



**ELEVENTH
ANNUAL REPORT
OF THE
OFFICE OF THE
PUBLIC DEFENDER
OF JAMAICA
CALENDAR YEAR
2011**

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OFFICE OF THE PUBLIC DEFENDER

"A Voice of the Voiceless... To Loose the Chains of Injustice"

June 16, 2014

The Honourable Michael Peart, M.P.
Speaker of the House of Representatives and
Chairman of the Public Defender's Commission
Gordon House
81 Duke Street
KINGSTON

Dear Speaker:

I have the honour to submit the **Eleventh Annual Report** for the Office of the Public Defender for the period **January 2011 to December 2011**.

The Report is submitted pursuant to Section 23 (2) of the Public Defender (Interim) Act, 2000 of Jamaica. On behalf of the current staff and/or agents, I apologize to the Jamaican people and the House, for the inordinate delay in making this report available.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M. K. Mukulu', with a long horizontal stroke extending to the right.

M. K. Mukulu
ACTING PUBLIC DEFENDER

MKM/lp



OFFICE OF THE PUBLIC DEFENDER

"A Voice of the Voiceless... To Loose the Chains of Injustice"

June 16, 2014

Senator the Honourable Floyd Morris
President of the Senate
Houses of Parliament
Gordon House
81 Duke Street
KINGSTON

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M. K. Mukulu
ACTING PUBLIC DEFENDER

MKM/lp

MISSION STATEMENT

The Office of the Public Defender will, in accordance with the principles of Natural Justice and the Jamaican Constitution, investigate complaints brought by any member of the public against the state, seek redress for Constitutional and Administrative injustice and provide, where necessary and possible, the attorney's fees needed to pursue Constitutional remedies in court.

THE MOTTO

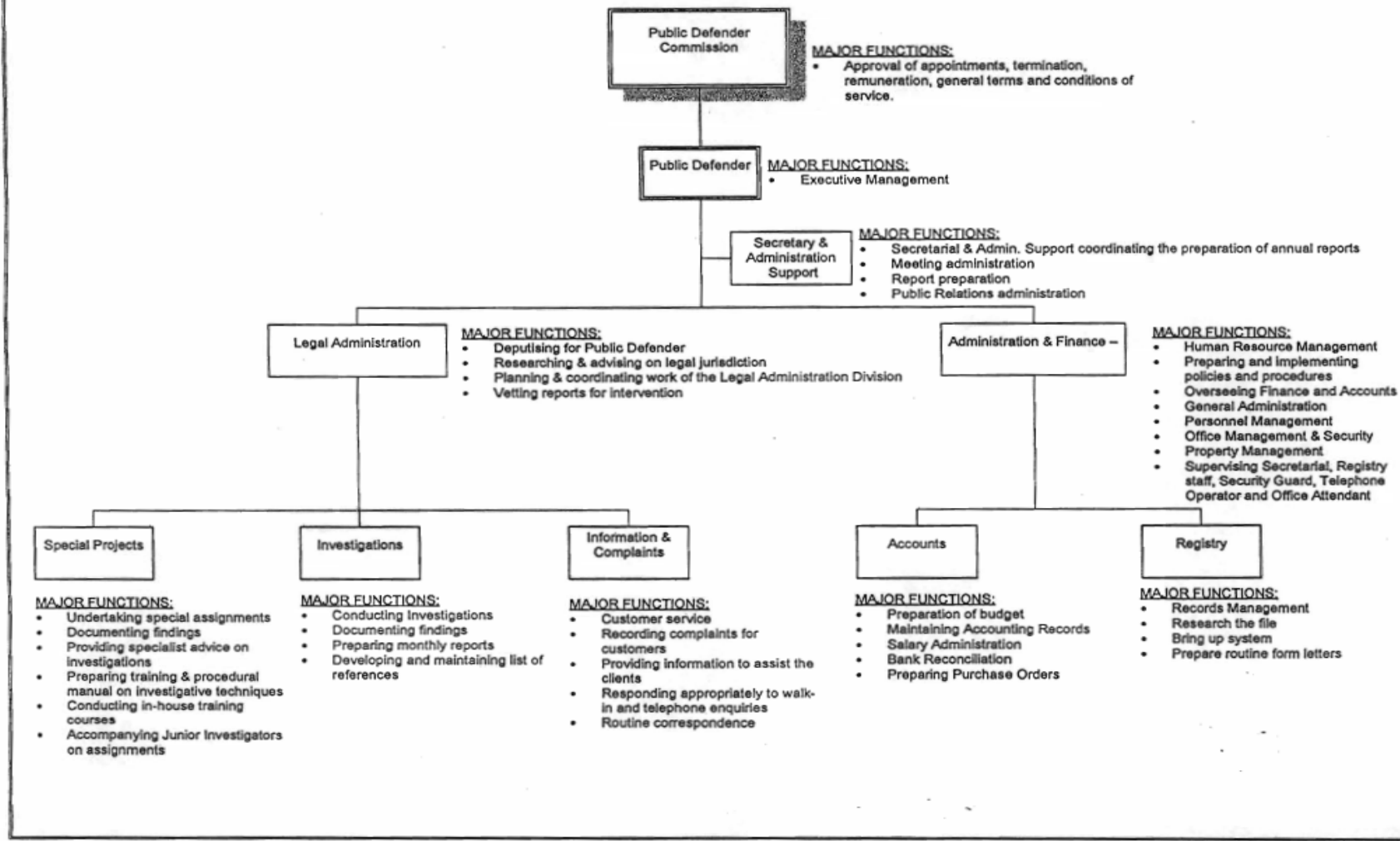
“A voice of the voiceless to loose the chains of injustice”

