

CHAPTER 4

THE CIRCUMSTANCES UNDER WHICH, AND BY WHOM, SEVERAL POLICE STATIONS OR OTHER STATE PROPERTY (INCLUDING POLICE OR MILITARY VEHICLES) WERE ATTACKED AND DAMAGED OR DESTROYED BY FIREBOMBS, GUNFIRE OR OTHER MEANS DURING OR AROUND THE PERIOD OF THE STATE OF EMERGENCY DECLARED IN MAY 2010

ToR (C)

AND

WHETHER, AND IF SO, UNDER WHAT CIRCUMSTANCES, STATE OFFICIALS AND LAW ENFORCEMENT OFFICERS CAME UNDER GUNFIRE ATTACKS DURING MAY 2010 IN INCIDENTS CONNECTED TO THE ATTEMPTS BY LAW ENFORCEMENT OFFICERS OF JAMAICA TO ARREST CHRISTOPHER "DUDUS" COKE

ToR (B)

INTRODUCTION

4.1. These Terms of Reference are inter-related. Accordingly, we think it convenient and appropriate to discuss them together in this Chapter under two Parts.

4.2. Part A reviews the evidence and makes findings in respect of Term of Reference (C). There, we pay particular attention to events in West Kingston leading up to the internal security operation of 24 May. Part B then deals with the events of 24 May. We quote liberally from the evidence of JDF and JCF officers in an attempt to illustrate the nature and extent of the attacks against the security forces in the words of members of the security forces.

PART A

Mobilisation of Gunmen

4.3. After the announcement of Prime Minister Golding on 17 May that the Attorney-General intended to sign the Authority to Proceed, the evidence shows that there was a definite mobilisation of criminal elements both from within Tivoli Gardens itself and from outside that community into it. DCP Glenmore Hinds said that Intelligence received on 21 May indicated that mercenaries from across Jamaica were recruited to join the gangs of gunmen in Tivoli Gardens.

4.4. DCP Hinds said in his witness statement:

“Intelligence was that men from several areas of Jamaica were recruited into Tivoli Gardens, where they joined forces with men from Tivoli Gardens and were patrolling the community with high-powered weapons.”

4.5. In oral evidence, he particularised that statement -

“Thirty men from one community – Rose Town – went in armed with rifles and gunmen were being paid \$30 000 per person.... Other men came from Waterford, Mountain View Avenue, May Pen and Clarendon and they were armed. We instituted roadblocks and stop and search procedures along Marcus Garvey Drive and Spanish town Road.”

4.6. Capt. Garth Anderson of the JDF spoke of Intelligence suggesting that between three and four hundred gunmen had been imported into Tivoli Gardens. Their purpose was -

“to prevent law enforcement elements from entering Tivoli Gardens and serving the extradition warrant on Coke.”

Capt. Anderson’s understanding of the sum paid to mercenaries was “\$75 000 to \$100 000 to come to Tivoli”.

Other Preparations

4.7. According to Capt. Anderson's Intelligence sources, when the recruited gunmen moved into Tivoli Gardens, they helped to erect barricades (mainly sandbags) to fortify the community. And they established look out points and shooting positions on some of the high-rise buildings inside and outside of Tivoli Gardens. These gunmen were heavily armed with 9mm guns, sniper rifles, .50 rifles and AK 47s described by Capt. Anderson as "the weapon of choice".

Offensives against the JCF

4.8. Having armed themselves to the hilt and fortified Tivoli Gardens, the army of gunmen loyal to Coke were determined to attack and destabilise the JCF.

4.9. At 4.00 p.m. on Saturday, 22 May, the NIB received Intelligence as follows:

"That criminal gangs across the island that are affiliated to Christopher Coke are planning to create disturbances across the island. This is with the intention of stretching the resources of the security forces so that focus may be diverted from the Tivoli Gardens community."

4.10. Appendix "I" to the Operational Report of the JCF submitted to Prime Minister Golding details every report of information or Intelligence received by the JCF from 18 May to 1 June 2010. These reports were checked by the JCF to determine their veracity and reliability. Not all were proved to be true.

4.11. Nonetheless, in this paragraph we reproduce certain extracts from the Operational Report indicating preparations being made by criminal elements throughout 23 May and actual attacks against the JCF and its assets. We had no reason to doubt the accuracy of these particular reports.

- *5.30 a.m.* Roadblocks mounted at the intersection of West Street and East Queen Street;
- *7.58 a.m.* Denham Town Police Station completely blocked in;
- *8.04 a.m.* Beckford Street and all roads leading to West Kingston blocked;
- *6.30 a.m.* Central units came under heavy gunfire while attempting to clear blockage;
- *7.32 a.m.* Industrial Terrace and Spanish Town road near Denham Town Primary School blocked;
- *11.20 a.m.* Darling Street Police report seeing men dressed in army fatigues, helmets and bullet proof vests in a blue building in Tivoli Gardens packing sandbags and placing large guns behind them;
- *12.07 p.m.* Police in Darling Street, Hannah Town and Denham Town Police Stations came under sustained gunfire;
- *1.48 p.m.* Police under heavy gunfire in Hannah Town, as reported by the rescue unit in the area. About 100 men were firing shots at the unit;
- *1.58 p.m.* Rescue 4 reports a police officer shot in Hannah Town and on his way to KPH;
- *2.00 p.m.* Hannah Town Police Station evacuated. Personnel and Government property removed;
- *2.15 p.m.* Police under heavy gunfire in West Street;
- *2.59 p.m.* The back of Hannah Town Police Station was on fire and the Fire Department was summoned;
- *3.06 p.m.* Report of armed men moving towards Trench Town Police Station;
- *3.12 p.m.* Police uniforms reported stolen from Hannah Town Police Station;
- *3.18 p.m.* Trench Town Police Station under heavy gunfire;

