very worried of some of the attitudes and the message that is being sent out to elements in this society when we have people in the highest forum of the land not giving the full support to our security services, when they carry out their activities to protect the people of our country. Let me say Sir, for a long time I have been worried about some of these attitudes. I always have

much more respect for the political wisdom on the other side, but I do not know if the level of political opportunism has reached such a stage that they looked for very short terms gains in some of what they do, in some of their actions as it relates to criminal elements in our society.

We recall what were they thinking when their equipment and machinery were used and they were even there when Blackie's coffin was draped with the Guyana Flag. What kind of attitude and what kind of messages is that?

Very, very, very grudgingly trying to give any kind of support to our security forces but lavish sometimes in their attacks on the same forces. [*Interruption: 'Where is the laptop?'*] Let us talk about the laptop a bit. I hope that one day that we would be given an explanation in this House and I am sure many people on the other side would also like to know what the Honourable Member of Parliament Mr. Basil Williams, Vice-Chairman of the PNCR-1G meant when he said that you helped us out by turning that thing away from us.

Mr. Basil Williams: On a point of Order ... [*Noisy Interruption*]

The Speaker: Yes, Honourable Member ...

Mr. Basil Williams: Notwithstanding, my twenty-four years as a practitioner, I am recognizing the privilege that this House bestows on a decent speaker. I do not think could not carve your protection Sir when the Honourable Member is suggesting my involvement in something that

the again never brought scintilla of evidence in support. And so I crave your protection even as he has stated and involved my name in what he has come to believe in himself, not recognizing that President Jagdeo and Gajraj, the former minister told me at the President's party if I liked the way they wage campaign against me. In other words, that was campaign on his own politics, but if you want us to talk outside we could talk outside.

The Speaker: Let us stay with your objection. Yes, Honourable Member ...

Mr. Donald R Ramotar: I understand that the tape, in my information, this tape has been verified by the Kaieteur News ... *[Laughter]* I am reliably informed, Sir

The Speaker: The Honourable Member from what he saying has denied.

Mr. Donald R Ramotar: I understand Sir, I am reliably informed that the Kaieteur News sent that tape abroad to a specialist company and they verified that it was a continuous conversation.

The Speaker: Notwithstanding that, the Honourable Member has rejected the allegation that his name is mentioned on the tape.

Mr. Donald R Ramotar: I stand by your ruling, Sir.

The Speaker: Unless there is some other evidence, we have to respect that.

Mr. Donald R Ramotar: I was just wondering Sir, if one day we will have an explanation for such a statement. That is as far as it goes and I have said already many of times outside. All of these things we have to be careful with some of the things that we do. We cannot just look for short term political gains at the expense of the vast majority of the people of our country.

So I am saying that this gang was a particularly murderous gang and as I said I am concerned that at least when one policeman was murdered in this country, supporters of one of the Opposition political parties advised their people to wear red. Those things are dangerous things, when Leon Fraser was murdered, in fact, I attended that funeral and saw some of the people who claimed to be supporters of the PNCR-1G parading out there. I saw that with my own eyes and you made a statement that the people must wear red. *[Interruption: ‘Is it an offence to wear red?’ “Wearing red as a celebration is a different thing”]*

I think that our security forces deserve to be recognized for their action in bringing to an end the kind of violence that we have seen in our society and that is why without any hesitation I would want to go along the lines of my colleagues Prime Minister Samuel Hinds, who said that we do not uphold any of excesses, we do not agree and we do not condone any excesses of the disciplined forces. We are against that and we are willing to take action against these things. These are important. *[Interruption: ‘What about the torture report?’ “We are anxiously waiting to debate your Torture Motion just now”]* So while we do not

condone any of the excesses and we do not condone some the wrong doings that sometimes occur. We do not think that we can take the same brush and dab it and paint the whole security forces, to condemn them for their activity and therefore I have no hesitation at all in giving the full support to this Motion and it deservedly does. *[Applause]*

The Speaker: Thank you Honourable Member.

Hon.. Member Minister of Home Affairs ...

Hon.. Clement J Rohee: Mr. Speaker, I started out this debate with a high degree of optimism that this Honourable House would without much censorship and debate support the Motion that is before us. But I am a little saddened and I will tell you why? In this debate the opposition has failed to take broad approach with this issue. They have narrowed the discussion and debate to a whole host of issues that are totally irrelevant and outside of the basic premise of this Motion.

If I was listening to a recording of this debate, especially what the opposition said, outside of Guyana, I would leave that viewing with the impression that here you have Guyanese in a Guyanese National Assembly speaking against a Guyanese Joint Service of which this nation should be proud.

We are talking about our Joint Services that is what we are talking about. We are not talking about a Joint Service of another nation or another republic. We are talking about the Joint Service of Guyana and if Guyanese nationals

irrespective of the challenges; irrespective of the difficulties; irrespective of the instances of what one might call excesses cannot see the big picture; cannot take a broad vision and a broad approach and support the Joint Services in this country, their Joint Services of their country, this is indeed a sad day for Guyana.

What has been introduced in this debate is a whole host of political issues to taint the debate. What has happened in this country, over the past years since 1992 is a significant shift in the security paradigm and a fundamental shift and this is what the opposition Members has failed to reconciled themselves with, because whereas in the past the security paradigm was based mainly on political threats to the State and using the coercive apparatus of the State to track and to trail and to have a heavy supervision of their political opponents. Now those days are no longer with us, today the security apparatus of the State is being used to deal with threats to the State coming from criminality; coming from persons engaged in trafficking in narcotics and persons engaged in terrorist activities.

No longer is the security apparatus of this country being used for political ends as it was in the past and this is a fundamental shift and this is what the Opposition Members have failed to recognized. There is probably just one Member on the Opposition beaches that knows exactly and precisely what I am talking and referring to, but if someone calls a name I will whistle.

What the Opposition has sought to do throughout this entire debate is to approbate and reprobate at the same time. This is what they have sought to do

When it comes to the Joint Services tongue and cheek they claim, but yes we support the Joint Services when it is necessary to do so, but you condemn them, we criticised them; we chastised them when it is necessary to do so as well.

I want at some point of time at the appropriate forum for the PNCR-1G to demonstrate and to present the information; to present the facts where they have and on which occasions, time and place express support for the Joint Services in this country. Let them show the balance sheet, time, place and occasion when support was expressed for the Joint Services of this country and comparably speaking with the times, places and occasions when condemnations were made of the Joint Services in this country. I asked for the analysis and not just of display of newspaper published from day to day in Guyana. We want the analysis, but we have not seen the analysis; we have not heard the analysis.

The Honourable Member Mr. Corbin said that this Motion is suspect; the Motion is suspect. How can a Motion that is aimed at providing commendations to the Joint Services of this country be deemed suspect. This is an insult to our Joint Services to say that a Motion brought to this Honourable House in providing commendations to the Joint Services is suspect. This is most disappointing.

Mr. Corbin went on to say that this Motion is part of gamesmanship. What do we mean about that - gamesmanship to what end? The Motion speaks very clearly, its objectives are very succinctly set out and therefore to claim that this Motion is aimed at some form, shape or fashion of gamesmanship is mere political posturing.

We never said, at least speaking for myself, I have never said and I have never heard any spokespersons of the Government say that the crime situation is over and that we have solved it all.

I have in my hands a statement I give on 1 October, 2008 at a ceremony marking *The Destruction of Firearms* at Eve Leary and this is what I had to say:

We recognized that there still remain many challenges out there...

I am speaking about the crime situation:

... we do not believe in burying our heads in the sand and to pretend that with Fin-man's demise it is now easy sailing. On the contrary, the struggle continues. The storm may be over, but the sea is still rough. That is why we have to remain tough. [Applause]

As the principal spokesman for the Government on public order and security in this country, I think it is necessary for me to re-state this position, because too often I have heard

it said by those who have spoken in the opposition benches that we on the Government's side is of the view that with Fineman's demise the crime situation has been settled.

Furthermore, quotations were read from the Stabroek News, that this Administration used Fineman as a coverall for crimes committed in this country. Thank you, I want to say that we do not play cornhouse on State security matters. And therefore, when you are talking about coverall, you got to those who play cornhouse and coverall games.

With all due respect to the Opposition Leader, I want to suggest, I want to respectfully submit that he did not read the Motion he did not read it fully or he did not understand what the Motion is all about or they give him the wrong brief which happens all the time. It happens with the American Presidents so I do not see why it cannot happen with an opposition leader here. *[Laughter]* Mr. Speaker, the Honourable Opposition Leader was so caught up with scoring with scoring political points; he was so caught up in seeking to score political points that he missed the essence of the Motion. Yes, he missed the essence of the Motion and he introduced:

- A whole host of irrelevancies;
- A whole host of inaccuracies;
- A whole host of misrepresentations and false facts;

I want to submit that to commend our Joint service, not the joint service of another Nation. To commend our joint service, to commend the Guyanese Joint Services as Guyanese is not to engage in any propaganda ploy as is

suggested from the other side of this House. No way, we do not need to engage in propaganda ploys when we speak about national security matters and any of the agencies that are involved or intricately connected to national security matters such as the Joint Services. That used to happen in the past, if that was what you did in the past it is certainly not a practice on our part to engage in those activities. *[Applause]* Mr. Speaker, I found it almost an abomination, I found it almost reprehensible for this comparison to be made between the Fineman gang and men like Blackie who operate as an individual somewhere outside there and some other criminal elements operating as individuals outside there. How can we sit in this Honourable House after hearing the Honourable Member Mr. Ramotar elucidate and articulate in such a comprehensive manner all the atrocities committed by the Fineman gang and we seek to belittle these atrocities and compare them with actions of other criminals which has no comparison whatsoever. Name me one criminal gang that committed the type of atrocities that Fineman committed that rocked the social fabric of this Nation; that rocked the soul of this Nation; name one of them. There is none Mr. Speaker, the only gang that did this was the Rondel Rawlins gang and therefore there is not comparison whatsoever in any way.

We hear matters and we hear suggestions and calls for reports. Where is the report they asked? They even asked where are the ballistics? But Mr. Speaker, I have in my hands since we are quoting and since we are quoting for convenience sake; I have in my hands here Kaieteur News of Saturday, September 13 2008. A Kaieteur News article

which says *Government has selective approach to crime - PNCR* - it has a photo of the Honourable Member Mr. Norton. This is what he had to say and incidentally two weeks after Mr. Corbin issues a statement lauding the Joint Services Mr. Norton comes out with another statement saying that the Government has selective approach to crime and this is what he had to say. That is my view. [*Noisy Interruption*]

Mr. Speaker, this is what the Honourable Member Mr. Norton had to say; I do not know what this robust defence is about. The moment you begin to defend like that something is wrong. This is what Mr. Norton says, Mr. Corbin was overseas at the time when this statement was made. [*Laughter*] He was in New York reflecting on his speech for the general council meeting because he said at the general council meeting that he had time to reflect on what he should say at the general council meeting. Now this is what Mr. Norton had to say.

I do not believe that any sane Guyanese trust anything the police say about ballistics.

[*Interruption: 'So what is wrong with that?'*] Let me tell you Honourable Member Corbin what is wrong with it. Do you know what is wrong with it? Let me tell you what is wrong with it. You are asking for ballistic reports, but it makes no sense giving you these things, because from the very outset you are making your public policy known which is that Guyanese do not trust the police and therefore you do not trust anything issued by the police. So what will you do with these reports? Mr. Speaker, handing such

police reports... and I do not think we should handle police reports in Parliament, police reports are for the courts.
[Noisy Interruption]

The Speaker: Honourable Members we cannot carry on like this, really and truly. There cannot be shouting across the floor when a Member is speaking. This does not go on in any other Parliament. I try to allow Members to have some freedom; we sit here for very long ours and I understand that you cannot remain silent, but this liberty that I allow really cannot be abused. We cannot have one Member of the House speaking, from any side and you have shouting going on from the other side. Children are looking on at this Parliament; this is what guides our children. Please.

Continue Honourable Member

Hon. Clement J Rohee: Thank you Mr. Speaker. The Honourable Member Mr. Corbin said and I quote:

That benefit of the doubt is tantamount to giving a blank cheque to the security forces to engage in unlawful atrocities.

He went back down that road, where you had to suspend the House on the last occasion for a couple of minutes. I do not want to go down that road here and now, but I will choose the time and place when I will respond to vitriolic attacks by Mr. Corbin on the Police Force of this country. I do not support the view that by giving the benefit of the doubt to the Joint Services that it is tantamount to giving a

blank cheque to the security forces to do as they wish in Guyana. I do not understand how this thinking is permeating the psyche of opposition members. It appears as though it is extremely difficult for the members on the opposite side of the House to extricate themselves from the Fineman syndrome. They seem to be stuck in a rut; they cannot come out from the Fineman syndrome and that is why they keep quoting extensively these occurrences of criminal activities as though they would like to see a repetition of this exercise going on and on. We have to extricate ourselves mentally, psychologically and otherwise from this syndrome and say to ourselves this is an era behind us and we now have to move on. This is the approach we should take: this is the approach that I suggest we take. It is true as I said the Honourable Member Mr. Corbin issued a statement which was countered by another statement by the spokesperson on the PNCR-1G when Mr. Corbin was in New York, I do not know which one we should follow.

Mr. Trotman did say that at the meetings at the Office of the President recognition was given to the efforts of the Joint Services in respect to their lawful activities and so on. Mr. Speaker, let me make it pellucid. I recall when the Commissioner of Police called me to confirm that Fineman and Skinny had been killed. I did not and I say this without any fear of contradiction, I did not recognise in the Commissioner of Police's voice any sign of celebration or joy, I did not recognise that nor did I signal any of that kind of sentiment also. The same night I went to the Police Headquarters and I met with many of the Commanders and

I did not discern in any way whatsoever this talk about celebrations taking place; it did not happen. It is a figment of someone's imagination and they keep harping on this, because they are seeking to introduce some dragon in the sky that does not exist.

I recently attended a medal presentation Mr. Speaker; in fact I had to leave the House within a matter of forty-five minutes and engage in a medal presentation at Eve Leary on this same matter. This was given prominence in the newspapers. Am I to understand from what these Honourable Members are saying, because it was not published in the newspapers of their choice, it did not take place? It was a fact, medals were indeed awarded, but that is only part of the commendations that are extended and to say that by giving rewards to the Joint Services is converting them into (what is the word they used?) ... Bounty killers! Mr. Speaker, I am appalled by this. I think this is a frivolous and a joking way of talking about a serious matter. How can we say that we are converting the Joint Services into bounty killers, when we know that for years these people have been working day in and day out? I am wondering if Honourable Members are not concerned;

- When they walk in the presence of joint services personnel;
- When they walk in the presence of soldiers;
- When they walk in the presence of police;

Could you look at them in their eyes, could you stare them straight in their faces when you make and state positions of

this type? Mr. Speaker, they ought to hang their heads in shame. *[Applause]*

Mr. Speaker, in conclusion they said that they have given and they are right, commendations to the Joint Services; they congratulated the Joint Service. Mr. Trotman said they did that; Mr. Corbin said they did that, but I say now is the time in this Parliament, in this debate to do what you did in the past, which was to tell the Joint Services that you commend them and you congratulate them. Do not only say it in the press, do not only say it at the Office of the President, say it in this House or else you will be playing hide and seek. You cannot want to say it in the newspapers; you cannot want to say it only at some other place and you have a difficulty in saying it in this Honourable House. You all admitted that you said it before ... what is wrong in saying it in this Parliament? To ask Mr. Nandlall what is wrong with that? To invoke Mr. Nandlall's famous quotation;

- What is wrong with you doing the same thing that you did in the media?
- What is wrong with you doing the same thing that you did in the releases at the Office of the President?
- What is wrong with you doing the same thing in this National Assembly since you did it before; I say you can do it again?

And do it ... I ask them to this Motion. Thank you very much. *[Applause]*

The Speaker: Honourable Members I now put the motion as set out in the Order Paper.

Question put

Hon. Robert M Persaud: Division!

The Speaker: Did somebody say a division?

Hon. Robert M Persaud: Yes

The Speaker: Honourable Members we will have a Division please.

FOR

DECLINED TO VOTE

Mr. Whittaker

Mr. Franklin

Mr. Seeraj

Mr. Patterson

Mrs Sahoye-Shury

Mrs Budhan

Mr. Parmanand Persaud

Mrs Holder

Mr. Neendkumar

Mr. Fernandes

Mr. Nandlall

Ms Kissoon

Mrs Edwards

Mr. Khan

Mr. Chand

Ms Wade

Mr. Atkinson

Dr. Austin

Mr. Ali

Ms Selman

Mrs Chandarpal

Mr. Mervyn Williams

[Noisy Interruption]

The Speaker: Honourable Members, please do not interrupt the roll; this is serious business.

Mr. Nokta

Mr. Elliot

Ms Teixeira

Mr. Norton

Mr. Ramotar

Mr. Danny

Mr. Prashad

Ms Ally

Ms Webster

Mr. Scott

Dr. Ramsaran

Dr. Norton

Ms Manickchand

Mr. Basil Williams

Mr. Nadir

Mrs Backer

Mr. Benn

Mrs Riehl

Dr. AntHon.y

Mr. Corbin

Mr. Lall

Dr. Westford

Mr. Robert Persaud

Mr. Nawbatt

Mrs Rodrigues-Birkett

Dr. Ramsammy

Dr. Jeffrey

Mr. Baksh

Mr. Rohee

Mr. Hinds

For = 32

Against = 20

The Speaker: Honourable Members 32 Members voted for the Motion and 20 declined.

I declare the **Motion carried**. Thank you.

Honourable Members we can now move on to the next Motion proposed by Mr. Norton as set out in the Order Paper.

ITEM 2: ALLEGATIONS OF TORTURE MADE AGAINST THE JOINT SERVICES OF GUYANA

WHEREAS Guyana is a Party to the United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (hereinafter referred to as the Convention);

AND WHEREAS Article 141(1) of the Constitution of the Co-operative Republic of

Guyana states that “No person should be subjected to torture or to inhuman or degrading punishment or other treatment”.;

AND WHEREAS there have been allegations of torture made against the Joint Services in Guyana by Messrs Patrick Sumner, Victor Jones, David Leander, Michael Dunn, Alvin Wilson and Sharth Robertson;

AND WHEREAS the visible evidence of the torture of Messrs Patrick Sumner, Victor Jones, David Leander, Michael Dunn, Alvin Wilson and Sharth Robertson were placed in the public view via the media;

AND WHEREAS Article 153(1) of the Constitution of the Republic of Guyana guarantees the protection of the human rights of the people of Guyana;

AND WHEREAS Article 154 A(!) of the Constitution of the Republic of Guyana recognizes that Guyana having acceded to the Convention, Guyanese Citizens are entitled to the human rights enshrined therein;

AND WHEREAS the Convention makes it mandatory the State parties to the Convention “take effective legislative,

administrative, judicial and other measures to prevent acts of torture”;

AND WHEREAS Article 13 of the Convention mandates State Parties to “ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined by its competent authorities”;

AND WHEREAS the investigation into these allegations of torture by the Joint Services does not meet the stated requirement of being “prompt” and “impartial” as is stipulated by Articles 12 and 13 of the Convention;

AND WHEREAS it is the responsibility of a State Party to the Convention to “ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment”;

BE IT RESOLVED:

That this National Assembly calls on the Government to Hon.our its treat obligations under Article 12 of the Convention and establish an impartial and independent Commission to examine and investigate the allegations of torture made against the Joint Services in Guyana;

BE IT FURTHER RESOLVED:

That this National Assembly calls on the Government to Hon.our its treaty obligations under Article 13 of the Convention by ensuring the steps “be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given”;

BE IT FURTHER RESOLVED:

That this National Assembly calls on the Government to Hon.our its treaty obligations under Article 4(2) of the Convention by enacting the necessary legislation to give effect to the provisions of the Convention;

BE IT FURTHER RESOLVED:

That this National Assembly calls on the Government to Hon.our its treaty obligations under Article 14 of the Convention by ensuring that persons found to have been tortured are compensated;

BE IT FURTHER RESOLVED:

That the Government of Guyana Hon.our its treaty obligations under Article 11 of the Convention and "... review interrogation rules, instructions, methods and practices as well as arrangement for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture";

BE IT FURTHER RESOLVED:

That this National Assembly calls on the Government to Hon.our its treaty obligations under Article 10 of the Convention by ensuring that public officials are made aware that all forms of torture are prohibited.

The Honourable Member Mr. Norton ...

Mr. Aubrey C Norton: Mr. Speaker, Minister Rohee was saying he said at last, well we now say it at last.

I rise to propose the Motion Allegations of Torture made against the Joint Services of Guyana that stands in my name. I believe it is necessary for us, first and foremost, for us to understand clearly what torture is. The Government of Guyana, the Constitution of Guyana makes it clear in Article 141 (1) that no person should be subjected to torture or to inhuman or degrading punishment or such other treatment.

The United Nations Convention against torture and other cruel, inhuman or degrading treatment or punishment also outlaws or outlawed torture. That Convention spells out in clear terms what constitutes torture. It says:

Torture means any act by which severe pain or suffering whether physical or mental is intentionally inflicted on a person for such purposes of obtaining from him or a third person information or a confession.

Punishing him for an act he or a third person has committed or is suspected of committing; or intimidating or coercing him or a third person or for any reason based on discrimination of any kind.

When such a pain or suffering is inflicted by or at the instigation of with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering in or incidental to lawful sanctions.

Mr. Speaker, I want to submit to this House that what has been happening in Guyana satisfies all the conditions stated here. It is a matter of fact and history that some politically linked elements in the joint services intentionally inflicted on Patrick Sumner and Victor Jones pain and suffering with the aim of obtaining information and intimidating and coercing them. What the joint services did to

- Patrick Sumner;
- Victor Jones;
- David Leander;
- Michael Dunn;
- Alvin Wilson; and
- Sharth Robertson;

meet every criteria of torture as set out by the United Nations Convention against torture.

When you listen to the definition this was clearly a case of our Joint Services torturing citizens in total violation of Guyana's law and the Convention to which we subscribe. Mr. Speaker, what they did was intentional; it inflicted pain and suffering; it was intimidating and coercing; it involved public officials and its purpose was to obtain information or a confession.

As it relates to whether it was discriminatory or not, people will differ on that issue. I believe that an independent and impartial Commission of Inquiry should be allowed to pronounce on this element of the matter. It is also a matter of fact and history that they were brutally beaten and burnt at the hands of some elements in the joint services. It is important to note these elements in the Joint Services *penchant*; it is important to note these people in the Joint Services *penchant* for burning people. May I mention *en passant* that this is very critical, since intelligence information revealed that at least one person who is linked to an accused of torture of Guyanese was present in the area at the time of the now infamous massacre at Lindo Creek in which burning was one of the preferred tools.