NOTICE

To: All complainants and visitors to the Office of the Public Defender

“You have a RIGHT to prompt, courteous and efficient attention and service. INSIST on it, POLITELY.
The Public Defender.”

Office of the Public Defender Existing Functional Chart



INTRODUCTION

This presentation marks the eleventh (11th) submission of annual reports for the Office of the Public Defender.

Included in this report is the detailed statistics of the number of complaints received – those which were redressed, those pending and the breakdown of the complainants by gender. For the year 2011, a total of Seven Hundred and Eighty-four (784) complaints were received. From this amount a total of One Hundred and Fifty-five (155) cases of twenty percent (20%) were closed while Six Hundred and Twenty-nine or Eighty (80%) were pending. Two Hundred and Twenty-five (225) cases that were received prior to 2011 were also closed, totaling Three Hundred and Eighty (380) for the year. Complaints were also received from other Caribbean islands, England and the United States of America.

This presentation reflects case summaries of some matters in which we intervened and there are also a few highlighted cases. There are ‘thank-you’ excerpts which were received from our complainants, duly printed and attached.

The Office says thank you to all our valued complainants, other stakeholders and to the staff in our pursuit to continue to be “A Voice of the Voiceless . . . to loose the Chains of Injustice”.

PUBLIC DEFENDER'S MEMORANDUM- 2012-2013

HEAD 0300 - OFFICE OF THE PUBLIC DEFENDER ACTIVITY – LEGAL SERVICES

The Public Defender, an independent Commission of Parliament, was established under the Public Defender (Interim) Act 1999 (‘the Act’) which came into effect on April 16, 2000. The Commission is mandated to ensure that where any citizen suffers injustice, resulting from maladministration, appropriate redress is secured.

The Act repealed the Parliamentary Ombudsman and expanded the mandate of that former Commission to include investigation of complaints or perceptions of infringement of constitutional rights, to secure redress where merited and, to provide legal representation in defined circumstances.

The law requires the Public Defender to submit an annual report to Parliament, regarding work accomplished during each calendar year. The law also empowers the Public Defender to make submissions to Parliament on issues that, in his opinion, warrant the intervention of that body and, also to make recommendations for the amendment to any law considered necessary or desirable.

In August 2011, the Corporate Management Development Unit (CMD) of the Cabinet Office conducted an Organizational Review of this Office under the following Terms of Reference:

“To evaluate the structure, staffing and key business process of the Office of the Public Defender with a view to recommending the appropriate structure and staffing arrangement necessary for the performance of their functions in an efficient and cost-effective manner”.

The CMD’s evaluation is available upon request, in hard copy.

