

THE

JAMAICA GAZETTE

EXTRAORDINARY

66A

Vol. CXXXVII

FRIDAY, FEBRUARY 21, 2014

No. 8A

The following Notification is, by command of His Excellency the Governor-General, published for general information.

DIONNE TRACEY DANIEL, (MRS.)
Governor-General's Secretary.

GOVERNMENT NOTICE

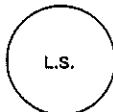
APPOINTMENT

No. 31A

THE COMMISSIONS OF ENQUIRY ACT

A PROCLAMATION

By His Excellency the Most Honourable SIR PATRICK LINTON ALLEN, Member of the Order of the Nation, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Commander of the Order of Distinction, Governor-General of Jamaica.



PATRICK LINTON ALLEN,
Governor-General.

TO: SIR DAVID SIMMONS, QC
THE HONOURABLE MRS. JUSTICE HAZEL HARRIS, CD
MS. VELMA HYLTON, QC

GREETING:

WHEREAS, I have deemed it advisable to issue a Commission under section 2 of the Commissions of Enquiry Act, appointing the Commissioners herein mentioned and authorizing such Commissioners—

To enquire into:

- (a) the situation in Western Kingston and related areas in May, 2010, prior to the attempt to execute a provisional warrant in extradition proceedings relating to Christopher “Dudus” Coke, and the reasons and circumstances surrounding the declaration of a State of Emergency in that month;
- (b) 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;
- (c) the circumstances under which, and by whom, several Police Stations and 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;
- (d) the conduct of operations by the security forces of Jamaica in Tivoli Gardens and related areas during the said State of Emergency in the month of May, 2010;
- (e) the allegations that persons were especially armed to repel any law enforcement effort to capture the fugitive Christopher “Dudus” Coke and, if so, by whom;
- (f) what were the circumstances under which, and by whom, embattlements and barriers were set up in Tivoli Gardens, and whether efforts were made, and by whom, to restrict ingress and egress of law enforcement officers or to prevent the arrest of Christopher “Dudus” Coke;
- (g) what arrangements were made, and what precautions were taken, to protect citizens in Tivoli Gardens and other affected areas from unnecessary injury or property damage during the law enforcement action in the State of Emergency, and the adequacy and appropriateness of those arrangements and precautions in the prevailing circumstances;
- (h) whether, and if so under what circumstances, civilians, police officers and soldiers of the Jamaica Defence Force were shot and killed or injured during May, 2010, in connection with the security forces seeking to effect the arrest of Christopher “Dudus” Coke on a provisional warrant in extradition proceedings;
- (i) the circumstances under which, and by whom, private property was damaged or destroyed during or around the period of the State of Emergency declared in May, 2010;
- (j) whether the rights of any person or persons were violated in any of the affected or related communities by either law enforcement officers or by anyone else and, if so, whose rights were violated, and the manner and extent of such violations, and by whom such violations were perpetrated;
- (k) the chain of command in relation to the decisions concerning the operations by the security forces in Tivoli Gardens and related areas during May, 2010, and the respective responsibilities of each person in that chain of command;
- (l) whether any dereliction of duty or unlawful conduct is attributable to any person or persons in that chain of command in connection with the decisions concerning or the execution of the operations by the security forces in Tivoli Gardens and related areas during May, 2010 and, if so, to which person or persons, and the nature and extent of such dereliction of duty or unlawful conduct;
- (m) the circumstances concerning the recovery of illegal firearms and other munitions in Western Kingston or any related or affected areas;
- (n) whether there was any direct or indirect communication between the fugitive Christopher “Dudus” Coke, and any Jamaican Government Official (or Officials) or any agent thereof, during the period between when the Request of Extradition was first communicated to the Jamaican Government or any of its agents or officials and when the fugitive Christopher “Dudus” Coke was arrested; and if so, by which Officials and/or agents thereof, the nature of any or all such communications, by what means and for what purposes;
- (o) whether copies of affidavits and other confidential supporting documents attached to or related to the Request for Extradition of Christopher “Dudus” Coke, were found in Coke’s offices, and the circumstances under which and the purposes for which those documents came to be there;
- (p) the circumstances under which the fugitive Christopher “Dudus” Coke managed to elude arrest during and

- (q) whether monies, benefits or compensation were provided by the State to compensate residents of Western Kingston including Tivoli Gardens and, if so, how much was actually paid or distributed, the manner and recording of such payment or distribution, and the adequacy of such compensation.

NOW, THEREFORE, KNOW YE that I, reposing full trust in your zeal, ability and discretion, DO HEREBY, in exercise of the power vested in me by the Commissions of Enquiry Act, APPOINT YOU the said Sir David Simmons, Honourable Mrs. Justice Hazel Harris and Ms. Velma Hylton to be Members of the said Commission and APPOINT YOU the said Sir David Simmons to be Chairman and do direct that any two of you the said Commissioners shall form a sufficient quorum for the discharge of the duties assigned to you:

AND I also direct that, having made and subscribed an oath or affirmation as required by law, and having deposited the same with the Governor-General's Secretary, you do proceed forthwith to make a full, faithful and impartial enquiry into the matters hereinbefore specified at such times and places as you may think fit, and that, should you find it necessary so to do, you shall summon witnesses to appear before you at such times and places as you may appoint, and examine and have them examined before you, on oath, touching the subject-matter of the Enquiry:

AND I do further direct that the Commission shall use its best efforts to conclude its enquiry within three (3) months after it commences:

AND I do further direct you to hold such Enquiry and to conduct such hearings in public and private in such manner and in such locations as may be necessary and convenient:

AND I do further direct you to report to me in writing within two (2) months after concluding the enquiry the result of such Enquiry and to furnish to me a full and faithful report and recommendations of the proceedings:

AND I do hereby confer on you all the other rights, powers and privileges necessary for the due execution of this my Commission, pursuant to the Commissioners of Enquiry (Amendment) Act, 2013:

AND I do hereby enjoin all persons to aid and assist in the furtherance of your Enquiry.

Given under my hand and the Broad Seal of Jamaica at King's House, this 21st day of February in the Year of Our Lord Two Thousand and Fourteen and the Sixty-third Year of the Reign of Her Majesty Queen Elizabeth II.

No. GGS 1/13