- *3.22 p.m.* Fletcher's Land Police Station under heavy gunfire;
- *3.44 p.m.* Rescue 4 under heavy gunfire at the intersection of Regent Street and Darling Street;
- *4.13 p.m.* Men seen on top of Flying Squad building with guns;
- *4.13 p.m.* Duke Street and North Street blocked;
- *4.23 p.m.* Denham Town Police Station bombed;
- *4.35 p.m.* Denham town Police Station under heavy gunfire and the police calling for help;
- *5.47 p.m.* SAC unit under gunfire at Slipe Pen Road; advised to retreat;
- *6.10 p.m.* Police advised to abandon their vehicle on Slipe Pen Road. It is taken over by criminals;
- *6.52 p.m. and 7.36 p.m.*
Reports of attacks being planned for Vineyard Town Police Station and Central Village Police Station respectively;
- *8.49 p.m.* Maxfield Avenue and Spanish Town police under fire;
- *8.54 p.m.* Police under heavy gunfire at Sunrise Crescent near Red Hills Road;
- *9.04 p.m.* Fletcher's Land Police Station under heavy gunfire. Assistance sent;
- *9.08 p.m.* Report received that at 12.47 p.m. gunmen had invaded the Victoria Jubilee Hospital;
- *9.12 p.m.* A police vehicle crashed near that hospital. It is believed that the vehicle SAC 91 was stolen by criminals after it had been abandoned by its police occupants;
- *9.50 p.m.* Police attempt to clear road block at Flat Bridge and come under fire;
- *11.37 p.m.* PC Johnson's private vehicle was shot up in Perkins Boulevard;

- *11.43 p.m.* Police Officers in MPD 03 shot near Nannyville and the National Stadium;
- *11.50 p.m.* Police Corporal shot.

4.12. That log of events demonstrates beyond peradventure the widespread attacks against the JCF on 23 May. But it is also appropriate to set forth, in narrative form, how those events unfolded from the perspective of senior police officers.

ACP LEON ROSE

4.13. The story of what happened in West Kingston on 23 May is best told through the evidence of ACP Leon Rose. He was the commanding officer of the Mobile Reserve section of the JCF, stationed at Harmon Barracks. The Mobile Reserve is the arm of the JCF that gives support to territorial commanders. It is a tactical response unit geared towards the maintenance of public order in Jamaica and is especially trained and deployed at the request of territorial commanders in teams or groups to perform specific operations.

4.14. About 8.30 a.m. on Sunday, 23 May 2010, ACP Rose attended a meeting at the office of the Commissioner of Police. CDS Saunders was also in attendance. The meeting was informed that the Denham Town police station was under intense gun attack and shots were heard coming from West Kingston. Denham Town station is a Divisional Headquarters of the JCF and significant assets and prisoners were there. On hearing of the attack, ACP Rose left the meeting and returned to Harmon Barracks.

4.15. He assembled a contingent of about 35 police officers and he and Supt. Budhoo briefed the officers. They were given the information that the Denham Town Police Station was under attack and a number of places were blocked. ACP Rose said, "We needed to respond and clear the blockages." He continued –

“We had an armoured vehicle and other vehicles and we left for Central Police Station where we would be able to get other officers to increase our contingent to about 50 persons.”

4.16. ACP Rose instructed the members of the contingent to clear blockages leading to Denham Town Police Station where their colleagues were being attacked, and to secure firearms, prisoners and their colleagues who were under siege.

4.17. They left in a mobile convoy from Central Police Station, towards South Parade and thence towards the West Kingston community. ACP Rose and CoP Ellington were in a vehicle behind the convoy. ACP Rose said –

“I saw a number of blockages of major streets – West Street; West Queen Street; Water Lane. On Industrial Terrace there was a barrage of gunfire coming from Tivoli Gardens and the Denham Town area near the Primary School. It sounded as though rifles were being fired. They were directed towards us, that is to say, towards Marcus Garvey Drive and Industrial Terrace. There was also gunfire from the vicinity of May Pen Cemetery. We had to turn back from Industrial Terrace. We could not clear the barricades. We had Intelligence that some of the barricades were booby-trapped. I heard on my radio that the team that was on its way to Denham Town police station could not proceed because of the intensity of the gunfire. The Commissioner and I were going from a different location than the team. They went from Spanish Town Road whereas we approached from Industrial Terrace. This was about 10.30 a.m.”

4.18. ACP Rose said that they withdrew after seeing the situation and returned to Central Police Station. The team was debriefed and ACP Rose returned to Harmon Barracks. JCF was able to rescue personnel at Hannah Town and Darling Street Police Stations. As ACP Rose said, “we were able to get out critical assets and prisoners”.

4.19. The Commission was shown video footage. We saw blockades; we heard sounds of constant gunfire; we saw an APC at Hannah Town Police Station being shot up and the bullet marks on it evidencing an attack on the Carrier; we saw an officer in a van telling citizens to get off the streets because “all hell is going to break loose”.

Attack on Police at Mountain View Avenue

4.20. Between midnight and daybreak on 24 May, there were reports of a number of police officers injured by gunshots. About 12.30 a.m. eight officers were injured on Mountain View Avenue in the vicinity of Excelsior Community College during a shoot-out with criminals who ambushed their police vehicle. Sgt. Wayne Henriques succumbed to injuries received during the shoot-out and Cons. Jason Davis died at 5.46 a.m., 24 May.

Supt. Colin Pinnock’s Evidence

4.21. The commanding officer of the Motorised Patrol Division (MPD), Supt. Colin Pinnock, testified about “the worst encounter with criminals” he had ever had. “This one was extraordinary”, he said. About 3.00 p.m. he had received reports of shootings in Mountain View Avenue and of a person being shot.

4.22. At about 11:45 p.m. while walking along the parade square, Supt. Pinnock heard on the police radio that some members of the JCF had been shot on Mountain View Avenue. He mobilized a group of about 20 JCF officers. They drove to the junction of Deanery Road and Mountain View Avenue and alighted from their vehicles. He saw other policemen there and inquired where the shot officers were. He was given an indication. Supt. Pinnock then led his team, in single file, on foot, up Mountain View Avenue on the side of the road where Excelsior High School is located. He said:

"I saw a motor car on the opposite side of the road with its headlights on, shining in our direction. There were street lights in the area and on the compound of the School. I decided to cross the road to the side where the car was. There was a wall on that side and we went close to the wall. About 70 yards away, I saw a civilian vehicle with someone sitting in it. The civilian shouted that his car had been shot up and could not move. Two men were lying beside a police car. The two men were policemen. We continued to move close to the wall."

4.23. Supt. Pinnock told us that shots were being fired at them from over the wall. There was an exchange of gunfire between the JCF and the gunmen. Then he heard a voice of a policeman say: "Debo get shot". Supt. Pinnock saw "Debo" fall. It was Cons. Jason Davis.

4.24. He also saw a second police officer being shot. The gunmen were still shooting. Supt. Pinnock fired at one who ran from behind the wall and saw him stumble but could not confirm that he had been shot. In the melee, most of the police officers on the scene retreated "leaving Cons. Davis on the ground". Cons. Davis was one of the twenty officers who had accompanied Supt. Pinnock to the scene. The Supt. went to Cons. Davis, comforted him and called for assistance.