The Estimates in respect of **Compensation of Employees** include vacation leave payments for officers and agents whose contractual agreements will expire during the current financial year. They also include amounts for the positions which have been reclassified, those for implementation and for the reclassification and, re-titling of the position of Registrar, inter-alia.

In relation to **Travelling Expenses and Subsistence**, amounts in respect of foreign travel and subsistence are also included, to facilitate the attendance by the Public Defender or, his nominees, at conferences or seminars abroad. The Director of Investigations has been nominated to attend the Commonwealth Executive Programme in Public Management in Toronto, Canada, under the auspices of the Commonwealth Secretariat, scheduled for June 3 – 15, 2012.

Object 23 (**Rental of Property**) relates to office space, to facilitate the removal of this Office to a more convenient location, conducive to improved service to complainants, especially the physically challenged. On the Public Defender’s recommendation, the CMD

also proposed the establishment of regional offices in Mandeville and Montego Bay.

As a result of the recommendations for implementation of the findings of the CMD, it has become necessary for the materials budget (**Purchases of Goods and other Services**) to be increased.

The amount for **Grants and Contributions** represents the annual subscription for membership fees to the Caribbean Ombudsman Association (CAROA).

For the period January 1, 2011 to December 31, 2011, the Office received Seven Hundred and Eighty Four (784) complaints. Of this number, One Hundred and Fifty Five (155) cases or Twenty (20%) of the total were closed and Six Hundred and Twenty Nine (629) or Eighty percent (80%) are pending. A total of Two Hundred and Twenty Five (225) cases that were received prior to 2011 were also closed making a total of Three Hundred and Eighty (380) for the year 2011.

For the year 2012-2013, the Office will seek to bring to closure those pending and Eighty percent (80%) of all new complaints which are projected to be received in the year.

It is projected that a minimum of One Thousand (1000) new complaints will be received.

Report from the Investigations Department

The Investigative Department at the close of the year 2010 anticipated that a number of the major investigations started in 2010 would have been carried forward to 2011. This proved to be so, particularly with the investigations into the so-called Tivoli/Western Kingston Incursion/Keith Clarke. The investigations into this matter continued with no let-up as there were so many different facets. The Office of the Public Defender was awaiting the results of the Ballistic Testing of the hundreds of firearms that had been issued to members of the Jamaica Constabulary Force as also to the Jamaica Defence Force. On May 1, 2013, the Public Defender's (Interim) Report into this horrendous blot on Jamaica's history was tabled in Parliament.

According to a Gleaner report –

“On Holy Thursday, April 1963, a gang of six (6) Rastafarians launched a rampage that led to a bloody clash with police and resulted in the death of eight men – four hacked to death and four shot in the Coral Gardens area of Rose Hall estate, ten (10) miles from Montego Bay”.

This incident has been labeled as the Coral Gardens Incident. The view advanced by the Rastafari Coral Gardens Committee seems to be that Rastas were wrongfully blamed and suffered innocently as a result of what had happened, and it is on that basis that they are

seeking an official apology from the Government, reparation for the injustice and a correction of the records to reflect what really happened. The Office of the Public Defender's investigations into the incident is filed under the Coral Gardens Reparation and our first statement was taken on May 5, 2011. Thereafter, investigators have been to the Nyabinghi Centre, Pitfour, Granville in Montego Bay, St. James to collect statements from alleged victims and eyewitnesses. To date, more than Thirty-six (36) persons have been interviewed and statements collected.

Hawkers and Pedlars

An investigation into the seizure, treatment and the disposal of such goods as were the property of hawkers and pedlars was launched in August 2011 by the Public Defender. The relevant legislation – The Hawkiers and Pedlars Act, Section 8, does not require persons who sell: -

any bread, fresh fish, milk, fruit, vegetables, ground provisions, vegetable roots, or vegetables commonly known by the name of bread kind, or to limit the real worker or workers, maker or makers of any goods, wares or manufactures of this Island, including any pickled, salted, preserved, or smoked virtual, actually and bonafide manufactured in this Island...

to hold a licence. These vendors who customarily go from place to place selling goods are considered to be a “hawker” or a “pedlar”. We had had four (4) complaints from these vendors who believe that

they were being unfairly prosecuted by the police. The complainants alleged that their goods/produce were confiscated and disposed of by the police without a Court Order authorizing same. Many were the allegations that the prosecuting police helped themselves to the choice produce. In all but one instance, the complaint originated from persons selling in the downtown Kingston area. Office of the Public Defender liaised with the senior officer at the nearby police station in an effort to have the prosecuting officer act within the provisions of the Law. We suggested, for instance, that a Perishable Goods Form be used in instances where seized goods are likely to deteriorate after a few days. The investigations into this matter have not been concluded.