Mr. Speaker, what do the facts say? In September 2007, more than a year ago, Patrick Sumner and Victor Jones, two residents of Buxton were picked up by Members of the Joint Services during one of their exercises. They were taken away by these members of the Joint Services who were armed to their teeth; they took them to police headquarters Eve Leary and Camp Ayangana after which they were locked up at Brickdam. May I point out Mr. Speaker, if you speak to any youth in this country, to be detained at Brickdam in itself is torture. *[Applause]* The two were later whisked way to some point on the Soesdyke Linden Highway, where they were brutally tortured by members of the Joint Services. The little group of criminals in the Joint Services and it is a little group, not the entire body and criminals they are since torture is a crime; not an ordinary crime, but a crime against humanity. They

proceeded to brutalise two citizens of Guyana when they are paid to protect them.

Sumner who is a Rastafari or Rastafarian recalled and I quote:

They really beat us and I think they would have killed the eye.

The two men said that they were placed on cardboard faced down with their feet bound and their eyes blindfolded and beaten in their heads. Mr. Speaker, here are people who are supposed to be protecting citizens; picks up two innocent citizens, no conviction, no crime against their names, but they beat them in their heads with instruments. How inhumane? [*Interruption: 'What kind of instrument?'*]... the one that your brain is made of - steel. After these acts by these few barbarians who call themselves policemen and soldiers, Sumner and Jones were released by their torturers with sore genitals, their bodies lacerated with burns and bruises and Guyana had written a sad page in its history. One in which some persons in the joint services with tacit support of this Government has resorted to torture as a means of extracting information and obtaining intelligence in violation of the Constitution of Guyana and the United Nations Convention against torture. For had they not have the acquiescence of the Government, they would have been already charged and placed before the courts since Ms Gail Teixeira, Presidential Adviser on Governance and a Member of this Honourable House had declared in her response to a question posed to her in 2006 before the UN

Committee against torture she declared as follow and I quote:

On the issue of penalties to punish torturers under the Criminal Law Offence Act a suspect could receive between seven years in prison and up to a death sentence.

I do not really agree with her, it is not a suspect; it is really one who is convicted, but I read from the UN document and she said they can do that to a suspect. Well I thought that was not an accident, because that is what they did; they did it to suspects and I have the document here from the UN to establish that the Honourable Member of this House told the UN that that is what could happen if you were a suspect, not if you were found guilty. So Mr. Speaker, the Honourable Minister of Home Affairs speaks about psyche, but I believe this happened to the Honourable Member, because interwoven into the fabric of our psyche is that perception. It is unfortunate, but it is true.

It raises the question therefore why were those who tortured Sumner and Jones placed before the courts? And why is the report of the investigation into torture by the Joint Services not yet available? The answer should be obvious to all. They were the mere executors of Government policy and as a consequence the Government is obligated to protect them.

Mr. Speaker, it is in this same vein that recently the Head of the Presidential Secretariat Mr. Roger Luncheon in his normal circum-loquacious way... [*Interruption: 'Doctor!'*]

Well you might be his patient so you would know. *[Laughter]* Honourable Dr. Luncheon, what is the difference? You are patient so why are you so... The Hon. Dr. Luncheon proceeded to state that the purpose of the investigation was not to bring sanctions. I believe what Dr. Luncheon is doing if that satisfies you is preparing the conditions to release the reports and not bring sanction to those who torture people.

Mr. Speaker, people are tempted to call names about who torture, but I am going to be so cool, no pun intended that I would not be conned into calling names. *[Interruption: Say it.]* I am waiting on your report, but I promise you I would be so cool that I would not be conned into calling names. That I want to say to you, but a word of warning is useful here for those who torture. Those who torture people should end this practice since international law provides for you to be dealt with condignly outside of this jurisdiction. We know the Government might vote this Motion down, but by that very act they would have created the conditions for us to take it to the other level. If you vote for it, well you are going to say we are dealing with it at home, but when you vote against it almost immediately we can send it off to the tribunal with their names and let action be taken. *[Applause]* The Joint Services and the PPP regime or sections in the joint services and the PPP regime believe they have achieved their objective. They feel that they have instilled fear in those they would have tortured. So successful they were that Patrick Sumner went into hiding and Victor Jones departed Guyana at the first opportunity

after he left hospital, but were they indeed successful, Mr. Speaker?

- Did Eon Smith succeed when he tortured Africans?
- Did Pinochet succeed when he tortured thousands of Chileans?

No, they did not; Donald you would know that. You quote them a lot at the international level so you would not succeed. In fact they increased the opposition to their regimes and in the long run, those on the side of justice prevailed and in Pinochet's case many of those tortured lived to see him account for his wrong doings. History should be a teacher to this regime ... my friend Donald speaks about history. You know the story of the communist Rodney Arismendi ... so when they torture here you should say to them, '*no, my colleagues of yesteryear that happened to them and it was not good*', but you sit in silence tacitly condoning what is happening. What history teaches is that those who torture are condemned and will be swept into the dustbins of history. It is only time before that is the faith of those who presently govern the society in a lawless way and resort to force as the main tool for retaining power. *[Applause]* Listen to this Neil it is important to you; power has a way of serving its rulers, while in the same process creating the conditions for their demise. Let me repeat that for you; power has a way of serving its rulers while in the same process creating the conditions for their demise. That is the reality of Guyana today; the factors that will contribute to the end of this dictatorship are being created by the regime itself.

Mr. Speaker, the treatment of Sumner and Jones was not the end, rather it was the beginning. Later Guyana was treated to another gruesome torture of a Guyanese. The torture of David Leander, he was beaten to a pulp, the image of him being unable to walk out of the court is edged in the mind of all those Guyanese who believe that we should all be treated as human beings. So terrible was he beaten that he was in a state of stupidity, the grave acts of inhumanity must have been too much for Justice Jainarine Singh that he ordered that Sumner be taken to the hospital. What kind of man could decimate his own human kind and then come to this House claiming that they are in support of humanity. I say this to this House Mr. Speaker, as human beings we must never descend to the point where we lose our humanness. Human society must always find ways of ensuring justice within the confines of the law. We must never descend to the nadir, no pun intended; and allow the crimes of others to make us criminals ourselves. For when we torture, we almost with automaticity transform ourselves into criminals, because torture is against the law. It is evident to me Mr. Speaker that this is the philosophy that underpins the United Nation's Convention against torture and other cruel, inhuman or degrading treatment or punishment. It is this same philosophy that resulted in Article 2 (2) of the Convention stating that and I quote:

No exceptional circumstances whatsoever whether a state of war or a threat of war; internal political instability or any other public emergency may be invoked as a justification for torture.

So for those who want to come and tell us that somebody is a criminal or is suspected of a crime and so they can be tortured, they must know that that is against international law. Even in a State of war torture is not permissible. *[Applause]* The Convention makes it clear that in no circumstance, Mr. Speaker, the UN has sent a clear signal; torture is unacceptable in any circumstance. No one in this Honourable House must suggest that it is okay to torture people to solve crime. What is needed is a better resource and scientifically better equipped Joint Services with well trained human resources capabilities. Give our young people to become policemen in a modern era and to have a professional career in forensic and other related sciences. Let us make our police force an institution in which intelligent young people would want to join. We need to change the image that policing is brut force and ignorance and a place for those who cannot do better. It is unfortunate when we create the perception that policing is brut force and ignorance. Policing in the modern world is about intelligence gathering, forensic capability, technical and other know how so that you can develop the evidence and convict people, but when you do not have that you have to do like some people do, accuse and then execute.

Of course to achieve the kind of policing we are talking about, our policemen have got to be paid better. If they are paid, it will redound positively to the force and they will issue torture as a means of achieving their objective. Those who would want to argue that they were instructed and I am speaking here to the torturers. Those who would want to argue that they were instructed to torture people must note

that it is not an acceptable excuse since the Convention makes it clear in Article 2 (iii) and I quote:

An order from a Superior Officer or a public authority may not be invoked as a justification for torture.

We see the thinking of the world; the world is thinking in a modern way that people should not be tortured, but in this country we will see how backward we think on this issue. The Convention is signalling to those who torture people that you are on your own and you are responsible for your own actions. Of course in the Guyana case some might feel safe that they would be protected by the Government; the report will be withheld and after time it will be thrown under the carpet.

Mr. Speaker, what is worst, if one looks at the United States, people are being brought to justice for torturing their enemies. I repeat, in the United States at present people are being brought to justice for torturing their enemies at a time of war. There are many people who are accused of torture in Iraq and around that are before the courts in the United States. Unfortunately in Guyana, those who are serving in the Guyana Defence Force are themselves torture and the Government does not have the decency or the moral rectitude to bring these torturers to justice. History has recorded that:

- Michael Dunn;
- Alvin Wilson; and

- Sharth Robertson as serving members of the Guyana Defence Force were brutally tortured and by their so called colleagues.

In the process of being tortured one of the victims alleged that a broomstick was placed in his anus and he had to be hospitalised in Camp Ayangana. You tell me, in this modern world, in this world where people claim to be human, such an act can occur. Unacceptable, this is a level of inhumane treatment that some elements, I repeat, some elements in the Joint Services give to some of their own. It is useful to note that since they were serving members of the Army, they were able to identify their torturers as members of the Military Criminal Intelligence Department (MCID) and at least one policeman. Interestingly MCID was dismantled to the time when it was making progress in terms of penetrating, unravelling and dismantling the drug and other criminal enterprises in Guyana. A new unit was then set up; it is manifestly a politically directed body and it is clearly the architects of torture in this society - your word Mr. Rohee - the architects of torture in our society. The point that comes to the fore is that intelligence in any society should be dealt with by people who are not political partisans; they are dangers in politicising intelligent units to the point where the crimes will be protected, but Mr. Speaker, what is it that would have led to the torturing of Guyanese? Why does it have to occur in our society? Consistently to be an event, but on the contrary it is part of a problem. This is part of the process to ensure that this Government can govern, break law, do as they like and not be accountable. That is the purpose; it is purely aimed at

ensuring fear. It is aimed and it might be achieving its objective. For those of you who live in villages, when you go in certain villages, descent citizens see the police and run. I am telling you and I can give you the information; a man coming home from church with no criminal record was arrested and placed in that place called Brickdam and that is the major problem. One of the major problems is the way in which it is defended. Mr. Speaker, this society has been experiencing excesses by some members of the force for years without the Government taking the required action to deal with the situation. It arrived at the point where the now infamous black clothes squad had become judge, jury and executioner. This was compounded by the emergence of drug lords that started to penetrate the centres of power in our society; in fact this penetration of the centre of power could have been tackled by this Government, since the then Permanent Secretary in the Ministry of Home Affairs Mr. Fabian Liverpool. In the Stabroek News of January 7, 1993 had warned in reference to the drug lords in Guyana. This is what the Permanent Secretary told his Minister and the Government, I quote, in referring to the drug lords he said:

They will contaminate our public officers and start developing their own armies and will give us nightmares, unless we nip it in the bud.

Mr. Speaker I am pointing out to you that a public servant at the time pointed out the dangers of drug lords emerging and establishing gangs. Dr Luncheon called them phantom gangs; he named them, we did not. What is unfortunate is

that the advice fell on deaf ears, but the Government's non-action led many to the conclusion that they were in bed with drug lords.

Mr. Speaker, I spoke in this House in a Motion recently on selective justice. I believe that one of the factors that contributed to torture is that the fact that the Government had abandoned the position of all he who commit crime shall pay the price and have been selectively bringing people to justice. And so the torturers felt they could do the same thing and get off. Dr. Luncheon confirms it, while the report is on his desk some where, he says the intention was not to deal with them, not to bring sanctions. So they are probably sitting there believing if I come and I torture Norton now, nothing will happen because the Government will put it under the thing. That makes it more important that we have to take this matter to an international level.
[Applause]

As the situation in Guyana got out of hand, the problem was compounded by the presence of heavily armed prison escapees. Some of us as it is well established were used by those who later condemned them and that is one of the reasons that they have to die. They have to die, because to allow an inquiry they will:

- Say what happened;
- Who give them weapons;
- Who they work for;
- How they get wrong and the confusion occurred in Guyana.

So he was doing law at the time, he was not even here [*Interruption: Where are the weapons? “The weapons” ‘We know where these ones are, we are sure of where these are. You know, you remind me of the man who seeing it right in front of him, but gone searching somewhere else.’*] Mr. Speaker, I said the situation got out of hand; the problem was compounded by the presence of heavily armed prison escapees. The police was unable to cope and rather than increase the capabilities of the police, the GDF was brought into the fray.

The then Minister of Home Affairs resorted to the use of all forms of illegality and extra judicial killings to deal with the situation. In the circumstances, the law was placed on hold and the lawless became bold. The rest is now history. In this situation the conditions were created for there to be the use of any means possible and the situation became propitious to the use of torture and torture was introduced. But even in this situation, those who believe in this country felt that all was not lost. There was still hope that the Government will deal with the situation. Then Guyana was greeted by the Government of Guyana’s position on torture that emboldened torturers and made them feel they are sanctioned by the Government. This statement came from no other than the Hon. Minister in this House, the Minister of Home Affairs, Mr. Clement Rohee. What did Mr. Rohee tell this Nation? He said and I quote:

I have been walking around recently and I asked people what were their major concerns; no one raised this one, torture of

*two men except some section of the media.
You and I know that the major concerns of
the people have nothing to do with
allegations of torture of two men. People
are concerned with:*

*Getting water;
Their own home and land; and
Being able to buy food and unpack
barrels coming from the US.*

Mr. Speaker, I think that common sense should have dictated that in this modern era, when a Government claims to be democratic none of its servants would make such a statement, but even as I felt common sense should prevail, I remember the famous words of Voltaire. He once said that common sense is not so common. Suffice to say that ever since that statement we have seen torture becoming a normal part of interrogation. As it stands, I am now investigating a report that was brought to me, Saturday I think it was that at a police station a policeman takes a hot iron and places it on the back of somebody who is arrested. *[Interruption: 'You are carrying out your own investigation.']* You did not hear what I said. I said I am now in the process... I do not need to answer you. What is wrong with that Anil? What is wrong with that? I am carrying out my own investigation. The information I have here is investigation I carried out. Mr. Speaker, it is against this backdrop that this Motion calls in its fifth RESOLVED Clause on this House to ensure the Government of Guyana Hon.ours its Treaty obligation and, as I quote:

- *Review interrogation rules;*
- *Instructions;*
- *Methods and practices; as well as*
- *Arrangement of the custody and treatment of persons subjected to any form of:*
 - *Arrest;*
 - *Detention; or*
 - *Imprisonment with a view to preventing any cases of torture*

I believe any decent Government will Hon.our this obligation under the Convention. Anyone of us, we might now have some tacit agreement of the Minister of Transport, Mr. Robeson Benn that there might be a need for review of the methods. I hope from his own familiar experience, he would agree that there is really need to review the methods of the police and to place those methods in a modern humane context while at the same time fighting crime effectively. As we review the methods of operation there is need for the establishment of an impartial and independent commission to investigate the allegations of torture made against the joint services. In the process, there should be adherence to the second RESOLVED Clause, which states and I quote:

Ensure that the compliments and witnesses are protected against ill treatment and intimidation.

Mr. Speaker, when you speak with those army men who were tortured, they told you that having been tortured and it

hit the press, members of the Joint Services came continuously to their house harassing them. So you are not satisfied:

- I burnt you up;
- I beat you up;
- I kick you up

I have to come now and extend it to your family; we have to end this insanity. *[Applause]*

But we must not only investigate, we must also educate. I include you here Minister, because I think there is need for the Minister to understand the obligations of the Convention and to operate within the confines. We would not get a statement like what he made, more so having served as a Foreign Affairs Minister. It is in the attempt to achieve this objective of education that the last Clause of the Motion takes on added significance since it devolves the responsibility on the Government to ensure that and I quote:

Public officials are aware that all forms of torture are prohibited.

Mr. Speaker, is there anyone in this House that is so presumptuous and uncaring to suggest that people should be tortured? I hope not, I believe that no decent human being will disagree that people who have been tortured have been done an injustice and that they should be compensated as stated in the fourth RESOLVED Clause. I hope that when compensation time comes the Minister does not file an

appeal that takes seven years so that those tortured go to their graves without their money.

Mr. Speaker, as I commend this Motion to this House, let me state that we have to obviate torture from our society. None of us must have to go to bed with the nightmare of the likelihood of being tortured by our Joint Service. I believe that the many decent men and women in our Joint Services do not believe in torture. They do not want people to be tortured and they will not torture people if the political system does not condone it. This is critical;

- When you speak with the average policeman and the average soldier;
- When you speak to those outside of MCID and those that do the political biddings of those who are trying to create fear, those who are outside, are totally opposed to torture.

The Joint Services as an institution would prefer to do their work in a professional way and we are reliably informed that one man who was involved in the torture he does not have to report to the head in Ayanagana, he reports straight across. He takes his report. *[Interruption]* Well you brighter than me, you know it is Vlissengen Road, but straight across. The point I am making Mr. Speaker... *[Interruption]* which ever man, I cannot be threatened and once I want to call the name I will call the name. I do not have to be urged on to do anything. I am not you; I research, look at my facts and decide what I will say. When you want to tell people to call name tell Neendkumar. *[Laughter]* That is his work,

my work is to analyse the situation and bring the facts to the fore. *[Applause]*

Mr. Speaker, I urge the Members of this House to summon the political will and to take the appropriate action to end the dastardly act of torturing people and return sanity to our investigative processes. The only winner in such a Motion will be all the people of Guyana. Mr. Speaker, I believe that to deal with this question of torture it is incumbent on the Government that it sends the correct signal that people should not be tortured. If you tell people, if you tell the world that people are only interested in what is in their barrel you are in a way suggesting to them they should torture people. And in any decent country, the Minister would have resigned, but since we are not know here for decency I would not even ask for your resignation.

Mr. Speaker, I want to conclude by saying in no circumstance is torture permitted, in international law, in law and in the realm of mere humanity. It is a serious mark against us for us to have to come to this House to debate torture, because the Government failed to act and to deal condignly with those who would have tortured people.

As I commend this Motion to this House, I say to the House;

- You have a chance to restore decency;
- You have a chance to ensure that people are not tortured in Guyana.

The choice is yours, you will make it, however you choose, but it want to say this, we on this side of the House in the People's National Congress Reform will not rest until those who torture people are brought to justice and torture comes to an end. I thank you. *[Applause]*

The Speaker: Thank you Honourable Members we will now suspend for fifteen minutes.

17:45 H - SUSPENSION OF SITTING

20:25 H - RESUMPTION OF SITTING

Mr. Scott, are you the next Speaker?

Mr. Keith Scott: No, Sir. *[Pause]*

The Honourable Minster of Agriculture

Hon. Robert M Persaud: Mr. Speaker, I rise to make a brief intervention on the Motion tabled in the Honourable Member Mr. Aubrey Norton's name. *[Interruption]*

The Speaker: Honourable Member, you are the third person who has threatened to be brief and I am still waiting for a brief speech. *[Laughter]*

Hon. Robert M Persaud: I have taken note of your observation, Mr. Speaker. I want to make it absolutely clear that this side of the House and the PPP/C Government has and will not under any circumstances tolerate torture.

Further, I want to make it absolutely clear that no order or no directive has been issued nor based on my information

anyone in the security forces is engaging in any form of torture.

Mr. Speaker, torture is an abhorrent practice and has no place in any civilised society and this Government takes much pride in respecting and Hon.ouring the human rights of our people, but also ensuring in the global community of Nation that we can stand tall as a country, which respects human rights. Mr. Speaker, torture is prohibited:

- By our Constitution;
- By the United Nations Charter;
- By the Universal Declaration of Human Rights;
- The same Convention that the Honourable Member referred to that is the International Covenant on Civil and Political Rights; and customary international law.

Our Government has made it clear that we are committed and through our action and our policies we have demonstrated that we are abiding by these arrangements.

Mr. Speaker, we have to understand and appreciate the context of this Motion. That is what I think is the crux of the matter - the context of this Motion. We all know that since 2002 with the infamous jail-break and the subsequent crime wave, we saw a new face of criminality in Guyana. We also remember when the intellectual authors dubbed those who escaped and were engaging in all sorts of rampant killings and other acts as freedom fighters. We must also recall too that high powered rifles were removed from GDF- the Guyana Defence Force armoury and handed

to criminals. We must also recall the reign of terrors, of ulterior activities that were inflicted on:

- Citizens in Agricola;
- Citizens in Lusignaan; and
- Citizens in Bartica

Also, we had incidents added to that which took place at the Kaieteur News press and also at Lindo Creek.

Also Mr. Speaker, we must remember that members of our Joint Services were specifically targeted, not targeted for verbal abuse, but they were targeted by the criminals and the killers. It was clear that the context that we had and the experience that we had in our country, we saw was a very organised reign of terror against the peace loving citizens of this country and also in the security forces response they became the targets. Those incidents saw the population crying out for firm, decisive and lawful action being taken by our security forces. In that context persons suspected of involvement would have been questioned and such interrogation is necessary if one is going to glean the truth or get some facts about the matter. No one would dispute the fact, because we are talking about our law enforcement bodies, that a certain amount of physical and mental pressure would have been used, but these do not amount to torture. Also, these pressures even if we look within the context of the International Convention against torture and other cruel inhuman degrading treatment or punishment, these do not fit the definition of torture. We must also recognise too that the Convention that we are referring to,

this Government has been adhering to it and we see this Convention and this Treaty as a moral force that we pay serious attention too.

I want to get back to the point that not all acts of violence are deemed to constitute torture. Let me go back to the same Convention that the Honourable Member referred to. Article 1 of the Convention defines torture to mean ... and he went through that definition so I will not elaborate on that, but I also want to refer to a statement made by the late former President of the United States, Mr. Ronald Reagan in his message to the US Congress transmitting the Convention and this was made on May, 23 1988, in which included the State Departments, section by section analysis of the Convention, which indicated that the Convention's definition of torture was intended to be interpreted in a relatively limited fashion corresponding to the common understanding of torture as an extreme practice which is universally condemned. In that statement the former President of the United States suggested that rough treatment such as what we would call police brutality, while deplorable and I must stress this, while deplorable does not constitute torture within the definition of the Convention. The Convention's definition is usually reserved for extreme, deliberate and unusually cruel practices such as:

- Sustained systematic beating;
- Application of electric currents to sensitive parts of the body;
- Tying up or hanging in positions that cause extreme pain, et cetera

Mr. Speaker, this interpretation is further supported by Article 16 of the Convention which requires signatories to and I quote:

To prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment, which do not amount to torture as defined in Article 1

It is thus clear that whilst we may find some of the police roughing up and other what we may say excesses intolerable these do not constitute torture. To try to include all these acts cheapens the definition of torture and we need to recognise that. Yes, it cheapens the definition of torture.

