

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2012-2014) OF THE TENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN*

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87<sup>TH</sup> Sitting

Thursday, 19<sup>TH</sup> June, 2014

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*The Assembly convened at 2.09 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **ANNOUNCEMENTS BY THE SPEAKER**

### **Thanks to the Deputy Speaker**

**Mr. Speaker:** Good afternoon, Hon. Members. There are a number of announcements but I believe that it is only fitting that the first announcement should be my sincere gratitude being expressed to the Hon. Member and Deputy Speaker Mr. Basil Williams for his stewardship and for his presiding over the Assembly during my absence in May. Thank you very much Deputy Speaker.

### **Leave to Members**

**Mr. Speaker:** The second announcement is that leave has been granted for today's sitting to several Members of the House, and these include the Hon. Minister of Foreign Affairs Mrs. Carolyn Rodrigues-Birkett, also to the Hon. Member Mrs. Indranie Chandarpal and to the Hon. Member Mr. Odinga Lumumba.

### **e-Parliament project**

**Mr. Speaker:** This morning there was a meeting held with a small group, at least those who were able to attend, of those who are participating in the e-Parliament project. Members would all have received this envelope which, I believe, contains copies of *Hansard*. It is my hope that by January of next year, with the assistance of the Clerk and, of course, with some changes and adoption to the Standing Orders, we should start to receive material such as these in electronic format. Those who wish to have it in hard copy, of course, may continue to have it in hard copy.

### **Outreach to Region 9**

**Mr. Speaker:** I would like to announce as well that from next week Wednesday through to Friday there is planned a school outreach programme by the National Assembly into Region 9. Members, who may wish to participate, may contact their Whips and or Ms. Onieka Walton to indicate their interest. This will take us, I believe, to Lethem and some parts just outside. The group will be expected to return on Saturday or Sunday morning to Georgetown.

### **Annual staff appreciation fun day**

**Mr. Speaker:** The annual staff appreciation fun day is scheduled to be held on Sunday, 6<sup>th</sup> July, beginning at 10.00 a.m. and continuing until 8.00 p.m. Members of Parliament are encouraged to come out to spend time with the staff and to engage and share in some of the fun, the games that would be played. Some Members are constant and we appreciate their presence. The venue is the Banks DIH Thirst Park.

### **Letter referring to the withholding of assent of the Local Authorities (Elections) (Amendment) Bill 2014**

**Mr. Speaker:** By way of announcement, but by no means being on a list of unimportant things, on 30<sup>th</sup> May, last, the office received a letter written by His Excellency the President Donald Ramotar expressing the fact that he had withheld his assent to the Local Authorities (Amendment) Bill of 2014. I had asked that the staff circulate a copy of this letter to every Member of Parliament. I believe it has also been sent to the press.

### **Erroneous headline**

**Mr. Speaker:** As we are on the subject of the press, I would just like to note that in today's newspaper, I think it was the *Kaieteur News*, there is a headline that states, "Outgoing US Ambassador urges for early LEAD project restart". I believe that this is an erroneous

headline. In fact, the Ambassador is excited and believes that the Leadership and Democracy (LEAD) programme is about to restart. I just wish to say, it is my understanding from His Excellency the Ambassador, that the talks, which are ongoing with the Government of Guyana, have been very fruitful and productive and are expected to yield in the very near future, an announcement that will please the nation. That is, that the LEAD programme will be recommencing in the very near future. If there is any pessimism, which was conveyed by that article, I wish to set it aside.

### **Welcoming visiting schools and former Member of Parliament**

**Mr. Speaker:** With us, this afternoon, are the Headmistress and students of the Brickdam Secondary School. Maybe they can stand, so that we can welcome them. I thank you very much for coming. We welcome as well the Headmistress and students of the St. Stanislaus College, which is really our neighbour. Thank you very much, welcome. We welcome the Headmistress and students of the Queen's College. Welcome, thank you. We welcome the Headmistress and children of North Georgetown Secondary School. Good afternoon and thank you.

Also with us are Senior Education Officers of the Ministry of Education. We welcome them all and we look forward to having them share the afternoon with us.

I would be failing my duty if I did not recognise former Member of Parliament, Mr. Calistro, "The Mighty Chief", welcome again, Sir. Thank you for sitting in.

Hon. Members, those are the announcements

### **PRESENTATIONS OF PAPERS AND REPORTS**

The following Paper was laid:

Financial Paper No.1/ 2014 - Statement of Excess on the Current and Capital Estimates totalling \$4, 553,761,991 for the period ended 16<sup>th</sup> June, 2014. [*Minister of Finance*]

*The Minister named Thursday, 10<sup>th</sup> July as the date for the consideration of the Financial Paper.*

### **REPORTS FROM COMMITTEES**

The following Reports were laid:

- (1) Third Report of the Committee on Appointments in relation to the appointment of Members of the Police Service Commission.
- (2) Fourth Report of the Committee on Appointments in relation to the appointment of Member of the Judicial Service Commission.

*[Dr. Norton – Chairman of the Committee on Appointments]*

## **ORAL QUESTIONS WITHOUT NOTICE**

**Mr. Speaker:** Hon. Members, leave had been granted to the Hon. Member Lt. Col. (Ret'd) Joseph Harmon to ask two questions of the Hon. Minister of Local Government and Regional Development, pertaining to, I believe, the Georgetown clean-up campaign that is ongoing.

### **CLEANING UP OF THE LE REPENTIR CEMETERY**

**Lt. Col. (Ret'd) Harmon:** The question for an oral response from the Hon. Minister of Local Government and Regional Development is whereas the Government has announced that it had allocated \$100 million to the cleaning up of the Le Repentir Cemetery Georgetown -

- (i) Could the Hon. Minister provide the specific details and cost of each item to be undertaken in this clean-up?
- (ii) Could the Hon. Minister say whether contracts have been awarded for the works to be done, and also provide details of the process for the awards of these contracts?

**Minister of Local Government and Regional Development [Mr. Whittaker]:** The works, which are intended to be done in the area of the cemetery, include desilting and cleaning of the internal drains and rehabilitation of the internal roads and removal of the heavy vegetation. It should be noted that substantial work has been done on the main drains in the outer periphery by the Ministry of Public Works.

The works will be tendered out and by Sunday, of the new week, the advertisements should appear in the national press. The works will be tendered.

**Mr. Speaker:** Is there a follow-up Lt. Col. (Ret'd) Harmon?

**Lt. Col. (Ret'd) Harmon:** No Mr. Speaker.

**Mr. Speaker:** Very well.

## **QUESTIONS ON NOTICE**

### **[Written Replies]**

**Mr. Speaker:** I would just like to announce that some Members of Parliament, and those who are present, may be smelling the chemicals which was used for the fogging exercise that took place in the building yesterday. The windows are being kept opened, so as to allow the scent to leave the Chambers and that is why it is also a bit hot because the air conditioning units were put on a bit later than as usual. If any Member has any grave discomfort, please indicate. Maybe the fans could be put on, because the scent is a bit overpowering to me. Please indicate if there is any difficulty.

Hon. Member Mr. Trotman, could I enquire whether you have received the answer to the question that you had raised, Sir?

**Mr. Trotman:** It is except for the answer to the question in relation to the former President's benefits.

**Mr. Speaker:** Thank you.

**Mr. Trotman:** I was told, Sir, that there was a request that that answer be deferred for 12 days. The 12 days have long gone, so I am wondering what the status of that is.

**Mr. Speaker:** Hon. Member, the rules do state that questions must be answered. The question has made it onto the Order Paper and I am told that on the last occasion, the last sitting, the Hon. Member had been promised that the answers would be forthcoming within 12 days. Indeed, the 12 days have elapsed and so I will ask that the Clerk to use his good offices to find out about this answer, when it will be provided to the Hon. Member.

## **1. OVERSEAS TRIPS MADE BY HIS EXCELLENCY THE PRESIDENT AND DELEGATIONS**

**Mr. Trotman:** Would the Hon. Prime Minister and Minister of Parliamentary Affairs tell this House

- (i) the number of official overseas trips made by the President and delegations since taking office in 2011?

- (ii) the total dollar cost of each trip made by the President and delegations individually (destination, accommodation and transportation) since taking office in 2011?

**Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]:**

- (i) His Excellency the President has made Twenty-six (26) official overseas trips since taking office in 2011 up to the end of March 2014.
- (ii) Please see listing attached.

**2. BENEFITS GUYANA STANDS TO GAIN FROM OVERSEAS TRIPS UNDERTAKEN BY HIS EXCELLENCY THE PRESIDENT AND DELEGATIONS**

**Mr. Trotman:** Would the Prime Minister and Minister of Parliamentary Affairs tell this House

- (i) the immediate and medium term benefits to Guyana associated with each of the trips undertaken by the President and delegations since taking office in 2011 to February, 2014?
- (ii) What benefits Guyana stands to gain in 2014 from each of the overseas trips undertaken by the President and his delegations in 2012?
- (iii) What benefits Guyana stands to gain in 2016 from each of the overseas visits made by the President and his delegations in 2012 and 2013?

**Mr. Hinds:** Visits to foreign countries and attendance at international meetings by any Head of State or Government are an integral aspect of the duties of that high office.

Concerning the quantification of the gains of the President's trips overseas, there is a danger that seeking to assign direct values in specified time frames to agreements reached, may be a too simplistic way of assessing the overall benefits to the nation. The opportunity to advance broad national interests and specific foreign policy objectives and the goodwill resulting from presidential visits are among the big benefits to the nation and future generations of Guyanese.

Since taking office, His Excellency President Donald Ramotar has made several high level visits to friendly nations such as the United States of America, Cuba and India. Our President has also attended the United Nations General Assembly and participated in the meetings of the Heads of State and Governments of CARICOM; the Union of South American Nations (UNASUR), the Community of Latin American and Caribbean Nations (CELAC), MERCOSUR, South American-Arab countries (ASPA), the Association of Caribbean States (ACS), the Commonwealth and the European Union-Latin America and Caribbean (EU-LAC) integration mechanism, among others.

Each “Overseas trip” provided an opportunity for Guyana to advance its national interests in not only seeking cooperation programmes in key areas such as the development of agriculture, trade, tourism, energy, social development, interconnectivity, small and medium enterprises and human resource development but equally important demonstrated by its participation, Guyana’s continued commitment to several mechanisms and initiatives which it is a part.

These encounters also provide an opportunity for His Excellency the President to build important relationships with Heads of State and Governments and other high officials in the context of cementing Guyana’s ties with several countries.

Some of the results of these “Overseas trips” which will rebound to the benefit of all Guyanese are as follows:

- Continued consolidation of the regional integration movement of CARICOM
- Increased support for national programmes in the area of disaster risk management; agriculture; small and medium enterprises; tourism and social development through south-south cooperation programmes especially within CELAC and EU-LAC.
- Improved interconnectivity with the nations of South America through the UNASUR physical integration project. It will be recalled that the Takatu international river bridge and the upgrade of the Linden-Lethem road are components of the broader framework of this project.
- The development of Guyana’s Hydro resources is also being pursued within the framework of the broad regional integration framework.

- Attaining Associate Membership of MERCOSUR: Guyana became an Associate Member of MERCOSUR following an agreement signed in Uruguay in July 2013.

### **3. BENEFITS FOR THE FORMER PRESIDENT, DR. BHARRAT JAGDEO**

**Mr. Trotman:** Would the Minister of Finance tell this House:

- (i) What is the electricity charge paid under the Act for former President, Dr. Bharrat Jagdeo, for each month since he demitted office in 2011 up to the end of February, 2014?
- (ii) What is the total health expenses/claims met under the Act for former President, Bharrat Jagdeo and/or his dependents for each month since he demitted office in 2011 to 28<sup>th</sup> February, 2014?
- (iii) What is the cost of providing transportation (local and overseas) inclusive of cars and drivers, including air cost and road under the Act for former President, Bharrat Jagdeo and/or his dependents for each month since he demitted office in 2011 to 28<sup>th</sup> February, 2014?
- (iv) What is the monthly cost of providing security for personal and property(s) under the Act for former President, Bharrat Jagdeo since he demitted office in 2011 until 28<sup>th</sup> February, 2014?

*Answer not provided.*

### **4. ESTABLISHMENT OF A LIBRARY AT THE MAHDIA SCHOOL DORMITORIES**

**Mrs. Garrido-Lowe:** Whereas the Mahdia school dormitories do not have a library, hence, students living in these facilities are denied the opportunity of reading for relaxation and enjoyment and for the expansion of their consciousness;

And whereas it is the duty of the state to create a good study environment for these students.

Could the Hon. Minister say if her Ministry has any plans of setting up a library in the Mahdia school dormitories anytime soon and, if so, how soon would that be?

**Mr. Whittaker:** The students of Mahdia, Campbelltown and surrounding areas, who are accommodated in the Mahdia school dormitory, all have access to the Mahdia Resource Centre. In fact, this facility is available to both students and teachers alike on request.

The facility is stocked with reference, fiction and non-fiction books. Further, the secondary school itself as well as the dormitory was issued books for the establishment of a reading corner. It must be noted also that sports gears were provided to the students of the dormitory for their recreational activities.

### **Oral Reply**

#### **5. DISBURSEMENT OF THE \$10,000 GRANT BY THE MINISTRY OF EDUCATION**

**Ms. Ally:** Mr. Speaker, as you would recall on the last occasion the Hon. Minister requested a delay in the answer of this question and I trust that the answer to these parts of the question are ready today. Can the Hon. Minister say -

- (i) What mechanism will be employed by the Ministry of Education to disburse the \$10,000 per child as has been promised in Budget 2014?
- (ii) When will this money be disbursed?

**Minister of Education [Ms. Manickchand]:** The professional staff of the Ministry has advised that the best time to disburse - I am answering part two of that question first - this grant, which the Government is giving, would be at the beginning or after the beginning of the new school year where we would be able to capture all the students who would be on the register, including the new incoming nursery students and those students who are for the first time going into school, who did not go to nursery but will be going to grade one.

We will be doing this in the new school year, and we will be informing the nation, of course, Members of the House, about the various means by which we will do that, Sir.

**Ms. Ally:** Mr. Speaker, I do not know that this Assembly would want to wait until the new school term to know what mechanism will be used to disburse all this money to the children. I do understand that the new school year will be a good time for the disbursement of the funds, but certainly we need to know how it will be done in the new school year.

**Ms. Manickchand:** I am very pleased, Sir, to see that we agreed on something and that it would be best that this would be done in the new school term. I always think that when we work together we can find common ground. I was not intending that we would wait until we are ready to disburse before we tell the Hon. Member, or the nation, the means by which we will be disbursing. Guyana is so diverse geographically and different services are available at different places. We want to make sure that however we disburse it is the most effective and efficient way to the parents of the various communities. As soon as we finalise that we will be sharing it with the Hon. Member, as well as to all of Guyana.

**Ms. Ally:** I heard the Hon. Minister, and now that I hear her, I want to say that I am really surprised that no consideration ... Money is voted in the budget to be spent for this purpose and no consideration... Has anybody done any work to find out, presently for example, how many students will benefit? How many from the nursery? How many from the primary? How many from the secondary, and so on? [Ms. Teixeira: You think that you could just pull the money out of a hat.] You seem to have pulled the money out of a hat.

**Mr. Speaker:** Hon. Member, this is question time, it is not a debate. Ms. Ally, please pose your comments in the form of questions and let us proceed.

**Ms. Ally:** I, therefore, would like to say that I do not consider part one of my question answered and I would like to ask that the Minister give a definitive time when this part of the question will be answered.

**Ms. Manickchand:** I think we do know how many students will benefit. Every single child in the nursery, primary and secondary schools in a public school in Guyana will be eligible for this grant. This is a grant that is going to be given to our children for the first time in the history of Guyana. That number will amount to just over 188,000 children, young people of Guyana. Additionally, this year, for the first time, our children are able to access nursery school at the age 3 years 6 months instead of 3 years 9 months old, and that will add approximately three thousand more persons. *[Interruption]*

**Mr. Speaker:** I need to hear the answer please. Proceed please Hon. Minister.

**Ms. Manickchand:** This will add about 3,000 nursery schoolchildren to that list who will benefit, so I rather suspect, Sir, that Minister Singh is probably going to have to approach this House again. I think we can expect the House's unanimous support when he does. I would like to say though, Sir, that we are ready and we shall begin distributing the uniform

assistance shortly, within the next week. That is in addition to the \$10,000 grant. Every single student of Guyana is given an assistance to outfit themselves for the new school year. That programme is ready to commence before school closes.

**Ms. Ally:** I did not ask you that.

**Mr. Speaker:** Hon. Member Ms. Ally, I would permit you one supplementary question.

**Ms. Manickchand:** One last point, Mr. Speaker. On this side of the House, we are very keen to find out from our people, the Guyanese people, what would best serve them. It would be very easy for us to say to the Ministry of Education or in this honourable House and arrogantly arrogate unto ourselves the knowledge that we know what will serve everyone in this country. We are consulting parents and two Fridays ago we met with the entire Parent Teacher Association (PTA) at Queen's College asking it what would be its best way of receiving this money. That school has chosen mobile money to have the funds disburse to it. We will be consulting with other parents across the country. We just consulted with five of the nine sub-districts in Region 9, over last week, to find out how those parents would best like to receive their money. What we are doing, Sir, is that we are talking to parents. We are talking to our stakeholders to see what would be best and, as I said, as soon as we determine that we would be happy to let the Hon. Member and everyone else know.

**Mr. Speaker:** Hon. Member Ms. Ally, is there a supplementary?

**Ms. Ally:** I just want to say that the money voted for in the Budget 2014... It is a comment I wanted to make, that one would have thought that the parents and the PTAs would have been consulted prior to voting for that money. That money is the state's money and it is nobody's money from his or her pocket.

**Ms. Kissoon:** I just want to ask the Minister also... I am not sure if the Ministry is giving the cash or if it also would be wise - it is just a suggestion - to have the same system with the voucher to be employed if it is giving cheque. I am not sure if it is giving the liquid cash. I believe the same system, which is used to deploy the \$1,500 voucher, might also work in this case.

**Ms. Manickchand:** Sir, just to point out quickly that right in this one political party, there are varying views about how this must happen - cash, voucher. That is why we need to talk to people to find out what is best. That is really what we are trying to do.

**Ms. Kissoon:** Madam Minister, I am a parent also who will be collecting.

**Mr. Speaker:** Hon. Members, while still on the subject of things educational, I should mention that I omitted to indicate that with us as well are students and, the head teacher from the Bishops' High School. We recognise you. We thank you for joining us this afternoon.

## **INTRODUCTION OF BILLS AND FIRST READING**

The following Bills were introduced and read for the first time:

### **1. LAND SURVEYORS BILL 2014 - Bill No. 7/2014**

A BILL intituled:

“AN ACT to enact a new Land Surveyors Act and to repeal the existing Act, also to repeal the Surveys (Special Provisions) Act and to consolidate and reform the law governing the practice of land surveying, including aerial surveys, the preparation of plans, the maintenance of records of land surveys and related matters.” [*Minister of Natural Resources and Environment*]

### **2. SUMMARY JURISDICTION (APPEALS) (AMENDMENT) BILL 2014 - Bill No.9/2014**

A BILL intituled:

“AN ACT to amend Summary Jurisdiction (Appeals) Act.” [*Attorney General and Minister of Legal Affairs*]

### **3. EDUCATION BILL 2014 – Bill No.10/2014**

A BILL intituled:

“AN ACT to repeal the Education Act, to reform the legal framework of education in Guyana and provide an effective system of education related to the needs of the people.” [*Minister of Education*]

### **4. CUSTOMS (AMENDEMENT) BILL 2014 – Bill No.11/2014**

A BILL intituled:

“AN ACT to amend the Customs Act. [*Minister of Finance*]

## **PUBLIC BUSINESS**

### **GOVERNMENT'S BUSINESS**

#### **BILL - SECOND READING**

#### **WILDLIFE IMPORT AND EXPORT BILL 2014 – Bill No. 8/2014**

A BILL intituled:

“AN ACT to regulate international trade of Guyana’s wildlife and to enable Guyana to fulfil its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.” [*Minister of Natural Resources and Environment*]

2.39 p.m.

