

CONTRIBUTION TO THE 2010-2011 SECTORAL DEBATE



by

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on

May 12, 2010

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Introduction

I am going to forego the usual sections on constituency and electoral matters (which I will cover during the Parliamentary year either by way of Questions or Private Members motions) in order to focus entirely on the monster of crime and violence which today threatens all in the society and our very way of life.

Hopefully, my presentation will help move the country closer to a solution to the crime problem. It will indicate the areas where the Opposition has been cooperating with the Government, but it will also highlight the differences between the Opposition and the Government on critical issues related to corruption, crime, and violence.

It is well documented that last year was the bloodiest in our history with 1,680 murders and 11,809 incidents of major crimes. Notwithstanding the elevated base for comparison, Police statistics for Jan. 1st to May 9th of 2010 show that relative to the same period in 2009, murders have increased by 15% and shootings are up by 18%. In fact every category of violent crime has increased relative to last year. I remind the House that the current crime wave accelerated in the last quarter of 2009, when it became clear that the Government was resisting the extradition request for Christopher Coke. I opined then that criminal gangs had become emboldened by the Government's equivocation on that extradition.

Our people have become numbed to the statistics. But recently, in addition to the quantitative increases in the numbers of murders and shootings, there seems to be a parallel, qualitative increase in the brutality of these crimes - the horrifying, callous, and inhuman nature of the incidents. In the last few weeks alone, we've had to deal with reports of not just killings but burnt bodies, beheadings, and most disturbing - the gruesome murders of two five year old children, one shot in the head and the other's throat slashed. In the case of the five year old shot in the head in St. James, what could have provoked such a callous act? On the face of it, merely a father determined to take his two young daughters to school rather than observe the lock down that a criminal gang had imposed on their community.

The unacceptably horrifying level of violent crime undermines our individual rights and freedoms, our peace of mind, our economy, in short, our quality of life. Encouragingly, there seems recently to be increasing public anger, outrage, and intolerance being expressed and I want to congratulate those elements in the media for their efforts to jolt the society awake.

Cooperation but not Unconditional Cooperation

This Opposition has consistently cooperated with the Government in the area of National Security since September 2007. There have been i) the Vale Royal Talks, ii) the participation of the Opposition Spokesman at the National Security Council, and iii) perhaps most significant from a strategic perspective, the Bi-partisan Working Group (Bunting/Nicholson/Nelson/Lightbourne) developing the framework for a new Police Management Authority. This new body will involve not only a merger of the Police Service Commission and the Police Civilian Oversight Authority but generally to modernize and strengthen Police management and accountability. It is fair to say that the Opposition has been the driving force behind this reform initiative.

Cooperation by an Opposition entails the risk of being misunderstood or deliberately misrepresented, but in any event it cannot be unconditional. The Government's statement in this Parliament that the six Crime Bills stalled because they didn't have the cooperation of the Opposition is an example of these risks. It is not true that the Opposition opposed the Crime Bills. For the record, let me state what occurred.

The Opposition agreed in principle at the "Vale Royal Talks" that some broad legislative measures were necessary to assist law enforcement. However, the actual legislation that was subsequently developed by the Government was presented to Parliament without input from the Opposition.

A Joint Select Committee was then appointed to review and report to Parliament on those Bills. In that detailed review, it became clear that there were some specific and extreme features in the Bills, such as an *absolute prohibition* on bail for 60 days for a wide variety of offences (not just gun-related crimes – for

example, even ganja cultivation was included) and *long mandatory minimum sentences*, with no provision whatsoever for the Court to have any discretion on those matters, even in cases of exceptional hardship or where the application of those provisions was manifestly inappropriate and oppressive.

Those provisions would deny citizens of even *minimal* judicial protection from abuses of power by State agents. The Opposition considered this unacceptable, especially in the Jamaican context where such abuses are prevalent.

Furthermore, two of the Bills were being passed by a procedure which, though permitted by the Constitution, had never been used before in Jamaica's history, and which would prevent the Court from considering whether those Bills were compatible with the fundamental rights and freedoms guaranteed by the Constitution.

The Opposition members on the Joint Select Committee, and representatives from various NGOs who made representations to the Joint Select Committee, expressed genuine and reasonable concerns about these aspects of the Bills.