Scabies at the Denham Town Police Station

On Friday, August 12, 2011, an investigation was initiated by the Public Defender into the alleged outbreak of Scabies at the Denham Town Police Station Lock-up. The said lock-up was visited by the Special Projects Manager in an effort to determine if prisoners had been the subject of inhumane and degrading treatment, and if the police, whose duty is to ensure the safety and health of the prisoners, acted in accord with that duty.

A total of seventeen (17) prisoners and one (1) police officer were infected. A private contractor was called in on Saturday, August 6, 2011 and the cells were sanitized. The Ministry of Health was contacted and an inspection was conducted. A request was made

to the Health Department for a copy of Dr. Vinjay Kumar Sunkara's report of his findings and diagnosis for the outbreak at the lock-up. However, we were informed that the said report would first be sent to the Senior Medical Officer in the Ministry of Health along with our request for a copy. To date, we are still awaiting the fulfilling of that request.

Horizon Remand Centre

In July 2011, relatives of three (3) of Jamaica's most infamous citizens, Tesha Miller, Joel Andem and Leighton 'Livity' Coke complained to the Office of the Public Defender that these men were being ill-treated on SP 11 (at the Horizon Remand Centre compound) by the soldiers from the Jamaica Defence Force who have responsibility for the security at that post.

We were able to interview and take written statements from the three (3) individuals who complained of being tortured psychologically. They alleged that a bright light is placed at the entrance to each cell and this light is kept illuminated throughout the night, which effectively prevents them from being able to sleep. In addition, a soldier sits just outside each cell and so their every move is observed. This lack of privacy was a very sore point. The men stated that they were on 24-hour lock down and were not being allowed any recreation. Soldiers would be doing drills at night and this too prevented the inmates from getting any sleep.

Tesha Miller and Joel Andem were convicted (separately) on long terms of imprisonment (exceeding ten (10) years) while Leighton Coke was awaiting trial. The investigations into this matter are not yet concluded.

Gregory Park Benevolent Society

In November 2010, the Gregory Park Benevolent Society Steering Committee wrote to the Public Defender requesting our assistance in having the Department of Cooperative and Friendly Societies honour their application for registration. The department was later advised that such registration could not be granted as the group did not own the land that they used as their official address.

Some twenty (20) business occupants and approximately fifty (50) residents occupied the property located along the Gregory Park Main Road. They were given notices from the Portmore Municipal Council to vacate the land but needed time to find alternate accommodations. In December 2010 our Office requested a meeting with the Council to consider various options but on February 17, 2011 a demolition and eviction exercise was undertaken in the presence of police personnel. Houses and shops were dismantled and containers were hauled away to various locations. In fact, containers identified as belonging to some of the evicted business persons were found – allegedly after sale – on private property, in front of the Caribbean Estate Housing Scheme in Portmore, St. Catherine.

The Public Defender subsequently summoned members of staff of the Portmore Council to judicial hearings in his Office. The former Administrative Manager did not present himself after being duly served with a summons. Consequently, the Public Defender took the hitherto untried path of having the Manager charged before the Resident Magistrate Court in the Corporate Area. At the close of the year, the matter was still before the said court.