**Minister of Natural Resources and Environment [Mr. R. Persaud]:** Mr. Speaker, before the House is a long outstanding piece of legislation, that is, the Wildlife Import and Export Bill 2014. It is a piece of legislation that is intended to complete the puzzle, as it were, in our management, conservation, extraction and trade of wildlife in Guyana.

The absence of this type of legislation has perhaps found us vulnerable on two counts. One, vulnerable, in terms of how we manage facilities and support those who are involved in the trade locally, ensuring that their activities would not, in any way, affect our country and Government’s determination to ensure our wildlife resources are properly managed and so conserved. Further, we are vulnerable on the external front, particularly, giving the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)’s requirement for the international trade of wildlife.

The timings and, perhaps, I may say, the urgency in having this Bill before the House, and approved by the House, cannot be overstated.

The exportation of wildlife from Guyana, perhaps, started informally, or one can say in a not too organised manner, in the 1950s and gradually in the 1960s and 1970s. There were some levels of organisation, some levels, as it were, of business developments surrounding wildlife, when persons started to see the export and trade of wildlife as a business activity in the 1960s and 1970s and it got into the 1980s period.

When Guyana became a signatory to the CITES in 1977 there was some attempt by the subject ministry then, the Ministry of Agriculture, to bring some form of regulation to the trade. Immediately, and to restate, the country's efforts, in terms of regularising and developing regulations for the trade, took place in 1977 or thereabout. Since then, up to 1994, with limited regulations, a trade took place and it has grown. Also, in 1994, we saw the unfortunate development where the trade was interrupted, again, due to the lack of the relevant and requisite legislation nationally. In order for us to satisfy our international obligations, particularly under CITES, we were deemed to be wanting in the area of wildlife trade and how we governed those activities so that we can be CITES compatible. Over the years, and overtime, and I will go back, in terms of talking a bit more about our legislative aspect, with the advent of the Environment Protection Act regulations were developed and allowed us, to deal with some of those gaps. We were able to continue to develop and today we speak of having a thriving trade.

The wildlife trade is managed by the Wildlife Division of the Environmental Protection Agency (EPA), which is governed by the Wildlife and Scientific Authority. The Wildlife Division would issue permits for both imports and exports of wildlife. These permits are issued in accordance with CITES guidelines, whether they are listed in Appendix I, II or III of CITES. Whilst there are also non-CITES permits, which are issued by the division, and I can give an example that in 2013 the Wildlife Division issued 995 permits. This was a decrease when compared with what was issued four years earlier, when 1,349 export permits were issued. This reduction was a reflection of stringent management and also taking a conservationist approach in the general management of our natural resources, but more so, one could say, focusing more on some of the challenges that exist in the wildlife sector.

This reduction did not mean a reduction, as it was a drop in income or even lost opportunities. We were able to bring much more structure and organisation and also to work with wildlife exporters. For example, even with the reduced amounts of permits being granted, there was, I will say, over the same period, an increase, in terms of revenue generated by the sector, by as much as 17%.

We have ensured, and the division has ensured, that there are strict quota management and, again, that has allowed us to see a reduction in terms of permits. We have also been very diligent in ensuring that individual quotas allocations were determined by trading performances, trapping methodologies, handling compliance with the statutes governing the

wildlife trade. It is not a situation of a free for all where any and everyone can turn up and seek to have the necessary permits. There are conditions not only assigned to qualifications for the licence, but also a lot has to do with the track record and practices which are employed by the particular wildlife exporter. We have also been able to develop the necessary manual, so that our officers can be so guided in this regard.

Notwithstanding some of the inadequacies, I referred to earlier, in terms of our legislation on account of us being compliant with CITES, there have been some notable achievements within the wildlife trade sector. One, we have been able to ensure that exporters and traders are compliant with CITES's captive breeding programmes. Also, we have organised and do hold continuously wildlife attendance training programmes, utilising local as well as external skills in this regard. They cover issues such as quarantining of wildlife, treatment of some common disease conditions, how to manage wildlife stations, dealing with the issues of sanitation, construction, location, housing, feeding and the handling of wildlife.

We have put in a lot of efforts, in terms of the prevention of illegal wildlife trade and law enforcement. With the International Fund for Animal Welfare, in collaboration with related agencies, here as well as in Trinidad and Tobago, we have been able to hold a number of capacity building activities, so that we can develop the knowledge as well as the abilities of those who operate within the wildlife sector.

We have also undertaken legislative review. It is consistent with article xiv (25) of CITES, whereby parties must undertake legislative review, including, looking at the need for modification or even introduction of new legislation, as we are seeking to do here today, as well as updating or even introducing new regulations, as we did at the end of last year whereby we were able to introduce and have the National Assembly's support for the Wildlife Management and Conservation Regulations. I will, very shortly, show the relationship or the link between the Wildlife Conservation and Management Regulations and the Wildlife Import and Export Bill that we have before us.

In addition, we have enhanced inter-agency cooperation, both internally and externally. Take for instance there was the incident of the deaths of the crocodiles which were exported from Guyana. They were in breach, not only with the deaths, but were seized because they were not properly containerised. We have been able to resolve some of those matters and as such, we have not seen this issue resurfacing.

Also, there are improved methods of identification of wildlife. We have worked with stakeholders, in terms of tagging, tracking, engaging and utilising mapping technologies. An area where a lot of emphasis is placed, again, as a result of inter-agency cooperation, is the matter of enhanced systems for e-permitting and fraud detections, in this regard. There is the confiscation of illegal wildlife too. We have seen the results, in terms of our enhanced monitoring. Just recently there was a situation whereby, at one of the ports of entry, someone had attempted to smuggle 22 *Twa Twa* birds in her hair curlers. It was because of the detection mechanism, which was there, that we were able, as recent,... There have been some other instances. I do not want to bore the National Assembly in going through the recent instances there were but those were probably some big curlers. [An Hon. Member: Did you forget the dolphins?] Dolphins cannot fit in hair curlers.

Also, we have looked at how to reintroduce even the seized wildlife into the natural conditions. We have worked with the law enforcement agencies in developing codes of conduct and law enforcement ethics. There were instances where the wildlife trade or wildlife has been used as a conduit for other illegal activities and even substances.

Whilst we have developed and are developing these robust mechanisms and arrangements to properly manage and handle the trade, there are also some existing challenges. Challenges as they relate to enforcement; challenges they relate to our ability, even to manage the vast areas which our wildlife populates and where persons are engaging, in terms of the hunting and capturing of wildlife in this regard. That remains a challenge, in terms of having the human resource capabilities. We sought again to deepen inter-agency collaboration, especially those agencies which have a fixed and even a mobile presence in some of those areas.

We have also started to develop our compliance capacity. The recent 16<sup>th</sup> Conference of Parties saw CITES listing sharks on Appendix II, certainly some of our exporters would have been affected by Guyana being an exporter of sharks. We have placed our reservations in this regard and are looking at ways in which we can have this particular export resumed. Again, in the absence of this type of legislation, it would frustrate and prevent us from giving these types of considerations.

Another challenge too is our holding stations. We are developing working with the Ministry of Agriculture's, Guyana Livestock Development Authority (GLDA) and the holding station protocol.

An area, which is to be addressed, and addressed very quickly, is the population surveys, in terms of our wildlife particularly, given the migratory nature of some of the wildlife stocks that are there. At this point in time there is not, for some of the species, accurate and clear information as to the population.

Also, we need to conduct and even verify our value chain assessment. Take for instance, the caiman trade. In this regard. We also need to conduct very early because there is another species that is exported a lot, which is the Scarlet macaw, in terms of not only developing a migratory pattern, but also to understand and know some of the factors that would lead to reproduction and what it is that is needed to be done, in terms of developing our own capacity.

We know that several years ago, Hong Kong had imposed a temporary ban on the import of birds from Guyana. Again, that came about with the presence of a disease and Hong Kong felt that the workers, who were handling those particular birds coming from Guyana, would be exposed. If we are not able to demonstrate what we are seeking to do here today, with this piece of legislation, it would make our work and our country's image, as a whole, be put in a negative light, in terms of having compliance. Generally, Guyana is ranked well, in terms of its compliance and ensuring that we manage, conserve and take the necessary steps within our abilities and capabilities. That is why we see this Bill as a very important step, in ensuring that we develop the necessary capabilities.

Why is it that we need this additional piece of legislation, in addition to being internationally compliant? There are limitations on the current legislation that we have on the books. Take for instance, the Wild Bird Protection Act of 1919, it is archaic. It does not only take into account our international obligations but also some of the intense wildlife hunting and trading activities that have taken place. Even other pieces of legislations, too, are certainly out of date. It is one that cannot in any way facilitate the development of the wildlife trade.

The Special Protection Regulations, which is currently the primary regulatory instrument for wildlife trade, is woefully inadequate. Take for instance, there are no definitions of the word "threatened" or for what is "extinct" and there is no definition for what constitutes a "holding station". These are important elements and considerations that must and have to be given in this regard. The regulation, itself, does not speak to penalties when persons are in breach. Stakeholders, as a whole, recognised that we are operating, not only on the one hand with

archaic pieces of legislation, but even what was developed in 1999, today, we find is also outdated.

The current licensing regime too does not embodied trappers, the important player in the wildlife trade. It does provide for sustainable exploitation of the resources access of wildlife, take for instance, by our indigenous communities. There is no provision, the nexus or the link, and CITES has certainly pointed this out, in our regulation of 1999. With CITES's requirement there is a disconnection and we cannot, for too long, present the regulation of 1999 as the legislative framework that governs the trade. CITES have pointed out, and we have recognised too, that it is not only woefully inadequate, but it does not satisfy and help our international standings. It does not help with what we are seeking to do locally, in terms of having a sustainable trade that contributes to the livelihood of hundreds of Guyanese and earns our country millions of dollars annually.

The work, which was undertaken in developing the Bill before us, has been extensive. First of all, I wish to point out that there were extensive consultations by stakeholders, be it the wildlife exporters' bodies. We have also benefited from the technical input of a number of persons, including one Mr. Clayton Hall, whom we have worked very closely with, in terms of addressing the exporters and the traders' concerns and as much as being able to draw the balance in satisfying what we are seeking to do locally, in terms of improving management and conservation and also being compliant with CITES's requirements.

The Bill, which is before us, derived first from regulations. It was felt that if we have brought into being, developed, modified or even amended the Special Protection Regulations, it would be adequate. Having had further and extensive consultations, we felt that an amendment to the existing Special Protection Regulations would be inadequate. That was when a decision was taken in which we should have gone for a full Bill that would have been comprehensive and also future-looking. We are talking about a piece of legislation before the National Assembly derived from the consultation. There was a lot of technical work. We benefited from CITES as well as local experts, first in the form of regulations and then we were able to mature those into what is called, here today, the Wildlife Import and Export Bill.

The broad objectives of the Bill intended to create, as I have said, the framework and mechanisms to govern the international trade. I wish to emphasise that this particular piece of legislation is about the international trade. It also provides another tool in conservation preservation management and the protection of Guyana's biodiversity. It also provides a

mechanism for the implementation of relevant decisions of the various conventions that Guyana has subscribed to internationally.

Some of the major features:

- First of all, it looks at the creation of a Wildlife Import and Export Authority. This body will now be in charge of managing the international trade and this was designated, as required by CITES. This authority will be very critical, not only implementing the legislation but also allowing us to deal with some of the pressing challenges that confront the trade, wildlife management and conservation.
- Wildlife ranching: Some persons may say this can be a new sector, industry or opportunity for many communities, particularly the hinterland communities. Again, the Bill provides for wildlife ranching, whereby a ranching operation can be licensed. This will be necessary if we are going to ensure that the international standards are imposed. These will also be developed and managed by the authority, having had the input of the Wildlife Scientific Committee.

It allows us to ensure that the sore issue of the transportation of wildlife is addressed. Persons who traverse our interior locations would sometimes notice the inhumane condition under which wildlife species are removed from their natural habitat. Again, this Bill will address that, not only on how it gets to the point of export, but also, very importantly, how it deals with the issue of transportation of the species going out of Guyana, particularly if we look at whether it is by land, sea or air and developing that framework which currently does not exist.

- Holding Premises: We want to ensure that the premises that are holding the wildlife species for export are licensed and there is greater discipline in terms of how they are managed. That we develop systems in place, so that we can do better tracking of the wildlife species that are extracted from their natural habitat.
- Another element of the Bill deals with the issue of crime and punishment and these are addressed in terms of their pertinent offences, when there are breaches committed, as provided for, under the Bill, as well as the other regulations.

This Bill certainly, as I pointed out earlier, is about protecting the trade from international threat. It prevents issues such as Guyana being banned, as we have seen in some instances, as

it relates to certain species, making it easier for those involved in the trade to do business, to develop humane conditions and modern wildlife trading sector, but it is one that emphasises conservation and sustainable management. Certainly, this Bill will allow us to do so and make all of us, as Guyanese, proud that we have a sector that perhaps has greater potentials to contribute to the prosperity of hinterland communities and even those who operate and engaged in the trade and provide a range of services. It will open up new opportunities in this regard, but we cannot and will not be able to do so under the existing framework.

This Bill is not only about taking care of today's challenges, which we know confronts wildlife trade, but it also looks into the future and will certainly contribute, as I have said, to wealth and various opportunities.

In conclusion, this Bill must be seen as part of a wider effort by our Government, through the Ministry of Natural Resources and Environment, in ensuring that strategically that we address, and address in a very comprehensive way, the challenges, as well as we provide for the opportunities that obtain to the utilisation, as well the management of our natural resources and environment sector.

Certainly, this Bill, given its linkage to the wildlife conservation and regulations, will allow us at the end of the day to properly, humanely and sustainably utilise our wildlife in a manner that communities as well as entities, which depend on it for their livelihood, can continue to benefit, long into the future.

I know this should not be a controversial piece of legislation. I do not think there is any Member of this House who would believe that it is unnecessary, in this regard. It is very necessary and very urgent. Some of my colleagues from the opposite side have suggested that this Bill be taken to a Special Select Committee. I would urge them, that given the urgency of this matter, to reconsider that position, certainly, and recognise, that in the interest of the trade, we give the House's early approval to have this Bill passed and assented to, so that we can move very quickly into the stage of implementation.

I thank you very much Mr. Speaker. [*Applause*]

**Dr. Roopnaraine:** I rise to offer some brief observations on the proposed legislation before us, Bill No. 8 of 2014, the Wildlife Import and Export Bill 2014.

Turning first to the Explanatory Memorandum on page 130 of the Bill, what we find is a highly condensed narrative of the not insignificant sequence of events that led to the creation of this Bill. In its capsule historical survey background, the memorandum jumps from May, 1997, the date of Guyana's ratification of (CITE), to the 1999 Regulations and then to the Environmental Protection Act of 1996, the Species Protection Regulations, which were passed, the memorandum tells us:

“...so as to address concerns regarding Guyana's inability to implement and enforce the Convention because of its failure to adopt the necessary legislation.”

What the 2014 memorandum omits, but which was noted in the 2013 memorandum, on page 117, was that the passage of the regulations,

“... resulted in the withdrawal of a notification, which would have resulted in the refusal of any import from and export or re-export to Guyana of CITES specimens.”

What both memoranda, 2013 and 2014, omitted to disclose, no doubt in the interest of succinctness - and I thank the Hon. Minister for filling in many of the gaps in the history which is outlined in the memorandum - is that the CITES Secretariat, from the time Guyana became a party to the convention in May, 1977, had insistently raised concerns about Guyana's inability to implement and enforce the convention, “...because of its failure to adopt the necessary legislation”.

*3.09 p.m.*

Paragraph II of CITES's recommendations to suspend trade observed that Guyana was the subject of a CITES project (A097), “to develop a model law of CITES that would allow for the full implement CITES and its provisions for Guyana”.

This model law was submitted to the Government of Guyana on 11<sup>th</sup> September, 1996. At the tenth meeting of the Conference of Parties, in July 1997, Guyana was informed that it might be subject to a recommendation to suspend trade in specimen of CITES species.

CITES decision, No. 1999/65, goes on to lament, in paragraph 4:

“In spite of the significant assistance given to Guyana by the Secretariat, (e.g. the preparation of a model law), and by the United States of America (i.e. consultancies

supported of the embassy in Turkey), the Government had not adopted legislation that generally meets the requirement for the implementation of the convention”.

The Secretariat expressed its deepened concerns at the fortieth and forty-first meetings of the Standing Committee in March 1998 and February 1999, that time was fast running out on Guyana. At the February 1998 meeting the Standing Committee agreed that:

“unless a secretariat was satisfied by the 30<sup>th</sup> September, 1999 that a new adequate law had entered into force or was accepted to enter into force in Guyana, the decision would be taken to suspend trade with Guyana”

Under mounting pressure in response to the Secretariat request for advice on any new legislation, the Guyana authority dispatched a letter on 30 July, 1999, providing a draft of legislation for the implementation of CITES, the Protection of a Particular Species of Prescribed Flora and Fauna Regulations, 1999.

The letter claimed that the legislation was “in the final stages of enactment”. The Secretariat was underwhelmed and informed Guyana that the proposed regulations did not meet all the requirements for the implementation of the convention. To compound matters:

“the draft sent to the Secretariat did not include the schedules that were mention in the provisions. Consequently, all the species listed in the appendices of CITES, as well as parts and derivatives of all animals and plants, would not be covered by the law.

In addition the Secretariat has not received any indication that this draft legislation has been submitted to the National Assembly or other legislation body of Guyana.”

Then, rather tersely,

“the Secretariat has consequently been unable to report any progress to this Standing Committee.”

In the final paragraph the verdict comes down.

“Therefore the Secretariat hereby informs the parties that, pursuant to decision 10.18, the Conference of the Parties recommends that from the 30<sup>th</sup> September, 1999, all Parties should refuse any import from and export or re-export to Guyana of CITES specimens, until further notice”.

To resume the less than fulsome narrative of the memorandum in 1999, it tells us that the Species Protection Regulations of the EPA were passed to address the concerns that led to the suspension. As we had noted, its passage resulted in the withdrawal of the notification of the suspension. In its notification to the parties in November 1999, No. 1999/78 the Secretariat communicated to the parties:

“The Species Protection Regulations, 1999 meet the conditions established by the Standing Committee... because they regulate import, export and re-export of live and dead animals and plants of all species listed in Appendices I, II, III of CITES... Therefore the Secretariat hereby informs the Parties that the recommendations expressed in Notification to the Parties No. 1999/65 is withdrawn with immediate effect”.

The Species Protection Regulations, as I believe the Minister has indicated, provided some breathing space but it was a bit more than a holding operation to stave off the sanctions. As the memorandum indicates, it was “categorised as generally not meeting all requirements for the convention”, hence, the Wildlife Import and Export Bill 2014 that is before us today. Clause 83 revokes the Species Protection Regulations 1999 that served its purpose and now can be disposed of.

As we can see, turning to the Bill, from the objectives outlined on page 130, of the copy that I have, (d) through (g), the more immediate and compelling objective of the Bill is to bring Guyana, a Party to the Convention, in compliance with requirements for the strict implementation of decisions and provisions. Objective (d) is explicit:

“to avoid measures which could be taken against Guyana, suspension and/or refusal to import from or export or re-export to Guyana of specimens of wildlife;”

Commendably though, the Bill goes well beyond mere adherence to CITES requirements, though these are primary, by grounding them in Guyana’s particular conditions. It aims to provide a national framework and mechanisms “cognisance of the national goals for wildlife conservation and management.” It is “another tool in the conservation, preservation, management and protection of Guyana biodiversity”. In establishing the framework of licensing and decision it would ensure that it supports “core principles of transparency, natural justice and fairness”.

In clause 2 of the Bill, the definitions are intended “to be both convention and nationally relevant.”

Part II, providing for the scope of the Act, “seeks to maintain and include provisions specific to wildlife in Guyana.”

The Bill goes beyond the species listed in CITES appendices, omitted from the 2014 memorandum but stated in the 2013 version of the Bill, and “makes provision for all the species threatened with extinction in Guyana, all species in Guyana required for protection that is not included in schedules one, two, three and four and make them subject to provision in clause 3.”

In its foregrounding of Guyana indigenous imperative, the Bill avoids the jeopardy of the one-size fits all panacea that we have had cause to reject in other recent and more contentious circumstances. The greatest challenge will lie in the provisions of Part X, clauses 56 to 61 - enforcement. We can have the best of provisions in the Act but experience teaches us every day that regulations and laws are one thing but enforcement is another. Taken together with the newly minted Wildlife Management and Conservation Regulations under the EPA, with its own expanded enforcement challenges, the protection of Guyana’s biodiversity will finally have the legislation and regulatory framework it so urgently needs. The challenges before us are political will and enforcement capacity.

The experience of India, the country with the most advanced constitutional, legal and regulatory architecture for the protection of wildlife, is instructive. Writing in the *India Forester*, in October, 2002, Mr. Samant Singhar, the Conservator of Forest in Tamil Nadu, stressed the need for implementation. This is what he wrote:

“There is no ‘quick fix’ solution for the problem of low rate of conviction and just change in law will not suffice. The first step is restructuring the investigative process. This requires special training and sensitisation of the law enforcement personnel.”

He was forced to admit that:

“Despite all these laws and policies the illegal trade in wildlife continues to flourish. Just as mere laws do not bring down the incidences of heinous crimes in society, the poaching of animals, uprooting of plants and their subsequent trade has to be dealt with in the field.”

We have chosen to draw from the experience of India for the simple reason that it is the country with the most powerful legal commitment to the animal world, including constitutional protection. We draw attention to the two 1976 constitutional amendments to the Indian Constitution. In article 48A, the state is instructed, “to protect and improve the environment and to safeguard the forests and wildlife of the country”.

Article 51A (g) instructs the public “to have compassion for living creatures.”

Perhaps the most remarkable ruling came from the High Court of Kerala which, in confirming a ban on certain performing animals, asked: “If humans are entitled to fundamental rights, why not animals?”

We are in an agreement with Mr. Singhar when he writes that:

“Protection of wildlife is not possible by the Government machinery alone. Active cooperation of the public, committed and active and educated non-governmental organisations and individuals are essential ingredients for successful wildlife protection.”

We support Mr. Singhar’s call for a more participatory approach to wildlife conservation. In this regard, clause 8 (1) (f) of our Bill is particularly welcome: included among the functions of the Wildlife Import and Export Authority is

“providing awareness-raising, opportunities for feedback, training, education and information related to the international wildlife trade and implementation of the Convention;”

Among its more important functions, the Wildlife Scientific Committee is:

“to advise the Authority of the measures which should be taken including establishment of quotas, to limit the grant of export permits when the population status of a species so requires.”

In this regard, I was particularly happy to hear the Hon. Minister spoke of the need to establish population surveys. Unless there are population surveys, it is very difficult to arrive at quotas that make any sense.

The Bill sets out for its operation a formable array of permits and licences. The Fourth Schedule lists four permits, four certificates and six licences. While for the most part, the

regulations governing the applications for, the granting and cancellation of permits and licences, are straightforward and transparent, there is a recurring blemish. For example, after laying out in clause 18 (1) the entirely reasonable grounds for cancellation of a Captive Breeding Operation Licences, in subsections (a) through (e), the final subsection (f), “for any other reasons where the Authority thinks it is proper to do so”, I believe that this opens the door to arbitrariness and possible injustice. This exact wording is repeated in the case of the cancellation of an Artificial Propagation Operation Licence (clause 22 (f)). And again in clause 25 in the case of the cancellation of a Wildlife Ranching Operation Licence.

In considering a Bill, which is driven by the need for the compliance with the provisions of CITES, let us remind ourselves of the Preamble to the convention:

“Wild Fauna and Flora in their beautiful and varied forms are an irreplaceable part of the natural system of earth which must be protected for this and generations to come.”

We will honour this principle, not merely by the enactment of legislation, but by doing the hard and exacting work of enforcement on the ground and in the courts. We must all work together to ensure that there will be no recurrence of the abominations of 2008 when 15 of our monkeys on their way to Thailand and China died of neglect, starvation and hyperthermia at Los Angeles airport. And more recently in November and December 2013, when over 400 caimans died in the Netherlands en route from Guyana to the Ukraine.

Finally, it is somewhat unusual - I may be corrected on this point - for us to be considering a Bill that is a revised version of its predecessor Bill No. 20 of 2013, Wildlife Import and Export Bill 2013, that was read for the first time but subsequently withdrawn, to be now replaced by the new version, Bill No. 8 of 2014. In comparing the two versions of the Bill, Mr. Speaker, allow me to say that Bill No. 8 of 2014, in its structure and the precision of its formulations, is a great improvement over its predecessor, and certainly more in keeping with the standards that we have come to expect from the Chief Parliamentary Counsel and his team. I commend the efforts of the drafters for struggling against the political incorrectness of the Interpretation Act, where, as we know, “he” is meant to mean “she” as well, but I fear but it does not make for elegant writing. In clause (9) (5) of the 2014 Bill, for example, the politically incorrect “he” of the clause (10) (5) of the 2013 version is revised as follows:

“Where a public officer, or any other person employed by the Government, is transferred to the Authority as an officer or employee, or vice versa, the person...”

it is not “he”...

“...shall be entitled to have the person’s aggregate service in the public service, or under the Government and as an officer or employee of the Authority, counted for the purpose of superannuation benefits and the person shall, on ultimate retirement be entitled to receive such benefits calculated in accordance with the Pensions Act, in respect of the aggregate of such service, from the Authority or the Government as the case may be, with which the person was last employed.”

Mercifully, the words “or in connection with” were dropped from the 2013 formulation. Such cumbersomeness, I am happy to say, is not typical of the writing in the 2014 Bill. Political correctness is to be commended but it can take a toll.

Finally, taken in conjunction with Wildlife Management and Conservation Regulations of November 2013, the Bill before us is an important pillar in our wildlife legislative architecture. Clause 85 cites five Acts to which the present Bill is to be construed as an addition. To these five may be added the Guyana Livestock Development Authority Act, Act No. 1 of 2010, and the Animal Health Act, Act No. 7 of 2011.

Given the importance of ensuring the harmonisation of these various laws, as well as the complexity and amplitude of Bill No. 8 of 2014 - remember it required two versions - and notwithstanding the pleas of my friend, the Hon. Minister that we move, and move urgently, on this Bill because of its importance for us, it is nevertheless our recommendation, in A Partnership For National Unity (APNU), to the House that the Bill be committed to a Special Select Committee.

I thank you. [*Applause*]

**Minister of Public Works [Mr. Benn]:** I rise to support the Hon. Minister Mr. Robert Persaud in his presentation of the Wildlife Import and Export Bill 2014. I rise against, too, the background of the presentation which was just made, both excellent presentations, in respect with the imperative that we have with respect to wildlife management, biodiversity, sustainability and species protection in our part of the Amazonian rainforest. I have to recognised, in the Government, and on the Minister’s efforts, the raft of legislation that is coming forward with respect to this critical problem of species protection, biodiversity, sustainability and also that which fits into the requirements that we have to make sure that we too benefits, that there also is a livelihood, sustainable, that is, with respect to the question of

wildlife management. Even though that it was said that the legislation is belated, even though it is noted that it is driven to a large extent by the imperative, by the requirement of CITES, we have to welcome the legislation; we have to note its comprehensiveness; we have to note, particularly too, its detailing with respect to the flora and fauna that it encompasses with respect to managing the importation and exportation of wildlife.

It is more true now to say, than ever before, that throughout the world and also in our part of the Amazonian rainforest that species loss, loss of biodiversity, loss of particular rare enclaves, which support certain species in our part of the world, is accelerating at a pace which is unsustainable. Our effort at this time is to bring in urgently, as the Minister suggested that we should do, this legislation. It is even more important that we bring it in quickly as possible and that we do all the things required, not only in terms of legislative and regulatory..., but also with the issues of enforcement and the political will to back up that enforcement, with respect to this issue, because of this rapid rate at which there are losses, with respect to various species. I might point out that a particular fauna, which comes to mind, for myself, may relate to the Hyacinth macaw in Guyana, which is more or less been driven to the southern boundaries of our country; the Cock-of-the-Rock which is still a very rare visitant or a rare sighting in our forest and the hawk-headed parrot, to mention a few of the avifauna which we are seeing a loss, in terms of the frequency with which they are encountered in the forest.

The question of the scientific committee being established under this Wildlife Import and Export Bill...The issues and synergies, in relationship with the Wildlife Management and Conservation Regulations, which will, of course, require that there would be people on the ground to do the scientific investigations, the trapping, the counts, the statistical work with respect to... Following in how well we are doing in this area, in the first place, establishing what we have at this time, it is a welcomed effort with respect to the opportunity which will give our young professionals, who will have to go out to the forest into the countryside to determine what we have, an opportunity to be scientist in being, scientist in a real existent shell-less way, because there is a great opportunity out there to develop our knowledge, our interest, our expertise with respect to these matters.

Guyana, of course, is not alone with the question of species loss, the question, difficult, of species preservation. The Hon. Member, who just spoke, Dr. Roopnarine spoke about the issues in India and the questions of low accounting in the courts of issues in relations to

wildlife loss. There have recently been problems again or continuing problems in East Africa. Kenya just reported its loss of its largest elephant, 50 years old, who was just killed by poachers and there is the overall problem in Eastern-southern Africa itself which in respect with the loss of the five - the lions, the elephants, the rhinoceros, the giraffes and the buffaloes, Cape buffaloes included.

The issues in relations to the specific putting into being, making real, the Wildlife Import and Export Bill... The questions in relation to their reduction, as mentioned, we did have high losses in respect to exportation, the loss of the caimans to the Ukraine, surprisingly. Here, too, we have to recognise that there is a large underground trade with respect to wildlife in Guyana. We would be fooling ourselves if we did not recognise...Efforts are on the way from the Ministry, and the Minister, that there is a recognition that we have to get a strong handle on the question of our people who export animals in various forms, including smoked and salted to Trinidad and other places, the labba and others. I remember working in the forest many years ago, in younger times, when some of our field assistants would have gone on the Kuribrong River or the Kaburi River and shot 36 labbas in one night. Those days are gone and that kind of extraction from the forest is an issue that we have to manage and to deal with. **[Mr. Ramjattan:** That is not dealt with here.]

The Hon. Member is suggesting that the specific issue of species lost by hunting in the forest is not mentioned here, but, the overarching putting into place of architecture of legislation at various levels, with respect to this matter, would have impacts way into the forest. That is where it is intended or where it should have the impacts if we want to sustain the level of species diversity. If we are suggesting, as the Hon. Minister of Tourism, Industry and Commerce talked, and the previous one did too, about birdwatching and the number of species of birds we can see in the forest, and if we recognise that one particular animal or the preservation of a particular fruit in the forest relates to synergistically the preservation of others, we have to recognise where there is an interrelationship between this Bill and the other aspects, the overarching aspects, with respect to the question of wildlife preservation and protection.

That said, I would simply want to end by saying that I will prefer, not wanting to overtly disagree with Dr. Roopnarine, that we should not have taken the route of going to the Special Select Committee, but if we do, it should be mercifully short. I think Dr. Roopnarine pointed out how much an improved version this Bill is on the one of 2008 and I want to stress again

how urgent and important it is, even with respect to the requirements, the imperatives of CITES, that we bring this legislation into being and in force.

Thank you Mr. Speaker. [*Applause*]

3.39 p.m.

**Mr. Ramjattan:** I must commend the Minister and also the Hon. Member Mr. Benn for indicating the necessity for legislation in this sector. As a matter of fact, the points were strongly made by Dr. Rupert Roopnaraine that this Bill is an extremely important step toward that harmonisation that I thought the process would have had as an outcome since 1996. Since that time it was said that we would have lost in the vicinity of US\$80 or US\$90 million in this trade as a result of illegal activities, and the fact of extremely harsh conditions for animals being exported causing lot of quotas to be taken away as a result of CITES scrutinising our wildlife export. What I notice here, which makes me suspicious, suspicious on this, is that we are having a very important authority that is now going to regulate almost everything in the trade, and having heard from those that we have spoken to, that is, the people in the sector, saying that they were not properly consulted on this. It has happened with the Amerindian Act and so many other Bills, which we have come here with, in which Ministers have come and indicated that they have consulted with people and we have seen later on major organisations, representative of those peoples, stating that they never had a chat. They simply came as Ministers and probably senior officials within the wildlife department to state their position and hand it down as it were.

This sector can do serious raising of revenues for Guyana. We know that rice is doing badly off; sugar is doing badly off, and so many things. We are saying this: If it could have got the input of those who are involved with this trade it would have been a far superior Bill; it is not. It is for that reason in which I am urging that it be sent to the Special Select Committee so that we can hear for ourselves who made inputs here. It is because we have had scenarios in which an authority, under the Broadcasting Act, was set up and it was only to know that all the licences have gone to friend and family. Is that what this authority is going to do? We know that there is a certain quota for caiman; we know that there is a certain quota for birds and monkeys that brings in a lot of income. When we check the provisions of this Bill it be made up of whom?

“(2) The Wildlife Scientific Committee shall consist of the representatives of -

(a) the Environmental Protection Agency;”

It is a person from the Government.

“(b) the Ministry of Agriculture;

It is a person from the Government.

“(c) the Wildlife Import and Export Authority;”

It is another wildlife ministry or politico, just as how the broadcasting authority is run by Ms. Shadick.

“(e) the Guyana Forestry Commission;”

“(f) the University of Guyana;”

To bet, out of those eight, six are going to be comprised people, who are going to call the shots, literally coming from the governing party. They now can issue licences for the export-import trade. They would literally be the masters, just as in the Freedom of Information Act the broadcasting authority literally controls who will get licences to get television stations. It will be known who and who got television stations.

The Wildlife Scientific Committee... [*Heckles from the Members of the Government.*] I would like to say that they can say what they want by virtue of heckles over there but it is all the time we have seen... [**Mr. Neendkumar:** You sound bitter; everything you are bitter about.] It is not bitter; it is the *control freakism* that I have been talking about. It is the *control freakism* I have been seeing. Do you know what? They come here to hustle the legislation on us. [*Interruption*]

**Mr. Speaker:** Hon. Members, we have to come to the place where we could distinguish between Government and the party in Government. There is always the presumption, even in law, of due propriety on the part of Government officials. Mr. Ramjattan, let us refrain from saying that they have come to hustle the Parliament.

**Mr. Ramjattan:** It is not “to hustle the Parliament.”

**Mr. Speaker:** If we are going to recommend that it be sent to a Special Select Committee, I think Dr. Roopnaraine’s arguments were sound. Let us not make presumptions and or potential accusations or connotations in the absence of any evidence. Maybe if it does go - I

am not pre-empting – to the Special Select Committee some of the concerns that you have may be raised and either be ventilated or satisfied one way or the other. Let us not make any pre-emptive...

**Mr. Ramjattan:** When I used the word “hustle” I was saying that having brought the Bill they want us to pass it immediately. There is no need to rush it. Send it to the Special Select Committee for purposes of knowing when you are going to ask the question of many of the organisations that deal with this trade... [*Interruption*]

**Mr. Speaker:** Hon. Members, need I remind all of us that we are discussing the Wildlife Import and Export Bill. What is it about this subject that seems to be engendering such fervent debate? It is the Wildlife Import and Export Bill that is on the floor. Let us stick to that Bill please. It ought not to be this divisive a subject. Let us complete the debate please. Mr. Ramjattan please proceed. Let Mr. Ramjattan proceed please, with less interruption and heckling.

**Mr. Ramjattan:** It would be in the interest of all, including those who catch the animals, along with those who transport them, along with those who export them and would have their quotas from the wildlife unit. It is that we hear from those people. It is indeed wrong to simply take the word here, that all of those people have been consulted. It is my recommendation that this Bill has benefits about it.

The deficit I see is this extremely large authority is going to deal with a whole host of things which may very be politically abused. I say so because we know certain things with major authorities, which have become corporate entities, such as National Industrial and Commercial Investment Limited (NICIL), the broadcasting authority and so many other authorities, have been abused.

In relation to wildlife, today, as I have mentioned, it has a lot of money and everything that has money it seems you all want to hustle a piece of legislation in here. It is the passage, I mean; to hustle the passage of it. Do you want me to say another word? It is to hurry up the passage, and then to use the *ad terrorem* argument that if we do not pass the Bill CITES is going to get under us and strangulate us. I am saying, here as I stand, that we, in the Alliance For Change (AFC), would like to hear what CITES would have to say about this Bill as Caribbean Financial Action Task Force (CFATF) had to say about the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill. Let us hear what

CITES has to say because we are good at packaging a good set of provisions in a Bill leaving out very good ones that are supposed to be making it even better and then saying the Opposition does not like it because it is a good Bill and it is trying to block the passage of it. We are not blocking the passage of it. We want it to go the Special Select Committee for purposes of having better scrutiny in that Special Select Committee. Quite frankly, as I have said, in other speeches here, we need a Law Reform Commission in this country to ensure we know the reasons behind why the existing legislation is not good enough. What is wrong with our existing legislation that we must now have a brand new Bill? It is important that...

*[Interruption]*

**Mr. Speaker:** Hon. Members, allow Mr. Ramjattan to finish, please. **[Mr. Nandlall:** He is irrelevant.] Relevance is subjective here. You cannot determine what is relevant, Mr. Attorney General.

**Mr. Ramjattan:** There are a lot of students here, and it is a major Bill. I am certain there are so many things such as eco-tourism, animals and birdwatching but they do not know about these things. The Law Reform Commission would have done that and we would have regularised the situation by talking about it so that they would come to know. A Special Select Committee will do that. At least it will bring it to the fore as to why... *[Interruption]*

**Mr. Speaker:** Mr. Neendkumar, to your right there are some students from top schools in the country who are observing how you are interrupting the Member.