I want to address the other element of this Convention which talks about impartial commission or independent commission of inquiry. The Convention does not require an investigation by any independent commission and that was a falsehood. Article 12 of the Convention states and I quote:

Each party shall ensure that its competent authorities proceed to a prompt and impartial investigation whenever there is ...

and I want to emphasis these words

... reasonable ground to believe that an act of torture has been committed

So while recognising this even within our context and our provisions that are available, they are sufficient remedies

short of a commission of inquiry. In our country today if anyone feels they have been a victim of torture can go to the court or can go to the law enforcement authorities and make their complaint. I am not sure why it is they are going to the Honourable Member's house.

Mr. Speaker, Guyana is blessed with an impartial judiciary; our domestic laws and the common law of offences of assault and battery would cover any allegations of abuse and our citizens have recourse to the court should they feel they have been victim/s of torture.

Addressing the context of this Motion we must look at what is the motive. There are some motives behind his Motion, which I would deem irrelevant. The PNCR-1G after having a very disturbing track record on human rights while in Government is now hoping that it can impress upon this House and the citizenry that it is concerned about human rights in Guyana but the Guyanese people are no fools and Members of this National Assembly we should all respect their intelligence. Everyone is fully aware of the PNCR's track record and also when it was in Government, but also the PNCR's histrionics in the streets of Georgetown especially after several elections. Their constant assault on people's rights and also in some instances, advocacy of violence certainly put it in no position to be an advocate of human rights or pretending to defend the human rights of any citizen of this land. In fact the PNCR has no moral authority [*Applause*] that is very important; you have no moral authority to pronounce on the question of human rights especially on the allegations of torture in Guyana.

You just need to perhaps read Father Morrison's book and that is replete with many examples and if you do not want to read Father Morrison's book, go and read successive US State Department Human Rights Report done in Guyana. You go and read the Human Rights Report that were issued when you were in Government and then you must determine whether or not you have the moral authority to speak on human rights in general more so torture. Time would not permit me, because I think I made a promise with the Speaker to be brief, but I can enumerate, I can spend the next hour here enumerating persons, who have suffered what you have described under your rule and some of it very recently.

Mr. Speaker, we also need to mention the human rights organisation. There were several requests by various human rights organisation to investigate or to comment on allegations in Guyana and nearly all of those requests were rejected by the PNC when it was in government.

Let us talk about today, the situation is different; we are what we can describe as the dawn of a new era:

- In terms of human rights in our country;
- In terms of freedom;
- In terms of respect for citizenry

We all know that from time to time, persons who might have had some engagement with the security forces would report that excesses were carried out, but today those individuals in levelling those allegations first of all they could not do that in the past, but today they can go

publically, jump anywhere and level those allegations. Not only can they level the allegations and go to your home or other places and make allegations; these are being investigated. There is now and within... perhaps Minister Rohee, I am not sure if he is speaking, but he can probably talk a bit about the police have something called the Office of Professional Responsibility whereby persons can go there and there are other mechanisms in addition to those that are provided for by our Constitution. I will come back briefly to touch on the Motion itself,

Some on the same names and the cases you have described when those were made the security forces promptly launched an investigation. That reflected not only the Government's concern, but it also reflected a professional outlook by the security forces. They were not obliged to go and launch an investigation merely because someone went to somebody and made those claims, but because of their concern and their professional outlook they thought to have that done.

I want to talk a bit about the motive. Every time that we see the security forces in this country having the upper hand on the criminal network, it worries somehow or the other, strangely and I am even disturbed by that fact. It worries the PNCR. so what happens is that party goes to work and starts to engineer a campaign:

- To undermine;
- To destabilise;
- To cause mistrust; and

- Even to demoralise members of the security forces.

Tonight, in this National Assembly we had that demonstrated when instead of encouraging and commending the hard working members of the Joint Services... *[Interruption]* I was sitting right here when the vote was taken Madame; when there was a division. Instead of commending them, what the opposition did... you were not there to say that you abstained that is why you do not know what took place. What the opposition did instead of offering some kind of support to the Joint Services it in effect rejected their efforts; it in effect told them that their efforts to make this country safe and secure were not appreciated. Shame on you, people watching out there and even your own constituent, not only members of the security forces and law-abiding citizens, but your own supporters will be disturbed by the position that you have taken here tonight. So Mr. Speaker, the security forces and Minister Rohee in his contribution on an earlier Motion made it clear that those involved in the security sector will not let up and I am quite sure that Motions and antics such as this will not distract them either from their focus in terms on dealing with the security situation and ensuring ... I am not sure ... if that view is shared unequivocally by members in the PNCR that is not members, but members of Parliament of the PNCR because I am quite sure that the membership of the PNCR supports this society being free of criminals, being free of any activities that will harm, hurt or take away possessions of our citizens.

In fact Mr. Speaker, reading the Motion and listening to the Honourable Member, Mr. Norton, I remember Othello, and when Othello was told that his wife was unfaithful his response was, *give me the ocular proof*. I want to say to the PNCR give this National Assembly and give the people of Guyana ocular proof that there is torture and you cannot, because there is none.

Mr. Speaker, let me address the Motion as tabled by the Honourable Member. First of all, the WHEREAS Clause merely is a repetition of the weekly propaganda claims and attacks against the security forces, that emanate from Sophia. That is what it is; it is a summary of the weekly propaganda exercise and activity which the Honourable Member seems to be heading off every week so I am not surprised that he is the author, signatory or mover of this Motion. If we look at all the WHEREAS Clauses they are riddled with accusations and political concoction all intended to attack and undermine the security forces of our country.

Let us talk about the last WHEREAS Clause which promotes an investigation. The Honourable Member talks about an investigation; an investigation was carried out and the report concluded and the report that was sent to the Defence Board found that there was no evidence of torture and that report pointed out that while there might be some cases of roughing up, there were also instances when those who were making... [Interruption] you read ... you do not have to follow things and rumours in newspapers comrades. [Interruption: "Bring the Report." 'Stick to the report and

investigation.'] The report further stated that some of the injuries and some of the claims made they were...
[*Interruption*] You know the word. Thank you very much Honourable Member Mr. Patterson.

Mr. Speaker, let me turn quickly to the BE IT RESOLVED Clause. The BE IT RESOLVED CLAUSE calls for review of:

- Interrogation rules;
- Instruction methods;
- Practices;
- As well as arrangement for custody and treatment of persons, et cetera

Members of the other side know very well that the police themselves and the security forces themselves as part of their training today do have an element of human rights training. Do you know who conducts that human rights training? That human right training is conducted by the Guyana Human Rights Association; it was all over in the media, it is all over the place; so as part of the police training and the security forces training, they are given exposure to human rights sensitivities and human right practices and so fourth.

Mr. Speaker, if we look in terms of the need for us as is being called for in the Motion; there is this claim that the Government is not adhering to these Conventions and not adhering to people's human rights. I say again that this is all just a simple fabrication; somebody's imagination has gone wild or somebody believes that they can distract the

security forces or someone believes that their party can outshine another party from gaining attention or being sympathetic with some grouping or some individuals. Because it is strange that these things will be said and brought to this House without any ... they lack any iota of credibility. Mr. Speaker, what we see here by this Motion and that we have seen in other instances is that the PNCR is engaging in its own trial, conviction and execution of the security forces. Instead as many responsible groupings and individuals do giving the security forces the benefit of the doubt, the PNCR has instead proceeded to prosecute condemn and convict members of the security forces. That is the height of irresponsible behaviour and is the height of reckless antics by that party.

We are on the eve of Diwali and it is my sincere hope that the goddess of knowledge, Mother Latchmi will illuminate and enlighten the minds of the opposition and that as we move forward we will see more responsible conduct and more responsible posturing coming from that side of the House.

Mr. Speaker, in conclusion I wish to restate what I said at the start that this Government and Members on this side of the House will not tolerate under any circumstance torture. We will not and on that basis I have to say that this Motion:

- Is irrelevant;
- Is riddled with wild accusations;
- It does not take into account the realities;

- It does not take into account what is being done to address some of the same things as that is being called for.

Steps have already been taken and on that basis Mr. Speaker, I cannot support or Members on this side of the House cannot support the Motion. Thank you very much.
[Applause]

The Speaker: Thank you Honourable Member

Honourable Member Mr. Keith Scott

Mr. Keith Scott: Close your eyes, let us go back to 1963, 1964, 1965. I recall the feeling of impatience to get my hands on a copy of the PPP's *Thunder*. My cousin Alex Hebert now in Philadelphia, USA was a typesetter at Shaw Bothers Printery in Bentick Street and later in Wellington Street which printed the paper at that time.

The joy I felt skimming the headlines, looking at the pictures, reading each time William Morris' poem at the top of the Page: ... *That heareth the rolling of the Thunder low the sun and low there under riseth wrath and hope and wonder*. This filled me with a lot of inspiration at that time. I felt very happy in those days, a sense of pride to be a Guyanese. I looked forward to the future, as I anticipated the battle with the British for our freedom.

Open your eyes now to 2008 and that peel of thunder and hope is replaced with staccato sounds of Andrew Kalashnikov's 1947 popularly known as the AK 47. The

dream is now a nightmare, instead of the poetry of Morris and Martin Carter, now you read of daily deaths, we like men of straw, wait and flutter our turn and we dance to a new hit tune it is called - Another One Bites the Dust.

Those guns are now turned inwards on the people of our land and never before have we seen so many deaths in prison; in police custody and among the Joint Services. The oppressor is now with us, he is no longer overseas, he is at home. The latest to fall mysterious in police custody is an ex-soldier, James Nelson. A few days before that on 5 October 5 2008, it was the turn of a prisoner in New Amsterdam. His name was Cheddie Brijbalas of Black Bush Polder. Do you hear the bells; ask not for whom the bell toll, it tolls for me. Who will die next week? Let us have an inquiry to eliminate this feeling of mystery and mysterious death.

In rising to support this Motion against the Joint Services, note should be taken that had we debated this Motion in February 2008, when it was first tabled, those two deaths, as well as the death of:

- Edwin Niles who died on the 11 July; and
- Nolan Noble who died on 26 July;

would hardly have occurred or if they have happened, a prompt and impartial investigation would have identified the guilty parties. Confidence in the judicial system would have been enhanced and respect for the Constitution of our land would have been reinforced, just think about it,

Terrence McKenzie and David Zammett would have gotten justice. The relatives of Ramesh Shaw, Mohammed Shaffick, Shaka Blair, among others would have found closure and Guyana would not be perceived as the new capital of South America for torture. Instead the culture of unnatural deaths, the long delays of holding inquests, an investigation seems to embolden the perpetrators to continue with their excessive in the beliefs that they shall be protected forever. Have they forgotten they faith of Pinochet Noriega, Fujimori and their death caravans.

Where are those dictators now? Reports of corruption and torture, executions are now today met with apathy. This reflects a failure of society. It means we are becoming immune to this aberration. Daniel Zammett in his book *Breaking the Spell* and I quote:

If the public cannot be mobilized in extended period of outrage by reports of torture, corruption and death of prisoners by our agents for instance, our democratic checks and balances are in jeopardy.

This is why this Motion that puts torture before the Guyanese people is so important. It is we the people in the final analysis who are the guardians of our freedom and rights; our belief in the rule of law is a pillar on which democracy rests. We must therefore do everything in our power to stop all excesses now. If we appreciate this, then this Motion will be seen as a genuine effort to make the Joint Services accountable to the Constitution and to the people of our land in a very transparent way. *[Applause]*

It will ensure that these who forget the lessons of history and take it upon themselves to break the laws of the land and brought to account for their actions before a properly constituted and impartial body that will dispense justice to all concern. And prevent an occurrence of these acts in keeping with Article 141(1) of our Constitution which states:

That no persons shall be subject to torture or to inhuman and degrading treatment or to any other such treatment.

Torture is defined by C.....K..... [33 ...] in his handbook *How to Rule the World In The Twenty-first Century* and I quote:

As a means as a category of better of interrogation designed to shock the earth and humiliate the object and to get the information or to make him do something like blackmail.

Thus the allegations of torture made by:

- Patrick Sumner;
- Victor Jones;
- David Leander;
- Michael Dunn;
- Alvin Wilson; *and*

- Sharth Robinson;

Against the Joint Services not fit the bill; I content it does. Torture for some represents the inflection of pain, suffering and sometimes do not always death. There is mass torture think of the effect of the dropping of the atomic bomb in Japan and those who did not die immediately or on a farm in Vietnam. The torture which targeted individuals as during the inquisition, mental torture as a Manchurian conditioning of subjects through the use of hypnosis and drugs and the State sponsored types which takes the form of disappearances; mass executions; murder as well as the locking down of a man for twenty-three hours per day, each day in solitary confinement.

These tortures all leave a permanent damage not only do they torture the individual, but also the souls of those loved ones who are left behind. We must take cognizance of this and resolve to end this practice in our land.

Part I – Article I of the Convention Against Torture and other inhuman degrading treatment states:

Torture means an act by which severe pain or suffering whether fiscal or mental is intentionally inflicted on a person for such purposes as obtaining from him or a third person has committed or suspected of having committed or intimidating or coercing him or a third person for any reason based on discrimination of any kind. When such pain or suffering is inflicted by or at the instigation

of or with the consent or acquiescence of a public official or other persons acting in an unofficial capacity ... it does not include pain and suffering arising from or only inherent or incidental to lawful action.

Lawful action does not need any definition at this point in time and at this hour of night.

Article II - no exception, circumstances whatever, *whether a state of war or threat of war, the internal political instability or any other public emergencies maybe invoked as a justification for torture.*

We are certain that based on the evidence presented that these Articles have been violated, we cannot use by any means necessary. We call on the Government therefore to unequivocally state that they will punish violators. No country or religion is safe from torture and it precisely for this vulnerability that modern society has signed the United Nations Convention Against Torture adopted in 1975. Guyana became a signatory to this Convention in January 1998.

Mr. Speaker, the effects of torture is to inflict pain with a deliberate purpose to humiliate and terrify; to extract sadistic vengeance and to visit hatred of many on the back of the victims. The Disciplined Forces seem to be trying to outdo each other in being the first to torture our citizens. Today, we are seeing a sign of a retreat from the spirit of the Articles of this Convention.

Evidence of torture is emerging in the Joint Services, in the prison and the wider society, but what factors are responsible for the reappearance of this crime. Is it fear, hate or a false sense of security that discovery must not happen. We must not forget at the end of the Second World War the judgment of Nuremburg demonstrated that no matter how far down the chain of command, or how high, all are answerable and are equally guilty, no torturer can hide from the lessons of justice.

Have we learnt our lesson as yet? Man's inhumanity to man is still alive. Large scale of violence and death in large society is not the only measure of man's depravity. If you humiliate one man, you are just as guilty as if you torture millions. The first torturers began with one and then descended into millions. Our task is to stop it before it consumes us all, there could be no separate past atrocities.

Torturers in Rwanda, Iraq, Guyana, concerns us all, because we all as humans have a shared path. We must then have a common humanity and band together to prevent this atrocity from staining our land. We must therefore enact laws that will punish the perpetrators. Torture steers the psyche of the victim, diminishes the humanity, destroys the perpetrators as well, for we remain passive like Nirmeleur in Germany during the Second World War. No one will be around to stop it when our turn comes. Torture in Guyana is not new, it has been with us since the days of slavery. Barbarity in its application in those days was appalling.

Who can forget Morris St Clair's *Anatomy of Resistance*, when he wrote of the punishment for the theft of a bag of coffee?

A slave who was convicted for stealing a bag of coffee was ordered to be flogged to bleeding, to be branded, to have both ears cut off and to work in chains for the rest of his life while another slave who was convicted of the abominable, rebellious and horrid crime of striking a white man was sentenced to have his hand which struck the blow severed from his body.

During slavery, torture and death were visited on slaves as a matter of routine.

Our proud culture of resistance has its beginning here, with the resulting 1763 Rebellion, though our leaders were torture and killed, we struck a blow against torture and for freedom. Have we not yet learnt the lessons, that when we visited torture on people, a blow, that blow is freedom which is once again going to be reignited? Torture again, was seen after the Demerara Slave Rebellion of 1823 described by Emalia Da Costa, in *Crowns of Glory, Tears of Blood*, as the most massive and greatest slave rebellion in the history of the Western Hemisphere. Ten thousand to twelve thousand slaves rose up for their rights. In the aftermath thirty-three slaves were executed in the Parade Ground, with ten decapitations and their heads stuck on poles on the road side, one slave received five hundred lashes another three hundred and fifty. These acts were

meant to demonstrate not justice, but power. Are we not aware that what we are seeing being perpetrated on those guys like Zammett is a demonstration not of justice but of power?

Morris St Clair also wrote of one slave named Amsterdam, who was sentenced to be burnt alive. Amsterdam, St Clair stated was sentenced to be burnt, after first having his flesh torn from his limbs with red hot splinters and in order to render his punishment still more terrible he was required to sit by ... [*Interruption: 'Come Back to Guyana'*] This is Guyana, he was still compelled to sit by and see thirteen others broken and hung, then in being conducted to his execution was made to walk over the thirteen dead bodies.

In 1834, Damon of Essequibo was hanged in the forecourt of our Public Building for raising a flag to freedom in the church yard at Essequibo. Today, we are in this very building here to recommit to freedom and to take steps to prevent the recurrence of the torturing of our people. We hope not only to pass this Motion therefore unanimously but to enact a specific Law, under which a perpetrator can be tried for torture with the same punishment as for murder.

The period of freedom and the development of the village movement, the influence of religion and arrival of other immigrants saw a period of respect for human rights and a new type of society began to emerge. The enforcing powers did not feel threatened although there were riots and labour unrest.

It was not until 1948 at the Enmore shooting by the police of the protesters that the fear of the intolerant of the rulers began to emerge. However, the society's indignation was a siege by the appointment by the Commission of Inquiry to address the wrongs.

In the 1950s the British were restrained in their dealings with the freedom fighters of Jagan and Burnham. Perhaps, remembering their torture infirmity in the Black Hole of Calcutta and their extreme cruelty against the nationalist Mora Mora in Kenya.

In 1962/1963, however, the security forces hit a new low with the torture of Godfrey Egerton and Emanuel Fairbain; PNC activists engaged in the political struggles between the two major parties at that time.

Torture was substituted with the brilliant investigative work of Officers like Wiggins and Leslie Slather and others employed to the credit of the Police Force. Instead of guaranteeing a security, elements of the State were allowed to become leading sources of insecurity. Other executions led by death squads followed through the years, but with our accession to the Accord, it was expected that we have entered into a civilized state of grace, a country of peace and progress, where the voice of the people is heard. But torture has survived through the ages, and we see it at the most insidious when it is State sponsored. This will reinforce our commitment to see that the perpetrators are brought to justice and we enact laws against torture. As a signatory to the Convention Against Torture and other cruel and inhuman treatment, it is our duty to ensure that the Law

and the spirit of this Convention, but more importantly our Constitution is respected and observed at all times.

Article 141(1) of our Constitution must never ever be compromised. We have examples of torture in Latin America and with the death squads, the killing fields Cambodia, and the tiger cages of Vietnam; Abu Ghraib in Iraq; Rwanda with the eight hundred thousand killings in one hundred days that saw the impotence of the United Nations. Are we now in a hurry now to follow this path, if not in numbers, then in style?

Today, we are examining a Motion where there are allegations against the military. Since independence, our military has established a proud tradition of patriotism and respect for our Constitution. We have produced soldiers of mere boys and girls, trained craftsmen and patriots who have protected our borders.

Today, it seems that peoples and tradition is under threat. Where is the discipline? I see soldiers in uniform towing civilians and drinking in taverns against the regulations. Guyana most decorative soldier Major 'Blackie' Liverpool, once said, *without discipline the army is nothing*. The decline and drop in education standards make it easy to undermine good discipline.

Now we are witnessing cash rewards for murder, reminiscent of bounty hunters. Why the fear of a trial? Why the avoidance of having people get answers in a Court of Law? This indicative of a lack of faith in the justice system; we must arrest this trend immediately.

The low quality of our recruits affects their ability to perform their assignments professionally and patriotically. In this type of environment one cannot be surprised when soldiers are told that their loyalty is to the Government of the day rather than to the Constitution and the country. Under circumstances like this we can see how the Joint Services became vulnerable to infiltration by undesirable elements.

One overseas residence who was so powerful, that boosted of his control of elements of our forces and Government. Today, many others like him fear to go overseas because of the professional and impartial investigation of justice that awaits them there, but if we can enact our own laws, correct the mistake of the past, and then we will be able to rectify the defect that now exists. During the rein of the phantom squad, 2002 to 2006, there were many disappearances, many of the corpses found later, bore marks of torture. We are yet to hold inquest into these deaths; justice awaits ...

The Honourable Gail Teixeira reminds me a whole lot at this point and time of Indira Ghandi in her hair style, she stated that the Guyana Government between 1992 and 2006 never condoned, encouraged, perpetrated or permitted torture or cruel or inhuman treatment. Yet drug kingpins issued press releases of recruiting ex-convicts and policemen to hunt down suspects who turned up dead, bearing signs of torture, yet the Minister of Home Affairs was force to resigned, and yet again, she did state that since 2004 death squads have verifiably executed well over four hundred young black men with impunity.

There has been no investigation into these murders; this is why this Motion is so important to our nation, because the time has come for us to seek healing. Let us get together and understand whatever aberration may have taken place in the past, we have the proof, and we have pictures of many the guys that have been killed. Let us have impartial investigations and we can arrest and changed our society, not for political reasons, not for each and individual party but for the betterment of our children and for Guyana as a whole.

We read almost daily of unsolved disappearances and murders. In two months, January and February 2008, we have had forty three murders and like previous disappearances, we are nowhere near to finding a single killer, the latest has happened a few days ago. We hear of request from oversees for help, but bringing the FBI, but how good are we at our own domestic investigation.

Our educational system has failed us. We have not kept pace with science and technology. Too many students leave school with three CXC and no science subjects. It means that when they become investigators, they cannot apply enough scientific techniques and thinking into their work. The ability to do deductive thinking and reasoning to question suspects is not there, so what is becoming now manifest is a resort to violence. It is not surprising that in many countries violence is usually perpetrated by armed forces they are the natural institution of control. They are authorized to use force, so if the quality of intake is poor, the resort to violence becomes natural.

