

**NOTICE RE: PROPOSED ADVERSE COMMENTS****MR. WARREN TURNER**

Superintendent of Police (Retired)
Jamaica Constabulary Force
Area 3, Headquarters
Park Crescent
Mandeville
Manchester

RE: Proposed Adverse Comment in Report of Commission of Enquiry

TAKE NOTICE that the Commission of Enquiry appointed to inquire into certain events in West Kingston and related areas in May 2010, proposes to make adverse comment against you in the Report of the Commission to the Governor General ("the Report") in the terms contained in the document attached hereto and headed "Proposed Adverse Comment".

AND TAKE NOTICE that, in accordance with the provisions of section 7A(2) of the Commissions of Enquiry (Amendment) Act 2013, the Commission hereby invites you to make a written submission or written statement that is relevant to the proposed adverse comment within fourteen days after receipt of this Notice.

AND FURTHER TAKE NOTICE that, in accordance with the Second Schedule to the said Act –

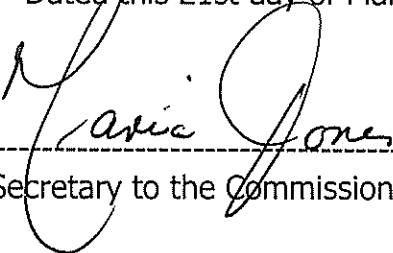
NOTICE RE: PROPOSED ADVERSE COMMENTS

- (i) if you make a written submission or written statement, the same or a summary thereof may be included in the Report;
- (ii) if you do not make a written submission or written statement within the time specified above, the Commission may include its Proposed Adverse Comment in the Report;
- (iii) if the written submission or written statement is excessively long or contains defamatory or offensive language, the Commission may include in the Report a fair summary of the written submission or written statement.

Please enclose your written submission or written statement, in a sealed envelope marked "Confidential" and addressed to:

Mrs. Maria Jones
Secretary
West Kingston Commission of Enquiry
C/o Jamaica Conference Centre
Ocean Boulevard
Kingston

Dated this 21st day of March 2016



Secretary to the Commission of Enquiry

***Proposed Adverse Comments re Supts. Everton Tabannah and Warren Turner
and Sgts. Steve Waugh and Mario Pratt***

10.58. We have given our reasons in Chapter 9 for concluding that a number of persons were probably killed by members of the security forces. However, we desire to state in this Chapter, that we were not persuaded or impressed by the evidence of Supt. Tabannah, Supt. Turner or Sgt. Waugh and Sgt. Pratt.

Supt. Tabannah

10.59. In the case of Supt. Tabannah, we prefer the timelines given by Major Cheverria who testified that his watch was synchronised in accordance with standard military procedure prior to embarking on the operation. We believe that Supt. Tabannah did report to Major Cheverria when the latter called him about 4.00 p.m. to come into the sector which had been secured at 3.25 p.m. We find it passing strange that Major Cheverria walked through sector 1 and saw no dead bodies yet Supt. Tabannah claimed to have seen two bodies.

10.60. Supt. Tabannah's evidence did not inspire confidence in us when juxtaposed with the records of KPH. He never told us that he delivered 12

bodies to KPH on 25 May, yet the records of the hospital show that he did go there with 12 bodies. Further, both Supt. Tabannah and Sgt. Waugh are contradicted by the records of KPH to the extent that they both testified of two bodies being taken to the hospital in the evening of 24 May and being pronounced dead by doctors. There is no record at the hospital supporting that evidence. In fact, we doubt that two bodies were in fact taken to KPH on 24 May. We disbelieve Supt. Tabannah that the JDF was not in control of sector 1 because of heavy gunfire. Major Cheverria's testimony is that the sector was safe and there was no hostile gunfire. We also disbelieve Supt. Tabannah's evidence that he was "pinned down for 2 hours" near the train line/intersection of Industrial Terrace and Marcus Garvey Drive. That evidence is in conflict with the evidence of Sgt. Pratt who said the team was "pinned down" for 4 minutes and that of Sgt. Waugh who put the length of time as 10 to 15 minutes. Finally, whereas the evidence of Sgts. Pratt and Waugh is that they collected 25 bodies, Supt. Tabannah's evidence under cross-examination by Mr. Panton, is that they collected 27 bodies. Quite simply, there are too many important and unexplained discrepancies in Supt. Tabannah's evidence to render it credible.