4.25. Then Supt. Pinnock heard a voice calling out "Pinnock, Pinnock ... supa a mi Max, me get shot mi need help". It was Sgt. Wayne Henriques a.k.a. "Max". Supt. Pinnock told him to lie down as shots were still being fired. Supt. Pinnock's group was "pinned down for about 20 minutes". He heard gunmen using expletives and saying "Oonu a guh dead tonight" and laughing.

4.26. Soon after an armoured police vehicle from Area 4 arrived and stopped by Sgt. Henriques. He was taken away to University Hospital of the West Indies (UHWI). Another armoured vehicle, Rescue 7, came and took away Cons. Davis. His helmet and firearm were secured. Supt. Pinnock went to UHWI where he saw Cpl. Alexander Dawkins and Cons. Orlando Reid who had been

shot while in MPD 03 about 10.45 p.m. Two other police officers were also being treated for gunshot injuries at Mountain View Avenue. Supt Pinnock subsequently learnt that Cpl. Dawkins and Cons. Reid had been rescued by civilians in Nannyville.

4.27. SSP McGregor and a team secured the Mountain View Avenue area and recovered the weapons belonging to police personnel who had been shot. MPD 03 was extensively damaged by gunfire. Eight police officers, including Sgt. Henriques and Cons. Davis, were shot that night.

4.28. Supt. Pinnock explained that the gunmen were shooting at the police officers from behind a wall enclosing the football field. According to him searches unearthed over 100 spent shells on the football field. The incident on Mountain View Avenue took place near Back Bush in the Kingston Eastern Division and Supt Pinnock said in his oral evidence that Intelligence revealed that the shootings and activities "that night were directly related to Christopher Coke and Tivoli Gardens".

Shots Fired at Headquarters of the JDF

4.29. Lt. Col. David Cummings gave evidence that just before midnight on 23 May, he was in his office at Up Park Camp and he heard bullets being fired at the Headquarters of the JDF. He described the firing as "ineffective" and said that it came from the direction of Mountain View Avenue and Nannyville Gardens. He turned off the lights after hearing the gunshots and the firing ceased. No one was injured.

Shots fired at Harmon Barracks

4.30. ACP Leon Rose testified that on Sunday, 23 May, about 2.30 p.m., Harmon Barracks were attacked. He said –

"Mobile Reserve was under attack from a drive-up shooting from the Arnold Road area. I understand that the assailants came from Fletcher's Land. The barracks were shot up in several areas... I also saw shooters in some trees on Camp Road near the Muslim Mosque. The water cannon truck was mobilized on to Camp Road. We kept firing and they retreated. We were able to repel the attack without injury."

Attack on Police Escorting a Doctor

4.31. Sgt. Robert Clarke was a corporal on 23 May 2010 attached to the Operations Support Unit at Half Way Tree Police Station. While at the National Arena in the early evening, he received information that officers from his Division were escorting a doctor in a convoy when they came under fire on Slipe Pen Road and had to abandon their vehicles close to the Blood Bank and KPH. DSP Scott instructed Sgt. Clarke to go to the area and lend support to the team.

4.32. Sgt. Clarke accompanied by Cons. Richards went to Orange Street via Cross Roads. They heard explosions from the direction of the Blood Bank and Kingston Public Hospital (KPH). They parked their service vehicle near the intersection at Orange Street and "moved tactically down to Calabar Avenue". Sgt. Clarke testified:

"I saw about 14 or 15 police officers at the junction of Calabar Avenue and Slipe Pen Road lying on the ground to protect themselves. Warheads were hitting tree branches. A female police officer wet herself and passed out."

4.33. Sgt. Clarke spoke to Insp. Dallas who told him that they were escorting a doctor to KPH in a convoy and, when they got to the vicinity of the Blood Bank, the car was shot up and they had to abandon the car and run. Sgt. Clarke and Cons. Richards saw the car a little distance from KPH and "went flat on the ground". Sgt. Clarke said:

"A group of young men, all with rifles came from Hannah Town and started shooting. Most of them were wearing white shirts and jeans. They were on the ground firing and

moving tactically. I fired at them. I fired a little over 60 rounds in the direction of these men.”

4.34. He said that the gunmen escaped and so did the doctor. However, the gunmen drove the abandoned police car into Hannah Town where it was shot up by other gunmen who erroneously believed that police officers were in the car. Sgt. Clarke and his team retreated after hearing that the car was on fire.

4.35. One of Sgt. Clarke’s patrols took him to Mountain View Avenue that night and he saw police officers on the ground. He described the scene. “Big men broke down and cried”. And he said quite frankly, “Police personnel were afraid to go anywhere”.

FINDINGS

4.36. What transpired in West Kingston and related areas on 23 May was a flagrant display of an absolute disregard for law and order. This was manifested by an unprecedented series of strategic, coordinated violent attacks against officers of the JCF and State-owned properties, especially police stations. We are satisfied that Coke and his close associates or confidants carefully and systematically organised and orchestrated the attacks against the JCF.

4.37. The barricading of the Tivoli Gardens community and the blocking of the several roads in neighbouring areas evinced an intention and a determination to prevent the security forces from entering Tivoli Gardens to execute the warrant.

4.38. ACP Leon Rose’s evidence of the explosion of violence in West Kingston on 23 May is credible. It is corroborated by other evidence both oral and documentary. It discloses armed violence and lawlessness of a high order and was an overt display of defiance on the

part of the criminal elements loyal to Coke. Clearly, the safety and security of West Kingston was under direct threat of such magnitude that it demanded a firm response by the security forces.

4.39. We find that the several police stations which were attacked, damaged or destroyed, were the objects of criminal intent to create a virtual state of anarchy in West Kingston and to cause maximum fear, panic and confusion. Moreover, these coordinated attacks on police stations had the effect of causing the resources of the JCF to be spread thin.

4.40. We are of opinion that, having regard to the elaborate fortification of Tivoli and the strategy and tactics deployed by Coke and his cohorts, the offensive against the JCF was not a sudden and spontaneous activity.