This is compounded when there is tacit complicity by their superiors, an absence of accountability, an absence of investigation and justice. However, they all, and we all subscribe to an oath to respect the Constitution, Articles 138(1) and 141(1), the Supreme Laws has no exception. We must all uphold the Constitution and we must be held accountable for its violations. If then, there is a perception that the Joint Services are now engage in torture, if the victims have stepped forward to testified, then it is the duty of all society to have these allegations urgently investigated, and we on this side of the House most certainly do not considered this to be a waste of time. In fact it is our sacred duty to the nation to defend our citizens and the rule of Law.

Fernando Menendez - The Committee Against Torture expert served as co-rapporteur for the report on Guyana noted that in 2005, there was a report listing fifty complaints of Police brutality and dozens of deaths, where police were held responsible. He asked for additional information, how many police were charged for murder; he question further whether it was the responsibility of the police force to conduct these investigations on their own, or whether it was an outside body. In short, the propriety of investigation yourself was highlighted. Again we wish to highlight that same aspect, the propriety of investigating yourself was highlighted by UN rapporteur. Why are we not having independent or partially investigation now, into the allegations against the Joint Services?

Mr. Speaker, Patrick Summer, Victor Jones and the others, have all made these allegations against the Joint Services. The Commissioner of Police has denied that his force was responsible. He pointed to the GDF whose Commodore also denied the allegations. The Minister of Home Affairs is convinced that Guyanese have a preference of food on their table rather than the interest of being their brothers' keeper. This is the mindset that accepts atrocities as normal. If we acquiesce to this it will have a brutalizing effect on us all. This requires an independent probe to get to the truth, in spite of the Police and Army denial, we hold the Police accountable in the first instance and the Army as a source of torture. Short of an independent probe credibility will not be restored.

These men, James and Sumner, are arrested and taken to the police headquarters in good physical health, by what authority are they transferred to the Guyana Defence Force? Unless there is a declared state of emergency the police remains the civil power and is the only authority to arrest and detain. It follows that they are responsible for the physical state of any citizen then they are culpable for any harm that befalls anyone in their care. The Army cannot take control of police prisoner, this is illegal, the fact that they are transferred in good health and is subsequently tortured means the Army must be held accountable, and now must recently, we ask what were Army personal doing in the prisons when Niles was tortured. Only a thoroughly independent inquiry can reveal what transpired when these men, who all bear physical evidence of torture were in care of the Army. What compounds these atrocious acts that an

inquiry, though not independent to investigate, report is not yet made public? Who is in charge? The prisoner Niles was tortured in prison, yet the police and the GDF personal are present. Who is the investigating authority? The Commissioner or Police must answer to an impartial body and charges must be laid against those who murder the prisoner. A charge of manslaughter is now being laid against two officers; an impartial inquiry would record whether it was seven bullets the man had or seven pellets used to shoot rats. It also involved the comments the US doctors made about the large amount of injuries they saw to the private parts of a lot of inmates of the Georgetown Prison. Our Newspapers have published pictures of the victims who bear marks of torture.

I have here a flyer which identified a section of the Army that engages in torture, it is not yet appropriate and tactical for us to name the names of persons printed in this flyer, but when you should have published the report, we will have no hesitation in giving you the names of these people. We wish to remind the perpetrators that they hold responsibility for their actions. We want to hold a programme for the Discipline Services to undertake, the rigorous training of recruits, profound training, human values designed to conquer the torture syndrome. Torture is antithetical to the good nature of humanity, decency and human rights, I am aware of the power of violent pictures of our men and women in the forces are exposed to, pressure, the taunts and the feelings that they should meet violence with greater violence, but this does not work, it never has. This is what being a signatory to the Convention

is about. This is why we all subscribe to the Constitution that the forces must be trained to respect the Laws of our land that a properly trained officer will automatically eschew violence against groups or individuals while still retaining the ability to function professionally. Those who have suffered must be given protection to testify; apologies and compensation of justice must be given.

Finally on behalf to the PNCR I extend condolences to all the families of the victims who have suffered torture or who died, or we assert that no guilty group or individual will be allowed to get away with these dastardly acts against our people. I urge full support for this Motion. *[Applause]*

The Speaker: Thank you Honourable Member.

The Honourable Member Mr. Trotman ...

Mr. Raphael GC Trotman: Mr. Speaker, I rise to make my brief contributions. I start by saying that I wish to commend and complement all of the speakers tonight, including the Honourable Member Mr. Persaud, because I believed I can disaggregate some of what have been said and find favour with it. It is important the we accept that we human being firstly, citizens secondly, legislators thirdly and lastly that we cannot in any way shape or form condone torture or any treatment that borders on being inhumane of any other human being.

In that regard, I was quite pleased to hear the first speaker from the Government's side say that torture in any form is abhorrent. I was quite displeas however, when during the

presentation by the Honourable Member Scott, which in my view, said the presentation should be a record of some institutions of higher learning, because it took us through the ages documenting what stood as torture and where we have gone, and perhaps in some instances where we have not progressed. But what I found distasteful and perhaps in some regards subhuman was the laughter what I heard when he made references to some things which have taken place in this country before and I am disappointed that there are members in here who could find mirth and merriment in some of what was relayed.

I start off again, by saying that there is not a Government in the world that has not had to grapple with the vexed issue of torture, abuse and highhanded behaviour. I say as well that there is not a security force in the world that has not had its members or a member commits unlawful acts amounting to torture or abuse.

What is important indeed, is what is done when these acts are discovered. I recall when the news broke of instances of torture at Guantanamo Bay and more particularly Abu Ghraib Prison in Bagdad City in Iraq and there was a hue and cry internationally. The NBC Evening News interviewed what appeared to be an average American woman, middle aged in the streets in Washington DC. Asking her opinion, she said what has happened is wrong and should never have happened, but I am confident that the system will take care of it. [*Interruption: Has it?*] I do not know, but at least efforts are afoot.

These things will happen and you are always going to find over-exuberant officers; being a practitioner, I know of this. Before the PPP Administration came to Government and I practice with Mr. De Santos, we came across many cases, where all kinds of illegal means were used to extract confessions from prisoners, and many of those confessions were thrown out, not as regular as they are today, but the point is as were demonstrated by the Honourable Member Scott that what we complained of now did not start last year or this year or since 1992, but it is what we do about it that is more important.

So it is the view of the Alliance For Change, [*Interruption: 'You left out the important thing.'*] I have not left out anything. If at any time any other member wishes to add to embellish what I said they are quite willing to stand and say whatever it is, if their party considers them important enough to speak, they will stand and speak. Mr. Speaker, it is not in my view right that we should be debating on the eve of Diwali a Motion to torture and as the Honourable Minister Mr. Persaud said it is wrong, abhorrent, and we deem it abhorrent.

This is 2008, and we wonder what world we are living in and what country we are living in believing or not believing that this is Guyana and it has changed so drastically over the years, and that we have sunk to new depths, where every day we see acts of violence and depravity that surpass the last.

- I think of a young bride who was chopped up like a piece of meat by her husband just age twenty-three

NATIONAL ASSEMBLY DEBATE 27 OCTOBER 2008

in West Coast Berbice just a few weeks ago -
Trevlin Nicholson .

- I think of Alicia Foster who was gunned down quite senselessly unless someone has the answer for her death.
- I think of the taxi driver who tried to ply his trade, had his throat slashed because he dared to ask to be paid.
- I think of all those who lost their lives by assassin bullets.
- The victims in Lusignaan in January; in Bartica in February; in Agricola earlier a few years before; *and*
- The hundreds died whether extra judicially or the hands of fathoms or whoever.

The point remains that they have died violently, when they were entitled to a good life in this country, and so when think of torture and inhumane and cruel punishment, we have to look at it in a wider sense and not the narrow sense that was suggested to us by the Hon. Member Mr. Persaud.

Mr. Speaker, I wish in a sense to thank you for allowing the use of the laptop computer with the use of the internet access, because it allows real time and immediate research to be done, and while we were urged to adopt a narrow definition of torture earlier, I wish to refer this House by a definition which is urged and used by the International Committee of the Red Cross, which is the definition of

torture and ill treatment referred to as Article (1) of the United Nations Convention against Torture. It says :

The ICRC uses the broad term ill treatment to cover both torture and other methods of abuse prohibited not only by the Convention but also by International Law including inhumane, cruel, humiliating and degrading treatment outrages upon personal dignity and physical or moral coercion.

Mr. Speaker, it is not the use of force that we are concerned about, it is anything that is degrading that brings one down. I beg to differ with the Hon. Member Mr. Persaud where he said that we should look at the more restrictive interpretation of torture and adopt that. What I will say is that those who apply the restrictive interpretation are those who are trying their best, as history has shown around the world not to be labelled 'torturers' and so come up with fanciful interpretations and connotations that we are not accepting as international law and practices.

The 2008 Amnesty International Report noted and I quote:

Injustices, inequality and impunity have now become the hallmarks of our world today. Governments must act now to close the yawning gap between promise and performance.

That Report went on to say that:

Fifty years after the declaration of Human Rights ...

Since it has been adopted rather

... people are still being tortured and ill treated in eighty-one countries which claim to be members of the United Nations

... because the species known as the human being is not known to behave always in a civilised manner towards each other. Laws and Conventions were developed to regulate and compel standards of behaviour and conduct that are considered minimally acceptable. This is where our Constitution and our Laws of Guyana are important and it is in the recognition of these Conventions, this Constitution that we place on the shoulders of elected Governments the onerous duty and responsibility to be the torch bearers in upholding the rule of law. As I said before every government in the world particularly 911 has had to grapple with issues of security and how to deal with them immediately and some of them have threatened thousands. There are times when I have no doubt that things have had to be done. However, when things are done and are exposed actions are expected to be taken and that is our argument and that is the thrust of this Motion as I see it. All it asks for is an adherence to the Conventions and an investigation as per the Convention. It does not condemn the Government, but the Government I dare to say will condemn themselves if it fights against this Motion.

Mr. Speaker a motion such as this should act as a land mark on our consciousness by cutting into our beings and reminding us that we are humans after all, which is what Mr. Scott sought to do a short while ago. We are humans who have established a universal order of justice and so we are expected to uphold that order by behaving in a civilised manner towards each other. What good are these declarations of intent - Conventions, Treaties, Constitutions and Laws, if we are afraid or simply refuse to recognise and uphold them?

In the critically acclaimed movie, AMISSTAAD ... I do not know if many Members are familiar with that movie which is based on a true story of a group of West African players being taken to Cuba. Their ship was intercepted by US Coastguard, Clipper and taken to the Port of New England which is now known as Boston, Massachusetts. There was a very famous courtroom trial most of which had to do with the Maroons of the time, whether the laws were universally applicable or only to southern persons if not to all. Mr. Speaker, the hero of that story was a real person whose name was Joseph Sinkey, a former slave who was later released, a West African. Once he asked of his lawyer a very pertinent question, which perhaps we can ask ... He was very disturbed of what appeared to be hypocrisy and incongruence in the way law is applied, so he said to his lawyer, *what kind of language is this, where you almost mean what you say and where laws almost work?* That is to say that you claim to have a Constitution, but yet that Constitution almost seems to apply ... that Constitution almost works. In the end, he and his people got justice ...

they were freed and spared the agony. *[Pause]* I am very sorry, Mr. Speaker.

Mr. Speaker, as in the Sinkey trial, as I pointed out, *what kind of nation is this where the laws or you almost mean what you say and where the laws almost work?* I do not want to grow up in a Guyana or have my children grow up in a Guyana where they can ask of me (their father) what kind of land is this, where you almost mean what you say and where the laws almost work. *[Interruption]*

The Speaker: Maybe we should suspend for fifteen minutes, so all the persons who want to use their cell-pHones can have the liberty of doing so ... *[Interruption]*

Mr. Raphael GC Trotman: No, no, my fault ...

The Speaker: ... and then we can come back ... or maybe half of an hour?

Mr. Raphael G C Trotman: No, Mr. Speaker, please, I am wrapping up.

The Speaker: Well I have heard three or four cell phones in the Chamber in less than five minutes.

Mr. Raphael G C Trotman: Two from over there and one from here ...

The Speaker: I do not care where they are from and I care which side

Mr. Raphael G C Trotman: I will accept mine.

The Speaker: I do not care where they are from.

Mr. Raphael G C Trotman: Two from there and one from here.

The Speaker: But if I hear another call, I will suspend the Assembly for half an hour to give Members the opportunity to answer their calls.

Continue Mr. Trotman ...

Mr. Raphael GC Trotman: Thank you, well said Mr. Speaker. For this year alone, we have had many allegations of torture. We had allegations of persons dying in custody and beaten. Mr. Norton ... do mind if I just refer to you as Mr. Norton. Mr. Norton spoke of an incident where sometime some kind of implement was introduced into a person's anus. That is the kind of thing I saw on television in the United States of America, where I believed a citizen of the African Continent was brutally tortured by New York police some years ago, and he gained millions upon millions in damages from the State of New York for that act.

I have here personally from a former member of the Guyana Defence Force, of being water boarded and the first time I heard about water boarding was from Abu Ghraib and is where drowning is stimulated, where your face is covered with a cloth and water poured over it, giving you the sensation as if you are drowning. That was a tale and an allegation that was relayed to me. I cannot move it beyond being an allegation, because we have no investigation

being organized by the State, which it has a duty to do. When is it that Members of the Opposition make themselves available to receive memoranda and information they are accused of conducting political investigation and the reason is because there is a complete absence any form of investigation on the other side.

The Coroner's Act Chapter 403 states what should happen where there is an unnatural death. Where there is an unnatural death and there have been hundreds of these in recent times in Guyana, there is a certain course of events that automatically should flow.. We are not even in the realms of the United Nations Convention as yet; we are here just respecting the Laws of Guyana. Where there has been an unnatural death, there should be an investigation which should lead to a Coroner's trial or hearing. We are not getting those, yet I read a few weeks ago the Magistrate Association said they completed hundreds of inquest in Guyana. I put in some questions to the House on those.

Following these accusations, we had learnt that a report was forwarded to the Defence Board by the Chief of Staff of the Guyana Defence Force. Today, months upon months afterwards, that report for some reason has not been made public. I say if you have nothing to hide and if you are so sure that this Government and no member of the Security Forces are involved or that they are jointly involved, that they should freely, willingly and voluntarily submit that report for public scrutiny. If you are so sure and confident in your Government and security forces, let us have it and

will exonerate everyone in a flash will be no need for a debate of this kind late into the night.

The Human Rights, Civil Rights Groups Human Rights Watch has set out a list of countries engaging in the infamous act of torture and I wish to read some of them out:

- USA
- China
- Indonesia
- Egypt
- Iran
- Iraq
- Israel
- Malaysia
- Morocco
- North Korea
- Nepal
- Pakistan
- Russia
- Syria

- Turkey
- Uganda
- Uzbekistan
- Zimbabwe

I do not wish to see, in the 2009 Report, Guyana, simply because we failed to at least have ... [*Interruption: 'What about Guantanamo Bay? The USA was called ... they were the first ... Right now, I believe that they are the biggest offenders'. "You are right about that. I call them first"*] I would not wish to see Guyana listed, not because necessarily it is happening, but because we are behaving as if in fact it is happening by not releasing the reports and by not having the investigations required by law.

My colleague, the Hon. Norton has put forward a Motion to simply calling on Government to simply Hon.our its treaty obligations; something that all of us should want to see done. None of us should be caught voting against this Motion this evening. You have to be of higher consciousness and a higher more universally accepted standard to which we all agree to adhere especially when we took that oath of office. That standard is the one being set now by the United Nations. Indeed, it may not be enough, but if we can something better and I believe we cannot at this point in time, then we should give the United Nations the respect that it deserves by Hon.ouring its Conventions, because there is going to be a time as has happened recently when the Secretary General Mr. Ban Ki

Moon was written to about violations against our territorial integrity. We cannot abrogate and reprobate by saying that we want you to be involved in this instance and reject you in the other. So Mr. Speaker, I urge all of my colleagues to accept that the United Nations and its Conventions should be Honoured and respected. It is important not only for now, but for future generations that we do not hold them in abeyance.

Mr. Speaker, the former Secretary General Mr. Kofi Anan made a very profound statement on the eve of his departure from office. He said these words:

In the twenty-first century, I believe that the mission of the United Nations will be defined by a new more profound awareness of the sanctity and dignity of every human life regardless of race or religion

... saying that we have entered into a new threshold, a new plain that is no longer about the interaction between States and their borders and concerns. The core functions now has to be the protection of the sanctity of basic human life. We have an opportunity this evening to reinforce, to re-affirm that sanctity of life. As I said, we should not look at torture in its narrow sense, but broadly and liberally consistent with the UN Convention against torture and other cruel and inhumane treatment and punishment.

Life in Guyana is tortuous in itself. As I started before, we cannot blame the Government for everything, but it is the

Government that has the responsibility not only to act as exemplar, but also as preventer of injustices.

Mr. Speaker, I conclude with the words from a popular song which I like. I know that the Honourable Member Rohee probably sings these things at his Karaoke outings, but it says how can I pretend that I do not know what is going on, when every second and every minute another soul is gone? And I believe that in my life, I will see an end to hopelessness of giving up and of suffering.

Mr. Speaker, those words I leave with this House and ask us to act sensibly by not rejecting this Motion. There is nothing harmful in reaffirming our collective commitment to the United Nations and its value

Before I take my final bow to the night, there is lot of noise (or let me rephrase that) ... there is a lot of statements made by the point-man of the Government about proof; show us the proof and we will go into immediate action. Mr. Speaker, I have here with me the bloodstained trousers of a man who was tortured; he is now dead; these are his trousers. *[Interruption: 'That could be faked.']* It could be faked, but I stand as a Member of this National Assembly as a lawyer and as an Officer of the Court and say that these are his trousers and I vouched for them and this is proof. If you want to reject them, you could do so ... *[Interruption: 'That is not forensic.']* Okay, forensic - find the people who killed the people at Lindo Creek. I thank you, Mr. Speaker. *[Applause]*

The Speaker: Thank you Honourable Member,
The Honourable Member Mr. Mervyn Williams ...

Mr. Mervyn Williams: Thank you Mr. Speaker.

The Speaker: Do not promise to be brief,
Honourable Member ...

Mr. Mervyn Williams: No Sir, I would not.

Mr. Speaker, I stand in support of the Motion entitled *Allegations of Torture Made Against the Joint Services of Guyana* in the name of the Honourable Aubrey Norton.

Mr. Speaker, It has become apparent that this Government is comfortable with the use of deliberate and systematic infliction of physical and mental suffering on citizens of this country under the guise of law enforcement.

In the Motion before us tonight, at the third WHEREAS Clause reference is made to specific cases where allegations of torture was made by citizens against the Joint Services of Guyana. The appeals of these named persons for redress have all been made public, but to no avail. The PNCr has always been in the forefront in the struggle against the oppression of citizens of Guyana. The PNCr has made it clear over and over again that the human rights of citizens of this country must be upheld at all times. Despite our best efforts, this Administration continues to show little regard for the equal and inalienable rights of the citizens of our country.

Mr. Speaker, the Universal Declaration of Human Rights speaks to the idea of free human beings enjoying civil and political freedom and freedom from fear and want. This can only be achieved if we work together to create the conditions where every citizen can enjoy civil and political rights as well as economic and cultural rights. The torturing of citizens whether they are civilians of the military does not help in the creation of such conditions. Instead torture essentially represents a departure from reasonable human conduct and leads to societal collapsed. Governments use torture to maintain social control and to ensure that their views are complied with. Governments also use torture in an attempt to suppress political opposition and reduce social activism.

In the Guyana context, Torture is also used to spread terror among members of a particular ethnic group.

- How else can one explain the arbitrary arrest and detention of Afro Guyanese teenagers in large numbers in the name of crime prevention?
- How does one explain? [*Interruption: 'Give us the facts.'*] You just had a part and you refused it.
- How does one explain arresting a child without informing the child's parents or guardians, and questioning a child without an adult relative or an Attorney-at-law present?
- What justifies the locking up of children and young people who have not been charged with any offence

in the same pen with hardened criminals?

[Interruption: 'The same pen!'] Yes, pen.

- What justification is there for these atrocities being visited only upon Afro Guyanese and only before major events such as a PPP Congress? You want date and time there you have it.
- How does the Government explain the allegations of torture coming exclusively from one ethnic group?
- How does the Government explain the withholding of the report on torture, which the Hon. Robert Persaud alluded to over and over in his presentation suggesting that we should go to the report? Let alone, Sir, the Army investigating itself.

Mr. Speaker this is the type of politically irresponsible behaviour that acts as an impetus for the growing population of disillusioned youths in our country. This destruction of that social thrust that ought to exist is occasioned by such treatment to the already marginalised in our society. This marks the beginning of a cycle that becomes worse, when those who are supposed to serve and protect citizens proceed to torture them in the name of law enforcement.

Our fragile society is already torn apart by the harsh realities of economic life in Guyana. The rising cost of living and the plight of single-parent households desperately fighting against the statistical evidence of high levels of poverty ... *[Interruption: 'You have not seen*

anything yet.'] I know more is coming ... are issues that also contribute to the rising behaviour which is inconsistent with what is socially acceptable.

Children who are affected by this type of treatment are likely to rebel against their perceived low-pressers. They are made to believe that they are criminals, because of how they appear and some are likely to rebel I violent way. Our society is over populated by bystanders. We all watch as some of our children and young people go into socially unacceptable characters, but we do treat with that disorder. We seek instead to further combine an already bad situation by using the socially unacceptable method of torture as the official method as the official method for countering a condition that we ourselves contributed to creating in the first place. Instead of correcting the situation, we make matters worse.

