

WEW -

PRESS RELEASE

FROM THE OFFICE OF THE PUBLIC DEFENDER

URGENT AND IMMEDIATE

TO ALL MEDIA HOUSES:

THE PUBLIC DEFENDER HAS, OVER THE LAST SEVENTY-TWO HOURS, EXPRESSED SURPRISE AND, LATTERLY, ASTONISHMENT THAT, DESPITE REPRESENTATIONS AND RECOMMENDATIONS MADE TO THE POLICE HIGH COMMAND, THE VENUES OF CERTAIN ALLEGED EXTRA-JUDICIAL KILLINGS BY THE SECURITY FORCES IN TIVOLI GARDENS DURING THE RECENT INCURSION, NONE OF THEM IS BEING TREATED AS, OR AS POTENTIAL CRIME SCENES.

HE RAISED THE POSSIBILITY OF SIMILAR ALLEGATIONS SURFACING IN RELATION TO OPERATIONS ELSEWHERE IN WEST KINGSTON.


NOR HAVE ANY INVESTIGATIONS INTO THE ALLEGATIONS COMMENCED, ACCORDING TO THE LATEST INFORMATION MADE AVAILABLE BY THE BUREAU OF SPECIAL INVESTIGATIONS. THE PUBLIC DEFENDER EXPRESSED SURPRISE ALSO THAT NO WEAPONS, THE TESTING OF WHICH WOULD BE HIGHLY MATERIAL IN FORENSIC INVESTIGATIONS (SAVE FOR SOME TWENTY-FIVE,) HAVE BEEN TAKEN IN FOR BALLISTIC TESTING AND EXAMINATION.



IN A LETTER TO ASSISTANT COMMISSIONER GRANVILLE GAUSE, DATED MAY 31, 2010, COPIED TO THE COMMISSIONER OF POLICE AND THE DEPUTY COMMISSIONER (AG.) I/C OF CRIME, THE PUBLIC DEFENDER SAID:

“YOU WILL RECALL THE SURPRISE I EXPRESSED AT THE REVELATION THAT, TO THE BEST OF YOUR KNOWLEDGE, NONE OF THE FIREARMS REFERRED TO ABOVE (SAVE SOME TWENTY-FIVE ASSIGNED TO CERTAIN MEMBERS OF THE JAMAICA CONSTABULARY FORCE,) HAD BEEN TAKEN OUT OF SERVICE FOR THE PURPOSE OF BALLISTIC EXAMINATION. FOR YOU WILL BE AWARE THAT IN THE EVENT THAT ANY SPENT BULLETS, SHELLS OR FRAGMENTS ETC., ARE RECOVERED FROM THE BODIES OF DECEASED, OR FROM THE AREA OF OPERATION, THAT IT WOULD BE ESSENTIAL TO ESTABLISH, IF POSSIBLE, WHETHER THEY WERE DISCHARGED FROM ANY WEAPONS ISSUED TO SECURITY PERSONNEL.

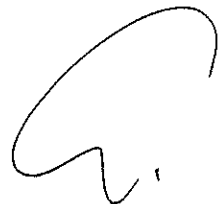
THE INTEGRITY OF THAT PROCESS WOULD BE SEVERELY COMPROMISED, IF NOT RENDERED USELESS, UNLESS ALL WEAPONS USED AT TIMES CONTEMPORANEOUS TO THE INFLECTION OF FATAL INJURIES, ARE IN FACT EXAMINED BY BALLISTICS EXPERTS. OTHERWISE, IT WOULD BE DIFFICULT IF NOT IMPOSSIBLE TO RESIST THE SUGGESTION OR CONCLUSION THAT RELEVANT WEAPONS WERE DELIBERATELY EXCLUDED, IN ORDER TO SUPPRESS EVIDENCE OF NEXUS WITH QUESTIONED KILLINGS.”



HE MADE THE FOLLOWING RECOMMENDATIONS:

1. "THAT STEPS BE TAKEN **IMMEDIATELY** TO REMOVE ALL RELEVANT WEAPONS FROM SERVICE; THE IDENTITY OF PERSONNEL TO WHOM THEY WERE ISSUED DULY RECORDED IN THE NORMAL WAY AND, THE WEAPONS BE PROPERLY STORED FOR THE PURPOSE OF BALLISTIC TESTING. THIS IS OF ESPECIAL IMPORTANCE IN RELATION TO IDENTIFICATION OF PERSONNEL, MANY OF WHOM WORE MASKS AT MATERIAL TIMES.
2. THAT STEPS BE TAKEN TO IDENTIFY AND PRESERVE **ALL OR, ALL POTENTIAL** CRIME SCENES, TO FACILITATE FORENSIC EVALUATION. IN THIS REGARD, WE WILL MAKE ALL RELEVANT INFORMATION COMING TO OUR ATTENTION, AVAILABLE TO YOU."

IN A FOLLOW-UP LETTER TO THE COMMISSIONER OF POLICE YESTERDAY, THE PUBLIC DEFENDER FULFILLED A PROMISE MADE EARLIER TO FURNISH THE BUREAU OF SPECIAL INVESTIGATIONS WITH A CHART DETAILING THE VENUES, THE NAMES AND, WHERE POSSIBLE, THE IDENTIFY OF PERSONS DECEASED, THE NAMES OF WITNESSES OR OTHER CONTACT PERSONS AND THEIR RELATIONSHIP TO THE DECEASED OR RELEVANT PREMISES.



IN THE LETTER TO THE COMMISSIONER, WHICH WAS COPIED TO THE MINISTER OF NATIONAL SECURITY, THE PUBLIC DEFENDER SAID:

“I STRONGLY URGE YOU TO CAUSE THOROUGH INVESTIGATIONS TO COMMENCE FORTHWITH. THE MATTER IS IMPATIENT OF ANY OR ANY FURTHER DELAY.”

HE CONTINUED --- :

“I TAKE THE OPPORTUNITY TO ADVISE YOU FORMALLY THAT THIS OFFICE IS IN THE PROCESS OF SECURING THE SERVICES AND ASSISTANCE OF INDEPENDENT FORENSIC EXPERTS IN PATHOLOGY, RADIOLOGY AND FIREARM EXAMINATION. QUITE OBVIOUSLY, IT WOULD FRUSTRATE AND/OR RENDER THOSE ENDEAVOURS REDUNDANT IN QUITE SIGNIFICANT RESPECTS, IF MY RECOMMENDATIONS WERE NOT ACTED UPON CONSCIENTIOUSLY. WORSE: IT WOULD STRENGTHEN CLAIMS OR SUSPICION OF SCANDALOUS ATTEMPTS ON THE PART OF THE SECURITY FORCES TO COVER UP ATROCITIES.”

THE PUBLIC DEFENDER RAISED THE CONCERNS AT A MEETING THIS MORNING WITH THE CHIEF EXECUTIVE OFFICER OF THE POLICE CIVILIAN OVERSIGHT AUTHORITY. HE WAS GIVEN COPIES OF THE CORRESPONDENCE. THE PCOA HAS AGREED TO MAKE ITS PERSONNEL AVAILABLE TO THE OFFICE OF THE PUBLIC



DEFENDER TO ASSIST IN ITS INVESTIGATIONS AS WELL AS TO MONITOR
ONGOING OPERATIONS IN THE AREA OF PUBLIC EMERGENCY.

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W. EARL WITTER, Q.C., J.P.

PUBLIC DEFENDER

CONTACT:

876-922-4159

876-383-1118

876-382-4013