4.41 At Chapter 3.58 we commented favourably on the quality of the Intelligence that alerted the security forces to the preparations being made by criminals to fortify Tivoli Gardens. However, it seems to us that, *in respect of the violent events of 23 May*, there were deficiencies in the quality of the Intelligence available to the said forces. Police Officers, who testified about those events, were clearly surprised by and unprepared for the magnitude and coordination of the onslaught directed at assets of the JCF. That Force was unable to pre-empt the attacks on police stations or establish effective defence mechanisms to protect the stations at Darling Street, Denham Town and Hannah Town. The weaknesses in the security of those stations leads us to conclude that the security forces did not receive timely and reliable Intelligence of such a kind as would have enabled them to mount counter measures to protect police assets in West Kingston

4.42. We find that the following assets of the Government of Jamaica were damaged or destroyed on 23 May 2010 by criminal elements loyal to and supportive of Christopher Coke:

- Darling Street and Hannah Town Police Stations – totally destroyed by fire**
- Denham Town Police Station – extensively damaged**
- Trench Town, Fletcher’s Land, Cross Roads Police Stations damaged by gunfire**
- JCF, SAC unit damaged by gunfire on Slipe Pen Road**
- JCF vehicle, SAC 91 burnt out**
- JCF vehicle, MPD 03 ambushed at Mountain View Avenue and damaged during shoot-out**
- Police Armoured vehicle damaged**
- Coronation Market partially destroyed by fire**

4.43. The attack on members of the JCF on Mountain View Avenue was part of the overall strategy of criminal elements to harass and destabilise the JCF. The geography of the area facilitated an ambush and a violent assault on the police. In particular, the wall bordering the football field was constructed on elevated land about two feet above the level of the road and there were at least two openings in the wall almost opposite to Excelsior High School. Therefore, gunmen firing from behind the wall had advantages of height above police officers on the road and an ability to shoot through the breaches in the wall while, at the same time, using the wall as protective cover for themselves. Supt. Pinnock’s description of gunmen firing down on the police is intelligible having regard to the elevated nature of the wall and playing field above street level.

PART B

THE OPERATION OF 24 MAY

4.44. According to the witness statement of CDS Saunders, "the plan to detain Mr. Christopher Coke was to be launched on 25 August 2009 or any time thereafter as we received authorisation". The internal security operation was launched at 11.00 a.m. on 24 May 2010.

4.45. By 8.00 a.m. on 24 May, the soldiers and police officers who were detailed for duty in the internal security operation were massed and briefed at Up Park Camp and Harmon Barracks, by their respective commanders. All of these commanders who gave evidence, insisted that they warned their troops of the need to respect the human rights of individuals and reminded them of the Use of Force Policy and Rules of Engagement as these applied to the JCF and JDF respectively.

Division of the Area of Operation into Sectors

4.46. For the purposes of the operation, Tivoli Gardens was divided into 3 sectors. The boundaries of sector 1 were: Industrial Terrace to the West; Spanish Town Road to the North ; Marcus Garvey Drive to the South and, to the East, an imaginary line running parallel to Industrial Terrace from Spanish Town Road to Marcus Garvey Drive. Sector 1 therefore included places such as Java, Chang Avenue, Dee Cee Avenue, Industrial Terrace. Maj. Luis Cheverria (JDF) and DSP Everton Tabannah (JCF) were the Ground Commanders for sector 1.

4.47. The boundaries of sector 2 were: to the West, the Tivoli Gully running North to South from Spanish Town Road to Producers Road; to the North, where the Gully meets Spanish Town Road, then East along Spanish Town Road to a point where Tivoli Court is cut in half and East where there is the other half of Tivoli Court and moving South along Wilton Hill Drive to Producers Road;

South where an imaginary line from Wilton Hill Drive and Producers Road meet and then West along Producers Road to a point where it meets the Gully. Sector 2 was under the command of Maj. Marlon Kennedy (JDF) and Supt. Warren Turner (JCF). It included the area of the Community Centre, Wilton Hill Drive and Bustamante Highway.

4.48. The boundaries of sector 3 were: Spanish Town Road to the North; Darling Street to the East; Producers Road to the South; and Wilton Hill Drive to the West. Thus, it included Darling Street, Zacky Avenue, Lizard Town and Keith Avenue. The Ground Commanders of sector 3 were Capt. Garth Anderson (JDF) and DSP Lloyd Thomas (JCF).

4.49. Lt. Col. Andrew Sewell was Commander of 2JR which set out from Up Park Camp about 11.30 a.m. on 24 May together with a large number of soldiers and vehicles of both the JDF and JCF. Their first stop was at the Urban Development Corporation (UDC) Car Park to regroup, prepare for the assault on Tivoli Gardens and to sort out certain transportation issues.

The Plan of the Security Forces and Difficulties Encountered

4.50. The plan as developed at the UDC Car Park called for the simultaneous movement of personnel to establish a cordon around the entire locale of Tivoli Gardens. The First Battalion of the JDF (1JR) was to control the environment around West Kingston and Tivoli Gardens while the Second Battalion (2JR) was to assist the JCF in cordoning Tivoli Gardens. 1JR was tasked to make the entry of 2JR into Tivoli Gardens relatively easy and gain control of the area north of Spanish Town Road.

Lt. Col. Sewell

4.51. Lt. Col. Sewell, however, spoke of the difficulties, which initially confronted 1JR. He said –

"When we were at the UDC Car Park, I became aware that 1JR was meeting significant resistance trying to manoeuvre around obstacles which were protected by gunfire."

4.52. It had been decided that 2JR would make their approach to Tivoli Gardens on two fronts: (i) via Marcus Garvey Drive and Industrial Terrace; and (ii) up Darling Street and along Spanish Town Road. But this movement was confronted with attacks from gunmen. Lt. Col. Sewell elaborated in oral evidence:

"Our soldiers going along Darling Street made slow progress because of heavy gunfire from Coronation Market. The group on Industrial Terrace came under heavy gunfire while proceeding along Marcus Garvey Drive."

4.53. Moreover, it was not possible to establish a static cordon as originally planned because of what Lt. Col. Sewell called "the threats to the personal safety of the troops between 11.00 a.m. and 3.00 p.m."

"Several of my troops were injured from direct gunfire. Along Marcus Garvey Drive, gunfire was aimed at the troops, including me. It did not stop the troops but it slowed them down on Industrial Terrace."

4.54. 2JR moved towards Tivoli Gardens in vehicles as far as they could go but they not only encountered gunfire on the roads but also from gunmen on high-rise buildings.