Torture results from a betrayal of trust that leaves to further erosion of that trust. It strips its victims of its human dignity. The experience of feelings of extreme shame and guilt for things for which he is nor responsible, places the victim in a state of powerlessness. He loses the ability to see the future and experiences great difficulty in connecting to other people. Physical torture is simply the inflicting of pain or suffering on a person, while psychological torture is directed at the very psyche of the very victim. It seeks to break the belief which underpins normal sanity. Psychological torture includes the deliberate use of what is known as extreme stressors. These include extended solitary confinement; this inflicts severe psychological pain

and suffering without any visible physical evidence. Locking a prisoner away in solitary confinement with no light for twenty-three hours per day, even before his conviction, in my estimation, Sir qualifies as psychological torture; when the prisoner is sixty-five years old that only makes matters worse. Now the Government seeks to keep persons in prison and by the use audio-visual links offer ample official cover for perpetrators of torture, even in the course of their matters being heard in a Court. The prisoner not being physically present in Court removes the opportunity for him to be properly observed by the Court. Did the appeals of Patrick Sumner to the Media in the vicinity of the courts contribute to this new measure coming into being? It is a question on the minds of many people. You see, Sir, treatment like this makes the victim unable to retain his sense of personal boundaries. He cannot distinguish between friends and enemies, love and hate and so on. The psychological effects of torture on the victim are obviously greater than that of physical torture. Torture is designed to invade and to destroy the victim's belief that he is an independent human being. It crushes his presumption of privacy and intimacy. Torture inflicts pain. Language cannot communicate an experience such as pain; recollections through dreams flash back and other such things takes one back to the actual painful experience. Depression and anxiety are not uncommon. The propensity towards violence and violent tendencies exist. There exists also the deep fear that remains dormant, but re-emerges every time the mind is taken back by something which reminds the victim of the traumatic suffering he or she endured. For example there is a story of a woman who was

tortured by persons who used cigarettes to burn her more than one hundred times. That woman literally tripps out whenever she smells tobacco smoke. Right here in communities such as Albouystown, Charlestown, Agricola ... [*Interruption*]

22:00H

SUSPENSION OF STANDING ORDERS NO. 10 (1)

Hon. Samuel AA Hinds: Mr. Speaker, I noticed that the clock on our wall is saying ten o'clock and I would like to propose that using Standing No. 10 (1) that we continue this Sitting to the conclusion of this debate

Question, proposed, put and agreed to

Motion carried.

The Speaker: Yes, Mr. Williams

Mr. Mervyn Williams: Thank you Sir. In communities such as Albouystown, Charlestown, Agricola and Buxton as examples when Afro Guyanese youths see police vehicles approaching they run and contrary to the belief of the Minister of Home Affairs, they run simply because they are fearful. Some of them have received the treatment; others have told their friends; some have been told by their friends of the treatment. It is not always guilt that motivates them to run; mostly they sun from a deep sense of fear, but running away only leads them to be treated as suspects. No one in the Government seems to care to what is bothering our young people especially those of African

ancestry. No one in Government ever stops to ask them what is causing them to hurt. Their scars are not visible; so that even if their story is told they would not be believed. They are forced to admit the things, because they want the ordeal to come to an end. We could show a little kindness, we could lend a listening ear; a supporting shoulder; we could make a difference instead of joining in the outright condemnation of our young people without hearing from them.

L Hope writing in the *Encyclopedia Of Women And Gender, Sex Similarities And Differences And The Impact Of Society On Gender* quotes psychiatrist Judith Hermus saying as follows:

It is very tempting to take the side of the perpetrator. All the perpetrator asks is that the bystanders do nothing. He appeals to the universal desire to see, hear and speak no evil; the victim on the contrary asks the bystander to share the burden of pain; the victim demands action, engagement and remembering.

The PNCR is not prepared to cooperate with the perpetrators of tortures against citizens of this country. We call on all Guyanese to join in one universal call for the abolition of torture as a tool in the law enforcement kit of the Joint Services of Guyana. We must now be the advocate for a better Guyana. We must demand respect for the human rights of all citizens. Yesterday it was Patrick

Sumner and Victor Jones; today it is someone else, but tomorrow it may be me, it may be you.

There are a few officers in the Joint Services who see themselves as good subordinates or who are fearful of losing status and favour for not complying with instructions to torture citizens. It is my hope that such officers will reconsider their positions. There are a few other officers who swore allegiance to the Government and not the Constitution. I am confident that after this Motion would have been debated and passed that these officers will change their positions and recognise that their first duty is to Guyana. To the few senior officers who issue commands to subordinates to torture citizens, I say think of the consequences of an already fragile society. Recognised that the currently fragile society meted out to our citizens contribute to their resentment of some law enforcement officers consider that when they are stripped of their of their self-respect, dignity and self-worth, they are likely to strive to preserve and protect what they consider to be their fundamental rights by any means necessary. They may look pass their multiple psychological and physical difficulties which resulted from the torture they endure and seek to hit back against society. Remember that physical torture instils fear of future abuse. It seeks to destroy the victim's sense of safety, personal and body integrity. There will always be persons out there who will only be willing to ensure that others find out how their pain and their suffering felt.

Victims may reflect on when they were vulnerable, helpless, fearful and when they were taken next to death's door.

- They will remember how their testacles were placed in desk drawers and slammed shut;
- They will remember how their testacles and other body parts were burnt with torches and cigarettes;
- They will remember that jute bags were placed over their heads and water poured over them to cause them to feel as though they were drowning;
- They will remember how someone placed hoods over their heads and then apply electric shocks to various parts of their bodies;
- They may even remember Edwin Niles and those others who died mysteriously while in custody;
- They may be inclined to seek out the vulnerable in society and even the score.

Can we not see that the rise in violent crimes in Guyana is directly connected with this type of treatment being meted out to suspects by our disciplined forces? The truth is as a society, we are not geared to deal with such occurrences except of course if the Government continues to hold to the position that shooting and killing everyone who rabbles in a violent and criminal manner is the end-all solution to the problem.

Mr. Speaker, the destruction of individual personalities with whom the Government is uncomfortable through the use of torture is not the answer to the problem. Terrorising into submissions specific groups and identify communities is not the solution either. The root causes of crime must be tackled; chief among those causes is poverty; poverty causes children to stay away from school; parents are forced to keep their children at home, because they cannot feed them, provide them with clothing and send them to school at the same time. Children must work from an early age to help support their homes. The absence of a quality education and the desire to get rich and solve all the economic problems ride heavily on the minds of children of the basics of life.

As testimony to this, the Stabroek News of Friday, 17 October reports the Honourable Minister of Labour, the Hon.. Manzoor Nadir as quoting a World Bank Report, which shows that sixty percent of our work force did not finish primary school. What the Honourable Minister did not say, Sir, is that one hundred percent of that sixty percent dropped out of school within the last sixteen years.

Mr. Speaker, at Parika not so long ago, I was talking with some children, most of them out of school. I gave them some paper and crayons and ask them to draw pictures; many drew aeroplanes and spoke of their wish to go to America. One boy who is about nine and out of school drew a big gun; he told me that it was an AK 47. I questioned him about the reason for choosing that drawing; the young said that when he gets bigger he was going to get

one of those and rob rich people. He explained that his mother is poor and works very hard, but his father moved on and left them behind; he works to help his mother and siblings and was determined to help make them all rich. Mr. Speaker, assuming that any child with this outlook on life makes good on his promise and he is cornered, he gets lucky and he is apprehended. Assuming that he is caused to endure torture in the hands of law enforcement officers; assuming that he serves time and comes out of prison, would the scars of his childhood edged deep in his psyche and is tripping away of what was left of his human dignity all bundled with the new-found hate for those who subjected him to the treatment, resulting in him developing a sense of worthlessness. What manner of person would we have in our society? Who would take responsibility for such a societal product? What happens when he recruits an army from among persons of his background to further his personal agenda of unleashing hate and vengeance through violence? He will never allow himself to be apprehended ever again; he will guard his freedom using violence and violence, Sir, only begets more violence.

Government must in a holistic way address the root causes of crime immediately; failure to do so will only make and already situation worse. Government could for a start admit that there are serious problems in Guyana associated with poverty. Those problems could be tackled in an equitable way. We cannot afford to ignore for much longer the fact that many of our social problems arise from poverty. We cannot ignore the fact that as simple as it may seem Government apparently resorted to torture as a long

enforcement tool and that that was a departed move to counter a social disease call crime, which in the context of Guyana is a derivative of poverty. Refusal to address the root causes of crime by the Government will cause Guyanese to believe that poverty is yet another of its deliberately used control tools.

The time to stop the practice of torturing citizens is now. The time to release the torture report has passed, but its continued concealment from the citizens of this country is nothing short of a national embarrassment. However, its release should not prevent the Government from Hon.ouring the first RESOLVED Clause of this Motion before this Honourable House tonight, which calls for the establishment of an impartial and independent Commission to examine and investigate the allegation of torture made against the Joint Services in Guyana.

It is not too late that complainants and witnesses are offered to protection as is provided for in the second RESOLVED Clause. Neither is it too late to ensure that some form of compensation is afforded to those victims of torture at the hands of the disciplined forces. It can never be too late to bring to justice those who are accused of torturing citizens and those who issued instructions to torture our citizens for whatever reason. It is time that the practice of arbitrarily arresting and detaining citizens especially our young people come to an end. This practice and the practice of racially profiling Afro Guyanese youths is but a prelude to what could become an uncontrollable cycle of events giving rise to intensified use of unconventional methods of punishment

followed by reactions of an undesirable nature. Without delay it is necessary expose the torturers to therapy which is necessary for them to deal with the pain which they may now be enduring. Help them to deal with their own realities now that they have faithfully complied with the instructions of their superior officers. This is necessary since torture also inflicts psychological effects on those who administer it. Victims should also be provided with expert counselling and therapy as should members of their immediate families for as long as it is required to ensure that the effects of their experiences become manageable.

Mr. Speaker, this Motion once approved paved the way for the necessary healing to be done; it paves the way for Government to adhere to the United Nations Convention against torture and Article 141 (1) of the Constitution of the Cooperative Republic of Guyana, something which ought to have been happening all along. It is never too late to recognise our mistakes and correct ourselves and move forward. Now is as good a time as any.

I therefore recommend that this Honourable House offers its full and unconditional support to this Motion.
[Applause]

The Speaker: Thank you Honourable Member.

The Honourable Member Ms Gail Teixeira ...

Ms Gail Teixeira: Mr. Speaker, the Honourable Member's Motion provides us with the opportunity in this House for the opposition, the Government, the PPP and the PPP/C to

discuss Guyana's compliance with the Convention against torture. This is what this Motion is about; to discuss torture, brutality and cruelty and it provides us to examine the past and what happened in the past and to respond to allegations of the present day, and to do a comparison of the way an undemocratic government and one elected by the people at free and fair elections have addressed issues of human rights and compliance with International Human Rights Convention, which Guyana has been a signature to.

This PPP/C has unequivocally opposed torture, while in the opposition and now in the governing party. Torture under the PPP Government has never been State driven, State sponsored, State institutionalised or officially condoned. It has through Constitutional reforms created the Constitutional legislative framework to the protection and upholding of human rights.

The PNC administration on behalf of Guyana signed the UN Convention Against Torture on 25 January 1988 and deposited the Instrument of ratification on 19 May 1988, and was expected to submit its initial report by June 1989. Under the PNC administration not one report was ever submitted and don't we all know why? Arrest in the dead of night persons held and cannot be found, leading to applications to habeas corpus by outstanding and eminently qualified civil rights lawyers such as our Honourable Speaker, Ralph Ramkarran, Doodnauth Singh our Honourable Attorney General, Miles Fitzpartick, Charles Ramson now a Judge, Moses Bhagwan, to produce persons who are picked up in their homes in the dead of the night,

in their underwear or bukta, while the dreaded death squad who roam the streets in the 1970s and 1980s with no uniforms and no badges and weapons are protruded from their pants. And they were always known for having huge amounts of jewellery and knuckle breakers. *[Laughter]* You all have dirty minds: that is the problem. And they drove around in unlocked open-back vehicles, and I know some of you from the other side will know of this scenario and those of us who are victims know it well. *[Interruption: 'You ever get picked up?']* Yes *[Interruption]* and so we are going to come to that. Don't hurry, Mr. Corbin, I am going to get to some meaty points, but memory may be getting a little vague as we get older. But taking persons and disappearing them and habeas corpus having to go and produce them ten days later, where men were beaten many times with rubber sticks and rubber batons so that the bruising and the injuries were hard to detect on the surface of their skins; heads were shoved down toilets bowls; electric shock treatments and always brutality and torture escalated prior to and during elections periods. So Members of this House, Mr. Speaker and you more than many people in this room are well aware of some of these things. You have tabled many of these issues to the courts in the 1970s and 1980s.

Let me just refresh this House, because of have a lot of young people in this House who may not know. Let me just given an example Indra Chandarpal 1973 arrested with three younger sisters, one was twelve years old and locked in prison; Mrs Sahoye imprisoned and beaten; yours truly beaten by the House of Israel in 1978 until I was black and

blue, in which the young men who were beaten with me one of them were brain damaged afterwards, who lost his sight afterwards and who ultimately committed suicide. Yes I was here and in the 1990s I was arrested as well and watching other people being tortured; Minister Rohee being arrested and also maltreated in 1989; then also David Hinds of the WPA. The Honourable Member Scott spoke about all the issues that took place. You did not mention any member of your own party then. David Hunte was arrested and beaten and eventually in Mazaruni prison. He did not mention Father Darke who was murdered and many of us were arrested that day. He did not mention these things. Father Darke all he was doing was taking photographs and he was stabbed to death by the House of Israel. You see when we talk about torture, ladies and gentlemen; we have to talk about torture, is it State sponsored; are these individual cases. One thing we can be absolutely and categorically be clear about and no apologies for is that the 1970s and 1980s in this country was State sponsored, State institutionalised, torture and brutality. And so not only was it the dead squad we had paramilitary groups and then we had something called the House of Israel headed by Rabbi who were all armed and walked on the streets and young Mervyn he is not that young, but he pretends to be very young.

The Honourable Member Mr. Mervyn Williams talks about fear, when those House of Israel people went down the street, you either moved out of their path or you went in the opposite direction particularly if you were a PPP. And you know, 1985 was one of the worst rigged elections of all of

those held under the PNC, but let me just remind again the young members of this House. During the 1973 elections, Bholanauth Parmanand and Jagan Ramassar, who was only seventeen, were shot and killed by soldiers. What were they doing? They were trying as polling agents to accompany the ballot box to the place of count. That was all and we were told that that was right to do. It was supposed to be allowed except on the night or the day the box has been collected; the order was reversed.

You know 1980 was also a high time period of the kick-down the door bandits and we remember bodies being found and people were being shot and also those that were arrested were hanged. Let us remember that we have had ... [*Interruption: 'Those who were convicted.'*] ... No, so many bodies that lay all over the place. You were not around, Mrs Backer, please. The courts had many cases of that era. I want to encourage my colleague and my Speaker who is a fountain of knowledge to one day when he can find the time to sit down and start documenting for the next generation some of the court cases and what happened in the court in those attempts.

The Guyana Human Rights Association in its day recorded many of these occurrences, and these were frequent. There was torture and torture by gangs and torture by Paramilitary Groups, and I say this that we are proud as a PPP/C; that those days of State sponsored brutality, torture and degradation are over - they are over.

One of the things we have all chosen very carefully in our speeches to refer to the Convention, but there is one part of

the Convention we are not dealing with. The Convention talks about there is no exceptional circumstances for torture, abuse and cruelty, yet in a Press Conference on 16 January 2008 from the People's National Congress Reform, when the fact that all the Paramilitary Groups of those days have weapons and weapons that were provided for by the State, including the House of Israel received its weapons from the State and the response of the PNC to this issue of the availability of these weapons in various places, and I quote:

This matter should be examined in the context of the security conditions that exist at the time in our country the question of the issuing of weapons to State Agencies in the 1970s and 1980s has a specific context.

This was a trouble and changeling period in our history, My God! You had a responsible Opposition, you did not have a Rawlins and gangsters running around with AK 47 with the level of torture, abuse, degradation and disrespect could never compare with what happened in your era.

But lets us go, because on we must talk about torture, I agree with the Honourable Member Mr. Norton, we must talk torture issue and lets talk about it all the way around, because I agree with Mr. Trotman that every country tries especially demonically elected countries try to ensure that they ensure that they know such cases. There are individual cases and there are policemen who disobey the Laws, but explain this one to me please, that in the 2001 Elections, PPP/C polling agents were taken from stations to a certain

party headquarters and beaten, sacks were put over their heads, many of those agents left the areas, some left the country, houses were torched in Sophia to terrorize and you know what, we have got the tapes and the statements.

But lets talk about torture as to what is going on now, its must be that Members of this House must treasure all our Human Rights.

It is under this Government that the PPP/C, that a companion of outstanding years submitted for the period 1989 to 2006, the reports were submitted to the Committee against torture in June 2006, and Guyana was reviewed by Convention Against Torture in November 2006 and let me just refer to what the conclusions on Guyana were:

The Committee welcomes the presentation of the initial reports of Guyana which complies partly with the Committee's guidelines, et cetera, but never let us regress it was submitted with a seventeen years delayed. The Committee commends the report's frankness and the State Party's acknowledgment of short comings in the implementation of the Convention.

The Committee welcomes the constructive and frank dialogue conducted with representative of the State Party and appreciates the answers provided to the questions raised during the dialogue.

The Committee acknowledges the ongoing the efforts of the State Party to reform its leading institution systems in particular the Committee notes with satisfaction the following positive developments:

- (a) The ratification by the State Party of most of the core Internationally Human Rights Treaty;*
- (b) The ratification by the State Party of the Rome Statute of International Court on 24 July 2004 and the recent efforts made to strengthen the National Legislative Base including following legislation and it listed some of them.*

Further it says:

The Committee notes that the State Party has been for several years going through a period of economic constraints, social violence and widespread criminality which it had and continues to have an impact on the country.

The Committee points out, however, that is stated in Article 2, et cetera, no exceptional circumstances whatsoever may be invoked in the justification of torture.

It also goes on:

While taking note of the efforts by the State party in addressing the issue of ethnic composition in the Guyana Police Force, the Committee is concerned of the reduce presence of persons of Indo Guyanese origin in the Police Force, which would appear to be the underlining causes of the high number of deaths of persons of custody of Indo Guyanese origin.

This is November 2006:

The State Party report which was submitted was examined by the Inter-Agency Body and Human Rights in Guyana, in the Ministry of Home Affairs in late 2005, they comprise a number of Entities of Civil Societies including the Hindus, Muslims, Christians and private sector.

By the way in November 2006, the Guyana Human Rights also put up its response to Guyana's Report formally and this is what it says ... because as you know when a country reports now, it asks civil society organizations to comment on that report. The report is posted on the website, and this is what the Guyana Human Rights said in November 2006:

Political violence intentionally induce by the State of Guyana is relatively rear. On the other hand, high levels of violence by agents

of the State occurred against persons perceived to be involved in criminality.

It goes on to point out to a number of issues referring to the preservation of gun licensing and so on. So the Human Right as organization of Guyana does not in its report to the CAT refer to issues and individual cases of what or State sponsored cases of torture in Guyana. It puts up instead a Special Report on sexually violence and violence against women.

In July 2007, we had a two-day training programmes were held with a broad cross section of society to familiarised them with all the United Nation Conventions and how they worked, and to use them to represent Guyanese. PNC was one of the Parliamentary parties present. Mde Clarissa Riehl, herself was at that programme, so was Andrew Garnett and Cheryl Sampson. This was organized by the Government of Guyana and run by the Office of the High Commissioner Human Rights, Geneva.

The Ministry of Home Affairs and GPF with technical and financial support from the UNDP and the Guyana Human Rights completed in April 2006, a compressive training manual for the police on Human Rights that is used by the Police Training School. The GHRA actually does training in the training schools and even in prisons there are programmes for anger management with both prisoners and prisons.

When we examine the issue and this was made a big thing in the papers about a deliberate attempt or an apparent

deliberate attempt by the Government to delay the discussion on this Motion. And I think for the record on the House it would be remiss of me to not track this, because this was given almost three quarters of a page in one of the Newspapers. PNCR said Government dogging to a torture Motion. [*Interruption: 'Where you got that from?'*] Guyana Times, not Chronicle.

Now I think it is important to debunk this position.

- On 18 January 2008, the PNCR through Honourable Member Mr. Norton, tabled and submitted the Motion on torture. It was put on the Notice Paper on 1 February 2008;
- On 14 February 2008, the PNCR Members of Parliament walked out when we were discussing the Lusignaan Motion;
- On 22 February 2008, it was on the Order Paper for 14 February; it was placed on the Order Paper again on 22 February 2008, but I believed because of Mr. Dereck Bernard's death, it was not preceded with at the request of the Opposition;
- On 28 February 2008, it was again on the Order Paper and the Budget Debate began, so it was not preceded with at the request of the Opposition which was the time when Honourable Member Dr. Ashni Singh made his speech about the Budget presentation. Between 29 February 29 and March 2008 was the end of the debate, all matters were

NATIONAL ASSEMBLY DEBATE 27 OCTOBER 2008

postpone during the Budget debate including many Government Motions, Bills and Opposition Motions such as Ms Holders GPL Motion, et cetera;

- On 26 March 2008, it was put on the Motion on the Order Paper and it was deferred due to the absence of Honourable Member Mr. Norton at the request of the PNCR;
- On 27 March 2008, it was on the Order Paper;
- On 8 May 2008, Mr. Aubrey Norton made a written request and a request was also supported by Honourable Member Mr. Trotman on behalf of Honourable Member Mr. Norton for the Motion to be deferred and if this did not attained the leave of the Assembly, the Speaker therefore in accordance with Standing Order 35(1) directed that the Motion be removed from the Order Paper;
- On 7 August 2008, the Burnham Motion was debated;
- On 14 August 2008, the torture was resubmitted and put on the Order Paper;
- The 14 August 2008, a sitting was postponed in keeping with discussions between Opposition Leader Mr. Corbin and the Leadership of this Government;
and

- On the 16 and 17 October 2008, it was put on the Order Paper; we did not finish Sittings until late both nights.

So the allegations of there are some kind of attempt of the Government not to discuss it, I am afraid we will hate to disappoint you, but we were really looking forward to discussing this Motion.

Let us go back to the content of the Motion, it is erroneous for the Honourable Member Mr. Norton to state in the Motion his name that Article 12 of the Convention requires the establishment or imply that the Convention requires the establishment of an impartial independent Commission. Actually, Article 12 says:

Each State party shall ensure that its competent authority proceed to a prompt an impartial investigation wherever there is reasonable ground to believe that after torture have been committed in any territory and its jurisdiction.

All that is required is that the competent authorities proceed to a prompt and impartial investigation.

Now what are the mechanisms that are available in Guyana? First of all, the oversight mechanism such as and I am dealing with all the Joint Services, because I am assuming the issues of torture do not relate only to the police, but the visiting committees at our present location are made up of civil society representatives and a recent

document where Minister Rohee had a retreat with all the visiting prison committee members.

In November 2007, met and looked at issues to do with prison welfare, et cetera. But let me read for you the responsibilities of the members of the visiting committees on prisons:

(4) The visiting committee shall attend to any report which they receive as to the mind or body of any prisoner likely to be injured by the discipline or treatment to which he was subjected and shall communicate their opinion to the Minister. If the case is urgent they shall give such directions thereon as deemed expedient and communicate the same to the Minister.

(5) The visiting committee has free access to all parts of the prisons and to all prisoners.

(6) The visiting committee shall hear and investigate any application and complaint which any prisoner may desire to make to them and if necessary report the same with the same with their opinion to the Minister.

And it goes on.

So there is one mechanism within the prisons for complaints and investigations et cetera, and this is covered by the Prisons Act and by the Prison Visiting Committee

Act. Yet the Police Service Commission that deals with disciplinary matters and I will come back to the last issue.

Some stations have Management Committees where the Sectoral Committees of the National Assembly where people can also bring issues and where Members of Parliament can also use the floor as Mr. Norton has done and also there is also the new Security Sector Committee of the National Assembly where the draft Constitution Amendment and the draft terms of reference are before Parliamentary Management Committee, regrettably we have not been able to have a consensus on the Terms of Reference and on the Constitution Amendment but the matter is before the Parliamentary Management Committee and the Members of the Committee know that themselves. So you have oversight mechanisms and you have also complaint mechanisms. You have the Office of Professional Responsibility of the Guyana Police Force and this body by the way, has been receiving reports and does investigate and therefore one looks at the Ministry of Home Affairs, Statistical Bulletin 2006, where they give reports of the number of investigations they had and what they done in relation to them, so if you do not trust Gail Teixeira, you can look at these data, which come from the Office of the Professional Responsibility which deal with a number of complaints in 2006 of two hundred and four complaints:

Neglect of duty - seventy-one;

Discredit reputation - eighty;

Assault - twenty-six;

Wrongful prosecution - ten;

Corrupt practices - thirteen; and

Inquest death - four

We also have the Police Complaints Authority, where there is also reports in which 2006 there were three hundred and thirty-three complaints made to the Police Complaints Authority:

Discredit reputation of the Police Force - twenty-eight;

Unnecessary exercise of authority - forty-four, which is thirteen percent of all complaints;

Neglect of duty - one hundred and forty-four that is forty three percent;

Unlawful arrest - seventy three;

Unlawful killing - fourteen cases is four percent;

Reported in 2008:

Wrongful detention of money or property is twelve; and the other is eighteen.

But let us look at the comparison of figures between the 1999 period and the period of 2006 of the OPR in which they are over fourteen hundred cases that are brought to

OPR, so somebody has got confidence somewhere. You are the right to feel that nobody listens to anybody and you have a right not respect the Police Force of this country; that is your right and the Opposition.

That the fact that in 1989 when President Hoyte brought in the Police Complaints Act and the Police Complain Authority, the highest recorded numbered of complaints against the Police was in 1989. It is substantiated by Guyana Human Rights Reports which showed that there were five hundred and eighty-nine complains against the Police Force in 1989; it has never reached that level since; it is now five hundred and thirty-three. What I am saying is that we would wish that there be no complaints, but the fact that people can go to the Police Complaints Authority, and let me say this between 1999 and 2006: Fourteen hundred complaints were made to the OPR of which:

Fifty-five of those complaints led to criminal charges being brought against the Guyana Police Force members;

Four hundred and three led to inter-departmental discipline; and

Three hundred led to dismissal.

So what I am saying is that the avenues and framework are there. [*Interruption: 'Where is the report?'*] You are sounding like a broken record, Honourable Member you also have direct complaints; you have reports.

Mr. Speaker, if the Honourable Member wanted a Motion to call for the report he could have done that. They had done a report on the Convention Against Torture, that is what we are discussing.

Complaints to any of the Joint Services, that can be done by relatives and they are procedures for that and once the Human Rights Commission finally get the two-thirds majority in this House, people can also go to the Human Rights Constitutional Bodies, which are totally independent. There are two other mechanisms that can also be used which came in 2006 and 2007.

One was the creation of the National Commission on Law and Order at which the Parliamentary parties had members sitting on and they can also use that opportunity to raise issues, if they are concerned about abuse, torture, et cetera.

There is also Crime Stoppers Guyana Chapter, which has been introduced (right Minister Rohee) in 2008 and which that has helped to give people the protection and coverage to make reports; give information not only about what criminals are doing but what police; army; and prison officers are doing. So these are the framework for complaints; for examination and investigation,

Other avenues for actions and complaints - The Honourable Member and Leader of the House is very, very familiar with the Boards of Inquiry that are provided for under the Guyana Defence Act - absolutely very familiar with it, because it was used and not used and used and doctored and every single allegation of torture in those

days, showed that there was nothing that happened. So a Board of Inquiry is nothing new, is it provided for in the Defence Act and it is used frequently for internal complaints as well as complaints by persons from outside.

Recourse to the Courts - A person who believes that there have been tortured, they can go to the Courts and is it not about time that the lawyers of this country particularly some of the Members of this House maybe willing to consider being pro-bono lawyers for many of these cases that are calling for help. I use again my Speaker here, who gave years and years of free labour, when he was a young married man with kids and struggling, he give free labour; free technical and legal resources to be able to defend our people in Court and people that habeas corpus, when they could not find them anywhere. I think the Speaker is a good example to the lawyers of this country of pro-bono work. [Applause] And as said, there is also the use of Parliament; Parliament procedures, but you know there is also the last caveat of all is open to every single Guyanese who believes that a right of theirs - their human rights have been violated.

Guyana signed the Optional Protocol after 1992 to allow for any of our citizens who feels that their human race rights were violated to go directly to the UN body, because all along Guyana had not signed that protocol. Therefore nobody in Guyana could use that right to go straight to the UN body. Today people could and today people are using it; so this is the avenue where people can go directly to the UN body.

I want to say that the State should not be tried in the media neither should the Joint Services. In keeping with the Constitutional Laws of Guyana, there are ample provisions for the alleged victims or their relatives to have recourse and to exhaust these mechanisms.

The persons named in this Motion have not chosen to go the Police Complaints Authority; OPR or the Courts and let me read it, because if we are to say we cannot as Mr. Trotman says even in the most democratic countries they are individuals who abuse power, but people must use the mechanisms that are opened to them, and so based on Mr. Norton's Motion we went to the Police Complaints Authority and asked have these persons named in this Motion took their complaints to the Police Complaints Authority:

- Patrick Sumner;
- Victor Jones;
- David Leander;
- Alvin Wilson; and
- Michael Dunn;

And the Police Complaints Authority, not all of the persons named there are army - not all - sorry; not according to your own statements. This is from the Chairman Mr. Kennard, who is a retired Chancellor ... you say he was unjust he was forced and said:

Please be advised that our records do not reveal any complaint alleging police brutally was made by or on behalf of any of the persons mentioned in your letters.

It is important to note that also in CAPS findings, as I pointed out, that the Human Rights bodies that we want to established are an integral part of:

- The Convention against Torture;
- The Convention for the Civil Political Rights;
- The Convention for the Rights of Child; *and*
- The Women Rights

In the Constitution of Human Rights bodies that we have in our Constitution, which are part of the legislative and Constitutional framework for protection of our rights, including the right not to be tortured and yet the committee said this:

While the committee expresses satisfaction for the creation of the institutions of the promotion of for the protection of Human Rights, such as:

- *Human Rights Commission;*
- *Woman and Gender;*
- *Indigenous; and*

- *Rights for the Child.*

It regrets the fact that the necessary point to enable these institutions to begin work have not has yet be made by Parliament, apparently due to political reasons.

So if we want to be compliant, let us in the Committee of Appointment move this process forward. The committee against torture as is clear is the official body of Human Rights Experts that monitored the implementation and as I read earlier they have recognized that progress have been make by the Government in regards in protecting and promoting Human Rights.

It is also true to say that Article 154(A)(1) of the Constitution of Republic of Guyana recognizes that Guyana having acceded to the Convention, Guyanese citizens entitled to Human Rights enshrined therein.

It is also true to say that the Article is qualified by Article 154(3) and Article 154 (A) (3) which states:

The State shall having regard to social, cultural level of development of the society takes reasonable legislative and other measures within its available resources to achieve the progressive realization of the rights provided for in Paragraph (1) of 154A.

This means that there is also constitutional recognition of the fact that there are

limitations to any mechanism that the State provides in implementing these rights.

Furthermore, there already exists legislative safeguards and penalties that can be enforce if necessary, Section (4) of the Police Discipline Act Chapter 17:01 prohibit the use of unnecessary violence against any person whom the Police Officer may brought into contact with due to the execution of his or her duty and attaches sanctions to breaches of certain prohibitions.

Section 4 of the Police Discipline Acts Schedules on powers of punishment allows for the Police Service Commission that the power to impose the following punishments on any members of the Police Force other than the Commissioner of Police found guilty of an offence against discipline and it gives the admonitions that would be implemented including dismissal, but the Police Complaints Authority ... *[Interruption]*

The Speaker: Honourable Member, can you pause a minute, your time is up?

Hon.. Samuel AA Hinds: Mr. Speaker, I move that the Honourable Member be given another fifteen minutes to continue her presentation.

Question put and agreed to

The Speaker: Proceed Honourable Member.

Ms Gail Teixeira: Thank you Mr. Speaker and Honourable Prime Minister.

Section 8 of the Police Complaints Authority, gives any person with reasonable doubt to believe that a member of the force is guilty of any misconduct the right to make a complaint to the Authority and may forward their complaints along recommendations to the Commissioner of Police.

The Criminal Law Offences Act allows for a punishment for acts of torture, cruel and inhuman offences and this punishment may range from years of imprisonment or death by hanging. So that we can say that there are in the Guyana Legislative and Constitutional Provision opportunities that if anybody has been wronged that they have many stages and steps they can utilized.

The Honourable Member Mr. Trotman quoted from the Guyana Country Report on Human Rights Practices 2007 and this is The United States Party Report, of 11 March 2008, and I would like to read from it, and this is the report for 2008:

There were no reports of the Government or its agents committed any political motivated killings.

However, the Non-Governmental Organization: The Guyana Human Rights Association and the Media asserted that the police continued to committed unlawful

killings, reported police killings dropped to nine compared with twenty the previous year. From these nine cases, the Police Complainant Authority received five complains of unlawful killings.

In most cases the Police shot the victims while attempting to make an arrest or while a crime was being committed. The Constitution broadly defines justiceable use of lethal force.

Now we used the Americans when we want to, and we do not used parts of what the Americans say when we do not want to. That same Report what the Honourable Member Mr. Trotman read said this:

And so we can be rather convenient when we want to be.

Mr. Speaker, when we look at the Convention and we look at this Motion; we have to take into consideration a number of things, and when we judge Guyana, so not judge the Government of Guyana - judge Guyana, and that is that, is the torture defined in our Constitution; is it in the Constitution that torture is acceptable or not, I say not; it is prohibited in our Constitution? Is prohibited by law, by policy or by Constitution, all three, yes.

Is it State Institutionalized? Or are there individual cases that may warrant investigation and we say the latter. There may be from time to time individual cases, but it is not State sponsored or institutionalized. In contrast, to the

United States, where the House of Representatives and one of the Presidential candidates now going into the race, voted for water boarding and for the interrogation techniques that allowed water boarding and other forms of torture and it came from the United States Legislature.

And also the British Parliament, where the British Parliament has agreed to by law for secret courts, where persons who were majority Islamic believers, have no defence lawyers, who have been kept in prisons not charged for four years, and these are democratic society in which the Parliament are taking these positions. Guyana is not in acquisition; Guyana Government is not in acquisition; there may be from time to time individual cases but this Government oppose any for of torture. *[Applause]*

Next question: are there mechanisms for grievances to be heard for complaints for due process, and I challenge anybody on that side of the House that there are not procedures, mechanisms and processes for people who have agreed to use all their relatives use.

Is there a legal framework to charge or try persons accused of torture? Yes, there is, our persons are using the mechanism of available. If you look at the mechanism of the:

- Police Complaints Authority;
- OPR;
- The Board of Inquiry of the Guyana Defence Force;

- Guyana Prison Services

Yes, there are using them.

Are they using the Courts? Not as much as they could, because the lawyers all want money, instead of doing pro bono service; there are some of victims and the families of the victims.

Is the state by compliance or pollution or complacency taking any action on these things, yes the State is. The State has been taking action on these complaints, either by investigating, but also not only that, by training, by sensitizing; by making people aware, and not only that including the broad civil society to understand the Human Rights Conventions that Guyana has signed and how to use them, in bringing cases to the United States even against this Government. What more do you want?

Is there training for Law Enforcement Officers? Yes there is.

Are there mechanisms for redress? Yes, there are.

Can there be improvements? Yes.

Can we improve efficiency and effectiveness? Yes.

Because we are not perfect, but Guyana is in compliance with the Conventions against torture; it is in compliance and it has been carrying out its obligations. And we know that in the Convention against torture and the Human Right

Councils that the issue of torture now has been broadened to deal with domestic and sexual violence.

Not what is in the Convention, because they are saying the State also has to make sure that the legislative framework to insure that the violence against women and children is not an acceptable norm in the society must be part of the State's responsibility and therefore the issues of the Domestic Violence Act and the issues of the Sexual Violence - Stamp It Out - are part of the steps that have been taken by the State to be able to change and create a framework that is tougher on these issues.

But when we look at Honourable Member Mr. Norton's Motion, because I find it rather hypercritical that the Honourable Member Mr. Trotman would say to us in this House that he is calling on the ... *[Interruption: Is that Parliamentary ? "I said hypercritical, it is not like calling a person a liar"]*.

Honourable Member Mr. Trotman is calling on the Government to vote for this Motion, but on the Motion on the Joint Services, on congratulating the Joint Services, he abstained, and yet he saying to the Government on this side that we must approved this Motion.

Mr. Norton is from the old days and so he knows what he is doing. So Honourable Member Mr. Norton in the Motion talks about Government affirming the Convention. The implication that you have in the Motion is that in the BE IT RESOLVED Clauses.

That National Assembly calls on the Government to Hon.our its treaty.

The Government of Guyana is Hon.ouring its treaty obligations, you talk in the same First BE IT RESOLVED Clause that under Article 12 to establish an independent Commission to examine and investigate the allegations. There are so no such requirements under Article 12 to establish a Commission. It is based on the complement authority that is stated to examine the prompt and impartial investigations. So you are adding a new caveat at to Article 12 of the Convention.

You talked about ensured that complainant and witness are protected, but the one caveat that you do not have there, the one thing that the Honourable Member did not put in this Motion is that you cannot investigate and you cannot shoot in the dark. You have to have someone complaining that on so and so day, and so and so hour, someone did so and so. You cannot deal with it in the media. An investigation cannot be treated by the GDF and the police by some one saying something in the media. And you are very well aware that no Government operates like that-none. You show me which Government in the world operated based on a media report. Someone has to come forward or someone has to represent that person so that the details, because of an allegation of torture require details - evidence.

The second issue, so when you call on us to Hon.our a treaty, Honourable Member Mr. Norton, Honourable Members and Members of the Opposition, we Hon.our this

Convention, we have signed it, we have reported after - you Guys never reported on it. Honourable Member Mr. Norton, may be it would have been wiser in your drafting methodology to have sensitized the Government to continue Hon.ouring the Treaty. But you have put it in a way that therefore by implication, we were not Hon.ouring it and therefore we must now Hon.our it.

Honourable Member Mr. Norton, just like you said before, the Opposition side, when we talked about congratulating the Joint Services and you all said you have all done it individually.

The Government of Guyana has signed the Convention, it has provided the option of protocol for and Guyanese to make complaints, which they are making complaints, I assure of that, and we do as a State Party has to respond and we will respond, but that we are committed to the Convention, we are committed to stopping any forms of torture in this country.

And as a responsible Opposition, not the British Opposition which is the loyal Opposition, Her Majesty Royal Opposition, that we ask you to be responsible Opposition if there are any cases that you come across, then you should bring them as a Member of Parliament to your minister of whatever, so that we can deal with it. But I rather believe and I do wonder where some of these issues more happily displaced and blown up in the press and therefore the victim and the relatives do not have recourse. But other politicians had had fun with it, because they got to be grandstanding and therefore lets us if we are truly

democrats and we really want to stop abuses, then let us stand up for Human Rights and use the mechanisms available when all those mechanisms have been found to failed and have been exhausted, then we need to come with better ones, but the mantra about lets have that particular board of inquiry is a bit of a bore, because you know what we did not find anything. Thank you very much, Mr. Speaker. *[Applause]*

The Speaker: Thank you Honourable Member.

The Honourable Member Mr. Franklin ...

Mr. Everall N Franklin: Mr. Speaker, I defer in the interest of time.

The Speaker: Thank you Honourable Member.

Honourable Member Mr. Basil Williams ...

Mr. Basil Williams: Mr. Speaker, I rise to support the Motion brought by the Honourable Member Mr. Aubrey Norton, but lest we believe we are stranded in the present and we are merely dealing with some of the few names we have heard today in the Motion. Let me say that under this Administration torture has been the hallmark of its operation all along, because you see I am speaking from a position of strength; I am speaking with authority with these matters, because I have been in the forefront of the human rights struggle in this country and I can say to you in this Honourable House, I have done it not only pro bono; in fact I want to know why the Honourable Member is talking

about pro bono when they are supposed to be setting up Legal Aid Centres all around this country, but I have been involved in hundred of these cases to roll back the excesses of the Black Clothes Squad, State sponsored Dead Squads and the like.

Let me say, we are only seeing manifestations of a luckily few, who have been tortured and were able to live and talk about it, because I could give you illustrations under this regime, where persons were tortured and were never seen again. And if you talk about redress, in fact that is my remit to show whether in fact there is any remit to any redress permitted under this Government as is required under the Convent against Torture.

But I am reminded of France Britton-Wills, the son of an illustrious Guyanese lawyer and he was taken in to custody under this Government and was never seen again. In fact, when his mother had recourse to the Court, the then DDP Mr. Dennis Hanoman Singh filed an affidavit in answer to our application and no less a person than Leon Mark Fraser, swore this affidavit, so when I say I talk about position strength I know what I doing. But in his affidavit, he was saying that after making diary entries he uplifted Colly Wills from Cove and John Police Station and escorted him to Brickdam and he was placed in custody. These were his words, *on his way to Georgetown from Cove and John, I questioned Colly Wills about the robberies and he denies allegations claiming that he goes to Surname and Cayanne to make his money, that on Wednesday the 27 January 1999, I was informed by Mr. Basil Williams, Attorney-at-*

Law that he was trying to contact me concerning bail for Colly Williams and so he is saying, I dealt with Colly Wills first and he had no property. I made an entry in the remarks column in the charge sheet is that Colly Williams was one that was sent away Target Base at 9.00 am on Friday, 29 January. I also caused Wills to sign and enter. He continues, the Officer said that Colly Wills never reported to Target Base on the 29 January, or any other date and since I release Colly Wills from Brickdam lock-ups on Wednesday, 27 January, 1999. I have not seen him again and this is what is saying as far as I am aware Colly Wills called France Britton-Wills was in police custody, his mother is saying he was not taken in, but since the 27 January 1999, my son has not been seen or heard from at that time that he was in police custody. So what do we say about the regime, where you take up a young man and he just disappears? It is not like just like what the Honourable Member Ms Teixeira had just said that people were arrested in the night and cannot be found until habeas corpus were filed and they were released ten days later. France Britton-Wills was never seen or heard again and this matter went to the Inter-American Human Rights Court, and the Government failed to cooperate with that Court, because they were supposed to send in a report and the result was a decision was taken at the OAS General Assembly every year, they would read out this case of Colly Wills. So this is a clear case that a man could have been tortured in custody at the Target Base and did not survive and so he disappeared.

The other is recent , I think, 2004 - the case of Joslyn Jones, now witnesses have said that Joslyn Jones of Lot 141 Friendship Village, he is a human being, he lives and was picked up by a party of policemen in a police vehicle at the South Bus Park. He has not been charged as with any offence and has been held incommunicado. Joslyn Jones has never been seen again. They released Henry Green, sworn affidavit prepared by no less a person than the Honourable Member Mr. Doodnauth Singh, Senior Counsel and this was his response, that on the day in question a party of policemen on patrol arrested three men in the vicinity of the place where Joslyn Jones was alleged to have been arrested, none of these men were Joslyn Jones. In other words, the now Commissioner of Police unwittingly confirmed the story of the persons who said that this man was picked up outside there and up to today he has never been seen again alive.

This is the regime we are talking about that Hon.our the Covenant Against of Torture, et cetera. I could speak, because these people come to me, I see them with my own eyes, and lets us talk about the Honourable Member is saying why this complaint was not made and why that was not made, simple because once they know that you have made a complaint, they send their thugs to harass you.

In fact, Sumner was arrested in Linden at his mother's residence and kept incommunicado too. When they recognized that he had complained. So the point is you have a system of intimidation against potential claimants of redress in this system. So do say why they have not filed

any complaints? Because you send you goons and the man had to run out of the country and go to Trinidad, but it do not mean that he cannot still file and seek redress. So those are cases that we have.

Then take Mohamed Shafiek, who was battered, beaten and killed in the Brickdam Police lock-ups and the post-mortem report showed the work of some sick mind, because the man's bones were crushed up, his head battered in. I know, I do all of that, pro bono, because I always felt strongly that somebody has to stand up to the excesses of this Government and this regime. I have done it at great sacrifice I can tell you that, not only to my own income, but to my availability and time for my family.

So this is the regime that is talking about their compliance with this Covenant Against Torture. And you know, I think that that was one of the first inquest wherein a jury return a verdict against the State, that they were in concern in the death of Mohamed Shafiek and would you know overnight, the Attorney General went and ran to the Court hugging up the DDP taking both of them in together without notice to anybody else and got an Order within half a day with first appearance purporting to squash the jury's verdict.

Is this the regime that talks about redress and avenues to complain and a system with legal framework for redress? This is the regime that is talking about those things. And so we cannot start as though we are stranded in the present with Sumner and Zammett I could go back, but I do not want to detain the House, because the time is not sufficient. But let us come to the present, David Zammett we all saw

the utter destruction that was winked upon him, he could not stand up.

And I am saying to you that Bullet known as Biscuit, the Honourable Magistrate at Vigilance, two days ago dismissed the two charges against him, the trump-up charges. Yes, because he charged him like how he charged a million other persons for Sash Shaw's murder, so that is other court, but where I represented him, both charges have been dismissed:

- Possession of narcotics dismiss after trial;
- Possession of attempted murder dismiss after trial,
and

You know what the man who was supposed to have been nearly murdered up to this day he never turned up; the police and everybody gave witness. So what is clear these people are picked up and charges are thrown upon them? So two gone and the one with Sash Shaw will go too, but he has been acquitted which justifies what we have been saying that you are just picking people up and throwing charges on them and lock them away.