**Mr. Speaker:** Mr. Ramjattan, please proceed.

**Mr. Ramjattan:** We have indicated on so many occasions that when it is a Bill which is coming to set the legislative framework or the framework for that sector or that industry there must be what is called a White Paper. Dr. Jagan used to talk about that. It is to send the White Paper around so people are going to see what our laws are now going to proffer to the people of the country. They do not want that, but they would come here and say, however, that they talked to some people and it is okay, and they want us to believe that. Well, I am not going to believe that knowing their credibility. To that extent I will stop here. Please let this go to a Special Select Committee so that we can have a better Bill, because I trust that they will use that authority for their own purposes – friends, family and favourites.

Thank you very much. *[Applause]*

**Mr. R. Persaud (replying):** Mr. Speaker, first of all let me thank Hon. Members, particularly my colleague Minister Robeson Benn and Dr. Rupert Roopnarine, for the focused and constructive input on this important piece of legislation. I started out by pointing out that this should not be a Bill which should generate any level of controversy, but perhaps I erred. In fact it went beyond something of controversy to hysteria, and at times we had the paranoia flare of the Hon. Member that preceded me. I am disappointed because this here is a piece of legislation that would bring us into compliance with CITES regulations and convention. It is one in which CITES has found favour with. We will not bring a piece of legislation here to satisfy CITES condition to find out tomorrow that CITES did not like what we brought. What type of thinking would we engage in or process if we allow ourselves to bring a piece of legislation to satisfy requirements and then find it is lacking? That is the first point.

The second point is that the Hon. Member does not and cannot speak for stakeholders who operate within the wildlife trade sector. He cannot and does not speak. I will present the notes of the various meetings. I will even present the actual modification which were made by stakeholders and submitted to the drafting section of the Attorney General's Chambers, in which those particular notes were taken into account.

This is an august Assembly. This is a place where we expect rational and constructive input. This is not a place where we come and gaff; this is not a place where we just talk what we feel like saying, and make all sorts of wild and reckless accusations. I do not take personal offence, but what I do take is the insult, indirect and sometimes the naked attack on the integrity of the hard-working technical staff within the wildlife... and those involved in formulating this. It does not bother me; it comes as occupational hazard. If the Hon. Member is going to stand there and impute motives, impute dishonest even in the development, in the crafting, and impute intentions that are certainly not in the thinking of those involved, it is certainly reckless and irresponsible.

I will cite two examples. The Hon. Member, perhaps, if he had taken time out to read the Bill, which he was speaking on, he would have been accurate in his own presentation. He told the House that the authority is made up of the EPA, the Ministry of Agriculture and he went on to name... If the Hon. Member had taken the time to read... It is not the authority, Hon. Member. What he was referring to is the Wildlife Scientific Committee, and that is why there are the technical agencies. That is not the authority. He cannot substitute. There is something different in the law that speaks of the authority or what is the scientific authority. Again, he

rushed to conclusion; he rushed to judgement and used all sorts of derogatory phrases when in fact we are talking about two separate entities. Again, he is suggesting that the hard-working technical officers, coming from the EPA, the Ministry of Agriculture, meaning the Guyana Livestock Development Authority, the Wildlife Import and Export Authority – which he thought he was speaking about – the Guyana Forestry Commission, the University of Guyana, all of these according to the Hon. Member, come to hustle for the Government. That is the disrespect the Hon. Member is imputing.

**Mr. Speaker:** The Hon. Minister, the Hon. Member, after I made the intervention, did explain the connotation he meant. I must accept the one that he gave because he was the author of it.

**Mr. R. Persaud:** Is it the hustle part?

**Mr. Speaker:** Yes. What I am saying is that when I first heard it I did come to a different interpretation but I must give the benefit to the Member, who was speaking, as to what he meant.

**Mr. R. Persaud:** Mr. Speaker, you are not correcting me that the categorisation of the various agencies was wrong by the Hon. Member.

**Mr. Speaker:** I would not get into that.

**Mr. R. Persaud:** We have absolutely nothing to hide if we decide we want to go down the road of a Special Select Committee. There is absolutely no harm in doing that. I would expect if there was something fundamentally wrong with the Bill the Hon. Member would have highlighted the inadequacies. As is expected of any Member, on both sides of the House, if we believe something is inadequate or something is missing we will table an amendment so we can enrich, enhance and better the piece. I have listened. We have not heard a single amendment; we have not heard a single proposal where there are gaps or inadequacies. We have nothing - no proposal. All we are hearing is the suggestion that we are rushing. This has been before the House for many months, but we have heard there is some reason we have in forcing this issue. This is too important for us to quibble about. This is too important for us to be divided on because it is the livelihood of hundreds of Guyanese, and it is also about the protection of our biodiversity for generations, not only us here, not this current generation, future generations. It is about protecting the patrimony of our country for future generations. On that note I want to appeal that this is a piece of legislation that should see forthright

support and when there are weaknesses that we must have suggestions in moving forward. I do hope if we move in the direction of a Special Select Committee we will see the attendance and participation of the Hon. Member in that Special Select Committee, so we hope by which time he would have studied the legislation and be able to bring his comments.

I wish to restate that we have not heard any specific weaknesses identified. We have not heard any suggested amendments. Again, I wish to suggest to the National Assembly, plead to the National Assembly, that we pass the Bill as presented here today.

Thank you very much.

**Mr. Speaker:** Thank you Hon. Member. Hon. Members, we are at that stage where the Minister has to report that the Bill be read a second time. Please formally put the question that the Bill be read, Hon. Minister.

**Mr. R. Persaud:** Mr. Speaker, I move that the Wildlife Import and Export Bill 2014, Bill No. 8 of 2014 be read a second time and passed as printed.

**Mr. Speaker:** Hon. Members, just for the avoidance of any doubt and or confusion, if the anticipation, as I believe it is, is that the Bill be sent to a Special Select Committee, we will first have to allow it to be read a second time. If we vote against it being read a second time, that means it is dead. I just wish to state that I will put the question that the Bill be read a second time and after it is read a second time if there is a desire and an intent to have it move to a Special Select Committee a motion will then be introduced for it to be sent to Special Select Committee before it goes to Committee of the Whole Assembly.

*Question put and carried.*

*Bill read a second time.*

**Dr. Roopnarine:** I was heartened to hear both speakers from the Government side spoke not unfavourably on the question of sending the Bill to a Special Select Committee. I wish now to move a motion that the Bill, which has just been read a second time, be sent to a Special Select Committee.

**Mr. Ramjattan:** I second the motion.

*Motion carried.*

*Bill referred to a Special Select Committee.*

**Mr. Speaker:** Thank you very much Hon. Members for the debate.

Hon. Members, according to my watch it is 4.00 p.m. According to the clock on the wall it is five minutes to 4.00 p.m. I believe it is an appropriate time to take the adjournment for one hour.

I should let you know that there is an ongoing game between England and Uruguay for those of you who have some interest in it.

I also wish to report that I have conferred with the resident experts about the fumes, because some Members have complained about their noses and eyes are burning and they are having a slight headache. The resident experts, that is, the Minister of Health, and another Member well versed in rice and agricultural matters, told me that there is nothing wrong and it is quite normal. Should anyone fall it would not be a result of the fumes, and adequate provision is made for that person's care and attention.

We take the suspension for one hour, until 5.00 p.m.

*Sitting suspended at 4.03 p.m.*

*Sitting resumed at 5.08 p.m.*

## **PRIVATE MEMBERS' BUSINESS**

### **BILL - SECOND READING**

#### **BROADCASTING (AMENDMENT) BILL 2013 – BILL No.19/2013**

A BILL intituled:

AN ACT to amend the Broadcasting Act. [*Lt. Col. (Ret'd) Harmon*]

**Lt. Col. (Ret'd) Harmon:** I rise to speak to the Broadcast (Amendment) Bill 2013, Bill No. 19/2013 which stands in my name. Having regard to the numerous sections that were incorrectly numbered in this Bill, having regard to the fact that some of the amendments, which have been proposed, have been incorrectly worded, I respectfully request, in terms of section 68 in the Standing Orders in the National Assembly, that I be permitted to withdraw this Bill in its current form and to bring it back at a later date.

*Bill was withdrawn.*

**Mr. Speaker:** Very well Hon. Member. In fact, it is quite commendable that you wish to bring a Bill that is understandable, precise, without errors and mistakes, so that we know what we have to be debating. We can expect that it would be laid again, shortly, as corrected. We know that you have to do corrections, but you would want a chance, whether or not you would have to look at several documents, to recommend what it is that we are debating, to have one wholesome document. That is appreciated.

With that said, Hon. Members, we turn our attention to the consideration of the motion, which is before the House.

## **MOTION**

### **APPOINTMENT OF A COMMISSION OF INQUIRY TO INVESTIGATE THE SHOOTING OF CITIZENS BY THE GUYANA POLICE FORCE ON 6<sup>TH</sup> DECEMBER, 2011 IN GEORGETOWN**

WHEREAS the Constitution of the Co-operative Republic of Guyana prescribes, at Article 141, that “No person shall be subjected to torture or to inhuman or degrading punishment or other treatment;”

AND WHEREAS it has been widely reported that several persons were shot with pellets by members of the Guyana Police Force at about 10:55 hrs. on 6<sup>th</sup> December, 2011 in or near Hadfield Street in the city of Georgetown;

AND WHEREAS in accordance with the Commission of Inquiry Act, Chapter 19.03, “The President may issue a commission appointing one or more commissioners and authorising such commissioner or commissioners to inquire into any matter in which an inquiry would, in the opinion of the President, be for the public welfare;

**BE IT RESOLVED:**

That the National Assembly expresses its sympathy with the victims of the shooting which occurred on 6<sup>th</sup> December, 2011; and

**BE IT FURTHER RESOLVED:**

“That the National Assembly calls upon the President of the Co-operative Republic of Guyana, in accordance with the Commission of Inquiry Act, Chapter 19:03, to appoint a commission of inquiry to inquire into injury of persons by shooting and to make recommendations to prevent a recurrence of such shooting.” [Brigadier (Ret’d) Granger]

**Leader of the Opposition [Brigadier (Ret’d) Granger]:** I rise to call on this House to support the motion that calls for the appointment of a commission of inquiry to investigate the shooting of citizens by the Guyana Police Force on the 6<sup>th</sup> December, 2011 in Georgetown. That was 13 months ago. We all know that three days ago, on the 16<sup>th</sup> June, this nation commemorated the shooting of several citizens by the British Guiana Police Force at Plantation Enmore in 1948. Today this National Assembly meets to consider the shooting of Guyanese citizens by the Guyana Police Force in Georgetown in 2011. So little seems to have changed since 1948. The police are shooting at our unarmed citizens.

Violence like power corrupts, but violence also plays with the mind. The police force and political parties, which develop contempt for poor people - policemen who have no fear of being investigated; policemen who are not restrained by checks and balances; policemen, who are not removed from their positions - will shoot again as they did in 1948 and they did in 2011.

The police force, once it becomes accustomed to treating certain citizens in certain communities as if they have no rights and the Guyanese nation, once it accepts that the shooting of citizens is justified and accepts that investigations or inquiries or inquests will not be held, allow the habit of police brutality to become embedded. It will become embedded in the way the force goes about treating and dealing with its citizens. It will become part of its Standard Operating Procedures, its (SOPs).

Once the police force can shoot citizens without justification no one - I want to make this point clear - should be surprised when citizens feel they can shoot at the police without justification. This is exactly what has happened during the troubles on the East Coast and elsewhere. This is the reason why there is a monument in Eve Leary commemorating the deaths of so many policemen in the first decade of this millennium. When police feel that they can shoot citizens without justification it is just a matter of time before citizens will feel that they can shoot policemen without justification. That monument at Eve Leary is a testimony to the folly of the brute force doctrine. It is that brute force doctrine which brings

us to the tragic events of 6th December, 2011, and that is the doctrine that brings us to this very motion today.

There are several issues surrounding this motion. First of all, there was the shooting of unarmed persons who were not involved in any dangerous, violent or any persistent wrong doings. That shooting was an outrage. In that incident, the behaviour of the persons who were shot posed no threat to life, or to property, or even to public order. In that incident, scores of persons were shot in their backs. They turned their backs to the police but the police continued to shoot repeatedly into their flesh - aged persons, women and young persons. That was the outrage. This unfortunate incident was not the first time that people have been shot with rubber pellets under the People's Progressive Party/Civic's (PPP/C) administration.

We remember the 18<sup>th</sup> December, 1997. On that occasion the police shot persons who were protesting against the delay in announcing the election results. On that occasion a photographer lost his eye. In 1999, two years later, when the Guyana Public Service Union (GPSU) strike was taking place, several strikers, including a medical doctor, who was an official of the Guyana Public Service Union, were shot with rubber pellets by the Guyana Police Force outside of the John Fernandes Wharf in Georgetown. Two years later - I do not know if it was a two-year cycle, 1997, 1999 and 2001 - at Friendship village on the East Coast, just after the elections in 2001 - the police went into that village and without provocation, without justification, fired pellets and tear smoke into a crowd of youths. That in fact was the beginning of resistance.

Every action has a reaction and, when the police shot citizens, there was a reaction. At least, when we look at what occurred in 1997, the shooting of public servants, when we look at what occurred in 1999, when we look at what occurred in 2001, do we see a pattern emerging in what played out in 2011 when the police fired repeatedly to the protesters even though there was no disorder and there was no violence?

Our protests are not the same on any given day. People would come down and they would stand outside the magistrates' court, at the corner of Avenue of the Republic. Rice farmers have come down from Essequibo to protest, nobody shot them; people have come down from East Bank Berbice protesting the condition of the road, nobody shot them; nurses have come down from Linden to protest the non-payment of their bonuses, nobody shot them; indigenous villagers have come from Upper Mazaruni to protest the contamination of the rivers and the sequestrations of their land, nobody shot them. The Government itself has

gotten into the act. It has brought workers from Guyana Information Agency (GINA), National Communications Network (NCN). One year it emptied the offices of the public service. Recently it brought down Guyana Sugar Corporation (GuySuCo) workers, nobody shot them. Who decides who gets shot? Is there a pattern?

Given the pervasive nature of protest, the isolated incident of shooting, in 1997, after the delaying in announcing election results, in 1999, during the public service strike, in 2001, after the elections, indicates that shooting unarmed civilians is systematic, it is calculated and it is planned. It would be unthinkable to shoot sugar workers because they are protesting for wages; it would be unthinkable to shoot rice farmers or Amerindian villagers. We need to investigate the shooting in December, 2011 to determine what the motivation was on that day was. Even though there was no threat of violence, over five dozen policemen, some in khaki, some in blue, were mobilised. They had ammunition; they had guns; they had tear smoke canisters. They were well prepared; instructions were issued. It was not a spontaneous response by the police. It was a planned operation.

After that operation, we found that the Minister of Home Affairs convened a meeting. With whom did he convene a meeting? It was with the operational officers on the ground. He convened the meeting with Commissioner of Police Mr. Henry Green, with the Assistant Commissioner Mr. Vyphuis, with the Senior Superintendent Mr. Linden Alves, with the Superintendents, Mr. Earl Watts and Clifton Hickens, of whom we shall hear more, with Assistant Superintendent Mr. Patrick Todd. It was not one level, not two levels, not three levels, not four levels, but it was with five levels. We see here a situation in which the political appointee, a politically exposed person, was communicating with five levels of the police hierarchy operational matters. Who is really in charge? We must separate the sheep from the goats. The police shooting is following a pattern. It seems that people who looked like APNU supporters are liable to be shot.

Let me say that that incident, in December, 2011, was condemned. The person, who later would become the General Secretary of the People's Progressive Party (PPP), said, "It was a serious lapse. The shooting was inexplicable..." I never knew these words would have come therefrom, but he said it "...was inexplicable and unacceptable." He expressed deep concern and he pledged to avoid a repetition. Of course, they would be a repetition, but he did not use rubber when it was repeated in 2012. He did not use rubber but hot lead. The man, who became General Secretary of the PPP, condemned the shooting as a serious lapse and as

inexplicable. The man, who was then the leader of the Alliance For Change, denounced the use of excessive force and called on the Commissioner of Police to resign. Then leader of the APNU condemned the police conduct as a dangerous overreaction. As of December, 2011 the PPP condemned the shooting, the AFC condemned the shooting and the APNU condemned the shooting.

The PPP has spoken; the AFC has spoken and APNU has spoken. I now call on this National Assembly to speak. I call on this National Assembly to condemn this outrage and I call for the commission of inquiry to be established to examine the circumstances that led to the shooting of those innocent citizens.

Thank you. [*Applause*]

**Attorney General and Minister of Legal Affairs [Mr. Nandlall]:** I have listened to the very passionate, emphatic and articulate presentation of the Hon. Leader of the Opposition. The motion, to which the Leader of the Opposition spoke, calls for a commission of inquiry into a particular event, but the certainty with which he spoke, the precision of language which he employed, the emphasis, which he used, is that he had already made findings. Therefore I do not know what sense it makes for us to engage in a commission of inquiry. The distinguished gentleman has quoted that the Minister of Home Affairs condemned the police, the PPP condemned the police, the AFC condemned the police and, I suppose, the Guyanese public condemned the police. What are we inquiring into? An inquiry in the manner of which it is set out here seeks “expresses its sympathy to the victims.” I have no doubt that all the political parties, which spoke at the time, expressed their sympathy and then to appoint a commission of inquiry to inquire into the event...

**Mr. Speaker:** I think it reads on to say to make recommendation to prevent a recurrence.

**Mr. Nandlall:** The focus of that, Your Honour, is what you will call the ancillary matter. The gravamen of the motion seeks an inquiry, but the distinguished gentleman, who was asking for the inquiry, has already concluded it. That is my first observation.

My second observation is, as Attorney General and as a Member of this Government, that I cannot lend credence to any violation or allegation of violations of the law. I cannot stand here and defend the violations of people’s constitutional rights. I cannot condone the abuse of power. I will not do so. The sentiments which, I understand, drive this motion I am in absolute concurrence with them. These are issues that we have to continue to look at.

Fortunately, I did not get the impression that he said anywhere that there is some systematic or institutionalised policy driven by the executives to perpetrate and perpetuate these types of violations, because if he has said that I would part company with him absolutely. I do not think he is saying so. I have no doubt because the Minister of Home Affairs, who will speak after me, will continue to outline, as he has done in great details on previous occasion, the various measures, training programmes, policies that are being inculcated, that are being applied, that are being imposed, every single day, with the view of creating a professional law enforcement agency. That is the Government's intention. Mr. Felix, as a former Commissioner of Police, will tell, under this Government, the policies that he would have administered, which would have emanated from the executives, financed by this National Assembly, through the Consolidated Fund, through the national budget, are all designed to avoid the type of incidents to which this motion speaks.

Mr. Leader of the Opposition, police shooting civilians is something that the Constitution outlaws and the Government abhors and will always reject, the Government as well as the People's Progressive Party. One must not, at the same time, jump to conclusion that it is always the police that are at fault because we know, you, yourself, in your presentation alluded to the fact, that action carries reactions and therefore we have to be conscious; we have to be responsible and we have to be aware of our legal responsibility when we decide to exercise our constitutional rights to protest. You cited many protestations, you cited many incidents where protest actions were taken and they were no shootings. It is not that we do not have a record of incidence or a record of protest action being taken and they are no shootings. My friend is talking about selective shooting and we have had protest actions almost after or during every budget debate in this National Assembly, but none of us were ever disturbed by protesters here.