**COMPLAINTS HANDLED BY THE
OFFICE OF THE PUBLIC DEFENDER
1979-2011**

Particulars	Figures	Total
Number of complaints received from 1979 - 2010	23,720	
Number of complaints received in 2011	784	
Number of complaints received from 1979 - 2011		24,504
Number of complaints closed from 1979 - 2010	21,371	
Number of complaints closed in 2011	155	
Number of complaints closed from 1979 - 2011		21,526
Number of complaints pending for 2011	629	
Number of complaints pending to date		3,270
Number of male complainants served in 2011	433	
Number of female complainants served in 2011	346	
Number of complainants served in 2011		784

REASON FOR CLOSURE

SUMMARY OF THE REASON FOR CLOSURE

	STATUS	Total
	Closed	
Rejected	53	53
Discontinued	74	74
Not Justified	9	9
Justified & Remedied	19	19
Total	155	155

TABLE OF AUTHORITIES AGAINST WHICH COMPLAINTS WERE RECEIVED IN 2011 SHOWING THEIR STATUS

AUTHORITY	STATUS OF CASES		Total
	Pending	Closed	
Accountant General's Department	9	2	11
Administrator General's Department	3	0	3
Antigua Immigration	1	0	1
Attorney General's Department	4	0	4
Bureau of Standards	1	0	1
Caribbean Maritime Institute	2	0	2
Child Development Agency	3	0	3
Clarendon Parish Council	1	0	1
Commissioner of Land	3	0	3
Court of Appeal	2	0	2
Department of Correctional Services	52	4	56
Electoral Office of Jamaica	0	2	2

Family Court	1	0	1
Firearm Licensing Authority	1	0	1
General Legal Council	1	1	2
Housing Agency of Jamaica	1	0	1
Independent Commission of Jamaica	1	0	1
Inland Revenue Department	1	0	1
Island Special Constabulary Force	3	0	3
Island Traffic Authority	2	1	3
Jamaica Constabulary Force	28	7	35
Jamaica Customs Department	2	0	2
Jamaica Defence Force	4	2	6
Jamaica Fire Brigade	7	0	7
Jamaica Labour Party	2	0	2
Jamaica National Heritage Trust	0	1	1
Jamaica Postal Service	2	1	3
Jamaica Railway Corporation	1	0	1
Jamaica Tax Administration Department	0	2	2
Jamaica Tourist Board	1	0	1
Jamaica Transport Authority	1	0	1
Jamaica Urban Transit Company	8	0	8
Kingston & St. Andrew Corporation	5	2	7
Kingston Public Hospital	5	0	5
Land Administration and Management Project	1	0	1
Manchester Parish Council	1	0	1
Ministry of Agriculture & Fisheries	4	0	4
Ministry of Education	27	3	30
Ministry of Finance	7	1	8
Ministry of Foreign Affairs	2	1	3
Ministry of Health	47	4	51
Ministry of Industry and Commerce	1	1	2

Ministry of Justice	40	22	62
Ministry of Labour and Social Security	8	3	11
Ministry of Mining and Energy	1	0	1
Ministry of National Security	2	1	3
Ministry of Transport and Works	4	0	4
Ministry of Water and Housing	7	2	9
National Housing Development Corporation	1	1	2
National Housing Trust	2	0	2
National Insurance Scheme	15	1	16
National Land Agency	5	2	7
National Solid Waste Management Authority	3	1	4
National Water Commission	12	3	15
National Works Agency	10	0	10
Non-Authority	35	23	58
Office of the Services Commission	1	0	1
Parish Council	1	0	1
Parish Council (Manchester)	3	0	3
Parish Council (Portland)	1	0	1
Parish Council (St. Catherine)	3	0	3
Parish Council (St. Elizabeth)	1	0	1
Parish Council (St. Mary)	3	0	3
Parish Council (St. Thomas)	1	0	1
Parish Council (Trelawny)	3	0	3
Parish Council (Portland)	2	0	2
Parish Council (St. Ann)	1	0	1
Passport, Immigration and Citizenship Association	4	0	4
Police	174	56	230
Police - Municipal	1	0	1
Police / KSAC	1	0	1

Police / Transport Authority	1	0	1
Port Security Corps	1	0	1
Portmore Municipal Council	3	0	3
Registrar General's Department	20	2	22
Rent Board of Jamaica	1	0	1
Students Loan Bureau	2	0	2
The Institute of Jamaica	1	0	1
The Statistical Institute of Jamaica	1	0	1
Transport Authority of Jamaica	8	2	10
University Hospital of The West Indies	2	0	2
Total	629	155	784

Summary of the above data:

Summary of the reason for closure:

A total of Three Hundred and Eighty **(380)** cases were closed in 2011; One Hundred and Fifty Five **(155)** of which were files that were opened in the year 2011 and of these **155** cases, Fifty Three **(53)** cases were rejected, Seventy Four **(74)** cases were discontinued, Nine **(9)** cases were not justified and Nineteen **(19)** cases were justified and remedied.

REASON FOR CLOSURE IN PERCENTAGE

Rejected	33.78%
Discontinued	48.05%
Not Justified	5.84%
Justified	12.34%

Cases Opened and Closed in 2011

A total of 784 cases were opened in 2011 and of that number 155 of these cases were closed within the same year, which is 19.77% of the total.

BREAKDOWN OF COMPLAINTS RECEIVED IN 2011
CATERGORIZED BY PARISH AND GENDER

		GENDER		Total
		Male	Female	
PARISHES AND EXTERNAL COMPLAINTS	No Parish Given	17	11	28
	Clarendon	30	11	41
	Westmoreland	13	5	17
	Trelawny	9	6	15
	Hanover	7	1	8
	Kingston	35	23	58
	Kingston 1	0	1	1
	Kingston 10	9	8	17
	Kingston 11	18	20	38
	Kingston 12	3	8	11
	Kingston 13	7	14	21
	Kingston 14	7	9	16
	Kingston 16	2	3	5
	Kingston 17	5	5	10
	Kingston 19	4	3	7
	Kingston 2	13	10	23
	Kingston 20	18	16	34
	Kingston 3	4	6	10
	Kingston 4	0	2	2
	Kingston 5	10	7	17
	Kingston 6	5	3	8
	Kingston 7	4	1	5
	Kingston 8	7	8	15
	Kingston 9	1	2	3
No information given	0	0	6	

Manchester	21	8	29
Portland	8	9	17
St. Andrew	15	9	24
St. Ann	12	13	25
St. Catherine	93	71	164
St. Elizabeth	13	13	26
St. James	11	7	18
St. Mary	11	8	19
St. Thomas	17	16	33
Spain	1	0	1
Surrey, CRO 3TD	1	0	1
USA	2	5	7
Cuba	0	1	1
England	0	3	3
Total	Total male complaints <u>433</u>	Total female complaints <u>346</u>	<u>784</u>

RANDOMLY SELECTED CASE STUDIES

U.M.

Ref.: C-329/11

Kingston and St. Andrew Corporation

The complainant stated that her brother had worked with the Kingston and St. Andrew Corporation (KSAC) as a truck sideman for fifteen (15) years. He was at work on January 2011 where he fell ill and was admitted to the Kingston Public Hospital (KPH) on February 2, 2011 and died on April 11, 2011.

After his death U.M., submitted to the KSAC the Death Certificate and other documentation to facilitate the payment of amounts which would have been due to him. The complainant was told that she would hear further from the KSAC.

U.M. made several calls on the KSAC but to no avail and therefore sought the intervention of the Public Defender. She further stated that the deceased had five (5) children and they were all attending school. She also said that the relevant NIS forms were completed and submitted to enable the processing of a funeral grant to facilitate the burial of her brother.

On June 17, 2011, U.M. visited our office and calls were made to the NSWMA. We were informed that a cheque was ready for the Funeral Parlour for which the complainant would collect. We also made contact with the NIS office and were informed that there was no record of the deceased contributing or not enough to facilitate the processing. The NIS also explained that the family would be meeting at the office the following week. We advised that they keep this Commission of Parliament updated.

The complainant was contacted on the 22nd August, 2011 and we were informed that she collected a cheque in the amount of Eighty Thousand Dollars (J\$80,000.00). However, the NIS had no Returns filed for her brother.

This complaint was investigated under the Public Defender (Interim) Act 2000 and was subsequently closed on August 26, 2011.

N.C.

Ref.: C-346/11

Non-Authority

N.C. a cancer patient, made an agreement with the father of her seventeen (17) month-old son. The agreement was for the child to stay with his uncle and a family friend until she was able to care for the child properly.

She claimed that although she tried to ascertain the location of her son, his uncle would not respond to her calls and she had not been told the whereabouts of her son or whomever he was staying with. She further stated that she had sought the assistance of the Hunt's Bay Police and the Child Development Agency (CDA) but to no avail. N.C. was afraid that she may never see her child again and may never be able to have another.