However, despite suggestions and overtures from the Opposition members, the Government members on the Joint Select Committee, who comprised the majority, refused to entertain any proposals for amendment. The review by the Joint Select Committee was therefore a futile waste of time and effort. It is for this reason that the Opposition would not endorse the six Crime Bills without adjustments to cure the specific points of concern that arose from the review.

If the Government was more focused on tackling crime, it would have engaged in dialogue to cure the offending provisions in the Bills, consensus would have prevailed, and the Bills would now be law.

Effective Cooperation assumes commonality of interests

Cooperation assumes that both parties are working to a common objective and share the same basic principles. Let me state the Opposition's position on the issues related to the fight against corruption, crime and violence in our society:

- We support the police in vigorous and lawful activity.

- We will defend the human rights and civil liberties of all citizens whenever these are under attack, whether from rogue police, the state, or other entrenched interests.
- We support reform of the legal and judicial system so that it can work swiftly and safely for both victims and offenders.
- We welcome assistance from friendly states, including their most sophisticated personnel and technology, to combat the anarchy and terrorism of the present era.

Taking a stand involves not just talk, but must be accompanied by action to be authentic. Albert Schweitzer once wrote “You must teach men at the school of example, for they will learn at no other.” In that spirit:

- **The People’s National Party categorically repudiates and disassociates itself from all and any alliance, dependency, or common cause with organized crime and the gang culture, which are together responsible for the vast majority of our murders. This is the cause for which we are prepared to expend political capital.**
- The Party has established our own Integrity Commission to focus exclusively on issues related to ethics and integrity. The Commission comprises five members of high repute, with the majority being non-party members. It can conduct investigations on its volition, or upon referral by the Party, and recommend sanctions. Its mandate/authority will include all candidates and senior members of the Party. By establishing this Integrity Commission, the Party recognizes that we must hold ourselves to a higher standard than provided by the established laws of the state.
- At the Community level we have launched a re-socialization initiative in our Region 3 (i.e. the Corporate Area) for eventual island-wide expansion. The purpose of the ‘Safer Communities Project’ is to commence a renewed and re-energized values and attitudes campaign aimed at reducing anti-social behaviour and ultimately crime, particularly in those communities in which the People’s National Party has strong leadership capabilities and influence.

Is the JLP sincere in its efforts to tackle crime and corruption?

Since coming to office this government has been very selective in its commitment to the rule of law and good governance. Some examples of this are:

1. The improper dismissal of the Public Service Commission to prevent the appointment of the most qualified candidate to the post of Solicitor General.
2. The unilateral abrogation of several public sector employment contracts.
3. The contrasting treatment of Constable John Doe who is now being sought for prosecution for sharing information with the Americans vs the Trafigura whistle blower who was awarded with a high profile public sector post.
4. The new practice of awarding major public sector contracts such as the Falmouth Pier and the Palisadoes Road upgrade in ways that circumvent the established procurement rules, even though the taxpayers of this country will bear the ultimate cost of these works.

Recent events however, have brought sharply into question whether we do in fact have sufficient in common with this government when it comes to tackling crime. The Government's handling of the U.S. Extradition request for Christopher 'Dudus' Coke, reputed leader of the international criminal organization known as the 'Shower Posse', and also as the 'Presidential Click', centered in Tivoli Gardens. The consensus among the foremost Jamaican experts on crime and its prevention is that the most efficient law enforcement strategy for Jamaica is one which targets organized crime as the centre of the crime problem. Therefore, we should be targeting the Shower Posse as it sits at the apex of the organized criminal networks.

The Shower Posse is documented as one of the most dangerous criminal organizations in the Western Hemisphere. Books and movies have been produced about them. Thousands have been murdered and billions of dollars gained through corrupt firearms and drugs deals. Only last week the Toronto Police Force had a major operation involving a thousand officers targeting the Ontario franchise operation of the Shower Posse. Their newspaper articles compared the operation of the Shower Posse to the Italian Mafia.

Countless lives have been wasted and communities compromised, as many ghetto youth, frustrated by unemployment have come under the sway or joined in the trade of the Shower Posse and its affiliates. This has included several PNP supporters.

Yes, there are and have been other gangs but none of the strength, international reach, resilience, and viciousness of 'Shower'. It has been mostly responsible for the association between politics and crime which many Jamaicans believe.

The evidence available on the Christopher 'