



REPUBLIC OF TRINIDAD AND TOBAGO

**NATIONAL REPORT
ON
IMPLEMENTATION OF UNITED NATIONS PROGRAMME
OF ACTION TO PREVENT, COMBAT AND
ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND
LIGHT WEAPONS IN ALL ITS ASPECTS**

**THE INTERNATIONAL INSTRUMENT TO ENABLE
STATES TO IDENTIFY, AND TRACE IN A TIMELY AND RELIABLE
MANNER, ILLICIT SMALL ARMS AND LIGHT WEAPONS**

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**NATIONAL POINT OF CONTACT
FOR
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PROGRAMME OF ACTION**

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1.0 INTRODUCTION

- 1.1 Of highest importance to the Government of the Republic of Trinidad and Tobago is the upholding of this country's democratic traditions that have been the cornerstone of our existence as an independent nation. Government's goal is to ensure that society, including public and private institutions, operate on the principles of transparency, accountability, equity, morality and the rule of law. These goals are continuously being challenged by real and present threats to peace and security, created by the proliferation, trafficking and illicit use of small arms and light weapons. Equally disconcerting is the challenge posed by this pandemic to the safety and well being of peoples, to the social and economic growth and development of nations and to the universal ideal of peace.
- 1.2 The English speaking Caribbean has not been spared of what was regarded as *the single most significant instrument of crime leading to public fear*. Trafficking, proliferation and misuse of small arms and light weapons has contributed substantially within the Caribbean to armed violence, conflict, insecurity and wide-spread human suffering, at times undermining the efforts of governments to pursue good governance. In Trinidad and Tobago the illicit trade and use of small arms and the culture of violence thereby engendered have presented persistent challenges to efforts of government in pursuing sustainable development in an atmosphere of public confidence.
- 1.3 Trinidad and Tobago ratified the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other related Materials (CIFTA) on 23rd January 2004. This country is also actively pursuing ratification of the 2000 United Nations Transnational Organized Crime Convention - Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. Trinidad and Tobago is committed to fulfilling the various components of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade of Small Arms and Light Weapons in all Its Aspects, namely:

- Making illicit gun production/possession a criminal offence
- Establishing a national coordination agency on small arms
- Identifying and destroying stocks of surplus weapons
- Keeping track of officially-held guns
- Disarmaments, Demobilizations and Re-integration (DDR) of ex-combatants, including collection and destruction of their weapons
- Supporting regional agreements and encourage moratoria
- Marking guns at point of manufacture for identification and tracing
- Maintaining records of gun manufacture
- Engaging in more information exchange
- Ensuring better enforcement of arms embargoes
- Including civil society organizations in efforts to prevent small arms proliferation.

CHAPTER I

IMPLEMENTATION OF INTERNATIONAL INSTRUMENT TO ENABLE STATES TO IDENTIFY AND TRACE IN A TIMELY AND RELIABLE MANNER, ILLICIT SMALL ARMS AND LIGHT WEAPONS (INTERNATIONAL TRACING INSTRUMENT)

- 2.0 Measures have been taken by Trinidad and Tobago to ensure that accurate and comprehensive records are established for all marked small arms and light weapons within this jurisdiction, in accordance with the relevant paragraphs of the International Tracing Instrument. The setting up of a national computerized data base and record keeping system is well advanced. During this transitional period current manual records for tracking and monitoring are being retained for the statutory five (5) year period and records on the importation of firearms are being retained for the statutory fourteen (14) year period. Regulations and administrative procedures are already in place to ensure the effective implementation of the International Tracing Instrument.
- 2.1 Until 2007, there was in existence no central inventory of legally issued firearms to military, constabulary, private security and civilian users in Trinidad and Tobago. Neither was there a standard procedure within the Trinidad and Tobago Police Service for the tracing of firearms. In 2007, a scoping study was commissioned by the Ministry of National Security, the purpose of which was to assess the extent to which the Trinidad and Tobago Police Service was successful in tracing retrieved firearms and to what extent these tracing results were promoting the law enforcement effort. The rationale for this project was that efforts on the part of government to reduce the prevalence of the illegal

circulation and use of firearms and related violence would be more effective if they were based on an accurate understanding of the problem. Any effort to disrupt illegal firearms trafficking must be based on accurate knowledge about markets, the process of identifying suspects and building criminal cases and taking advantage of information about firearms that are retrieved in the course of law enforcement exercises.

2.2 The recommendations that emanated from the study are now at various stages of implementation. Enumerated below are those recommendations that are regarded as being of utmost priority -

2.2.1 **The creation of a standardized tracing procedure to be followed by Trinidad and Tobago Police Service.** Analysis of firearms trace data would assist the authorities in Trinidad and Tobago in identifying firearms trafficking patterns, geographic profiling for criminal 'hot spots' and possible sources of illicit firearms.

2.2.2 **The establishment of a national fusion centre appropriately equipped and staffed.**

2.2.3 **The computerization of records for all legally registered firearms.**

2.2.4 **Development of a partnership with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for the purposes of gaining e Trace capabilities.** Dialogue has already commenced between the authorities in Trinidad and Tobago and the Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives. A Memorandum of Understanding is being drafted to facilitate the institution of a paperless firearm trace submission system and trace analysis computer module that is readily accessible through a connection to the World Wide Web (Internet). This application would provide the necessary utilities for submitting, retrieving, storing and querying firearms trace related

information relative to particular jurisdictions allowing for the systematic tracing of firearms that may have been recovered from crime scenes.

- 2.2.5 **The according of top priority to firearms examinations by the Forensic Science Centre to facilitate the timely raising and retrieval of serial numbers that have been obliterated.**

CHAPTER II

IMPLEMENTATION OF PROGRAMME OF ACTION

3.0 LEGISLATION, REGULATION, ADMISITRATIVE PROCEDURES

3.1 **Production, Export and Import**

The Trinidad and Tobago Police Service and the Customs & Excise Division are responsible for controlling firearms, ammunition, explosives and other related materials and preventing their diversion. Trinidad and Tobago is not a manufacturer of firearms. The Firearms Act 16:01 as amended by Act 20 of 1992, Act 3 of 1994, Act 22 of 1995, Act 5 of 2000 and Act 3 of 2004, prohibit the manufacture or assembly of firearms and ammunition. The exportation of firearms by individuals without the written permission of the Commissioner of Police is prohibited. The Customs Department will only allow firearms to be exported from the country on provision of such permission from the Commissioner of Police.

3.2 The importation of firearms is prohibited except in the instance of a Firearm Import Permit granted by the Commissioner of Police or in certain other exceptions specified by the Act. Legislation confers on the Commissioner responsibility for the keeping of a Trinidad and Tobago Firearms Register. This register contains records of every licence, registration certificate and permit that is issued, renewed or revoked by the Commissioner; *every application for a licence, registration certificate or permit or renewal thereof that is refused by the Commissioner; every importation into or exportation from Trinidad and Tobago of a firearm and ammunition of which the Commissioner is informed under this Act; every loss, finding, theft or destruction of a firearm and ammunition*

of which the Commissioner is informed under Section 28; and such other matters as may be prescribed. The import of firearms is also regulated by the Customs Act.

3.3 Regarding transit of firearms destined to other countries, the Firearms Act permits legal entry into Trinidad and Tobago. Legislation allows transit of firearms or ammunition that is cargo properly manifested to consignees or bona fide stores of any ship, vessel or aircraft in the custody of the properly authorized officer. Relevant provisions are to be found in Firearms Act 16:01 as amended by Act 20 of 1992, Act 3 of 1994, Act 22 of 1995, Act 5 of 2000 and Act 3 of 2004. Additionally, Section 75 of the Customs Act provides for the intransit movement of firearms, ammunition, explosives and other related material.

3.4 A government website at www.ttparliament.org facilitates public access to national laws, regulations and procedures that impact on the prevention, combating and eradication of the illicit trade in Small Arms and Light Weapons in all aspects. The full text of all relevant Bills and Acts of Parliament as well as the status of the legislation at various stages of enactment and promulgation could be traced on this website. Relevant laws, bills, gazettes and notices published by the Trinidad and Tobago Government Printery are readily available for purchase.

4.0 LAW ENFORCEMENT/CRIMINALIZATION

4.1 The illegal manufacture, possession, stockpiling and trade of Small Arms and Light Weapons is criminalized under the following provisions -

4.11 **Manufacture**

- The Firearms Act 16:01 as amended by Act 20 of 1992, Act 3 of 1994, Act 22 of 1995, Act 5 of 2000 and Act 3 of 2004 makes the illegal manufacture, possession, stockpiling and trade of

SALW criminal offences. Under the Act the manufacture or assembly of firearms or ammunition is criminalized and the offence of the manufacture of prohibited weapons carries the penalty of TT\$25,000 and imprisonment for 15 years on indictment.

- Additionally, under the Act an offence of the manufacture of firearms or ammunition, other than a prohibited weapon carries a fine of TT\$50,000 and imprisonment for 10 years on summary conviction and 20 years imprisonment on indictment.

4.1.2 Possession

With regard to possession the following measures exist:

- Possession of a firearm or ammunition is an offence and one is subject to a fine of TT\$10,000 and to imprisonment for 5 years on summary conviction and on conviction on indictment to imprisonment for 10 years.
- Possession of a firearm by a "restricted person" is criminalized with a fine of TT\$50,000 and to imprisonment for 10 years on summary conviction and imprisonment for 20 years on indictment
- Possession with intent to sell or transfer is criminalized with a fine of TT\$10,000 and imprisonment for 2 years on summary conviction and imprisonment for 10 years on indictment.
- Possession with intent to injure is criminalized with conviction on indictment to imprisonment for life.

4.1.3 Stockpiling

Stockpiling of firearms is not criminalized under domestic legislation. On the other hand, The Anti-Personnel Mines Act criminalizes the stockpiling of anti personnel mines as well as other offences. The Firearms Act is under

ongoing review to determine deficiencies and to make necessary amendments. It has been determined that the issue of stockpiling has been identified for inclusion.

4.1.4 Trade

While the illegal trafficking in firearms is not specifically criminalized in domestic legislation, the sale or transfer of firearms to individuals without Firearm User's Licence or those exempted from such licence is criminalized and carries a fine of TT\$50,000 or five (5) years imprisonment on summary conviction and imprisonment for ten (10) years on indictment.

5.0 While Stockpiling Management and Security of firearms is not specifically addressed in the national legislation, internal standing orders and regulations governing state agents speak to storage and security arrangements. With regard to Collection and Disposal Trinidad and Tobago has in place a mechanism for the destruction of confiscated firearms to prevent their return to illicit circulation.

6.0 EXPORT CONTROLS

6.1 As Trinidad and Tobago is not a manufacturer of firearms the conditionalities in relation to exportation of large shipments of firearms are moot. There are laws which ensure that before issuing an export license or authorization for shipments of firearms, ammunition, explosives and other related material, the importing country should first be issued with the necessary licence for import. Individuals seeking to export firearms must receive written permission from the Commissioner of Police and requisite clearance from the Customs and Excise Department.

7.0 BROKERING

- 7.1 Section 23, 25-26 and Part II of the Firearms Act and the Firearms Regulations Section 8 relate to the activities of dealers. The legislation provides regulations for the provision of a Firearms Dealer's Licence, lays out the dealer's obligations in terms of registration of transactions and prohibitions which such a licence carries with it.

8.0 CONCLUSION

- 8.1 The Joint Report by the United Nations Office on Drugs and Crime and the Latin America and the Caribbean Region of the World Bank on the topic of Crime, Violence, and Development trends, costs and policy options in the Caribbean (March 2007) states in part that -

the rise in crime in the Caribbean has been characterized by the increased use of more powerful weapons, resulting in higher mortality levels A major factor contributing to the surge of gun related criminality in the region is the trafficking of narcotics which has facilitated the availability of firearms.