Let us come to him, Mr. Robert Corbin dealt with you and your approach in bringing them in dead or alive, but the Zammett case which is public knowledge, he could not stand up or sit up in Court and when we went to the High Court with a habeas corpus instead of taking him to the judge, they went surreptitiously and take him to the Magistrate Court to avoid him going to the judge, but we

were up to that and he had to go over to the High Court. He had to stay prostrated in the truck, he could not come out, the judge had to leave his Chambers and go down the stairs to him, into the yard where he was in that comatose state in the truck.

Are you proud to be Home Affairs Minister in this situation? But these are the allegations while he was in police custody and this has opened up the world to see.

On Tuesday, 30 October, 2007 at around 4.00 pm at CID Headquarters, I saw David Leander preceded there company of several policemen with his face swollen to twice his normal size and the wound, a gun shot wound on his hand which was bleeding. Your police as you like to say.

Then they said David Leander told me that he had been shot and beaten by the police. The next day, I was at Brickdam Police station when the said police who had escorted him from CID Headquarters brought him to the Brickdam lock-ups and he was taken to the Police lock-ups where he appeared drugged and collapsed on the ground. The police then dragged him into the lock-ups despite my protestation. This is the regime that talks about care.

You know about the Johnson case ... I do not know. He just get released - knock off - and then two charges. You charged him with three; he got knocked off of two already.

Now on Thursday, 1 November that was another day, I was again present again at Brickdam lock-ups when I saw David

L Leander being escorted by a police party allegedly they said they were taking him to CID Headquarters; puss was oozing from his right ear and he again appeared drugged and he was crying out with pain with one of his eyes red and budging out of its socket. So the Honourable Member is approving of these tactics, direct torture on hapless Guyanese citizens and so as I said this saga is real to me, because I dealt with these people personally.

Let us go to Patrick Sumner, whom you run out the country and this is what he is saying. I was placed in the lock-ups and was sent next day to Brickdam Police Station and then back to Eve Leary. I was very hungry all day as I had to travel to Trinidad. I was thrown into a vehicle with a camouflage sack over my face; they drove me all the way to Linden Highway and threw me unto the ground and saying they would kill me and buried me here. Then they threw a liquid on my face that smelled like kero and gas and started hitting me all over and kept telling me that they would sodomised me all night. Well the word I got here I do not want to use it ... it is a sunny day, I do not want to use it in the chamber. They again handcuff me around a concrete post with my clothes taken off and left me there for almost two hours. I fell asleep sometime later, I awoke the next morning as the light was beaming a little through the sack and my feet were bounded in scotch tape and hands in handcuffs; they walked me a short distance and put a gun in my hands and told me to shoot it off, this I never did before, they put my hands on the trigger, yet still I did not shoot. They took the gun back and fired all three shots, using indecent language and then pulled the sack over my

face, and I saw my pHon.e, put the person who was holding my pHon.e had a black tope over his face.

These are clear instances of grievous torture inflicted to a man who has no police record, whose antecedent has been entirely unblemished and who in fact, resides in Trinidad and Tobago. I want to just fast track by just pulling illustration out.

Now let us go to water boarding, I represented Sharth Robertson and this is what he said, I am not going to call names, I am going to use Captain X, carried me downstairs and told me that I must kneel down on the bridge, this was around 7.00 pm, when I kneeled down. Captain X kicked me from behind on my thigh; he told me to put my hands behind my back and secure them with a plastic handcuffs; he took a bag made of a towelling type material and placed it over my head and secured at the neck, he then told me get in a car parked by the bridge. I got in, he then got in the car and drove it to MCID an office not far away. At MCID that is at M-C-I-D Lieutenant Y carried me in a room downstairs and he and Captain X replace the plastic handcuffs with metal ones, all the time I had the bag over my head. They then started to throw cold water over the bag, I could not breathe and I felt like I was drowning, they repeated this several times and all then they beat with a wooden chair leg. They asked me all the time, where was the weapon? I told them that I had booked in the guard room, they said I lied, that I give Kid the weapon, they leashed me with a gun butt across the head and across my back with a plastic cord; they shocked me with electric

current by placing some thing like a plastic on my skin. Lieutenant Z then went in to Major A's room and brought out pepper sauce and peppered my genitals. They took the same wet bag from my head, threw pepper on the bag and boxed some pepper directly into my eyes; it was very painful; they tore off my clothes and stood on my back while another stood on my head forcing my face into the water on the floor, I was left in my bare buckta. They put back the bag on my head and pour more water on it. At one time, about five of them were beating me, they were saying that it was Wilson you give the weapon.

This clearly shows that the violence that was being directed was in pursuance for information concerning the allegation that they were investigating. So these are live real Guyanese people and so I am very clear that in this country torture has been mandated as one of weapons in armoury in dealing with citizens arrested and detained in relation to any offence in this country. We are interested in redress, what forms of redress could these tortured persons have recourse to and unlike what the Honourable Member Miss Teixeira just outlined, all those so call Agencies that were referred to; they have absolute nothing to do with the type of redress that is contemplated here and that is contemplated in the Covenant itself, nothing whatsoever.. Those are internal arrangements and I do not know, we have all been saying in the People's National Congress Reform that the police and the soldiers cannot investigate themselves; we have always been saying that. In fact in the report of Disciplined Forces Commission that was recognized and it was recommend that the Police Complaints Authority be given independent

investigators to do its investigation and they ought not to rely on police ranks to investigate their own. What we are looking at is the means of redress in our system of Courts in this country. And I must say from the outset that I reject out of hand the contention by the Honourable Member Miss Teixeira that this Government has created Constitutional and Legislative framework for upholding Human Rights

If I might respectfully refer this Honourable House to our Constitution, one would find that torture happened to be both a fundamental and human right. Under Article 141 is a fundamental right not to be tortured and that right - that protection is also redressable. Under Article 153 a person who contends or alleges that his right to protection against torture, et cetera was a breach or is likely to be a breach, he could have recourse to the High Court which has exclusive jurisdiction to make orders and issues such writs et cetera, which includes compensation for those acts of torture. But as we said in the case of Sumner and Jones, the type of intimation that was directed to them force them to flee, but is not beyond question that they should be able to do something about that at the right time. But having recourse in our Courts to this exclusive jurisdiction of the High Court is one thing, having the matter determined within a reasonable time is another, because even though Authorities say that we are familiar with, that Constitutional matters must be treated with the gravest urgency; they just happened not to be so dealt with in our Courts. And it is important, because to access certain International recourse, one has to exhaust local and municipal remedies, but this fundamental aspect of torture, the protection guarantee

under Article 141, an attempt was also made under Article 154 A to provide such address this time under the caption of a Human Right and I respectfully submitting that these provisions under Article 154 A as they now stand, make redress illusionary. In other words, no Guyanese whose human rights have been infringed could have recourse under this provision as it now stands

Why?

- (i) They are saying that every person as contemplated by the respected International Treaty set out in the Fourth Schedule to which Guyana has acceded and this includes the Covenant against Torture is entitled to the Human Rights enshrined in such International Treaty and such rights have been respected and upheld by the Executive Legislative Judiciary and all organs and agencies of Government, and where applicable to them by all natural and legal persons and shall be enforceable in a manner hereinafter prescribed. And this is what it says, if any person alleges that any of their rights referred to in Paragraph (i) has been, is being or about to be contravened in relation to him or her then without prejudice to any other action with respect to the same matter which is lawfully available that person may apply to where - the High Court - no - that person may apply to the Human Rights Commission in

such manner as the Commission may prescribe.

In other words, this provision's purpose to create an exclusive jurisdiction analogous to the Fundamental Rights Provision, but this time is not in the High Court, they put it in some Human Rights Commission and no effort has ever been made by this Administration to fast track this Commission, and it is for good reasons, because they do not intend to have the works of this regime scrutinized by any Human Rights Commission in this country - they have no intention.

(ii) There are other restrictions. But this one Paragraph 3:

The State shall have regard for the social and cultural level of development of the society and take reasonable legislative and other measures within its available resources to achieve the progressive realisation of the rights provided for in Paragraph 1.

I do not think any body in the Government understands what this provision means, but in any event the conditions stipulated in this paragraph would never arise in Guyana as far as this regime is concerned, that is, we will never reach that stage where they will be compelled to take reasonable legislative and other measures within their resources to achieve the realisation of these Human Rights enshrined in Article 154 A (1). But I must say that no action has been taken by this Administration in relation to these other

provisions and in relation to Paragraph Article 6 of 154A the Government has bestirred itself. This Paragraph says, the State may divest itself or otherwise limit the extent of its obligations under any of the treaty listed in the Fourth Schedule provided that two-thirds of the elected members of National Assembly have voted in favour of such divestment or limitation ... But the Honourable Member knows and he could inform this Honourable Court, this Parliament is also a Court -this Honourable House. But the action that was taken by this Government to denounce the obligations the Government had signed unto under these treaties. *[Interruption]*

The Speaker: Your time is up, Honourable Member

Mrs Deborah J Backer: Mr. Speaker, I rise to move that the Honourable Member be given fifteen minutes to conclude his presentation.

Question put and agreed to

The Speaker: Proceed Honourable Member

Mr. Basil Williams: Mr. Speaker, I am respectfully submitting that the Human Rights provisions in Article 154 A provides no redress to Guyanese Citizens or any person in this country, who has been tortured under this Administration. And so let us look at the Covenant against torture, and I respectfully refer you to Article 4;

Each State Party should ensure that all acts of torture are offences under its criminal law

And as I said this Regime bestirred itself to denounce .their obligation on that - an action of protocol, but up to now no attempt has been made to reduce the provisions in the treaty against torture into our Criminal Law and we are saying on this House that the Government do not have to wait on any store show, economic development in this country. That is something they could take steps to implement forthwith. Make it criminal for anyone in this country to be tortured by agencies and surrogate of the State. So for an Honourable Member to conclude that this Government is abiding by the Covenant provisions of this Covenant is felicitous, because they are observing the provisions of this Covenant in the breach.

Now it is clear that this Government prefer this practice where treaties that they have ratified must first be passed in Parliament to be reduced into the municipal law of Guyana before it could take effect. In other words, they believe that by signing and rubber-signing the treaty, they have not obligation in the municipal law. No recourse could be had in relation to that treaty in our Courts of law. They know that there are other countries where once you ratify the law becomes self-enforcing in those societies. And so they sit down there and they are saying yes we are observing terms and the provisions of these covenants and so, but they know to themselves until they bring a Bill to this Parliament for passage through the House, they could ignore the provisions of those treaties, because we cannot come and seek to enforce them in our course of law, and that is something that we will have to look at in this whole question of when a treaty is ratified by this government, it

should *ipso facto* entitle Guyanese people - the citizens - to seek recourse to it.

Mr. Speaker, it is an important concept in the international law *pacta sunt servanda* that is the rule of treaties are binding on the parties and must be performed in good faith. It is a fundamental principle of the law of treaties. As I said, on a previous occasion in this Honourable House ratification of and accession to treaty is not un-ending in itself; the real test is in the performing and implementing the provisions of those treaties. This Government believes that they could sign these treaties to make themselves look good and then ignore the breaches of these treaties when the time comes.

And in terms of the Motion, the WHEREAS Clause dealing with the visible evidence of torture of Messrs Patrick Sumner, Victor Jones, David Leander, Michael Dunn, Alvin Wilson and Sharth Robertson, et cetera, we have laid more than sufficient evidence to satisfy the contention in this Clause. Equally Articles 153 (1) and 54 A (1) have been addressed and therefore all the resolutions, all the RESOLVED Clauses that are inhere in this Motion ought to be agreed to in this Honourable House, that is the Government ought to sign on to the, because the Honourable Member said yes, we know of these Clauses and we are adherent to them and we are doing this with them and all of that. Now that I have shown them the loopholes and the breaches of them; this Government should have no problem agreeing to this Motion brought by the Honourable Member Mr. Aubrey Norton.

The Honourable Member says in the last RESOLVED Clause:

Be it further resolved that this National Assembly calls on the Government to Honour its treaty obligations under Article 10 of the Convention by ensuring that public officials are made aware that all forms of torture are prohibited.

Mr. Speaker, with this I commend this Motion to this Honourable House and enjoin all persons in this House that have a conscience to vote in support of this Motion. Thank you very much. *[Applause]*

The Speaker: Thank you Honourable Member.

The Honourable Minister of Home Affairs

Hon.. Clement J Rohee: Mr. Speaker, I think it was Mr. Persaud who made the very important point that this Motion has to be contextualised and not to be looked at in abstraction from the realities of the given situation in our country. And notwithstanding all the opinions and views that were expressed above the Government's track record in respect of criminal activities, what have been the root cause for crime in Guyana and the various linkages that were made, some extraneous, some having no relevance whatsoever, some made really for scoring political points.

I would just like to quote from two newspapers, which published two separate articles one on 2 September and one on 6 September, a mere four days between each other.

In the Stabroek News of Tuesday, 2 September in a story headline *Police Harrassment Turns Fineman Into A Criminal*. It is reported:

It was the Police and their constant harassment that turn him into a criminal as he previously had a bright future ahead of him ...

This is Fineman's uncle speaking in an interview. Rawlins has been a trival upholsterer in Agricola after attending a church, that it was the police who changed him. He went on to say Rawlins at one time had a good and kind heart. He was put on a framed charge and that is what turned into a criminal. This is a microcosms of the framework in which the opposition PNCR put all the members of the criminal gang even those who are currently incarcerated awaiting trial. Four days after this statement was made by Fineman's uncle praising him high to the skies as a person with a good heart; he was a church goer and all the good things; we have heard that with so many others before. The police issued a statement in which they said:

The Guyana Police Force wishes to call on all law-abiding citizens not to wait until the demise of their family to speak up, but to do so now and encourage their family members

living a life of crime to turn from their wicked ways.

The Guyana Police Force finds it interesting that family members keep turning up after the fact to claim how their deceased relatives are church goers and decent law abiding citizens.

In other words, what the police is saying look do not wait after these people have been incarcerated or after their demise to suddenly turn up and say what good people they are. Tell them to turn themselves in and to change themselves from their wicked ways, but they do not want to do that. What they are saying is that look if they turn themselves in the police and the Joint Services will torture them, so do not turn yourself in; keep going. we will send the political signals that show you that we are giving the support if you keep on going.

Mr. Speaker, I have said before that the PNCR especially the major spokesmen on this matter keep sending a dangerous signal to criminal element in this country not to co-operate with the law enforcement agencies and that we are attacking you. This is the signal they are sending and this is the signal that is wreaking havoc in this country, because notwithstanding the platitudes that they expend from time to time, the fact of the matter is what they say is what is meant.

I briefly refer to this matter, because I think others have spoken against this practice and I would not wish to go into

it in any great detail simply to put this scenario that this is what we are confronted with in Guyana.

Mr. Speaker, while the Honourable Member Mr. Norton said that the Joint Services have a *penchant* for burning persons and leaving their bodies or leaving their skeletal remains. I reject this, Mr. Speaker; I reject this outright. There is absolutely no evidence; it cannot be substantiated, there is no DNA test; there is no forensic to substantiate which the Honourable Member said in the House, but if you want to go down that road, I will join you by pointing out equally that the two young boys that were burnt in the car on the Buxton line top, you tell me if the Joint Services did that.

Secondly, the young Buxtonian named Chigga whose skeletal remains were identified to be the very Chigga as a result of the chain that he was wearing around his neck when he disappeared. His remains were found after the Joint Services began clearing the backlands and he was also burnt. If you know that the Joint Services burnt those bodies, which you know were burnt by them, then you should know who burnt these two. *[Interruption]*

Mr. Aubrey C Norton: Mr. Speaker, I rise on point of order. I have in front of me my written presentation and it is incorrect information to say at any stage that I say about the burning of the people at Lindo Creek in the way.

Hon.. Clement J Rohee: I never mentioned anything about Lindo Creek.

Mr. Aubrey C Norton: I will repeat again in my rebuttal, but I think you should stick to the facts.

The Speaker: Honourable Members, I do not know what is going on. I do not know the objection.

Hon.. Clement J Rohee: Mr. Speaker, a taxi driver was shot and burnt by the bridge dividing Annandale and Buxton. Since the Honourable Member knows who burnt the bodies wherever. He said that the Joint Services has a *penchant* for burning people. You said that. You said the Joint Services has a penchant and you emphasize the word so that we could know that you have some association with the language. You said the Joint Services has a penchant for burning bodies and I am saying to you that if you know that the Joint Services has a penchant for burning people ...
[Interruption]

Mr. Aubrey C Norton: Mr. Speaker, would you permit me on a point of information to read exactly what I said?

The Speaker: No, Honourable Member, I cannot permit you. You will have an opportunity to reply.

Hon.. Clement J Rohee: Mr. Speaker, I listened very attentively to Members when they speak and I make copious notes, but I will proceed.

I make those points Mr. Speaker, because this allegation that has been made has one fundamental objective and it is to bring the Joint Services in disrepute; it is aimed at bringing the Joint Services into disrepute and to associate

them with the burning of bodies and I think that it is only fair that if you are talking about who have a penchant for burning bodies, we must look at other bodies that were burnt in other areas. *[Applause]*

Mr. Speaker, Mr. Norton said that he is carrying out an investigation into an allegation of a man being burnt at a police station. Now if a man was burnt at a police station and the matter was brought to a civilian's attention that is Mr. Norton who is a civilian, his first task is to bring it to the attention of the Police. Go to the police station in the station district and report what you were made to understand. Do not take it upon yourself and I am not threatening any body here. I am just saying, what is your correct procedure. Mr. Speaker, I am hearing murmuring that the Police burnt the bodies; Mr. Norton did not say that, but another individual from the opposite side is saying that the police burnt the persons. We are hearing a lot of wild remarks here that cannot be substantiated. People are just giving liberty to their mouths by talking things which they cannot substantiate. Mr. Speaker, let me return to what I was saying that Mr. Norton's responsibility is to go to the police station and the police in the station district and to report what was told to him. What Mr. Norton has chosen to do is to carry out his own private investigation. I was told that the reason why he is doing that is because the police is not doing anything. So because the police...according to Mr. Norton the police is not doing anything and since the police is not doing anything, his logic is to become the police to do something which the police should be doing. I want to suggest that if we are

going down this course, let us be careful. Even I myself as the Minister of Home Affairs, I do not take it upon myself to personally investigate any type of complaint that people bring to me every Friday on my Public day. I do not do that; I take it to the Commissioner of Police and I ask the Commissioner of Police to investigate this matter.

Mr. Speaker, I have heard many statements made at this late hour in this National Assembly about torture and various definitions were given in respect to torture, but I want to explore one of the definitions that were given or I should say two definitions that were given, one by Mr. Norton and one by Mr. Williams. Let me for the purpose of being creative refer to this political definition of torture. What about electoral torture; the kind of electoral torture that the PNC took this Nation through from 1964 to 1985? The type of electoral torture that caused great pains to the electorate of this country; what about that type of torture? Mr. Williams spoke about psychological torture. Mr. Williams spoke about a broader definition of torture. The people, the electorate of this country were deprived of the right to elect a Government of their choice for a number of years. What about that type of torture? Mr. Speaker, people, the electorate of this country suffered great pains of being deprived of one man, one vote. What about that type of torture? That was national torture, the national psyche of Guyana was totally affected. The national psyche of the Nation was affected.

They spoke about suffering. What about the suffering the Guyanese people experienced over the years when they

were denied the right to elect a Government of their choice. What about that? They spoke about:

- Ill treatment;
- Cruelty;
- Degrading treatment; and
- Bringing one down

How many Guyanese as a result of the economic difficulties which were foisted upon on this Nation by the PNC and who were forced to engage in trading, had to sleep at airports in Trinidad and in Barbados bringing in provisions and other commodities that were band.

How many Guyanese were not lowered in self esteem as a result of the actions of the People's National Congress? How many Guyanese were not lowered in their self esteem, sleeping on the ground of airports? I used to see it very often, people even importing kerosene oil in this country in plastic bags. Mr. Speaker, not only affecting the national psyche, but national trauma; so if we want to talk about torture in broad terms and in political terms let us talk about that.

Why should we reject this Motion? On what grounds should we reject this Motion? We must reject this Motion, because this Motion has called upon the Government to Hon.our six treaty obligations of the Convention. We are being called to Hon.our six treaty obligations of the Convention. *[Interruption: What is wrong with that?]* Nothing is wrong with that; do you know what is wrong with that though? We are already Hon.ouring our

obligations and therefore this Motion is null and void. It is null and void as a result of the fact that the Government is already Hon.ouring what it is called upon to do in this Motion - the six treaty obligations.

Mr. Speaker, we should reject this Motion also on the basis that the tone and trust of the presentations by the members are aimed at bringing discredit upon the Government. That is what this Motion is all about, aimed at bringing discredit upon the Government. Everyone of the persons who spoke on that side of the House, the thrust of their presentation was aimed at bringing discredit upon the Government and we cannot sit on this side of the House and accept any Motion that is aimed at bringing this Government into discredit for what should not happen.

The Honourable Member Mervyn Williams said police officers are issuing instructions to their subordinates to torture persons. I am amazed that people could simply say what they would like to say in this Honourable House without any shred of evidence. I wonder what senior police ranks would say when it is reported that they are issuing instructions to their subordinates to torture persons. Where did Mr. Mervyn Williams get that from? Where did he get that from? Is it a figment of his imagination that he is making something a reality? You know when the PPP/C Government came to office in 1992, I think it was Mr. Hoyte who said that we would not last how many days ...? We would not last 100 days ... Mr. Hoyte, may his souls rest in peace; when we came to office in 1992 he said we would not last 100 days. When I hear these Dooms-day

preachers, self-styled politicians claiming that as a result of so many wrong doings in this country enter their encomiast that we will not last long ... I remember the days of Mr. Hoyte when he said we would not last 100 days. Mr. Speaker, it would never happen; it would take a long time for that to happen. You have to work even harder.

During the elections in 2001, the Honourable Member Mr. Williams elucidated on a number of issues associated with criminal elements such as Mr. Zammet. I asked Mr. Williams to get Zammet's rap sheet. Mr. Speaker Rawlins was wanted for more than thirty murders four of which were mass killings and countless robberies.

- Zammet;
- Bullet; and
- Biscuit was one of his cohorts. *[Interruption]*

The Speaker: Honourable Members these are under charges before the courts, I... you know; Zammet and Biscuit and all these people as far as I read in the newspapers. One person is a lawyer and another is an experienced Home Affairs Minister. Honourable Members, the rules is we cannot deal with matters which are sub judice, come on, Honourable Members; please follow the rules of the National Assembly.