Captain Garth Anderson

4.55. Capt. Anderson's witness statement states at para.15:

"No.6 platoon encountered heavy resistance from gunmen located in the Coronation Market, inside the MPM building and on high-rise buildings located to the north of Tivoli Gardens in the vicinity of Tivoli Court. The gunmen were engaged with aimed controlled fire by members of the platoon. It is believed that these gunmen fled north towards the Denham Town community."

4.56. Capt. Anderson was with platoon No.5. From the UDC Car Park, this platoon moved north and eventually towards the old train station. They were able to enter Lizard Town from a southerly direction but they encountered heavy and sustained gunfire at the train station. In addition, there were a number of booby traps hidden in the thick vegetation near the train station. The soldiers were forced to manoeuvre around these traps.

4.57. Capt. Anderson estimated that it took his men approximately one hour to travel a distance of approximately 300 metres because of the booby traps and the heavy gunfire.

4.58. The mandate of Capt. Anderson's company was to control sector 3. It is worth interjecting here that it was Capt. Anderson's oral evidence that the JCF did not actually get into sector 3 until the morning of 25 May. Throughout the night of 24 May, there was sporadic gunfire from gunmen in sector 3 but the soldiers returned fire as and when necessary. No.5 platoon took fire from high-rise buildings in Lizard Town just north of the Edward Seaga football field.

4.59. Capt. Anderson's troops were unable to find any of the gunmen who were shooting at them. He explained to Ms. Deborah Martin:

"They fired and moved; there were buildings between us and them. No one ever identified who the gunmen were but some of the gunmen wore blue denims....The resistance encountered entering Tivoli Gardens was in keeping with what Intelligence suggested in terms of intensity; but its duration was less."

4.60. When the JDF were in Rasta City, No.4 platoon met "medium resistance from gunmen there and on high-rise buildings south of Tivoli Gardens. The platoon responded with controlled gunfire". It took Capt. Anderson approximately 2 hours from leaving his vehicle to get into Lizard Town on foot.

Major Mahatma Williams and the Combat Support Battalion

4.61. The specific task of the Combat Support Battalion (CSB) led by Maj. Williams was to find Coke and escort him "to a pre-designated point". The areas of concentration for the CSB were Java and areas east of the Tivoli Gardens Comprehensive High School. The targets of the CSB were Levy Path and Derek Path. It took them an hour on foot to reach those destinations whereas, in normal circumstances, such a journey would have lasted less than 10 minutes.

4.62. Maj. Williams' Battalion halted at the UDC Car Park to do last minute checks and to allow the other elements of 2JR to get in place. When the Battalion did leave the UDC Car Park, they proceeded along Marcus Garvey Drive to its intersection with Industrial Terrace. The first barricade they encountered was "where the train lines cross at Industrial Terrace".

4.63. Maj. Williams recounted in his witness statement the attacks which his unit encountered at paras.30-34:

30. There were multiple roadblocks; the first being at the railway crossing on Industrial Terrace. As the unit slowed down to allow the front end loader and APCs to clear the first blockage, a coordinated barrage of gunfire as per an ambush came from the Tivoli Gardens buildings off to our northeast and the open lot to the east.

31. Harassing gunfire was also coming from the direction of Universal Freight Handlers.

32. Overall, the bullets were mainly hitting the asphalt and a low wall to the east of us. Trees in the open lot were also being hit. The sandbags on the vehicles were hit and as a result their contents emptied out.

33. The firing from Universal Freight Handlers disrupted the movement of the support elements of the unit but was not significant enough to warrant being cleared. Up to this point my unit had suffered no casualties except for a few people who were suffering from heat related injuries.

34. The gunmen who had occupied Tivoli Gardens did not get the opportunity to detonate any explosives in the barriers where my unit manoeuvred.”

4.64. In the course of his examination-in-chief, Maj. Williams stated that a Front End Loader (FEL) operated by then L/Cpl. McLennon made its first approach to clear barricades and “got significant gunfire – effective gunfire”. This came from McKenzie Drive and an open lot near the PWD building and two high-rise buildings. He said –

“We were pinned down there for 15 to 20 minutes.”

L/Cpl. Marvin McLennon

4.65. In Chapter 5, we refer in detail to the evidence of L/Cpl. McLennon and his description of the attacks made against him and the FEL which he was operating. His evidence was corroborated by Maj. Williams whose witness statement summarises the nature and extent of the attacks on L/Cpl. McLennon and the FEL.

- “(i) Immediately upon reaching the vicinity of the train line, he came “under sustained heavy gunfire” from a group of about 20 men armed with AK47 and M16 rifles.
- (ii) When he reached the vicinity of the school on Industrial Terrace, “the FEL was hit twice by what felt like large calibre rounds. One bullet struck the front windshield and the other hit the glass on the right hand side of the vehicle. After the first impact to the right side glass, the FEL was violently tilted to the left side. In order to prevent the FEL from turning over completely, I used the bucket to stabilise the FEL to an upright position.”

4.66. The point of impact, in L/Cpl. McLennon’s opinion, suggested that the shooter was firing from “an elevated position located across the road from the school”.

Precautionary Reinforcement of Vehicles Prior to the Operation

4.67. Intelligence in the possession of the JDF strongly suggested that there was at least one .50 calibre rifle in Tivoli Gardens. According to Maj. Williams, this Intelligence meant that gunmen in Tivoli “could defeat the armoured vehicles of the JDF and the JCF and, with any ammunition, stop all other vehicles.” The JDF therefore took counter measures prior to the operation.

4.68. According to Maj. Williams at paras.18 and 19 of his witness statement:

“18. We reinforced our patrol vehicles with sandbags strapped to the bonnets and dashboards so that the drivers had some degree of cover and also to protect the engines and radiators.

19. Our patrol vehicles were further fortified with bullet traps to make a barrier between the driver/commander in the front and the tail-end gunner. This was done to ensure that, if the driver were shot, the persons in the back of the vehicle would be able to continue fighting.”

Major Kevron Henry and Bravo Company

4.69. Maj. Henry’s evidence provided an excellent account of the matters raised in this Term of Reference. It was clear, systematic and detailed. We think it appropriate to set it out *in extenso*. Maj. Henry was the commanding officer of Bravo Company (Bravo) of 1JR. This Company was designated to lead the main effort of the security forces to create a secure perimeter or buffer zone around the Tivoli Gardens community with a view to facilitating the entry of 2JR.

4.70. The formation of the buffer zone was as follows: to the north, on Spanish Town Road extending from Denham Town Police Station to Denham Town Primary School, then east to the intersection of Darling Street and Spanish Town Road and south to the intersection of Darling Street and Beckford Street. Strategy for creation of the buffer zone required Bravo to use a series of manned

barriers, observation positions and standing patrols throughout the area of operation.