All I am saying is that it is not the police, on the one hand, that we must crucify, we must also take into account the fact that there is a history where protest actions resulted in violence, and resulted in a lot of political damage to the APNU and, perhaps, that is why the protest action is not an option that it would like to resort to in recent times - the APNU and the People's National Congress (PNC). [Mr. Greenidge: What do you know about that?] Mr. Carl Greenidge was not here, he was in Brussels, so he would not be able to relate to the incidences of the 1990s and in the early 2000s to which I am making reference. The "no fire and the slow fire", the burning on Regent Street and the violence connected therewith. We

have that history; we came from that and we cannot turn a blind eye to these things. The police would have been reacting to the situations that were at hand.

I think I need to make that point, as well as I want to repeat a point that I made a bit earlier about the use of a commission of inquiry. I have support from an unusual source so I will repeat my argument and then I will cite that source at a later stage. The Commission of Inquiry Act vests in the President the absolute discretion and power to appoint a commission of inquiry. For the avoidance of doubt I will read exactly what the Commission of Inquiry Act states.

**Mr. Speaker:** What volume is that, please, Hon. Attorney General?

**Mr. Nandlall:** It is Chapter 19:03, Your Honour.

**Mr. Speaker:** Volume?

**Mr. Nandlall:** I am still unfamiliar. It is Volume VI.

**Mr. Speaker:** Thank you.

**Mr. Nandlall:**

“The President may issue a Commission appointing one or more Commissioners and authorising Commissioner or Commissioners to inquire into any matter in which an inquiry would be in the opinion of the President for the public welfare.”

This is a power resided by this Parliament, this very National Assembly, maybe not this one in session but one of its predecessors, and resided in that power...

**Mr. Speaker:** Please cite that reference again.

**Mr. Nandlall:** It is Chapter 19:03, section 2, “Power to issue Commissions”. Your Honour, I would to emphasis that the vesting of that power by this National Assembly solely in the President. Then I want to read that section along with article 111 of the Constitution. Article 111 of the Constitution states:

“In the exercise of the functions under this Constitution or any other law,...”

*5.38 p.m.*

The framers of the Constitution, or any other law, did not confine a situation where the President has a power to act in his own judgement only under the Constitution. It states:

“...the President shall act in accordance with his own deliberate judgment, except in cases where, by this Constitution or by any other law, he is required to act in accordance with the advice or on the recommendation of any other person or authority.”

This “any other law”, I would submit, refers to and includes Chapter 19:03. Therefore the Commission of Inquiry Act as well as the Constitution concatenates to give to the President a power that he should exercise in his own deliberate judgement. We cannot, with the alarming frequency that I see repeated on the Order Paper and in discussions in the House, keep requesting the President to hold commissions of inquiry one after the other. You, effectively, are denying that deliberate judgement that the law and the Constitution vest in the President. The President must make a decision.

I want to cite a speech delivered in this National Assembly on 7<sup>th</sup> April, 2014 by learned friend, Hon. Deputy Speaker of the National Assembly, Mr. Basil Williams. I got it from the Parliament Office, Sir. [Mr. B. Williams: What is the year?] It is from this year, Sir; it is just from a few months ago. [Mr. B. Williams: What is the month?] It is 7<sup>th</sup> April, 2014. It was a speech made during the budget debate. This is how the National Assembly records it in the *Hansard*.

“Rodney Commission of Inquiry. It is unfortunate that the constitution of Rodney Commission of Inquiry has been attended by jurist...”

I think that has to be a mistake. [Mr. B. Williams: It is duress.] It is duress. [Mr. B. Williams: Yes.] It prints “jurist.” Your ability to articulate is well known in the Assembly, Mr. Basil Williams.

“...APNU recognises the right of Mrs. Walter Rodney to have closure with respect to her husband’s death. However, we do not accept that she has a role in determining the formation and the operation of the Commission of Inquiry. APNU regards this as the sole preserve of the person in whom Parliament has reposed that power.”

And that person is the President. Here it is that the leader of APNU is doing exactly what Mr. Basil Williams advised him, I presume.

**Mr. Speaker:** I believe Mr. Williams Basil spoke about the composition.

**Mr. Nandlall:** For the avoidance of doubt, I am reading what Mr. Williams said.

“The Commission of Inquiry Act, Chapter 19:03, gives the power to the person...”

It is referring to the President.

“...to act in his own deliberate judgment, not to be counselled and or procured. APNU sees the acceptance of the advice from Mrs. Rodney to exclude the Working People’s Alliance (WPA) and the PNC from being consulted on the setting up of the inquiry as an abdication of the responsibility given to the person in the Act.”

What is the leader of APNU asking the Parliament to do - to do the same thing? Is APNU asking the National Assembly to ask the President to once again abdicate his responsibility? This is the legal adviser of APNU who is speaking here. One cannot choose horses for tracks. One has to be prepared on a question of principle when one speaks. [**Mr. B. Williams:** *Not on all fours.*] What do you mean “*not on all fours*”? You are saying that the President should have never listened to Mrs. Rodney. He should have never been counselled and procured by Mrs. Rodney. How can you now say that he should be counselled and procured by the Leader of the Opposition? [**Mr. B. Williams:** We are not saying that.] Or by the National Assembly? It is the same principle. If he has, as you are saying, an absolute discretion, then he has an absolute discretion.

With those few observations, I believe that the motion should fail.

Thank you. [*Applause*]

**Mr. Ramjattan:** I would be rather short, too, just as the Hon. Attorney General, but I wish to make a rebuttal to his very first observation which was that because the Leader of the Opposition indicated, in very precise terms, that there were certain facts that emanated from the incident which probably led him to the conclusion that certain things happened, it should not be the basis for a commission of inquiry. I would like to ask a question in rebuttal in relation to the Walter Rodney Commission of Inquiry. PPP and the Government of Guyana have come out with a lot of findings in relation to what happened to Dr. Walter Rodney a long time ago. They have held a commission of inquiry. They are holding a commission of inquiry right now. It is not because of the fact that there might have been the opinion of certain sponsors of motions to have inquiries held necessarily means that they ought not to be

held. It is precisely for the reason that we want to bring closure to an incident that, in a sense, traumatised our community, at least in Georgetown, if not other places, that we must have commissions of inquiry.

We want a stable and secure society in Guyana and whenever there are going to be these skirmishes between citizens and the police it is almost the convention, if it has not been created as yet, it should be created, that the President should have a commission of inquiry. Shooting hot lead, as was said by the Leader of the Opposition, into the backs of ordinary protesting Guyanese who were doing.... [An. Hon. Member: It was pellets.] It was rubber bullets. Whatever it was, it is important for there to be an inquiry into what the circumstances were. It is probably very fortunate that it was just rubber bullets on 6<sup>th</sup> December, 2011, but we have known of situations where it has been hot lead and it has led to deaths.

The important point I want to make is that we, in Guyana, know the explosiveness of scenarios that can be the outcomes of shooting citizens when they are exercising their constitutional right to protest. As we know, as far as my memory could recall, the incident stemmed from getting statements of poll from the Guyana Elections Commission (GECOM) because there were certain allegations being made. Democracy means much for us now. If an opposition party is making a quarrel or grievance about seeing the statement of poll and it demonstrates for that, it is for a good cause.

I remember the PPP asking me to go and demonstrate all over for free and fair elections and I did it. We do not want the police to shoot people with rubber bullets or hot lead now because they are doing that. It is important that whatever the occasion or what we might want to opine as our personal beliefs from which the occasion arose or the facts behind it we must make sure that we have a commission of inquiry to understand the true reasons behind it so that we can bring closure to the incident. This is what the Hon. Leader of the Opposition is asking for.

I come from a tradition that would want to see the truth, a profession that always asks to have the truth out there. Whatever the truth is it is best pronounced by a commission of inquiry. Is that not why we are having the Walter Rodney Commission of Inquiry? It is so that we can have honest witnesses, even like the "Joe Hamiltons" who could go and confess that they were thugs in those years.

It brings us into the realm of reason and justice when there are commissions of inquiry of this sort. What was the truth? It could very well be that lots more than we know about transpired. Those unenlightened speculation that flow from the fact that the commission is not going to be done is also going to fuel explosive situations sometimes. In people's minds they could feel that lots more have happened there. The case must be rested, as it were. To that extent, a fact-finding tribunal called the commission of inquiry is what is required. It is always necessary.

When we, in our constitutional reform process, asked for so many commissions – the Ethnic Relations Commission (ERC), Women & Gender Equality Commission and Human Rights Commission – we wanted a culture to arise to the extent that we would get to the truth whenever there are grievances are made. We asked for the Public Procurement Commission so that when grievances, in relation to procurement arose, they could be dealt with. It is so that somebody in authority could make a reasoned deliberation, after hearing all of the facts, in a process of adjudication, in a sense, and then say that these are what have been found and it is recommended, from now on, that whenever there are, let say, protest demonstrations this should be the way forward and that should be the way forward, so that we can become wiser because of the fact that a commission of inquiry was held. That is all.

In a progressive democracy we must get down to the actual facts. By the way, there were parliamentarians of this National Assembly who were injured as a result of the shooting then. I sit next to one. My good brother Mr. Bond was shot, I understand. A former barrister and Brigadier (Ret'd) Collins were also shot. There were important people out there who were injured. What is the Attorney General stating? Is it that they should have carried the matter to the High Court and bring litigation against the police? No. It had a lot of politics behind it and the moral thing to do in the modern democracy, which we want to create, is to get to the bottom of it – what happens. The truth is that is what happened.

Whenever the commission of inquiry is done the basis is for all Guyanese to accept it. The terms have to be right and, of course, the commissioners, who would be appointed,...It should not simply be an internal police investigation that makes findings. It would be generally bias, but that will be needed, and that is the culture. The purpose behind all of these various commissions was to bring matters of grievances that arose out of certain situations in our country to a closure.

Notwithstanding the fact that the President of the country has the power – after due deliberation he, personally, would make the call – does not necessarily mean that the President should be selective about commissions of inquiry. As a matter of fact, the Alliance For Change is saying that once there is a shooting there ought to be some commission of inquiry, especially in connection with matters of politics. We would better our politics and we would better be able to proceed forward when we get these things done. Indeed, the President has the power but it is to exercise the power in such a way that this convention will be created to the extent that when people are shot and injured, especially when they are exercising their constitutional right of freedom of assembly and freedom of expression by virtue of their protest demonstration, there should be a commission of inquiry.

Thank you very much. [*Applause*]

**Mrs. Baveghems:** Mr. Speaker, I rise to support the motion in the name of the Hon. David Arthur Granger, which calls upon President Donald Ramotar to appoint a commission of inquiry into the injury of persons, like myself, who were injured by ranks of the Guyana Police Force on 6<sup>th</sup> December, 2011.

The great late Nelson Mandela once said, “I learned that courage was not the absence of fear, but the triumph over it. The brave man is not he who does not feel afraid, but he who conquers that fear.”

On the morning of 6<sup>th</sup> December, 2011, the hundreds of young and not so young Guyanese who assembled on the Square of the Revolution did so, not because there was an absence of fear, but rather because there was a cry – a cry louder than the fear. It was the cry for justice.

They felt that their votes had not been counted correctly by the persons at the Guyana Elections Commission. It was a genuine feeling across the land, that GECOM had dwindled and dawdled with the votes of the Guyanese people. Persons felt that they needed to exercise their democratic right by marching along the streets of the capital city.

The first Whereas clause speaks to article 141 of our Constitution, which states “No person shall be subjected to torture or to inhuman or to degrading punishment or other treatment.” I would like to know if the commanders in charge of those policemen, who exercised such aggressive force on peaceful Guyanese citizens on the streets of Georgetown on that unforgotten day in December, have any knowledge of this article. It is hard to believe that they were aware of such a clause. The aggressive force used by the police on persons who

posed no threat whatsoever, who threatened no one or attacked any one reminded me of the slave masters who would beat their slaves within inches of their lives if they did not get the prices they anticipated for their crop at the market.

I along with two elderly persons sought medical attention at the Georgetown Public Hospital Corporation, having received several shots. I assure you, Sir, I had no weapons and I made no threats. It was the police who insisted that we disperse and it was the same police, my protectors, who shot us in our backs as we walked away from them. Where is our justice, Mr. Speaker?

Forgive me, Mr. Speaker, for quoting again from the great late Nelson Mandela. For I have experienced and continues to experience what it must have been like for Mr. Mandela and all the other South African brothers and sisters who lived in apartheid state. For I, like so many Guyanese, feel that there are those amongst us who would like to make Guyana another South Africa. Mr. Nelson Mandela said, “For to be free is not merely to cast off one’s chains, but to live in a way that respects and enhances the freedom of others.”

I, like the many persons, mainly young people, was exercising my democratic right by calling on the GECOM to release for verification the statements of poll derived from the 28<sup>th</sup> November, 2011, regional and general elections. Since we felt that the credibility of GECOM was compromised, our legitimate complaints were over the unannounced last minute changes, delays in the counting of votes, mistakes in computation and the failure to make statements of poll available for public scrutiny. What is wrong with that?

The police in their statement said, “Our actions are usually in the interest of the maintenance of law and order and in support of the safety, security and well-being of all Guyanese.”

The total disregard for human life, which was displayed by the members of the Guyana Police Force on 6<sup>th</sup> December, 2011, on peaceful civilians continues to this day. How could the police expect to maintain law and order with such an approach? There are many more questions than answers and I, like many persons who were physically abused and had our fundamental right trampled on by Members of the Guyana Police Force, support both resolve clauses and call on the President of the Co-operative Republic of Guyana to appoint a commission of inquiry into the injury and shooting of peaceful citizens on 6<sup>th</sup> December, 2011 by members of the Guyana Police Force.

I thank you. *[Applause]*

**Mr. Felix:** I rise in support of the motion brought by the Leader of the Opposition, Brigadier (Ret'd) David Arthur Granger, in which he seeks the appointment of a commission of inquiry to inquire into the shooting and injury of several persons on 6<sup>th</sup> December, 2011 in or near Hadfield Street in the city of Georgetown.

On that day, a crowd which had gathered on the Square of the Revolution dispersed in different directions, some along Brickdam and some along Hadfield Street, when members of the Guyana Police Force arrived and without warning commenced discharging their firearms at that crowd. That crowd was a non-violent, non-threatening crowd. All the people were doing was walking. That was their offence. It was from the Square of the Revolution to some other destination. Among the persons injured were Members of this House, Attorney-at-law James Bond, we just heard from Mrs. Baveghems and retired Brigadier Edward Collins.

That incident brought into immediate focus the Constitution of the Co-operative Republic of Guyana, more particularly article 147 (1) which affords every citizen protection of freedom of assembly, association and demonstration, while article 148 which provides protection for the freedom of movement throughout Guyana. Therefore the shooting of citizens, in my practice as a policeman, is a last resort. In other words, there must be an attack and the police must be unable to defend themselves by any other means before the firearm is used. I did not see that appeared anywhere in that incident. All I saw was a desire to shoot.

Police shooting, as I have said already, somewhere else, is becoming a wayward practice. They shoot because they have guns. They do not shoot because of the prescribed reasons, which I will refer to a bit later. For any shooting, there must be justification. Could anyone present to me the justification for that shooting? It is whether the Attorney General would wish to do so, or any other person. There was no justification.

The action of the police constitutes the use of excessive force against unarmed civilians and it deserves an inquiry into the correctness of the conduct of the police. Why an inquiry we would have? We want to know what triggered that shooting; we want to know who is at fault; we want to know if the police followed the operational procedures, which I know are enforced, and what corrective measures the Government intends to take to ensure that there is a police force that is non-threatening and non-aggressive towards its citizens and would protect them.

The police definitely use more force than it is necessary to deal effectively with a situation, to effect an arrest or to prevent themselves or others from harm or death. In this regard, law enforcement agencies have policies that guide their use of force, more so extreme force as the resort to the use of firearms as described. These policies describe an escalating series of actions which the police may take to resolve a situation. Thus, in certain jurisdictions a continuum for the use of force has been developed. Generally, as continuum suggests, there are many levels and law enforcement officers in those jurisdictions are instructed to respond with a level of force appropriate to the situation at hand, acknowledging that policemen may move from one part of the continuum to another in a matter of seconds provided that the level of violence or resistance escalates.

An example of the continuum on the use of force is as follows:

- The first thing the continuum presents and recommends is police presence. No force needs to be used but what is considered best is that the mere presence of law enforcement and law enforcement officers works to deter crime and diffuse a situation. The attitude of these officers needs to be firm, professional and non-threatening.
- The next level is verbalisation. Force is not always physical. Law enforcement officers issue calm non-threatening command as we always get on the roadways - "Let me see your driver's licence." They may increase the volume and shorten the command in an attempt to gain compliance. It is short commands - "Stop" or "Do not move".
- Then there is the empty-handed control. Police may resort to the use of bodily force to gain control of a situation. There is the soft technique and the hard technique. Police may use grabs on the soft technique, and holds joint locks to restrain an individual. The hard technique refers to arrest where there is a struggle.

*6.08 p.m.*

What we do know is that an arrest in Guyana is the taking or restraining of a person from his or her liberty in order that he or she may be forthcoming to answer an alleged or suspected crime or offence. This taking or restraining of a person is the physical act of holding a person to restrain their movements and it could only be done by the police for a cause, under the provisions of section 16 (1) and (2) of the Police Act, Chapter 16:01.

The sixth sub paragraph of subsection (1) sets out the conditions for the arrest of offenders of the law by the police. However, in the subsidiary legislation to the High Court Act, Chapter 3:02, the judge's rule, which came into operation in Guyana in June, 1964, Rule B asserts that police officers, otherwise than by arrest, cannot compel a person, against his will, to come to or remain in any police station. This suggests that an arrest must be effected where there is cause under the provisions of Chapter 16:01, but the Guyana Police Force goes further to delineate for recruits and other members of the force, the steps to be taken when effecting an arrest.

Then there are the less lethal methods. Law enforcement officers may use less lethal technologies to gain control. We talk about the baton, the blunt impact; we talk about chemicals sprays and conducted energy devices such as the taser. Having indicated the non-lethal responses available to the police, can we say that police action on the 6<sup>th</sup> December, 2011 approximated any method or technique described? It appears that their only mission was to shoot and escalate violence from start against unarmed citizens as though they had no right to walk on the street as a group. The unnecessary use of force by the police has us resembling a state in repression.

I move now to lethal force. Police may use lethal weapons to gain control of a situation. It should only be used if the suspect poses a serious threat to the officer or individual or in a riotous situation. There was no riot on 6<sup>th</sup> December. Officers used deadly weapons such as firearms to stop an individual's actions under violent circumstances. In this regard, the use of firearms by members of the Guyana Police Force is controlled by orders from the Commissioner of Police since 1969 when an order on when you may fire was published in Force Orders No. 33 of 1969. It goes as follows: You may fire when you are attacked. I would ask to let us sit and recall that situation in Hadfield Street and to see whether the police followed their own orders.

- when you are attacked and apprehended serious danger to your person and you are unable to defend yourself by any other means;

An attack does not necessarily mean to shoot. What it requires is that the officer must be unable to defend him or herself by any other means.