Supt. Turner

10.61. We also find that material discrepancies between the evidence of Supt. Turner and that of Major Kennedy render Supt. Turner's evidence untrustworthy. We accept Major Kennedy's evidence that he secured the sector about 4.35 p.m., "called the JCF (i.e. Supt. Turner) and they came". We do not believe that Supt. Turner went into the sector almost 4 hours later at 8.20 p.m. after being called by Major Kennedy at 8.05 p.m. All the sectors had been pacified by 6.00 p.m. at the latest. What was Supt. Turner doing for another 2½ hours? He never communicated with Major Kennedy that he was in any difficulty such as would have prevented him from entering the sector.

10.62. Moreover, we find that checkpoints were established in and around the sector about 5.00 p.m. It does not accord with commonsense or the exercise of power given to the police under the Emergency Powers Regulations that check points should not have been established as soon as the sector was under control. Supt. Turner tried to make us believe that, for the whole of the evening of 24 May, he took no steps to establish check points in sector 2. The production of a page from Supt. Turner's notebook only served to cast further doubt on his credibility. The date of the entry "8.20 p.m." is shown as 23 May 2010. The date of the operation was 24 May

2010. We also find it hard to accept the evidence of Supt. Turner referred to at para.10.41. We are forced to ask the question: Why would Major Kennedy report seeing two dead bodies in McKenzie Drive when, according to Supt. Turner, his men went to the locations and saw no bodies?

Sgt. Waugh

10.63. The manner in which dead bodies were collected and transported to KPH does not reflect well on Sgt. Waugh and Sgt. Pratt. According to them, they drove around randomly on 25 May. Neither knew where the other was. Both claimed ignorance of the roads in Tivoli Gardens. Neither made a written record of where bodies were found. Both attributed the task of record keeping to Cons. Maxwell who died in October 2010 as a result of a vehicular accident. And Supt. Tabannah made no effort to retrieve Maxwell's alleged notes immediately after the operation or at all.

10.64. Sgt. Waugh's evidence that he went twice to KPH with bodies which were pronounced dead by doctors at the hospital is not supported by the records of that institution. The records of KPH, produced by Dr. Natalie Whyie, show that no two bodies were brought to the hospital on 24 May and there is no record of Sgt. Waugh's name on the documentation of KPH.

10.65. Moreover, Sgt. Waugh's evidence that most of the bodies were found near barricades and sandbags does not sit comfortably with other evidence. If any of the civilians had been killed near barricades or sandbags on 24 May, surely the military commanders of the relevant sectors should have seen those bodies. But except for Major Cheverria who saw two bodies, none of the other commanders saw any bodies in Tivoli Gardens on 24 May. And these observations were made after the JDF took control of the sectors and houses had been cleared.

10.66. It is beyond belief that those military commanders would have invited the Supts. to move their officers into "a hot zone".

10.67. In preferring and accepting the evidence of Major Cheverria and Major Kennedy, we are mindful of the undisputed evidence that their troops' tasks were to enter Tivoli Gardens first, secure the sectors and then invite the JCF to enter and conduct searches and other tasks appropriate for the civil power. The safety and security of a sector were matters for the judgment of the JDF sector commanders who entered a sector first. When they determined that a sector was safe and secure, it was up to them to invite the JCF in. We therefore believe Majors Cheverria and Kenedy that they invited Supts. Tabannah and Turner to enter the sectors at the times

stated by the Majors when the sectors were dominated by the JDF and made safe.

10.68. In the result, we have concluded that it would be dangerous to rely on the evidence of Supt. Tabannah, Supt. Turner, Sgt. Waugh and Sgt. Pratt.