4.71. Maj. Henry had begun preparations on 21 May when he positioned a platoon at MSOC as a pre-deployment exercise.

Deployment of Bravo Company

4.72. On 24 May, augmented by soldiers from various other Companies, Bravo was deployed at 11.00 a.m. from Up Park Camp in vehicles.

4.73. At 11.24 a.m. Bravo arrived at "the drop off point" at the intersection of Pechon Street and Beckford Street which had already been secured by Alpha Company of 1JR. Alpha facilitated safe passage west along Beckford Street. While moving west on Beckford Street, Bravo came under gunfire from the direction of Tivoli Gardens. At first the gunfire was intermittent but it intensified as the Company moved further west.

4.74. In oral evidence, Maj. Henry testified as follows:

"The group I was with (about 50 persons) was to move west into the market without crossing Darling Street. As we advanced north, we encountered heavy gunfire the closer we got to Tivoli Gardens. As we pushed further west, the impact became more intense. Bullets were hitting the road and buildings."

Bravo's Entry into Coronation Market

4.75. Maj. Henry's first objective was to gain entry into Coronation Market. About 15 minutes after being dropped off, Bravo entered the market directly to the north of the destroyed Darling Street police station. The Major described the intensity of the gunfire to which Bravo was subjected as follows:

"Immediately we came under sustained pistol, rifle and machine gunfire from the west, rifle fire from multi-storeyed buildings to the north along Spanish Town Road and

intermittent pistol and rifle fire from within the market complex to the east.”

4.76. Maj. Henry spoke of gunmen “popping up” in the old Metropolitan Parks and Markets (MPM) complex and delivering “significant and coordinated gunfire”. The MPM complex was located at the junction of Darling Street and Spanish Town Road. The Commission saw videos of the live action in Coronation Market where members of the JCF who were deployed with the JDF were bombarded with frightening and heavy gun attacks. The JCF officers were under the command of DSP Johnson and Supt. Baker.

Reports of Casualties

4.77. All lanes leading to the market were covered by gunfire. Meanwhile, soon after 12.30 p.m. Maj. Henry began receiving reports of casualties and heavy gunfire elsewhere in the area.

4.78. At para.9 of his witness statement, Maj. Henry said –

“9. I was informed via radio that No.4 platoon which had been deployed to MSOC had sustained two casualties and consequently had withdrawn into MSOC where they were coming under heavy, sustained gunfire. They were pinned down and were forced to actively engage in defence of their position to prevent it from being overrun.”

4.79. We discuss the casualties under Term of Reference (H) in Chapter 9.

Attempts to Gain Control of Plazas

(a) Foxy’s Plaza

4.80. No.4 platoon of Bravo had been tasked to gain control of Foxy’s Plaza. This was a high-rise building of three storeys and “was the most imposing structure in the Spanish Town Road area”. It housed shops and, from its roof, there was a clear view of Spanish Town Road, Darling Street, the Coronation

Market and Tivoli Gardens. It was important that the security forces secured control of Foxy's Plaza but they came under fire from gunmen on the third floor of the Plaza.

(b) PassaPassa Plaza

4.81. PassaPassa Plaza was located to the west of Foxy's and directly in front of Tivoli Court and Tivoli Gardens. It was also a high-rise building and, from its third floor, it offered a wide view of Tivoli Court.

4.82. The casualties suffered by No.4 platoon greatly retarded its progress and prevented the soldiers from securing the high ground of Foxy's Plaza which was critical to domination of the area. Maj. Henry told us that "securing the high ground of Foxy's Plaza would give the security forces watch over surrounding areas and various avenues of approach". It was imperative that this objective be achieved because the gunmen had forced the security forces along certain corridors and were manoeuvring in an orchestrated and pre-planned manner "so as to create effective lanes and draw the security forces into kill zones".

4.83. Maj. Henry and Lt. Col. Ogilvie changed their tactics after the setback to No.4 platoon. They deployed a reserve platoon to make its way to Foxy's Plaza via Coronation Market.

Fire in Coronation Market

4.84. About 1.00 p.m. Bravo's advance through the market was "bogged down" by exchanges of sustained gunfire "from all directions including from within the MPM complex which was occupied by gunmen". The gunmen threw Molotov cocktails into the market and caused a fire in the north-eastern section of the market and the MPM complex. However, by 2.30 p.m. Bravo had secured the MPM complex.

Securing PassaPassa Plaza and Foxy's Plaza

4.85. About 2.00 p.m. 2 Lt. D. Trowers used a V150 armoured vehicle to try and seize the PassaPassa Plaza because of the heavy and sustained gunfire his platoon was encountering while trying to advance on foot.

4.86. About 4.40 p.m. despite encountering gunfire from the vicinity of Oxford Mall and Rose Lane, Foxy's Plaza was secured. PassaPassa Plaza was secured about 4.43 p.m.

4.87. Maj. Henry testified that, after taking the MPM complex about 5.00 p.m. and, while securing Foxy's Plaza, he observed an unidentified man, dressed in a white T-shirt and jeans, aiming a gun at him. He fired shots at the man who fled. He also came under fire from the Tivoli Gardens area when he reached the last two steps at the top of Foxy's Plaza. We saw a video of Maj. Henry and his company under fire at Foxy's Plaza.

The Night of 24 May

4.88. Throughout the night of 24 May and into the early hours of 25 May, all of the section leaders of Bravo reported gunfire. The most sustained fire came from the areas of Oxford Mall, Denham Town and Matthews Lane. Intermittent fire from other areas ceased on the morning of 25 May.

4.89. Maj. Henry gave an indication of the severity of the attacks on the security forces when he estimated that their progress from the Coronation Market to Foxy's Plaza was so slow that it took them approximately 3 hours to advance 500 metres. He described the resistance of gunmen over a 48 hour period as "the most coordinated I have seen in my experience".

"The firing was selective and very focused. That said to me that there was coordination. In general, I would say that the gunmen were very determined and well prepared."

4.90. By 6.00 p.m. on 25 May, the security forces were able to dominate the Denham Town community

The JCF – SSP Donovan Graham

4.91. In May 2010, SSP Graham was attached to Mobile Reserve. He was selected as the JCF's Ground Commander for the Tivoli Gardens operation. In support of him at the Bronze level were Supt. Winchroy Budhoo, DSP Everton Tabannah, Supt. Warren Turner and DSP Lloyd Thomas.