Hon.. Clement J Rohee: Mr. Speaker, I take your guidance on that. I was probably carried away by the fact that Mr. Williams himself entered into excursion on this matter, when he should have known better. *[Interruption]*

Mr. Basil Williams: Mr. Speaker, I clearly said, I got off Mr. Zammet on two charges and I could talk about them because it is finished. Learn!

Hon.. Clement J Rohee: Mr. Speaker, I am moving on ... During the 2001 elections two young girls were picked up against their will in South Georgetown and those PNC persons who were responsible for monitoring the polling stations in South Georgetown, I know them quite well because I was also responsible for monitoring South Georgetown in 2001 and I saw them flitting in and out of the polling stations. Two young girls were picked up in South Georgetown and taken to Sophia and interrogated, if not tortured. Mr. Speaker, I do not want to call the names of those who were present at the time when the interrogation was taking place, but I will do so sometime in the future. *[Interruption: “What are you talking about?” ‘What am I talking about?’]*

Mr. Speaker, again in 2001 two young men were picked up in Sophia and bags were put over their heads, because they did not want them to see where they were taking them.

Mr. Speaker, what is the history? I do not want to belabour this point. I am moving on ... I am mentioning these cases *en passant* so that you may sleep well tonight and think about it.

Mr. Speaker, in the late 1970s, one sugar worker was charged with public terror and held for five weeks without a charge and then released on bail. That is your track record. In 1977 the preventative detention without trial through the

National Security Act was re-enacted. You can laugh at it, but that is your history. The National Security Act which was enacted gives arbitrary authority to the Government to suspend the rights of habeas corpus and the right to a fair trial for an indefinite period. That is your track record.

Mr. Basil Williams spoke about the administration sending goons and thugs on people who seek to have their issue redressed in terms of complaints against the police. These glib and loose irresponsible statements ... I think when the history of this debate is recorded in the Hansard, those who follow us when they read these things, I think they will find great amusement. He went on to say that in this country torture has been mandated as one of the weapons in the armoury of persons having been identified to be tortured. I think my colleague Ms Teixeira dealt with that very effectively. Whereas in the past, we had State sponsored terrorism and torture that is now something of the past, because under this administration the whole security paradigm has shifted so fundamentally that even if the Government was to change, it would be almost very difficult for any new administration to reverse those gains, because people would resist it.

Mr. Speaker, Mr. Williams is trying to kafuffle this House in trying to interpret the Convention within the meaning of the Guyana Constitution and he made a sweeping statement where he said that this Government has no authority to deal with issues in relation to torture. *[Interruption: 'What is that?' "What is that? You forget what you said. You are like Urkel, did I say that?" [Laughter]*

Mr. Speaker, the Convention states ... *[Interruption]*

The Speaker: Honourable Member, your time is up

Hon.. Samuel AA Hinds: Mr. Speaker, I propose that the Honourable Member be given another fifteen minutes to conclude his presentation.

Question put and agreed to

Motion carried

Hon.. Clement J Rohee: Mr. Speaker, the Convention states and I quote:

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation where there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Who are the competent authorities Mr. Speaker? I believe it is very clear that under Article 50 of our Constitution the competent authorities could be interpreted to mean the Supreme Organs of democratic power which includes:

- The Parliament;
- The President; and
- The Cabinet

Mr. Speaker, the role of the Parliament is to make laws for the good governance of Guyana.

The President according to Article 89 of the Constitution is:

The Head of State;

The Supreme Executive Authority;

Commander and Chief of the Armed Forces of the Republic;

The executive authority of Guyana shall be vested in the President as envisaged in Article 99 (1).

As the executive authority and the Commander of the Chief of the Armed Forces, the President can establish a commission to investigate and report on any serious issues affecting the social fabric of Guyana. That was precisely what was done. I believe that Guyana in respect of the Convention fulfils its obligations in respect of the competent authority proceeding to a prompt and impartial investigation into the allegation that was made. The Motion clearly does not resonate with what these commitments have been.

I want to clear up one final point and this is a charge that has been made as a result of a newspaper report attributing certain statements. It is rather coincidental that this statement was made in October of last year and we are almost in October again; November. This is what is said about the torture issue at the time and this is from a GINA report of September, 30 2007. I quote:

I want to maintain we have always denounced torture as a means of exacting information

whenever it is discovered and that position remains the same. What I would like to say, however, is when allegations or accusations of torture are made; obviously we would have to investigate these allegations. These recent allegations of torture, assurances have been given that those allegations will be investigated.

[Interruption: “That is a year ago.” ‘It is a year ago, but it is relevant in terms of clarifying statements that have been attributed to me.’]

Mr. Speaker, I think I have said enough on this matter and many of those who have spoken before me on this side of the House I believe have captured and filled the gaps in respect of the Motion laid in the name of Mr. Norton.

As I said, the Motion has to be rejected on the grounds that I have said earlier and for not repeating myself, I simply say that the Motion as it currently stands cannot be supported by this side of the House. Thank you. *[Applause]*

The Speaker: Thank you Honourable Member

The Honourable Member Mr. Norton

Mr. Aubrey C Norton: Mr. Speaker, the last speaker made a lot of noise and I remember very early I heard that that particular thing of making noise was for empty vessels. I do not intend therefore to dignify it with much of a response. Suffice to point out that the Honourable Member Mr.

Rohee suggested that the purpose of the Motion is to discredit the Government, but the reality is that the Government has discredited itself by not investigating torture and by concluding that it did not occur and nothing will be done. *[Applause]* So it is the Government that has discredited itself, not this resolution. Mr. Speaker... *[Interruption]*

Hon.. Clement J Rohee: May I be allowed to clarify...

The Speaker: I do not know how, there is nothing in the Standing Orders that allows Members to clarify. I notice this evening that Members particularly from the opposition have been getting up to clarify and there is nothing that allows you to clarify anything. Honourable Member there is a section in the Standing Orders that allow me to allow you to make a brief statement after Mr. Norton speaks. You can make it now if Mr. Norton allows it, but I will give you a minute after Mr. Norton speaks to clarify everything that he might say now and in the future towards the end of the speech that you want to clarify.

Yes Mr. Norton

Mr. Aubrey C Norton: Mr. Speaker ... *[Pause]*

The Speaker: Proceed Mr. Norton

Mr. Aubrey C Norton: Mr. Speaker, I am prepared to allow him to clarify if you so permit.

The Speaker: To have the problem, it is now twenty-five minutes past twelve, I do not want to have the problem of

having regular interruptions and having regular clarifications. I know you do not want to have him speak at the end, but the Government does have a right to speak at the end. If the Government chooses to exercise that right, I will have to allow them.

Mr. Aubrey C Norton: I have no problem with that.

The Speaker: Maybe you should accept this one.

Mr. Aubrey C Norton: Yes Mr. Speaker, I believe the Honourable Minister of Foreign Affairs should give a lecture to the Honourable Member Mr. Persaud. When you sign a treaty, you commit yourself you commit yourself to the definition in that treaty of torture, except you would have put in a reservation. The Honourable Minister Jeffery, who is more knowledgeable and a little more relevant in that area will give you the basic lesson. So to come here and seek to define torture based on the ideas of a man who Dr. Jagan and the PPP condemned, Ronald Reagan is atrocious. You should be ashamed of yourself to use... *[Interruption: 'Is that Parliamentary?']* But you point your finger at me and say you cannot point your finger at people. Mr. Speaker, they are delving into minutia as the facts catch up with them. But let me return.

Therefore the Honourable Member Mr. Persaud should note that fact and recognise that we were debating a resolution in which the concept of torture was defined and it was that obligation we were talking about and therefore it was irrelevant to seek to redefine the already defined.

I want to make the second point about Mr. Persaud's presentation. The Honourable Member Mr. Persaud contended that there was not torture. All the evidence given by what I would have said, what the Honourable Member Basil Williams would have said, reading statements from the actual victims, he had the temerity (the Honourable Member) to suggest that torture did not occur. Let us assume that he did not accept that it is known that Mr. Persaud is probably the most PPP of PPP people. He likes to be present and prominent in the press. *[Laughter]* and if you are present and prominent in the press the way he does, he would have seen in the media all the evidence of torture, but you are conveniently PPP. Suddenly, you abandon your presence and persistence in the press. So Mr. Speaker, I know for a fact that Mr. Persaud who is the press czar, who is has a penchant for the press would have seen the vivid evidence on television and in the media of the torture. The pictures could not lie and they did not lie, so to suggest that torture did not occur was really a poor stroke on your part. Most interesting, this report on torture as I understand it is not public, but Mr. Persaud knows already that that report found no evidence of torture. When that report comes therefore who will bother with it? It has already been sanitized to suit the Government's thinking; therefore it is questionable. *[Applause]* Mr. Speaker, Mr. Persaud went to the Convention and quoted an article and suggested by that article that there is no scope or an independent commission. I want to read what it said:

Each party shall ensure that its competent authorities proceed to a prompt and impartial investigation.

Honourable Speaker and you are a lawyer of good standing, good reputation; as I understand it the laws of Guyana permit the establishment of Commissions of Inquiry and therefore that would fit into competent authorities. Therefore I cannot understand how the Honourable Member Mr. Persaud and the Honourable Member Miss Teixeira came up with this ill-conceived idea that competent authorities precluded an independent commission. I recommend Mr. Persaud rather than spending so much time advertising in the press, you should really find yourself in a library.

Mr. Speaker, one of the things that the Government tried to do was to suggest that on this side we suggested that there was State sponsored terrorism, but I went through the entire resolution and at no point is there any mention of State sponsored terrorism. So I do not know why they would pluck from the sky or their minds a concept that was used nowhere in the resolution and impose it on this discussion, when in fact there was no reference whatsoever made to State sponsored torture. It is clearly a case of the Government knowing what they did, thought we said it and said it themselves. *[Applause]* Mr. Speaker... *[Interruption]* the word I used, you would not understand it; the word I used is tacit. *[Interruption: "You have to go to NOC." "Anytime I am going to NOC it is to deal with you as a member there.]"* Mr. Speaker... *[Interruption: "Do not*

worry with him, he is not worth it.” ‘He is not worth, full stop. Not it.] [Laughter]

Another thing that was done in this process was to harp back to the period of the People’s National Congress in Government, which we understand that this Government likes to do. Do you know what is most interesting about it? They mentioned people getting pick up, people getting this, people getting that, but they did not provide one point ... [Interruption: “Iota!” ‘No, not iota.’] ... one case in which there was torture. Now we have identified at least six cases of torture. So let us assume that there was torture under the People’s National Congress, are you saying that as a people, there was torture in that period, you are entitled now and when another Government comes they are entitled to torture again? Well that is the logic that is implied. What this resolution seeks to do is to end torture; it does not care whether it was done in the 1980s, the 1990s or the 2000s. It seeks to end torture and so to come here and tell us all of these stories, in fact Mr. Persaud said the police used to rough up people, rough up is not torture, but if you do not have the evidence or torture and if you link that roughing up with torture, you imagine that young man who had a broom stick placed in a part of his anatomy that is meant for extraction rather than the intake of anything. So Mr. Speaker, you must understand, do not behave like the little minds in this House. He comes from a Party in which that jealousy is normal, but not in the People’s National Congress Reform. [Laughter] We are known for being men; we are known for different things and so I do not want to descend to your level so I will return to this document.

Mr. Speaker, I want to turn to the Honourable Member Ms Gail Teixeira, you know, the Honourable Member Ms Teixeira came to this House and suggested that we sign the Convention and then it was ratified in 1988 and then we did not submit reports. If you hear that it would sound as though every year the PNC had to submit a report and they did not. Let me tell you what Article 19 says so that we can have some information that is based on facts. It states that:

State Parties shall submit to the Committee through the Secretary General of the United Nations report on the measures they have taken to give effect to their undertakings under this Convention within one year after the entry into force of this Convention for the State Party's concern. Thereafter the State Party shall submit supplementary reports every four years.

Now she tried a nice tricky thing, she is a good politician, but if people are paying attention they will know, the People's National Congress in Government had to submit one report, which was the first report. The next report fell to the People's Progressive Party in 1993 and it is they who were not providing the regular reports. In fact I have information and Minister Rohee will substantiate this, because it is in his era that they argued that they need resources to be able to do it, because a lot of these Conventions put burdens on you, but there are not the resources. If that is not true the Honourable Member can say. So we must not be brow beaten here, the issue that is

before us is one, whether people were tortured and this House would have established clearly that they were tortured. As it relates to the contention that they are Hon.ouring their treaty obligation; what I found interesting is that all the speakers keep saying they were Hon.ouring these obligations, but they did not cite one case where it was Hon.oured. The fact of the matter is it was Hon.oured in the breach, because if it was Hon.oured we would have had in keeping with this resolution the report presented and the action taken. If nearly into a year or more, it has not been presented then what obligation you tell me you are Hon.ouring. You are Hon.ouring in the breach that is the reality.

Then the Honourable Member Ms Teixeira again believes she is skilful. The Honourable Member is very skilful, she read from a report of 2006; before the torture. So when you come and you read this report of 2006 and say this is what the UN said, they were saying it before the evidence of torture. Since then they have been people who were tortured and the evidence is in the public domain. If you go on the internet, one Guyanese told me that when they went online and they saw the image they changed almost immediately. Look again, all around; and so the truth of the matter is the attempt by the Honourable Member to suggest that the UN said all things were fine was not on this issue of torture.

At one time the suggestion was being made that people did not complain to the police complain authority, but then how could they expect a matter to go to the police complain

authority when it was the Joint Services. As I understand, the law provides for complaints to the Police Complaints Authority for police matters. Are you going to complain to this authority for the behaviour of those at MCID - the Military Criminal Investigation Department? So to come and tell us that is to try to brow beat us, but remember, like you... well I should not say that. I should say remember we will look at the law and we will see what makes sense and in this case it did not make sense to submit a complaint to the Police Complaints Authority, because in large measure it was well established that it was the Joint Services. The men who were tortured in the case of the army, knows their torturers because they were from the army. Mr. Speaker, all this talk about rigged elections, well again, let us accept that the elections were rigged; what does that have to do with the Joint Services torturing people. The mere presence of Neendkumar is torture; he can stop it for us. We need to understand what is happening, what is happening here is an attempt to shift the focus from the Motion; to shift the focus from the fact that the Joint Services or some elements in the Joint Services tortured Guyanese and that the government is obligated to have the matter investigated and those that are found culpable brought to justice.

You know, Mr. Speaker one of the trends that run through the entire presentation is a case of say one thing do another. All the speakers virtually came to this House and said the PPP/C Government dos not believe in torture. I do not want to know about your belief; I want to know if the act occurred. The evidence suggests that the act occurred and to the extent that you did nothing about it and you tacitly

condoned it to that extent, you are culpable and responsible. That fact cannot be thrown away by merely making allegations of things that would have passed. You know, I can descend to the levels of some and talk about the death of Akbar Ali. I said I can descend to the levels of some in this House and talk about the death of Akbar Ali and say that the PPP killed him according to what people said, but what purpose would that serve? It would establish a fact of your historical wrong doings, but it will take away from the point we want to make here. The point we want to make here is that people were tortured. That the Government should have ensured that there was an impartial investigation and that those that were responsible brought to justice and that as of now there should be no more torturing of Guyanese citizens.

Mr. Speaker, I have looked at the major issues raised by the Government side on this matter and when you look at them you will see it was either an attempt to concoct the facts, shift away the focus from the resolution or just plainly trying to mislead. Now that they have rectified those problems I believe all in this House, if they are committed like they claim to the fight against torture will support this Motion. Failure to support this Motion in some regard places you in the corner of the torturers. If you are comfortable there then stay there, but history will record that you had the opportunity to end the committing of a particularly heinous crime in this country and rather than ending the crime of torture, you chose to go down a resolution that in large measure is innocuous if you are a thieving government.

So Mr. Speaker, I close by saying the arguments in this House for this Motion I believe were well made. The rebuttals to the Government side, I thought again would have removed from below their feet any ground so that they will fall from any ill conceived position on the side of truth and justice and vote in favour of this Motion on torture. I thank you. *[Applause]*

The Speaker: Hon. Minister of Home Affairs ...

Hon.. Clement J Rohee: Mr. Speaker, I will be extremely brief.

The Speaker: I will give you one minute Honourable Member ...

Hon.. Clement J Rohee: Yes. *[Laughter]* Just to say Mr. Speaker that I want to insist that the Motion in Mr. Norton's name is aimed at bringing discredit upon the Government. He himself agreed that this is the case, when he said that the Government had discredited itself by not carrying out investigations into torture, so that for all reasons the Government cannot be seen to be supporting a Motion where it is perceived to be its own worst enemy and shooting itself in the foot so to speak.

Further Mr. Speaker; it is rather unusual if not strange that the opposition benches would want to encourage us to support a Motion condemning the Joint Services for engaging in torture, when earlier they themselves condemned the Joint Services for... *[Interruption: 'We abstained.']* ... Well they abstained on a Motion

commending the Joint Services. Mr. Speaker, this certainly will not go down too well and we wish to stick to the position that we cannot support the Motion. Thank you.

[Applause]

The Speaker: Thank you Honourable Members

Question put

Mr. Robert HO Corbin: Division!

The Speaker: Mr. Clerk, please take a division ...

FOR

AGAINST

Mr. Fernandes

Mr. Whittaker

Ms Kissoon

Mr. Seeraj

Ms Wade

Mrs Sahoye-Shury

Dr. Austin

Mr. Parmanand Persaud

Ms Selman

Mr. Neendkumar

Mr. Mervyn Williams

Mr. Nandlall

Mrs David-Blair

Mr. Lumumba

Mr. Elliot

Mr. Khan

Mr. Norton

Mrs Edwards

Mr. Danny

Mr. Chand

NATIONAL ASSEMBLY DEBATE 27 OCTOBER 2008

Miss Ally

Mr. Atkinson

Mr. Scott

Mr. Ali

Mrs Lawrence

Mrs Chandarpal

Dr. Norton

Mr. Nokta

Mr. Basil Williams

Ms Teixeira

Mrs Backer

Mr. Ramotar

Mrs Riehl

Mr. Prashad

Mr. Corbin

Ms Webster

Dr. Ramsaran

Mr. Nadir

Mr. Benn

Dr. AntHon.y

Mr. Lall

Dr. Westford

Mr. Robert Persaud

Mr. Nawbatt

Mrs Rodrigues-Birkett

Dr. Ramsammy

Dr. Jeffrey

Mr. Baksh

Mr. Rohee

Mr. Hinds

For = 18

Against = 32

The Speaker: Honourable Members eighteen Members voted for the Motion and thirty Members voted against, therefore the Motion is defeated.

Motion Negatived

Honourable Members, that concludes our business for today.

Honourable Prime Minister ...

Hon.. Samuel AA Hinds: Mr. Speaker, I move that the House be adjourned until Thursday at two o' clock, but allow me to take this opportunity to extend ...
[Interruption]

PRIVATE MEMBERS DAY

The Speaker: Honourable Member before we go to the extension please. Let me just raise this issue that I discussed with you in chambers. That is, I pointed out to

you a decision of the Parliamentary Management Committee that every fourth sitting of the House should be held on a Wednesday, Private Member's day. I have subsequently received a letter from Mrs Holder; she is not here, but permit me to read the operative paragraph:

By agreement reached by the Parliamentary Management Committee and recorded in the Minutes of 12 December 2007. At Item (2) (b) entitled Private Members Day, every fourth sitting of the National Assembly, will be held on a Wednesday; Wednesday being assigned at item (2) (a) as private Member's day.

By my calculation from the first sitting following Parliamentary recess, the fourth sitting should by this agreement be the next sitting of the National Assembly and assigned for Wednesday as private Member's day. Now, I have no power to determine when Parliament sits that is for the Members of the House to determine that, but I need to point out this to you that this was a decision of the Parliamentary Management Committee.

Yes, proceed.

Hon.. Samuel AA Hinds: Mr. Speaker, I think there is a statement towards the end there that the Honourable Member Mr. Winston Murray had made a suggestion that maybe meetings of the PMC could review the matters that would be available for meeting of the House. I would say on this particular circumstance Sir that ... *[Interruption]*

Mr. Robert HO Corbin: You have no regard for the Management Committee.

Hon.. Samuel AA Hinds: No, the Order Paper for today had had listed on it all of these Motions. We want to have the Meeting on Thursday of this week to treat with the matter of the supplementary paper. I would think that maybe in the particular circumstances, it may be a good compromise to have the Special Members Meeting next Wednesday, 4 November 2008.

The Speaker: That is all well and good. You could, Hon.. Prime Minister and the House could determine which ever day it wants to sit. I am merely pointing out as a messenger that the Parliamentary Management Committee decided that the fourth sitting of the Parliament should be held on a Wednesday. It is not an issue of compromise for me or an issue of compromise in relation to the decision. If there is anything to compromise the Government should have spoken to the opposition and advise them that on this particular day you are asking for the Parliament to be met on a day other than Thursday. That is a matter for the Parties, it is not a matter for me, but I just need to remind you of these things, otherwise there is no purpose in the Parliamentary Management Committee sitting, spending long hours making decisions and the decisions are not upheld. I can hear you now Prime Minister.

First, let us deal with the date and then we will deal with the other matter.

Hon.. Samuel AA Hinds: Okay, Mr. Speaker I propose that the Parliament be adjourned until Thursday, 30 October 2008.

Question -

That the House be adjourned to Thursday, 30 October 2008.

Put and agreed to

Motion carried

The Speaker: The House is so adjourned.

Yes Prime Minister ...

DIWALI GREETINGS

Hon.. Samuel AA Hinds: Allow me Mr. Speaker, to extend to Members of the House Happy Diwali Greetings. We are already into Diwali and many of us would have missed the motorcade that many of us would have enjoyed watching, but I think we stayed on to the work we had to do. It is regrettable that we missed it, but we stayed on and did our work. Happy Diwali Greetings!

The Speaker: Mr. Corbin

Mr. Robert HO Corbin: Mr. Speaker, on behalf of the People's National Congress Reform and in the absence of the other Members of the opposition and on their behalf also, may I take this opportunity to wish our Hindu

Members of the Guyanese community and Guyanese generally Sincere Diwali Greetings on this special festival which symbolises good over evil. I trust that the lights which illuminate the city during this festival will somehow illuminate the hearts not only of the Guyanese people generally, but more particularly the Government that decisions may be Honoured in the future. Happy Diwali!

Thank you.

The Speaker: Honourable Members please allow me on behalf of myself, staff of Parliament Office and my family to wish all Members of the National Assembly a Happy Diwali and to join with both Mr. Corbin and the Prime Minister to wish that the lights which shine in our homes and our streets shall shine in all our hearts.

Thank you very much Honourable Members.

Adjourned Accordingly At 24:55H