- when property you are ordered to defend is attacked and that you are unable to safeguard it by any other means;

- when an attack is made to rescue a person in lawful custody;
- when anyone is found committing or about to commit a felony, for example murder or dangerous violence to a person, robbery, burglary, shop-breaking, store-breaking, housebreaking, arson, and larceny and do not desist after warning and cannot be deterred or arrested by any other means;
- to prevent a police force or outpost from being overrun.

These rules are, again, supported by certain guidelines and they go as this:

- The use of a firearm must be resorted to only when other means are found ineffective to deal with the situation.
- The degree of fire used should not be more than is effective to deal with the situation.
- Whenever possible, a warning should be given before using a firearm.
- When it is decided to open fire it must be borne in mind that this course of action should be preventive and not punitive.
- Firing must cease the moment the desired effect has been accomplished.

A comparison between what took place on Hadfield Street on 6<sup>th</sup> December and the guidelines for armed intervention by police should indicate that ranks of the Guyana Police Force failed miserably to observe the rules set by the hierarchy of the force to ensure safe resolution of incidents, armed or unarmed. It is also clear that there was no need to use a firearm in the circumstances on that day. The Guyana Police Force is not unknown to use excessive and deadly force without regard to the rules governing this subject. At a glance, the Linden incident on the 18<sup>th</sup> July, 2012 when Shemroy Bouyea, Allen Lewis and Ron Somerset were shot and killed during a protest where the participants were unarmed is an example.

The conditions under which the police can be expected to shoot never appeared in that incident. Except for a few policemen hearing an explosion and evidence that missiles were thrown at police, not a firearm was discharged by the protesters, but the police shot and killed three men and wounded scores of other persons, many of whom were bystanders.

My tenure as a policeman, I can recall policing several protests illegal marches, in Canje, in 1989, no one was shot. I can recall policing a march which was led by, at the time, Mr. Clement Rohee and another member of the PPP. Nobody was shot. Today, all that we see is that there is a pattern, as the Leader of the Opposition puts it. Check where these shooting occur - Georgetown, Linden, in the main. This brings into question the recent use of firearms on Kurt Edwards, who was arrested at his home without any apparent cause, not taken to a police station, but ended up being shot in the mouth during a game of Russian roulette.

Last year, there were two reported police operations in which young men, painted to us as criminals, were killed by the police. In February 2013, Troy Ogle, called 'Skin teeth', Leon Gittens, called 'Cow' and Quincy Alexander were killed in a police operation. In October 2013, Jermaine Canterbury called 'Chow', Mark Anthony Joseph and Romario Gouveia were shot and killed in a similar operation. Mr. Speaker, I would never like to describe that to you. All those police shootings have a familiar similarity. The men were accused of committing crime without any overt act. They were shot in an exchange of gunfire and invariably the public is given a different account. Unfortunately, the police story went unchallenged because of the absence of inquest, as required by the Coroners Act, Chapter 4:03, sections 4, 5, 6, 7, 8 and 9.

There is the observation that the Guyana Police Force needs to review its operations to ensure that, as far as it is reasonably possible, that its armed engagements are resolved safely, without loss of life to either police or criminals. This has to be coupled with the need to reform the force in ways that sharpen its skills to have successful interface with armed criminals. Such a training course, I know, was brought here in 2005 but it has been abandoned. "The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", *Eight United Nations Congress on the Prevention of Crime and Treatment of Offenders, Havana, 27<sup>th</sup> August to 7<sup>th</sup> September, 1990, UN.ACONF144/28REV1, at 112, 1990*, would guide the Government as to its obligations to provide the Guyana Police Force with equipment and various types of non-lethal, incapacitating weapons and ammunition to deal with different and varied situations.

Members of the Guyana Police Force must be equipped with protective equipment, bulletproofed vests, shields and vehicles. The shooting of our citizens with ammunition of any kind is undesirable and was unnecessary on the 6<sup>th</sup> December, 2012. The police were not prepared to deal with persons who were dispersing from the Square of the Revolution in a

professional manner. What we have discovered is that the police will continue to abuse its power and ride roughshod over the constitutional rights of Guyanese citizens. That is why we ask for this commission of inquiry. This commission of inquiry must point the force in the direction it should proceed in the future. It should identify all the issues which the force needs to grapple with to change this wayward part of the police force from continuing on ways that are unprofessional and to give the Guyanese public a police force that would protect it.

I support this motion, which requires the President to appoint a commission of inquiry, under the Commission of Inquiry Act, Chapter 19:03, to inquire into the injury of persons by police shooting and to make recommendations to prevent a recurrence of such shootings.

Thank you. [*Applause*]

**Parliamentary Secretary in the Ministry of Health [Mr. Hamilton]:** Let me first begin by saying that under no circumstances, I suppose, any one of us, as citizens, should condone police shooting of unarmed citizens. Secondly, as I heard the mover of the motion indicated that all three of the parties, which participated in the elections of 2011, condemned the police shooting the day in question, the 6<sup>th</sup> December, 2011. Hon. Member Mr. Felix, who just finished speaking, spoke about many issues that he indicated this commission of inquiry would seek to deal with. I want to believe that many of the issues, regarding the police force and its work, were covered in the Disciplined Forces Commission. Many of the things, which Mr. Felix alluded to, are not new things, they are recommendations that are in the 2004 Disciplined Forces Commission Report in which all of us should have read over the period.

One of the issues in the conversation, which at all did not come up for mention - Ms. Baveghems, in her presentation, made a passing reference – is how we will cause in the future, at elections time, the Guyana Elections Commission to issue timely reports to the citizens, because, as I recall, the issue that triggered the protest and triggered the shooting stemmed out of a delay as regarding citizens and their interpretation of timely information of an election results. It is a fundamental issue that we, I think, should pay some attention to and give similar importance, as we would want to give, to how the police should operate in dealing and treating with protest matters.

The other issue is - we are now going back to the matter – that citizens were confused as to what the issue was. I mean, was the issue at that time a delay in the results? Was the issue at that time some party felt that it was being cheated out of a result of winning an election? All

of those things were out there. The other thing about the issue of a commission of inquiry, for the last two and a half years we have been here, and if I go back, I would want to believe that there were at least over half of a dozen recommendations of commissions of inquiry to deal with specific matters. The question to be asked is: Are we going to manage the state via a commission of inquiry? That is a question to be asked because the President, in his deliberate judgement over the period of two and a half years, was to pay attention to the recommendations and motions coming out of the National Assembly, I suspect we would have been involved in a commission of inquiry every quarter, or as Minister Benn said, every month, because there are several issues, which are of administrative nature, that have come to this National Assembly where people are asking for a commission of inquiry to be set up - several issues. There are administrative issues.

There are issues that have to do with how people function and how they administer within the portfolio and their sector, so the question, again is: As the National Assembly, do we want to run the state via a commission of inquiry? Or, do we want to strengthen the administrative capacities so that persons and the systems and the rules and regulations that we enact, they are effective and they are efficient? That is the fundamental issue. It is not so much of having a commission of inquiry to report on matters. The matter of the police and how they discharge their functions goes beyond the 6<sup>th</sup> December, 2011. Mr. Felix went into a historical perspective of the matter. It is not constrained to the 6<sup>th</sup> December, 2011. I submit that there are enough recommendations in the 2004 Disciplined Forces Commission Report that the Hon. Leader of the Opposition, I am told, served on, in which the necessary recommendations it has come with should be brought forth to this nation to say this is how it will fix or can fix these matters.

I would want to urge us that we should use our energies, in my view, instead of having the President appoints a commission of inquiry to investigate this specific matter, to review and revisit the 2004 Disciplined Forces Commission Report and to see what was enacted, what was outstanding, what is to be done and how we can treat with the way police deal with citizens based on the recommendations.

The second point that I raise is none of us are anyway wiser as to whether we have local government elections or general elections, whether we would not be faced with the same dilemma as a nation, waiting for days on election result coming out from GECOM. That is a matter also which we should pay attention, to see how best we can get the necessary

guarantees and understanding from the Guyana Elections Commission that it will deal with dispatch and expedition with electoral matters and election results. If we pay attention to that matter, I suspect that we would not have to resort to commission of inquiry to deal with police shooting for people protesting late release of results and people protesting, timely release coming out of the Guyana Elections Commission.

Those are the two matters I would want to speak to and would again say that the matter, which is raised here, in my view, can be dealt with and should be dealt with in the administrative framework of the governance of the force, the administrative framework of the governance of the Guyana Elections Commission and how it conduct elections and how it informs citizens in a timely manner.

Thank you very much. [*Applause*]

**Mr. Bond:** I rise to support the motion before this House today. It is quite unfortunate that whenever the Opposition, and I dare say the joint Opposition, requests an Act that would be in the interest of the Guyanese people, the People's Progressive Party/ Civic automatically frowns on it. I could remember there was the motion for the commission of inquiry to investigate the trafficking in persons. That was met with some opposition. The motion with regard to the outbreak in Region 1, that was met by some opposition; to lower the Berbice Bridge rate, just recently, that was met by some opposition. We have all, on this side, sought to protect the rights, sought to protect the interests of our fellow Guyanese. This is not about the setting up of a commission of inquiry for the sake of a setting up of a commission of inquiry, and the slight regard with which Members of the opposite side are paying to this issue is quite alarming. As you know, what I get from listening to my friends on the other side is that we do not give a hoot if this thing happens again to you. We do not care if this happens again to you. You go out there, you protest and they shot you again, we sleep good. Yes, we sleep good. Yes. According to Minister Rohee, he does not lose any sleep on that. Yes, he sleeps better. "I do not lose any sleep on it." I was, fortunately or unfortunately, Sir, ... 6<sup>th</sup> December. I would have read the reports and, of course, ... I find myself in the habit of reading other reports of acts of protesters. Of course, we have all read about the Arab Spring, what happened with the Arab Spring uprising, we read about Tiananmen Square protest in China, about the United States of America, the actions of protesters in Washington, in particular, and there has always been a positive that came out of those negatives. In all those of situations there was a positive. Looking back at 6<sup>th</sup> December, there was no positive.

This issue is still unresolved. Families are still traumatised. My son was telling me, a few mornings ago, “Daddy, be careful because the police will shoot you.” After I was shot he said, “Daddy, police shoot you?” There is this trauma. Persons are still affected.

Where that incident happened it was a school; there was a day care; residents were there. It was a very crowded area. There were the Palms and the Guyana Telephone and Telegraph Company Limited (GT&T). That incident did not occur in an isolated area. That directed more than the protesters themselves and I would like to have a commission of inquiry. I think I would love to have a day whereby I could get answers for what Greenheart and Takatu mean. It is because I heard officers saying Greenheart and Takatu. I want to know what those codes are. I called a senior officer as soon as I was shot, and the phone records are there, and the senior officer told me, “Mr. Bond, this is out of my hands now.” I wonder what he meant by that. [Mr. Bulkan: Taking instructions.] I do not know.

There are a lot of answers that I want personally, but besides it affecting me personally, I think Guyana needs to correct certain mistakes and correct them quickly. We cannot take 30 months. I dare say with the responses given that this may take about another three, four years. I think we have to wait until we cease power, through the ballot box, of course. [Mr. Rohee: Cease power.] Yes, cease power through the ballot box. We have to wait until we acquire power to put things in place and correct these injustices because the other side does not seem as if it is eager to remedy our wrongs.

If I may just give a factual matrix to persuade the Members of the other side as to why it is important to get to the bottom of this. I was responsible for the application process of getting the application of the police, whereby we could hold those marches. The idea of the marches, of course, was to be peaceful marches, to show solidarity, to show that we felt aggrieved that our votes were being stolen. We felt that there were certain irregularities. We felt that there was a certain amount of *crookishness* within GECOM to siphon off a portion of our votes to the ruling party. We decided that we needed to march against it; we needed to make public statements against it. Being the person responsible, I met with the commander of the division at the time, who was very cooperative in that instance. On the morning of the 6<sup>th</sup>, he told me that he will not give the permission to march then. I enquired why and he said the route proposed was going to be a worry. He did not want us going down the business corridor of Regent Street. I proposed to him and I said that that was what we would have done. I said that we would have marched north along Vlissengen Road and we would have gone straight to

North Road and proceed west. I said by then, that he did not have to worry about Regent Street anymore. We would have come around Church Street and had our rally back at the Square of the Revolution. He said that it sounds good. He said that he would have given me the permission to do it on the 7<sup>th</sup>. I left his office. I think there were other senior officers in there with him. I went and relayed that to the persons gathered at the Square of the Revolution.

Sir, I am no seasoned politician now and I was no seasoned politician then. It was a tough task explaining to the crowd that we were not going to march. Persons began to rebel, “We are marching anyway”. “We are going”. We began to gather everybody together and said, “Look, we are not going to march. We do not have the permission.” It was tough convincing them. Thanks to God, Brigadier Collins was there. I think the army - I am sorry I did not join the army to receive some of the training that our military servicemen have received – intervened and we came up with a plan to go and disperse, but we would dispersed two by two.

*6.38 p.m.*

I explained this to Mr. Watts and Mr. Singh. I said, “You are telling us to disperse but I know deep down there can be elements to be infiltrated and some go scattering Regent Street and some go scattering elsewhere. This group is not going to infiltrate it today. We are going to take charge of this and we are going to go back to Congress Place”. That was the plan. He said okay. We walked two by two. We said that we were going to go down Brickdam, turn into Hadfield Street, then into Louisa Row, then into D’Urban Street and back to Congress Place. That was the plan explained to the officers on the ground, who were from the Brickdam Police Station. If persons could have remembered the footage of 6<sup>th</sup> December they would have seen us walking, sometimes hands in hands and sometimes raising our hands. They could not have said that we threw bricks at them or pelted them with stones and bottles or we had wood or anything such as that. Lo and behold, Greenheart and Takatu came into play. I do not know what is the code but the policemen were on their radio sets and they were corresponding with some unknown person. I do not know who they were communicating with. I could not have said on that day, but I distinctly heard those two codes. I do not know who Greenheart was and who Takatu was.

I and others were marshalling and it was so peaceful that you, Mr. Speaker, would have not believed it. We went out that day to have a peaceful march and we did not get the permission

and we were respectful to the powers that be and were complying with what the instructions were. Lo and behold, when we turned Sendall Place, there was - I do not know whether it was Greenheart or Takatu – that wall of force. Strangely enough, we were in the forefront, Mr. Collins and I; Ms. Lurlene Nestor was there; also Mrs. Baveghems was there. The strangest thing was that we heard the word “disperse”. We were saying “We are trying to disperse. There is no need to tell us to disperse. We had left the Square of the Revolution; we were dispersing.” Lo and behold, I saw those officers - that wall of force - cocked their guns. I have said this often that I thought that I would have died. I took off my glasses and I was prepared to meet my maker. I did not know about rubber bullets; I did not know what those were. It was the first time. I know about the courtrooms. I swore that I was going to die that day. I made my peace with the Lord Jesus Christ and I was prepared to go home.

Then the first volley was fired. No one was trying to hit the police; no one was trying to hurt the police officers because we were a few feet away from them. The first volley went off. I think Brigadier Collins absorbed a lot of that. I got grazed by a couple of shots and then we saw the women around us started falling down. I mean, the protest was not all men but there were a lot old women, a lot of young women and bodies just started collapsing. We started picking up people and urging them to run and that was when I felt the first volley. After I felt the second volley in my back I said that they would have had to kill, but it was too much. People may say that it was just about rubber bullets but I want them to take some shots with those same rubber bullets. A person should take some shots with it. I got three volleys, especially when it hits a person. The most painful part is the neck area. Persons only saw the back but at the time I went home the neck was swollen because the neck is a very sensitive part. For persons who think that rubber bullet is an easy thing then go and ask Assistant Superintendent of Police Mr. Todd to fire a few volleys at them and see how it would be.

I want to say this: Had it not been for the leadership of the APNU that day it would have been a catastrophe. Had it not been for the people who got shot that day at the forefront it would have been a catastrophe because I now understand what our leader said about elements. There was a gentleman, who was driving a bus, shouting “*Let we go and bun down; let we go and kill their mother’s*” and he went on. Had it not been for us saying “Let us steer this course” - Brigadier Edward Collins is a general indeed - “Do not let us get caught up in that nonsense”... We went directly back to Congress Place. Of course, we were intercepted. Mr. Watts came with the vehicle and one of the young police officers assaulted Mr. Collins with a baton. Persons are talking about protestors and what happened in 1997 and 2001 and electoral

violence, had it not been for the leadership of the APNU on the ground, that day... I understand now how political violence...It does not start, most times, by the majority. Persons went to peacefully protest, to exercise their rights to freedom of assembly and freedom of association and freedom of speech but there is that one element, that one person, in that bus who tried to stir up and sow the seeds of racial discord and national disunity. APNU has sought...

I am proud to stand here as a Member of the APNU and say that we are not a party of violence. Which party, as persons will know of, will see its leaders being shot? We are saying that we want to know why this happened and we do not want it to happen again. We are not asking for retribution. If I wanted retribution I would have gone to court and sue the police officers, but I have forgiven them. I have forgiven Mr. Watts and Mr. Singh. I have even forgiven Mr. Rohee. I have forgiven all of them because at the end of the day I knew that I was standing on the side of justice. I am always saying that if someone does me something that person does not know better. I know better and so I could do better. That is all we are asking of the PPP/C, it is to do better.

The Members said that they were victims. I like to hear stories of the Mr. Odinga Lumumba, dragging and beating him, but they have got Mr. Lumumba back into their fold. Whenever they see it they must frown and condemn it and deal with because they are saying that they went through it. It is not because the shoe is on the other side of the foot now that they are going to laugh and rock back and will say that it does not concern them and that they do not want a commission of inquiry and that they cannot influence the President. Any caring President would not even have to be coerced. The minute he hears that a Member of or one of his countrymen has been injured...We should not have to bring this into coerce and cajole the ruling party to establish a commission of inquiry. He should be, as a caring President, telling Mr. Nandlall to draft the terms of references and get the show on the road, but we know that advice, from the tone and tenor from my learned friend the Attorney General, may be slow in drafting the terms of reference.

I implore this House not to look at the inquiry in the light that the Members are looking at it. This could very well happen again. When we are in Committee Mr. Benn always says that when we are drafting we must cater for when we will be in power too. I want to advice the Members on the other side to cater for when they will be in the Opposition because a few

years from now they will be over here and we will be over there. They would not want us to treat them as how they are treating us now.

This is all, Sir. [*Applause*]

**Minister of Home Affairs [Mr. Rohee]:** I want to suggest that the call, once again, for a commission of inquiry to be established to inquire into the events that took place on this particular day... I would like to state, from the very onset, that I do not support it. I do not need to speak for 15 minutes to say that. I do not support it. I think that we could resolve this matter by resorting to two options which I believe that this honourable House would be fulfilling a historic mission were it to do so.

The first has to do with recommendation 55 from the 2004 Report of the Disciplined Forces Commission which states the following:

“Parliament should establish a commission on public safety to which the Minister of Home Affairs would be answerable.”

So far Parliament has not moved to do this.

**Mr. Speaker:** Could you read that for me again, please, because that is a matter...?

**Mr. Rohee:** It states:

“Parliament should establish a commission on public safety to which the Minister of Home Affairs would be answerable.”

This was a precursor and the Hon. Member Mr. Granger was one of the architects of this.

**Mr. Speaker:** We did move, Hon. Minister, to establishing the Standing Committee of the Parliamentary Oversight Committee on Security Sector of which you are the Chairman and therefore cannot be brought under oversight.