4.92. SSP Graham commanded 244 police officers. His understanding of the respective roles of the JDF and JCF was that the JDF would take the lead in the operation and the JCF would give support. The officers commanded by SSP Graham left the JDF's Headquarters at Up Park Camp for the area of operation. About 11.00 a.m. they arrived at the Headquarters of Area 4. At the intersection of West Street and Ocean Boulevard they were met with heavy gunfire. They were obliged to get off their trucks and seek cover.

4.93. It had been planned that the three Bronze Commanders of the JCF would provide an outer cordon of support for the JDF but some of their contingents took fire from gunmen soon after starting out for Tivoli Gardens.

Attacks against the JCF

4.94. Although SSP Graham did not give detailed or chronological evidence of gunfire encountered by the JCF, he did give some indication of the reports of attacks made on the JCF. Thus, he said that DSP Tabannah "confirmed getting into Java about 5.00 p.m. after a serious gunfight on Industrial Terrace." Similarly, according to SSP Graham, DSP Thomas did not get into sector 3 until 8.00 a.m. on 25 May and "after a serious gunfight".

4.95. SSP Graham also testified that officers of the JCF reported to him that they met heavy gunfire on their way to KPH and two officers sustained

grazed injuries. Heavy gunfire was also reported as members of the JCF moved towards the intersection of Marcus Garvey Drive and Industrial Terrace. The JCF's advance was considerably slowed by gunfire from Tivoli Gardens. For example, the distance from Area 4 Headquarters to Seprod required 2 hours. SSP Graham estimated the normal travel time for this journey to be approximately 3 minutes.

4.96. SSP Graham corroborated other evidence that, throughout the night of 24 May, there was intermittent gunfire. He disagreed with Lord Gifford that gunfire from gunmen ceased about 4.00 p.m. on 24 May. He said: "It got more intense." In the words of SSP Graham: "I never before experienced anything like it".

ACP Clifford Blake

4.97. ACP Blake produced a number of videos of gunfire met by the JCF on 24 May to the Enquiry. One video showed Foxy's Plaza and it was possible to hear gunshots being fired from this building as members of the JCF advanced on the roadway.

The Operational Report for 24 May

4.98. Perusal of the log, referred to at para.4.10, shows numerous reports of attacks on police stations and police officers injured by gunfire on 24 May. We mention only a few of the entries:

- *12.31 a.m.* Six police officers injured in a shoot-out on Mountain View Avenue in the vicinity of Excelsior Community College
- *1.15 a.m.* Sgt. Henriques of MPD succumbed to his injuries received during the shoot-out
- *2.06 a.m.* The number of police officers injured in the Mountain View Avenue shoot-out is confirmed to be 8. Cons. K.

Ford and Knight treated at St. Joseph's hospital. Also Cons. J. Davis, K. Miller and Cpl. C. Cummings of Kingston East division as well as Cpl. Dawkins and Cons. Reid

- *3.22 a.m.* Cross Roads police station under gunfire
- *10.48 a.m.* Heavy gunfire behind Kingston Central lock up. Police need assistance. 125 prisoners in custody
- *10.50 a.m.* MPD 50 came under heavy gunfire in downtown area
- *11.40a.m.* Fletcher's Land Police Station under heavy and sustained gunfire. Also Cross Roads Police Station. Police need assistance.
- *12.07p.m.* Allman Town Police Station under heavy gunfire. Immediate assistance needed.
- *12.31 p.m.* Rockfort Police Station under heavy gunfire. Assistance requested. They were advised to use all force necessary to neutralize attacks.
- *12.34 p.m.* Assistance needed along Arnold Road for police under heavy gunfire.
- *1.16 p.m.* Gunshots fired in the vicinity of Elleston Road police station/complex.
- *1.25 p.m.* Heavy gunfire on Fletcher's Road police station.
- *1.33 p.m.* Station needs assistance.
- *1.49 p.m.* Police under attack at the Office Centre building on Ocean Boulevard.
- *2.20 p.m.* Confirmed that 5 JDF members have been shot – one fatal, one taken to KPH, the other three to UP Park Camp for treatment.
- *2.31 p.m.* Five police officers and four JDF officers pinned down in area of Coronation Market about 1.57 pm.

- *3.19 p.m.* Police units on Rockfort main road under heavy and sustained gunfire. East units asked to assist.
- *3.34 p.m.* Rockfort Police Station under heavy gunfire.
- *4.49 p.m.* Police under heavy gunfire in Maxfield Avenue.
- *5.48 p.m.* MPD 32 under heavy gunfire at Darling Street.

Attacks on State Officials and the JCF on East Street

4.99. We were told that one anecdote arising out of the events in West Kingston was to the effect that members of the judiciary and an official in the DPP's office were shot at. Supt. Colin Pinnock clarified the position. While listening to a transmission on his police radio on 24 May, he heard that a High Court Judge and an official in the DPP's office were passing in their vehicles at a time when shots were being fired from the direction of Allman Town. The shots were not aimed at the officials. But they were cautious and took refuge in Harmon Barracks.

4.100. Sgt. Robert Clarke gave evidence that, on the morning of 24 May, he saw six men on East Street heading towards himself and about seven other officers who were in police service vehicles. The men were armed with rifles and attired in white shirts and jeans. They shot at the police, ran and took cover over a period of about ten minutes. The police officers exchanged gunfire with the gunmen. Sgt. Clarke said that his hearing and that of Cons. Richards have been adversely affected as a result of hearing sustained gunfire "over a four day period".

ATTACKS AFTER 24 MAY

25 May 2010

4.101. Even on 25 May, reports were still being received of gunfire at Denham Town Police Station (9.26 a.m.) and of K9 Division under heavy gunfire

(10.46 a.m.). At 11.19 a.m. there was a report of men firing shots from a mango tree on Harmon Barracks.

4.102. Supt. Gladys Brown-Ellis said that, on the morning of 25 May, she was part of a team going to KPH to process 40 bodies allegedly killed by members of the security forces on the previous day. The team decided to abort the journey while *en route* to KPH when they heard continuous gunfire "at the bottom of Hanover Street". She reported back to Central Police Station but, soon after, "the Police Station was fired on, causing everyone there to hit the ground in a prone position with weapons drawn".