This Commission of Parliament facilitated, by making contact with the Mountain View Police in an effort to locate the uncle. This was done and arrangements were made for the child's belongings to be retrieved. However, this had proven futile.

Contacts were also made with the Children's Registry and the Children's Advocate who claimed that they were not able to assist.

Upon insistence by this Commission, the CDA assisted and the family was sent to Cable News Network (CNN) where a broadcast was made and responded to by the grandmother of the child in the United States. She had dialogue with S.P. the mother of the complainant and she directed that the child be returned to her mother.

S.P. was advised that in her daughter's circumstances she should endeavour to adopt the young child.

The file was subsequently closed.

L. and C.T.

Ref.: C-107/08

National Works Agency

The complainant, C.T. informed the O.P.D that her family was denied reasonable access to their home due to the construction of the North Coast Highway which runs from St. Ann through to Braco, Trelawny. She stated that because of how her home is situated, which is about 120 feet above the cut from the highway, access to her home is by way of trespassing on their neighbour's property. Several complaints both to the National Works Agency (NWA) and the construction engineers had proven futile.

Therefore, the Public Defender's intervention was requested. This Commission of Parliament wrote to the NWA and an advice was sent by letter to us indicating that the NWA had proposed to develop an alternate access to the property. The NWA also advised that the construction to be carried out was put out to tender and same should be completed by December 2008. Follow-ups led to further advice that the Trelawny Parish Council had received a request for approval of the relocation of the complainant and family.

Numerous letters were sent to the NWA regarding this matter but were unanswered. Contact was made once more and it was promised that the file would be dealt with. The NWA later proposed a plot of land for the family's relocation, an estimate, Re: the value of the current structure, recommendation to the National Land Agency (NLA) Re: title for the property and compensation.

The complainant was given a proposal for Three Million, Eight Hundred Thousand Dollars (J\$3,800,000.00) but claimed that she would only accept on the condition that a building plan is provided. Follow-up calls were made and we later received a letter which included copies of drawings for the dwelling house. The plan was accepted and later the Release and Discharge Forms were made available to the complainant. They were completed and returned.

This Commission continued to follow up on this matter and a cheque in the sum as agreed on was disbursed in final settlement to C.T. C.T. signed acknowledging receipt of same. Further contacts were made regarding the property and the complainant advised that the land was received and construction had started on the house.

The file was subsequently closed by virtue of Section 15(2)(e) of the Public Defender (Interim) Act 2000.

C.L.

Ref.: C-570/07

Pensions

C.L. stated that her retirement became effective on 01/05/08. She complained that she checked with the Ministry of Labour and Social Security regarding the NIS contributions deducted from her salary. She was informed that there were several years missing and that the deductions were not paid over.

She subsequently sought the Public Defender's intervention. This Commission of Parliament made checks with the Ministry of Labour and Social Security on 09/01/2008 regarding the matter. The Ministry responded on February 14, 2008 and informed the office that the Returns were submitted for some years but did not contain the NIS numbers for all employees as this information was not on file.

We were also told that the NIS office had archived some of the returns. However, the Ministry would issue letters to the NIS office detailing the deductions paid on behalf of the employees to have the matters remedied.

The complaint of C.L. was satisfactorily resolved and she indicated on July 19, 2010 that she was in receipt of her full pension benefits.

By letter dated July 27, 2010 she thanked us for speeding up the process so that she could receive her pension benefits.

The file was later closed.

P.N.

Ref.: C-27/08

Police

On January 13, 2008, there was a Police/Military Operation in Tivoli Gardens that resulted in the killing of five (5) persons and damage to properties.

Following an investigative tour by this Commission of Parliament on January 16, 2008, several persons visited the Office to complain about abuses by the soldiers who were involved in the Police/Military operations. The reports of damage to personal properties and personal effects as well as to the houses at Nos.1 and 3 Keith Avenue were properly documented by this Commission of Parliament as well as by the Bureau of Special Investigations.

Site visits resulted in the confirmation of damage seen to entrance doors, windows, items of furniture (i.e. beds, tables, chairs, dressers, living room suites etc.). The files were then compiled for the respective reports and claims. Interviews were conducted as well as visits and tours for credibility testing of the claims. Affidavits were also prepared, signed by complainants and certified by Justices of the Peace. Emergency Relief was also necessary for the persons displaced.

By letter dated June 23, 2008 to the Attorney General's Chambers, this Office outlined that the cost for refurbishing these premises must be borne by the State and that an estimate would in due course be submitted. The letter also stated that the cost of alternative accommodation should be borne by the State.

Letter dated November 5, 2008 (Statements of loss) was also submitted to the Attorney General's Chambers. However, the response from the Attorney General by letter dated November 20, 2008 acknowledged receipt of letter but explained that it would be difficult to honour these claims without our investigator verifying it. On January 13, 2009, a letter was submitted with the Report from this Office. Further response from the Attorney General's Department advised that approved information explaining the basis on which the various sums were claimed were necessary. It was further explained that if the matter goes to Court, the claimants would be strictly required to prove these claims.

After much corresponding and submission of all relevant documentations, the Attorney General wrote to the various complainants and copied to us the settlement advisories.

Finally, all seven (7) complainants were compensated on February 3, 2011 and the file was subsequently closed.

S.T. for M.L.T.

Ref.: C-180/11

Registrar General's Department

S.T. stated that on November 11, 2010 she visited the St. Ann's Bay Branch Office of the Registrar General's Department (RGD), to apply for a birth certificate for her daughter, re:- correction of error. She paid the cost of Two Thousand, Two Hundred Dollars (J\$2,200.00) and was told that the process would take two (2) months.

She further stated on January 26, 2011 she received a call from an employee of the RGD who told her that she should have been given a date in November for an interview and therefore she should attend at the office for same to be conducted. She attended the interview two (2) days later and was told that the birth certificate would take the same period of time which was two (2) months, to be processed.

The complainant also said that her sister had an appointment at the US Embassy on April 18, 2011 at 7:30 a.m., but to date she had not received the amended birth certificate. She visited the RGD on April 11, 2011 in St. Ann's Bay but was told that the birth certificate was not yet ready.

As a result of her circumstance, she sought the Public Defender's intervention into the matter. A call was placed to Mrs. Adlam in Dr. Holness' office with an appeal to complete the process for the Embassy's appointment. A follow-up call was made and we were told that the certificates were being printed at the moment of call. However, same could not be picked up as the office was closed as a result of an unrest in Spanish Town. Collection was therefore slated for 6:30 a.m. on April 18, 2011.

The certificates were duly collected and delivered to the complainant at the US Embassy.

The file was subsequently closed.

M.C.

Ref.: C-707/08

Resident Magistrate Court

This complainant, M.C. stated on November 27, 2008 she had been unlawfully remanded by a Spanish Town Resident Magistrate on October 28, 2008. She said that she was denied her freedom for three (3) days before being bailed. She stated that when she returned to Court on November 7, 2008 she was told by the Magistrate that a mistake had been made and she was free to go.

M.C. sought the intervention of the Public Defender into this matter. A letter was sent to the Spanish Town Residents Magistrate's Court requesting the documents which pertained to this matter. The documents were furnished and revealed that an egregious mistake was in fact made by the Courts. The Courts also admitted that a mistake had ensued.

The Commission made a claim on the complaint's behalf to the Attorney General for compensation for the unlawful loss of her liberty. By letter to us dated October 1, 2010, the Attorney General expressed a willingness to settle the matter in the amount of Seventy Five Thousand (J\$75,000.00). M.C. accepted the offer and

later signed the Release and Discharge form provided by the Attorney General in finalizing her decision to settle the matter.

A Bank of Nova Scotia cheque drawn on the Attorney General's, Recurrent Expenditure Account in the agreed sum was delivered to this Office. M.C. received same on September 5, 2011 which was signed as received and witnessed by the DPD.

The file was subsequently closed.

EXCERPTS RANDOMLY SELECTED
FROM THANK YOU LETTERS

CAL

Manchester

Ref. No.: C-570/07

“Thank you for your assistance in speeding up the process for me to receive my pension and National Insurance benefits. I have been receiving these every month.”

VR

St. Catherine

Ref. No.: C-465/09

“I want to thank you for using your office, to assist me in getting the marriage certificate for my parents, which I have received in January of this year”.