**Mr. Rohee:** Yes, I am coming to that. You are quite correct, Mr. Speaker. That is why I was saying that this was the precursor for what was to follow. As a result of conversations between the Government and the then Leader of the Opposition and other stakeholders, I think your good self was there in those negotiations, Mr. Speaker, eventually led to the call for the establishment of a Parliamentary Oversight Committee on the Security Sector. In fact,

apart from the call, which was made, in the Standing Orders of the National Assembly, Standing Order 87, states:

“(1) Pursuant to Article 119 D of the Constitution, as soon as may be after the beginning of each National Assembly, there shall be appointed a Standing Committee on the National Assembly named the Parliamentary Oversight Committee on the Security Sector which shall have responsibility for examining the policies and administration of the entities in the Security Sector, namely the Disciplined Forces of Guyana.

(2) To assist in its work the Committee shall have the power to co-opt experts or enlist the aid of other persons of appropriate expertise, whether or not such experts or person are Members of the National Assembly.”

Rather than going this route of every time...I mean we can do it for the upticks and the politics. Maybe there is something that the Leader of the Opposition and his party has somewhere down the road with this journey of forum shopping, as they call it, to establish these commissions of inquiry. So far, the Leader of the Opposition has asked for five commissions of inquiry to be established and this one being the sixth and there is another motion that is to come sometime, later on. The Leader of the Opposition has asked for a commission of inquiry to investigate the incidence of criminal violence from 2004 to 2010; he has asked for a commission of inquiry to investigate the incidence of trafficking in persons; he has for a commission of inquiry to investigate the incidence of illness and deaths in the Barima-Waini Region; he has asked for a commission of inquiry to investigate the incidences of maritime and riverine incidences, injuries and deaths and he has asked for a commission of inquiry to investigate the torture of persons and others. Now he is asking for a sixth commission of inquiry.

One of biographers of Napoleon once asked: “How many legions do we go?” I would like to apply that question that was asked to Napoleon Bonaparte of “How many legions do we go? It is in respect of these commissions of inquiry.

I respectfully suggest that the route to go is that the Leader of the Opposition has the option of either of these two. He may not necessarily agree with what his predecessor, Mr. Robert Corbin, had agreed to, which was the establishment of the Parliamentary Oversight

Committee. He may want to go the route which calls for the establishment of a commission on public safety. That would be my humble recommendation.

The Hon. Leader of the Opposition used some very fanciful and seemingly attractive terms when he made his opening remarks on this matter. One that struck me is when he said that “violence plays with the mind”. I do not find that unusual coming from the Leader of the Opposition, having regard to his background as a military officer in the Guyana Defence Force and his familiarity with the practice of SAI OPT. This is a physiological play of words when he introduced the concept that violence plays with one’s mind. It has some very implications and permutations for those who may wish to delve deeper into a matter of this nature.

What is even more striking is when the Hon. Leader of the Opposition introduced another concept where he spoke to the presumption that certain citizens in certain communities are being targeted. It does not take one who has been around for quite some time to discern what the Hon. Leader of the Opposition was referring to. I want to suggest that - with due respect to the Hon. Leader of the Opposition, and I respect his office and the position that he holds - those play of words could be exploited by people who have other objectives in mind. I disagree, completely, with this assertion because the history shows something different.

As recent as 2005, when the Hon. Member Mr. Felix was the Commissioner of Police, persons who were protesting on the Corentyne and blocking the roads were shot at and they were persons of a particular community. [Mr. Felix: They did not die.] I do not know that anybody died at this incident that we are debating here. Furthermore, after the massacre at Lusignan, when the residents on the East Coast took to the streets, blocked the road for many days, burnt tires and threatened people it extended itself to Bath Settlement on the West Coast of Berbice. Those were certain citizens from certain communities. The Hon. Member Mr. Felix had already demitted office and another commissioner had occupied the seat which he once warmed. It was the very police who opened gunshots on the protestors coming from certain communities and certain backgrounds. I would wish, with the force of these two examples, it admonished completely and unequivocally the assertion that this administration and the Guyana Police Force targets specific citizens and communities.

Reference is made about the police shooting and that it appears to be a culture but this culture did not appear in 1992. I would wish to refer to a speech as recent as of the 24<sup>th</sup> April, 2014 in which I myself delivered and that was at the annual conference of the Guyana Police

Force which the Minister of Home Affairs, followed the President, was expected to address. This is what I said:

“The force is steep in traditions that have been developed over its 174 years of existence. However, bureaucracies like the Guyana Police Force must go through reform processes if they are to remain relevant. The world has been developing and Guyana, being part of the world, has been undergoing rapid social and economic changes. These new realities have forced governments to review the way they govern including the provision of safety and security to the citizens.”

I went on to say:

“The Guyana Police Force, which was established in 1839, was designed to suit the circumstances that prevailed at the time. It is an accepted fact that your organisation has undergone many adjustments over its 174 years of history but the time has come for fundamental reorganisation to be undertaken to take the force to a level where it is able to better serve societal needs.”

I do not think that a Minister of Home Affairs, not the Minister of Home Affairs, would have said it better. These are directions to the leadership of the force.

I do not know if the Leader of the Opposition could remember, but we go back a very far way. The other day I was checking my files and I found that Mr. Granger and I sat in at two activities at the City Hall. One activity was when a gentleman by the name of Mr. Mittelholzer was brought here by the administration to plant white potatoes at Kato. Mr. Granger, I think, was being prepared for the Guyana National Service and he was sitting in the audience and I was sitting not far from him. The other occasion was when J.O.F Haynes, the distinguished jurist - I think there are some who are aspiring to be as him in this audience - was invited to give a lecture at the City Hall and he was asked to speak, by those who had invited him, on the independence of the judiciary. Mr. J.O. F Haynes went and said that he would not have spoken on the independence of “the” judiciary because he knew under that administration there were serious political implications for him to so speak. He announced that rather than speaking about the independence of “the” judiciary he will speak on the independence of “a” judiciary. He sought refuge in neutrality so that he could be safe.

I take cognisance to what was said by the Hon. Leader of the Opposition, that the force has come a very far way with certain traditions and culture, and I believed that this was

recognised. I refer once again to the 2004 Report of the Disciplined Force Commission. The report had this to state, recommendation 18:

“Some elements of the training and disciplinary activity that may be perceived as military should be maintained.”

Note this. While some are calling for this to change the Disciplined Forces Commission said that some elements of the training and disciplinary activity, which may be perceived as military should be maintained. The force, in reviewing this decision, said that it is continuing in that direction.

This nation has to decide what it wants of the Guyana Police Force. This tug of war, which is taking place in respect to the future and the destiny of the police force, has to be settled. The force cannot continue to be a victim of tug of war between the political forces in this country. As of my view, I believe that the way to settle these issues..., lest we create difficulties within the force and demoralisation within the force. It is important that this oversight committee, set up by the Parliament, must be triggered and established.

*7.08 p.m.*

Mr. Speaker, the onus rests with you to spearhead, to initiate, to take action... This is going to be one of your legacies that you may leave to this Parliament. I am reminded that the names are already there and it is only a question of convening and electing the Chair. Constantly we are being accused of not having political will. I believe political will is not only relevant to political parties. Political will is relevant, Mr. Speaker, because I saw a statement you made earlier when you met with an non-governmental organization (NGO) and you referred to the question of political will and the role that the Parliament should play in mustering the political will to get these bodies going such as this one.

If one wants to refer to the shooting culture of the Guyana Police Force there are ways in which this matter could be addressed. I do not support this. It is a very dangerous proposition that we are being told that it is just a matter of time when people will feel free to shoot at the police. It would be a very sad day for Guyana. Remember the point that I want to make is that when the Leader of the Opposition pronounced on the matter in the National Assembly it is a public statement. It is not any individual out there at Bourda Market or Stabroek Market who is speaking; it is a constitutional position. It is a constitutional voice that is expressing a view. I am concerned about the signal. That is what I am concerned about. I am concerned about

the signal that it is sending and in the direction in which it is going. Being the Leader of the Opposition, whomever that person might be, that office holder, it is not a position to be taken lightly, because it is the Leader of the Opposition who usually sits with the highest office holder in this country, the President, to settle certain matters. I am very worried that with this statement it is just a matter of time when people will feel free to shoot at the police.

The question was asked... *[Interruption]*

**Mr. Speaker:** One second, please. We could have this debate elsewhere but the record will show that the meeting was convened and a request was made not to proceed with the meeting, to have the Chairman of that Committee elected but I did call the meeting. Go ahead please, Hon. Minister.

**Ms. Teixeira:** Excuse me, could you repeat that, Sir?

**Mr. Speaker:** I did convene a meeting to have the Chairman or Chairperson of that Standing Committee elected and it was deferred.

**Ms. Teixeira:** Really? It is rather interesting, especially when the selection of the Chairman by resolution of this House can only be a Government Member. It is interesting. Thank you Sir

**Mr. Rohee:** A rhetorical question was asked about who decides who gets shot and implicit in this question were suggestions that there were some methodology, which was used in determining who gets shot, that is systematic, it is calculated and it is planned. I could understand that this is coming from a person such as the Hon. Member Mr. Granger. Again, given his military background, because as it is known, having sat on the Defence Board in the Central Intelligence Committee, which I think some of you are aware of, he gets more acquainted with these things. Some of these things are rather frightful. Personally speaking I am very worried about what is implied. From what I understand, one of the best military planners, the GDF ever had, was Mr. Granger. **[Lt. Col. (Ret'd Harmon: How do you know that?]** This has nothing to do with special branch. Do not invoke special branch in this. You should know how that is known. Of all the people sitting here, with due respect, Lt. Col. (Ret'd) Harmon should know what I am talking about, but it is not something to be ashamed of. That is not something to be ashamed of, if one of the best planners, which t the GDF ever had, was Mr. David Granger, then what is wrong with that? I am not saying it to make Mr. Granger to look bad. I am just stating what I understand.

I understand that the exercise was properly planned but the problem was with the execution of the plan - that was the problem. A lot of thinking went into this activity, among other activities. The problem was with the execution of the plan. I have to commend Mr. Bond because he was very forthright; he was open and he was very direct about how he understood the events unfolded that day. If we are to give Mr. Bond the benefit of the doubt, with respect to the unfolding events on that day, and the police were present and were hearing those things that he had just said, that there were people on the bus shouting "to hell..." - excuse my language - "we are going"... People were shouting and saying certain things, the police were hearing those things I would assume - I am not going to the shooting part; I am not going there - that they would have taken those statements into considerations in determining how they are to react to them. The execution of the plan...

**Mr. Speaker:** One second Hon. Member, I notice the Hon. Member Mr. Bond.

**Mr. Bond:** A point of the clarification, Sir. The police were not around when those statements were said. We were walking back to the Congress Place. Actually that was in the vicinity of Sheriff and Duncan Streets. It was long after the shootings while we were proceeding, there were elements that passed in a bus who said those words.

**Mr. Speaker:** That was a fair point of clarification. Please proceed Hon. Member.

**Mr. Rohee:** That is one variation of what took place, on the 6<sup>th</sup> December, 2011, the police issued a statement and this is what they had to say: That about 09:00 hrs. this morning a crowd of people gathered at the Square of the Revolution purportedly to be part of a march organised by the Youth Coalition for Transformation, an organisation headed by the Attorney-at-law Mr. Bond and it was reportedly the youth arm of the APNU. The police, of course, did not know the story behind the story. That statement went to state that the group had previously applied for permission to use a noisy instrument at the Square of the Revolution on the 4<sup>th</sup> and 5<sup>th</sup> of December with timing. It had specific timing. "Yesterday the 5<sup>th</sup> of December at about 14:50 hrs. they applied for a youth march to march around the city." No date or time was stated, so they just rushed in and sent in an application for a march. Then the group later informed the police that it was to march from the 6<sup>th</sup>. It was in breach of the statutory 48-hour notice and no permission was granted to the organisation. That was communicated to Mr. Bond. That was precisely where this story commences, where Mr. Bond and his supporters, in the presence of retired Brigadier Mr. Edward Collins, began to negotiate with the police on how to overcome this conundrum that had emerged. What had

happened was that at Sophia/ headquarters of the People's National Congress had drawn up a plan on what was to happen and the people on the ground changed the plan. They began on the ground to negotiate with the police on what should be the route, expecting that the police would accept a change of plan on the ground. In order to take control of the situation, because it was getting out of control,.... I think that if the... I said it in my press statement that...

**Mr. Speaker:** Is that the display that you issued after?

**Mr. Rohee:** Pardon.

**Mr. Speaker:** It was the statement that you issued after the shooting.

**Mr. Rohee:** Yes. This is what I said in my statement that was issued on the 8<sup>th</sup> of December; I said: "The Ministry of Home Affairs wishes to state that had an appeal received from the organisers of the marches the unfortunate turn of events could have been avoided." All that had to be done was for the marchers... I mean, I could understand because I have been in situation such as that before where the supporters would be eager to march and the leaders have to take control of the situation, but in that kind of circumstance where there would be the marchers on one hand are demanding what they want, the leaders on the other hand demanding what they want and the police on the other hand demanding what they want, obviously, confusion would have arisen. I understand the question was asked - I would not say by whom but the question was asked - what was Mr. Collins doing there? [**Mr. Felix:** He has a right to be there; he is a citizen - freedom of movement.] I am just simply saying that a question was asked "what was Mr. Collins doing there?" I am not the one who is questioning Mr. Collins' presence there. Mr. Collins is not a Member of the PPP/C.

Let me just fast track this issue. The Hon. Member Mr. Granger, the Leader of the Opposition, did some cherry-picking on a statement that I issued on the 8<sup>th</sup> December where he said that I convened a meeting with the operational ranks of Guyana Police Force at five levels ranking and it is an indication for political interference. That incident took place on the 6<sup>th</sup> of December, for the record. Mr. Speaker, let me read to you what I said. It states:

"The Ministry of Home Affairs wishes to inform that the Minister of Home Affairs Mr. Clement Rohee, out of the deep concern of firing of rubber bullets by the police at APNU protesters, met, today, Thursday the 8<sup>th</sup> with the Commissioner of Police Mr. Henry Greene, Assistant Commission Mr. Vyphuis, Commander of 'A' Division Mr.

Linden Alves, the second in command (IC) Mr. Errol Watts, Mr. Clifton Hickens and Mr. Patrick Todd.”

The purpose of that meeting was to understand what really took place. That was not a meeting to direct the police; that was not a meeting to involve myself in the operations of the police; that was a kind of a post mortem. If the Minister did not do it then he would have been accused of being irresponsible. The Minister has a right to call in the ranks and ask them what happened... [*Interruption*]

**Mr. Speaker:** Hon. Members, just one second. We are dealing with the events that took place on the 6<sup>th</sup> of December but there seems to be more excitement and controversy about what happened after. Allow the Minister to give his presentation and then there would be a right of response which is in the right of the Leader of the Opposition.

**Mr. Rohee:** The Opposition’s benches are so anxious, jumping at the bits as it were to get some results. The Minister of Home Affairs called the Commissioner of Police and instructed him to bring all the operatives whom were on the ground to answer. The Commissioner of Police was not on the ground. [**Mr. B. Williams:** You could not go to the commissioner with that ... [*inaudible*]] Do not worry with that.

The Commissioner of Police said he was bringing those persons with him. I do not have to change the story because if he was to come to a meeting with me he obviously was not on the ground so that he could not have answered the questions competently that I would have put to him. He would not have been able to answer them competently, so he had to have his ranks with him. This is what I said in my statement.

“The Ministry wishes to make this clear from the outset that it has always sought to restrain itself from interfering and/or meddling in operation matters executed by the police force. The Ministry has always done its level best to restrict itself to policy, programmatic and budgetary issues in respect to the roles of the Guyana Police Force.”

It also went on to point out:

“This role, notwithstanding the senior police ranks present at the meeting were advised while operational matters, undoubtedly fall within the purview of the force, once badly executed, due to poor judgement by the ranks on the ground, they can

have serious political repercussions as were demonstrated by the events of December the 6<sup>th</sup>.”

It was as a result of the poor judgement and the political repercussions that we are debating this matter here today. That is why the Hon. Member Mr. Granger, in his own judgement, found it necessary to bring this matter here as a political matter to gain some political mileage. That is what it is all about - execution of an operational issue that resulted in political ramifications which the politicians now have to answer for. That is the problem.

This statement, which was also made, clarified the issue that Mr. Granger raised who gave orders to shoot. [Ms. Ally: You.] I would not take that seriously. It is a political thing. Do not worry with that.

“This Ministry wishes to make it clear that at no time during that particular police operation on Tuesday the 6<sup>th</sup> were instructions issued by the Minister of Home Affairs to use rubber bullets against the protesters. That decision was solely a decision made by the unit commander on the ground at the time.”

This was confirmed by the Commissioner of Police at the meeting. The Commissioner of Police was the interlocker between his ranks and the Minister answering those questions because he was the one who was putting those questions to his rank and when his ranks answered he would have then related to me the answers.

I also made the point in that statement about the level of rank that was making the decision on that matter of shooting. Recommendations have been made by the 2004 Report of the Disciplined Forces Commission, recommendations have been made by other consultants who came to Guyana, that the Guyana Police Force must address two fundamental questions – one is the use of force and the other is crowd control. This matter had been raised, time and time, again, with the Commissioner of Police. The Government - this Government which I am apart of - never gave a *carte blanche* instruction to the force, to use excessive force in any situation at any time. That is not a policy of this Government. The Members of the Opposition can find where that is a policy statement, where that has been publically stated in any document, and bring it to my attention. Nor has it ever issued, as a matter of a policy statement, any words to the effect that the police should run amok in situations which seems uncontrollable. These are strictly speaking to operational matters. No civilian has ever been... [Mr. Felix: You are in charge...] Mr. Felix, why do you not relax? Telling me about in

charge. I would not answer on the tit for tat basis what Mr. Felix had contributed because it was a lot of verbiage, extract from different documents, and so forth. I would not worry with that. I would not pay much attention to that. I must say this. Recently the Opposition Leader Mr. Granger made a statement in respect to the Rodney Commission of Inquiry...

**Mr. Speaker:** You are very far now from the 6<sup>th</sup> of December, but go ahead. I notice that you are actually going to give evidence now.

**Mr. Rohee:** I know. Others made reference to it from a legal point of view, but I am making my references from a political point of view in which the Leader of the Opposition said that the state's security forces had to do what they had to do in those days to ensure that state security was intact. It was words to that effect. I do not have the exact words. If it was the role of the state in those days, and I have some extracts here from Working People's Alliance (WPA) statements,...

**Mr. Speaker:** I am going to ask that we curtail ourselves to the motion at hand. There is an ongoing commission which I know that you are going to give evidence as the General Secretary of the People's Progressive Party/Civic. I will hear you but I may intervene because I do not want our actions to in anyway... I am sure Mr. Williams will agree.

**Mr. B. Williams:** Mr. Speaker, it is modus...He has some file... *[inaudible]*

**Mr. Speaker:** You should ask him to give you back the file he has on you. Go ahead Mr. Rohee.

**Mr. Rohee:** It is a historical reference. I only used one.

**Mr. Speaker:** I know, but what I am saying is that I would not allow an excursion.

**Mr. Rohee:** The last time Mr. Basil Williams asked if it was a public document. It is a public document, Mr. Speaker.

**Mr. Speaker:** What I noted was that some document, which you had here, seemed to have turned up at the commission, about weapons and movements...