Gunfire in May Pen Cemetery

4.103. About 5.00 p.m. on 26 May, the JCF received information that some bodies were taken to May Pen Cemetery. Supt. Brown and a team went to the cemetery where Dr. Rao, Government Pathologist, was conducting on-the-spot post mortem examinations on these bodies. Suddenly, gunmen fired bullets in the direction of Dr. Rao and the police officers and they were obliged to discontinue the process. With respect to the JDF, Lt. Col. David Cummings testified that members of the Engineer Regiment of the JDF went to May Pen Cemetery on 25 May and had to seek shelter from gunfire aimed at them about noon.

4.104. Supt. Brown referred to a similar incident at the Cemetery on 28 May. In her witness statement, she states:

"On Friday, May 28th, 2010 I returned to the cemetery to continue with the processing of the bodies and I came under attack from gunmen and had to take cover with shots whisking over my head while lying on the damp ground in the cemetery. Soldiers came to our assistance from nearby and guarded us until we completed the processing. We were accused of burning and burying bodies which resulted in the gun attack."

However, in her oral evidence, Supt. Brown-Ellis changed the date of 28 May and testified that it was 27 May.

FINDINGS

4.105. So far as the events of 24 May are concerned, officers of both the JDF and the JCF were assailed by constant, sustained and heavy gunfire soon after setting out from the UDC Car Park towards Tivoli Gardens. Soldiers in their advances along Darling Street and on Marcus Garvey Drive made only slow progress because of gunfire from criminals loyal to Christopher Coke.

4.106. The plan to establish a cordon around Tivoli Gardens was compromised because of threats by gunfire to the personal safety of the security forces. Gunmen were strategically positioned on high-rise buildings within and outside of Tivoli Gardens, in Coronation Market and the MPM complex and they maintained a steady offensive against the security forces into the afternoon.

4.107. No.6 platoon under the command of Capt. Anderson came under such sustained gunfire that it was prevented from entering sector 3 until about 5.00 p.m. When No.4 platoon was eventually able to enter Rasta City, it too, was subjected to gunfire from criminals located on high-rise buildings. The JCF detachment under DSP Thomas did not enter the sector until daybreak on 25 May. We are unable to attribute any reason for the delay of the JCF in entering the sector since DSP Thomas did not testify at the Enquiry.

4.108. We find that Maj. Henry and Lt. Col. Sewell came face to face with gunmen who took aim or fired at them. L/Cpl. McLennon survived a series of vicious attacks launched against the Front End Loader (FEL) which he was operating, by shooters in an open lot near

the PWD building and from elevated positions. L/Cpl. McLennon's life was saved because of the foresight of his superiors, notably Maj. Mahatma Williams and Lt. Col. David Cummings in specially fortifying the FEL prior to the operation. L/Cpl. McLennon's personal courage and dedication to duty are to be highly commended and his subsequent award for bravery was an appropriate acknowledgment.

4.109. Bravo Company, led by Maj. Henry, was the recipient of constant, sustained and coordinated gunfire before and during its entry into Coronation Market, at the old MPM complex and on its way to the Plazas on Spanish Town Road. These attacks had the consequence of considerably retarding the progress of Bravo Company to such an extent that that Company was not able to seize the strategic high ground of Foxy's Plaza and PassaPassa Plaza until shortly after 4.30 p.m. Having seen actual, real time video footage of the gunfire to which Bravo Company was exposed, we were astonished at its intensity and duration.

4.110. Although we did not receive much evidence of attacks launched by gunmen positioned in Denham Town, we accept Maj. Henry's evidence that sustained gunfire came from areas such as Oxford Mall, Matthews Lane and Denham Town itself during 24 May.

4.111. It is not surprising that members of the JCF were also under intense gunfire on 24 May since they were operating jointly with the JCF. Members of the JCF formed part of the forward assault troops of the JDF as was explained by commanders of the JDF and, to the extent that the JDF troops came under fire in their approach to Tivoli Gardens, it follows that members of the JCF were also the recipients of gunfire.

4.112. To the extent that the Operational Report details attacks on police officers and police stations, we see no need to repeat herein those details as set out at para.4.98. We find that, on 24 May, from as early as 12.31 a.m., officers of the JCF came under heavy and sustained gunfire from criminal elements loyal to Christopher Coke on Mountain View Avenue and eight police officers were injured, of whom two died. We accept the evidence of Supt. Colin Pinnock, reported at paras.4.21 to 4.28 above, as to the circumstances surrounding the attacks on the police at Mountain View Avenue.

4.113. We find that, throughout the day of 24 May, police officers in stations at Cross Road, Kingston Central, Fletcher's Land, Allman Town, Rockfort and Elleston Road, were put in fear of their lives as a result of gunfire directed against those stations by criminals. In the morning, police vehicle MPD50 was shot at in Downtown Kingston. During the attempt to clear blockade the FEL of the JDF was damaged by gunfire.

4.114. During the afternoon of 24 May, police officers on duty in Maxfield Avenue were shot at by criminals and police vehicle MPD32 met heavy gunfire at Darling Street.

4.115. We find that on 25 May, there was sporadic gunfire against police assets, viz. Denham Town Police Station and K9 Division.

4.116. We find that Coronation Market was partially destroyed when gunmen deliberately threw Molotov Cocktails into the Market and caused a fire to engulf part of the building and threaten the lives of the security forces who were in the Market at the time.

4.117. There is no convincing evidence that State officials (excluding the security forces) were shot at on 24 May. We are

persuaded by the evidence of Supt. Pinnock that shots were being fired by gunmen from the direction of Allman Town at a time when a High Court Judge and an official in the DPP's office happened to drive past. But the gunfire was not aimed at those officials who, nevertheless, took the precaution of seeking safe haven at Harmon Barracks.

4.118. We find that gunmen fired sporadically but ineffectively on 25, 26, and 27 May. In respect of gunfire while police and medical officers were on duty at May Pen Cemetery, there was an obvious lacuna in the security arrangements subsequent to 24 May. The house clearing exercises and searches were plainly deficient. The area of operation had not been purged of gunmen.

4.119. The evidence is contradictory about bodies and coffins being seen in May Pen Cemetery on 25 May. We do not accept Lt. Col. Cummings' evidence as to the date on which he saw coffins on his way out of the Cemetery. Although Lt. Col. Cummings was definite and positive that "the coffins and the people were not there (the Cemetery) on 26 and 27 May", we are satisfied that he was mistaken. As we report elsewhere, the evidence of Supt. Brown-Ellis and Mr. Ferdinand Madden is clear that the incident referred to by Lt. Col. Cummings in fact occurred on 26 May. We prefer their recollection of the date.