- 8.2 The Report identified several sources that have provided opportunities for illegal diversion. These sources include in-country diversion from legal owners, manufacturers in South, Central and North America, disbanded guerilla groups in post-conflict situations, surplus stocks of weapons that had been stored during armed conflict and countries with current armed instability.
- 8.3 Government has responded to these cross border challenges through an aggressive regime of national initiatives buttressed by its strategic partnership with CARICOM Governments in adopting a coherent regional approach.

8.4 At national level Government has formulated its Vision 2020 Operational Plan 2007-2010 in which highest priority has been accorded to serious organized crime. This includes the illicit proliferation of Small Arms and Light Weapons. The Plan of Government comprises –

- Establishment of the Special Anti-Crime Unit of Trinidad and Tobago (2003) to deal operationally with crimes of national significance, including small arms trafficking and gang-related violence. The remit of this Unit is to provide support to traditional law enforcement authorities through technological and skills-based enterprise.
- Competency building through the establishment of a Specialist Crime Academy to provide comprehensive training in a wide range of relevant areas including police leadership, investigative techniques, crime scene awareness and management and financial crime investigations.
- Establishment of an Aerial Surveillance System and strengthened air mobility, acquisition of maritime assets to augment and strengthen patrolling and interdiction capabilities of border security authorities, such as the Trinidad and Tobago Coast Guard and the Customs and Excise Division.
- Implementation of a place-based enforcement strategy for policing land-based areas of reputed firearms-related violence.
- Heightened protection and control of Trinidad and Tobago's territorial borders from the illegal entry of persons and goods through a structured intervention plan and coordinated partnerships among security agencies. This involves the joint command and control of marine and air assets.
- Institution of an Integrated Border Control Security System (IBCS) inclusive of an electronic Visa issuing system and machine readable passports.

- Deployment of additional customs and immigration marine crews and the expansion of deportation and investigation units, respectively.

Since the last Biennial Meeting in 2005, Trinidad and Tobago has joined with other Caricom Member States and with the United States in agreeing to:

- enhancing import and export controls consistent with common international practices and standards
- improving information sharing on entities and individuals involved in illicit trafficking, and the routes they use to traffic arms
- promoting the tracing of firearms recovered in connection with illicit activities in order to provide investigative leads
- deepening law enforcement and Customs cooperation enhancing (where applicable) stockpile control, management and security practices
- encouraging the destruction of at risk, obsolete or excess national stockpiles
- promoting the implementation of Organization of American States Guidelines on the control and security of MANPADS
- providing technical and other assistance, as appropriate to affected States to support their efforts to combat this threat
- promoting programmes aimed at reducing the availability and use of illicit firearms

8.5 Trinidad and Tobago remains fully committed to regionalism. The mantle of Chairmanship of the CARICOM Quasi-Cabinet on Crime and Security Issues held by the Honourable Prime Minister of Trinidad and Tobago confers on this country the special responsibility for

promoting and facilitating the common interests and objectives of the region in addressing the proliferation of Small Arms and Light Weapons.

- 8.6 Bilateral relations have been strengthened between Trinidad and Tobago and several members of the Latin America Caribbean Group (GRULAC) through cooperation agreements which facilitate permanent institutional communications channels between competent authorities, periodic exchanges of investigative or intelligence information on methods, trends and activities in any aspect of small arms proliferation, mutual consultation and technology transfers, sharing maintaining and updating common databases and establishing if deemed necessary joint task forces to coordinate actions against miscreants involved in the illicit use and trafficking of small arms.
- 8.7 The group of Latin America and the Caribbean (GRULAC) is now consolidating its role in the global war against small arms proliferation and its social and economic consequences. Strengthened bilateral relations and regional Treaties would give effect to more effective mechanisms and higher levels of coordinated action. A more recent development has been the proposed Treaty for Maritime Interdiction. This would facilitate the sharing of maritime assets among CARICOM member states, in particular, with the objective of ensuring that regional waters are *effectively patrolled* and the in-transit advantage erstwhile afforded to criminals and their cartels would be significantly diminished.

This would no doubt redound to the best interest of both hemispheres.