**Mr. Rohee:** I still have it.

**Mr. Speaker:** It is amazing, but it is a matter of concern.

**Mr. Rohee:** I am sure that it is not a forged document. This one is a WPA press release, Friday, 18<sup>th</sup> September, 1981.

“PNC unleashes savagery on peaceful picket and people’s march, 28 arrested and some hospitalised. Crowds were fired upon, women and children beaten, WPA members hospitalised and arrested as Burnham’s police and thugs smashed a peaceful picket and demonstration sponsored by the WPA.”

It is a question of continuity. Mr. Granger made a historical connection, beginning from 1948 with the Enmore Martyrs to today, and I have no difficulty with that methodology. We must also too, from a political perspective, make that kind of connection for whatever it is worth.

The Hon. Members on the Opposition benches said that it was a peaceful march and there was no provocation, and so forth. I have here a book called the *Constitutional Law of Guyana*, written by S. Yacoob Mohammed, and there is a section in the book that tickles my imagination. This is what it states:

“Fundamental rights and freedoms are not absolute or unqualified. Absolute or unrestricted rights and freedoms do not exist in a civilised society. A man’s fundamental rights and freedoms must therefore not violate the fundamental rights and freedoms of others. This was eloquently put in another way by Taij Singh, Chief Justice in *Jan Bahadur vs. Principal of Mahindra College*, when he said that the right to move freely through the territory of India did not confer the right to walk over other people’s property. Fundamental rights and freedom are subject to limitations that are contained in the protective provisions themselves.”

7.38 p.m.

[**Mr. B. Williams:** What is the relevance of what you are reading?] The relevance of this is that while there are protestors carrying out their fundamental rights under the Constitution, they ought not to impinge on the rights of others who are not part of that protest. [**Mr. Greenidge:** They must shoot...] I am not saying that they must shoot. It reminds me of Mr. Hughes. You reminded me Hon. Member Greenidge of Mr. Hughes in the commission of inquiry when he asked the distinguished judge whether he wanted to shoot him. Why are we so anxious to talk about shooting? I am answering the question that one’s fundamental right to exercise his or her right ought not to trespass on the rights of someone else who is not part of that person’s business. That is all I am saying. That is precisely what we fail to

comprehend. If I am carrying out my right to protest, I ought not to impinge on the right of someone who has no business in that protest.

The role of the police force, irrespective of the inadequacies and the deficiencies, is to ensure that there is no breach of the peace. Ensuring that there is no breach of the peace, ensuring that there is that balance between observing the fundamental rights...

**Mr. Speaker:** Hon. Member, your time is up.

**Mr. Hinds:** Mr. Speaker, I move that the Hon. Member be given five minutes to conclude his presentation.

*Question put, and agreed to.*

**Mr. Rohee:** I wish to conclude on this note that I believe that the institutional arrangements need to be put in place to address these issues, whether it has to do with inadequacies, deficiencies or whatever, in any branch of the disciplined services. We need to put in place the institutional arrangements, for this to happen. The best, the *crème de la crème*, so to speak, in our society must be part of this institutional arrangement to ensure that the citizens' fundamental rights, the citizens' best interests, the economic social and political rights are kept intact by whoever it is that has that constitutional and legal authority to so do. For us to be engaging in politicking and seeking to score political advantage, one over the other, is not going to get us anywhere with these matters. We could use them in our elections campaign. We are going to use them as effectively as we could in our public relations campaign, and so on. At the end of the day, the matter remains unsettled, even if this Government was going to be changed. I am absolutely certain, given the years that I have worked in this sector, that the more things change, the more they remain the same.

Thank you Mr. Speaker. [*Applause*]

**Brigadier (Ret'd) Granger (replying):** We have had a very interesting debate and I would like to record my appreciation for the support by the Hon. Member Khemraj Ramjattan, one of the most experienced and long-serving Members on this side of the House, to the Hon. Members Joan Baveghems and James Bond who themselves were shot, one over forty years of age and the other under forty years of age, which gives a picture of the indiscriminate nature of the fusillade that was directed at the crowd. I would also like to thank my colleague

Mr. Winston Felix who brought a lot of detailed knowledge into how the police ought to have operated under proper management and direction.

I would like to assure this House that when A Partnership for National Unity brings these motions it is not for politicking. It is because of our deep concern for the human condition. It is because of our concern for human rights, for human life and for human safety. We did bring a motion to investigate torture. We did bring a motion to investigate the deaths of children in the Barima-Waini Region from gastroenteritis. We did support the motion to have an international investigation into the death of Dr. Rodney. Members will remember, of course, who did not support it. We did bring a motion to investigate the trafficking in persons. We did bring a motion to investigate the number of persons who have died on our rivers. This is not politicking. This is because of our deep concern for human life. Yes, we want to send a signal to the public that, with this majority made up of A Partnership for National Unity and the Alliance For Change, the Tenth Parliament will be different from the Ninth, Eighth or Seventh. This Parliament will be distinguished by its concern for the human condition. When the next election comes, whenever it comes, the people of this country will look towards the parties which have been representing their interests and standing up for them. That is the signal. It is a signal of life. It is a signal of safety.

Mr. Speaker, I do discern that there has been agreement on both sides of the House that wrong has done. Wrong was done on the 6<sup>th</sup> December, 2011. Persons were shot in their back, shooting continued beyond the need to stop the crowd from advancing, if they were so advancing. There is no need to find out what happened, who did what, why it occurred and how it happened. Most of all, there is a need to prevent a recurrence and, unless we investigate these incidents, I fear there will be recurrence.

The Hon. Minister himself was quick to say that directly after the incident he tried to find out what happened by convening all five levels of the police hierarchy. This motion seeks to do the same thing, to find out what happened and to prevent a recurrence. I am confident that if an inquiry was held when I wrote to the person, whose name I cannot mention, on the same week that this incident occurred, that the shooting at Linden and other events would have been prevented or avoided. The very failure not to investigate has been what is leading to the recurrence of these crimes against humanity. For these reasons, I would not go into everything that the Hon. Member Mr. Hamilton has said, or Mr. Rohee, or Nandlall,

I would simply call on this House to support this motion, first to express sympathy to their colleagues here who were shot, who were hurt. This is a unique occasion in which victims of police brutality sitting in the House, the highest legislative forum of this land, have been able to give personal testimony. I call on the House to fulfil the request of this motion to express sympathy to them and to all other persons who were injured on the 6<sup>th</sup> December.

Secondly, it is to call on the President of this Republic to convene a commission of inquiry to investigate the circumstances which led to the shooting so that we can prevent a recurrence.

With these few words, Mr. Speaker, I commend this motion to the House and ask both sides to support it.

I thank you.

**Mr. Speaker:** Thank you very much Hon. Leader of the Opposition. I now propose the motion to the House for its adoption.

*Question put, and agreed to.*

*Motion carried.*

## **COMMITTEES BUSINESS**

### **MOTIONS**

#### **ADOPTION OF THE THIRD REPORT OF THE COMMITTEE ON APPOINTMENTS IN RELATION TO THE APPOINTMENT OF MEMBERS OF THE POLICE SERVICE COMMISSION**

“BE IT RESOLVED:

That this National Assembly adopts the Third Report of the Standing Committee to address matters relating to the Appointment of Members of Commissions established under the Constitution, and signify to the President that the following persons:

- (i) Mr. Lloyd Alvin Smith;
- (ii) Mr. Harold Martin;
- (iii) Mr. Keith Malcom John; and

(iv) Mr. Omesh Satyanand

have been nominated in accordance with Article 210 (1)( c) of the Constitution, be appointed Members of the Police Service Commission.” [Dr. Norton – *Chairman of the Committee on Appointments*]

**Mr. Speaker:** Hon. Members, we were scheduled to take a short adjournment at seven ‘o’ clock, but I have asked that we press on. We have two motions to cover for the remainder of our business, both in the name of the Hon. Member Dr. George Norton and they pertain to the Committee on Appointments which he chairs. I now invite the Hon. Member Dr. Norton to move the motion as it pertains to the appointments in relation to the Judicial Service Commission. We all have as well copies of the green-covered documents which have been shared so there will be no need really to have an expansive discussion. The documents are before us. Go ahead please Dr. Norton.

**Dr. Norton:** Mr. Speaker, my apologies for my voice which is not, I can guarantee you, the Chikungunya virus. It reminds me of the beautiful voice of my good friend, Member of Parliament Mr. Ganga.

**Mr. Speaker:** Dr. Norton I misspoke, please deal with the Police Service Commission and then it will be the Judicial Service Commission. My apologies. I think you are ahead of me there. Go ahead.

**Dr. Norton:** The mandate of this commission, of course, was as mandated by article 210 (1) (c) of the Constitution and as it relates to the Police Service Commission to nominate

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

Of course, we had 21 meetings and for those bodies we had four in all - the Police Association, the Association of Former Members of the Guyana Police Force, the National Commission on Law and Order and the National Community Police Executive. The Guyana Police Association, by way of letter dated 8<sup>th</sup> April, and the Association of Former Members of the Guyana Police Force, by way of letter date 10<sup>th</sup> April, 2014 respectively, submitted the following names:

(i) Mr. Lloyd Alvin Smith, D.S.M, retired Deputy Commissioner of Police;

- (ii) Mr. Harold Martin, retired Assistant Commissioner of Police;
- (iii) Mr. Clinton Andrew Conway, retired Assistant Commissioner of Police; and
- (iv) Mr. Keith Malcolm John, retired Assistant Commissioner of Police and Practising Attorney- at-law.

The National Commission on Law and Order, by way of letter dated 14<sup>th</sup> April, 2014, submitted the name of Mr. Taajnauth Jadunauth as its nominee for appointment to the Police Service Commission, while the National Community Policing Executive, by way of letter dated April 3<sup>rd</sup>, 2014, submitted the name of Mr. Omesh Satyanand, as the nominee for appointment to the Police Service Commission.

The nomination process. Proposal one: On a motion moved and seconded by Ms. Amna Ally, M.P, and Dr. Karen Cummings, M.P., respectively, the following nominations were made: Mr. Lloyd Alvin Smith, Mr. Harold Martin, Mr. Clinton Andrew Conway and Mr. Keith Malcolm John.

Proposal two: On a motion moved and seconded by Mr. Gail Teixeira, M.P. and the Hon. Member Bishop Juan Edghill M.P., the following nominations were made: Mr. Lloyd Alvin Smith, Mr. Harold Martin, Mr. Taajnauth Jadunauth and Mr. Omesh Satyanand.

The third proposal was made by Mrs. Valerie Garrido-Lowe, M.P. and the Hon. Member Bishop Juan Edghill seconded that motion. It was Mr. Lloyd Alvin Smith, Mr. Keith Malcolm John, Mr. Omesh Satyanand and Mr. Harold Martin.

The Committee, on examination of the names before it, unanimously agreed to Mr. Lloyd Alvin Smith and to Mr. Harold Martin as being two of its nominations. The Chairman then put the names of Mr. Clinton Andrew Conway, Mr. Keith Malcolm John, Mr. Taajnauth Jadunauth and Mr. Omesh Satyanand to a vote and the results were as followed:

- Mr. Clinton Andrew Conway, three voted for and four against;
- Mr. Keith Malcolm John, four voted for and three against;
- Mr. Taajnauth Jadunauth, three voted for and four against; and
- Mr. Omesh Satyanand; four voted for and three against.

The Committee then agreed by majority vote that Mr. Keith Malcolm John, and Mr. Omesh Satyanand would be its third and fourth nominees to the Police Service Commission. Thereafter, the Chairman declared that Mr. Lloyd Alvin Smith, Mr. Harold Martin, Mr. Keith Malcolm John and Mr. Omesh Satyanand as the Committees nominees for appointment to the Police Service Commission.

At the 22<sup>nd</sup> Meeting of the Committee held on Wednesday 4<sup>th</sup> June, 2014, Members adopted the report and motion and now it therefore reports to the National Assembly that it has meaningfully consulted the Guyana Police Association, the Association of Former Members of the Guyana Police Force, the National Commission on Law and Order and the National Executive of Committee Policing groups as the bodies that appear to represent the majority of members of the Guyana Police Force.

The Committee further recommends that Mr. Lloyd Alvin Smith, Mr. Harold Martin, Mr. Keith Malcolm John and Mr. Omesh Satyanand be signified as the National Assembly's choice to the President for appointment as members of the Police Service Commission.

*Motion proposed.*

**Ms. Teixeira:** I am very glad to support the report and the work of the Committee and to say that the service commissions have been waiting for these processes at the Committee of Appointment to be gone through and that we at the last sitting, Mr. Speaker, you will remember that, dealt with the Public Service Commission, and we urge that this Commission be urgently appointed.

For the Police Service Commission, there is actually no role basically for any person because the Chairperson is, I believe, elected from amongst the four members who come from the Committee on Appointments, through the House. We hope, after tonight and once the resolution is passed, that the Police Service Commission will be able to be quickly established. It is critical that all the service commissions..., and the one that we are coming to, after this, the Judicial Service Commission, is probably the one that is in the greatest difficulty. We call for the expeditious handling of the discussions between the Leader of the Opposition and the President, to be able to have the additional nominee, other than those that come from the National Assembly.

What was good about the Committee, and what it did, is that it held to the resolutions that were passed in the Ninth Parliament to do with the bodies that we would have consulted for

the Police Service Commission, and that is, the Guyana Police Association, the Association of Former Members of the Guyana Police Force, the National Commission on Law and Order and the National Community of Policing Executive. We kept to that resolution. There was no deviation from that and it allowed us to do our work quickly. Actually, the actual time that the Committee spent in looking at the Police Service Commission overlapped with its work on the Judicial Service Commission and the Public Service Commission, so we were almost going simultaneously trying to work on the service commissions. I think that helped us to expedite the process.

I believe too, as with the previous Committee on Appointments, that on the service commissions there has tended to be elections for the nominees, as there are sometimes more nominees than what the requirements are according to the Constitution, so too, with the Public Service Commission and with the Police Service Commission. Therefore I am pleased to support the report.

Dr. Norton spoke about the nominees and the voting, and so on. I just want to say that the nominees represent a broad spectrum of persons from the Guyana Police Association, the Association of Former Members of the Guyana Police Force and the National Community Policing Executive. Therefore I believe that there is a good spread of both what are former policemen on it as well as citizen-type representatives, which is a direction the last Committee on Appointments wanted to go, in that the Police Service Commission not only be comprised retired policemen but to have a voice in there that was a civilian voice. That is how the two organisations, which were non-police, are added on. I am glad that in the final wash, despite their being a vote, that there is a citizen representative on the Police Service Commission.

I wish to support the motion and the report.

**Mr. Speaker:** Hon. Members, the motion is that we adopt the report. It is not so much the report but the names submitted for consideration and appointment by His Excellency the President. Those names, as stated, are Lloyd Alvin Smith, Harold Martin, Keith Malcolm John and Omesh Satyanand.

*Question put, and agreed to.*

*Report adopted.*

**ADOPTION OF THE FOURTH REPORT OF THE COMMITTEE ON APPOINTMENTS IN RELATION TO THE APPOINTMENT OF MEMBERS OF THE JUDICIAL SERVICE COMMISSION**

“BE IT RESOLVED:

That this National Assembly adopts the Fourth Report of the Standing Committee to address matters relating to the Appointment of Members of Commissions established under the Constitution, and signify to the President that **Justice Lennox Perry (Ret’d)** having been nominated in accordance with Article 198(2)(c) of the Constitution, be appointed Member of the Judicial Service Commission.” [*Dr. Norton – Chairman of the Committee on Appointment*]

**Mr, Speaker:** Dr. Norton, I invite you to move the second motion as it pertains to the Judicial Service Commission. Just a reminder again that we all have the report so there is no need for you to read it, unless you wish to read it in its entirety you may refer to it. Go ahead please, Dr. Norton.

**Dr. Norton:** The Committee was mandated by article 198 (2) (b) of the Constitution in relation to the Judicial Service Commission to nominate for appointment by the President

“not less than one and not more than two from among persons who are not attorneys-at-law in active practice, after the National Assembly has meaningfully consulted such bodies as appear to it to represent attorneys-at-law in Guyana and signified its choice of members to the President:”

Here, again, we follow the three associations, as like in the previous years, and we had the Guyana Bar Association, the Guyana Association of Women Lawyers (GAWL) and the Guyana Association of Legal Practitioners which has changed its name to the Berbice Bar Association.

Nominations received from the Guyana Bar Association, are the following: Professor Harold Lutchman, Attorney-at-law and former Vice-Chancellor of the University of Guyana and Justice Lennox Perry, retired Judge of the High Court. From the GAWL, by way of letter dated 29<sup>th</sup> --- 2014, submitted the name of Ms. Sandra Bart, Attorney-at-law. The Guyana Association of Legal Practitioners, by way of letter dated 28<sup>th</sup> May, 2014, submitted the name of Ms. Bibi Ali, Attorney-at- law and former Registrar of the Supreme Court of the Judiciary.

After some amount of discussion, we actually voted and came to the conclusion for that of Justice Lennox Perry, (Ret'd), as the Commissioner nominee for appointment to the Judicial Service Commission. At our 23<sup>rd</sup> Meeting of the Committee held on June 11<sup>th</sup>, 2014 Members considered and adopted the report and motion and now therefore reports to the National Assembly that it has meaningfully consulted the Guyana Bar Association, the Guyana Association of Women's Lawyers and the Guyana Association of Legal Practitioners, now known as the Berbice Bar Association, as bodies that appeared to represent Attorneys-at-law.

The Committee further recommends that Justice Lennox Perry, (Ret'd) be signified as the National Assembly's choice to the President for appointment as a member of the Judicial Service Commission.

**Minister of Agriculture [Dr. Ramsammy]:** On our side, this motion, which is moved by the Hon. Member Dr. Norton on all of our behalf, we support it. I will just make one short remark and that is that we continue to be challenged by the definition of an attorney who is not in active practice. The organisations, which we consult with in the past, on all previous occasions, have submitted names to us of persons who appear to be in some sort of practice and therefore there is a limited pool of persons to choose from. Again, as in the past, we ended up with one nominee that obviously was not in practice and therefore we did not have the opportunity of discussing candidates that bring different experience. It is something that we have to look for in the future because a number of persons who are not attorneys and not in active practice, seem to be a very small pool. As in all occasions, this time, again, we ended up with a group of persons recommended to us, only one of which we were certain met the definition as provided by the Chief Parliamentary Counsel in the Ninth Parliament.

So, again we have no hesitation in supporting the motion.

**Mr. Speaker:** Hon, Members, I believe that I am in a position to put the motion and that is that we adopt the report and we also adopt the name that is suggested by the Committee, that is of Justice Lennox Perry (Ret'd) as the Committee's nominee for appointment of the Judicial Service Commission.

*Question put, and agreed to.*

*Report adopted.*

## **ADJOURNMENT**

**Mr. Speaker:** Hon. Members, that concludes our business for today, we stand adjourned as notified by the Hon. Prime Minister.

**Mr. Hinds:** Yes, Mr. Speaker, I move that the House be adjourned to Thursday, 10<sup>th</sup> July, 2014 at 2.00 p.m.

**Mr. Speaker:** Hon. Members, we stand adjourn until 10<sup>th</sup> July at 2.00 p.m.

*Adjourned accordingly at 8.06 p.m.*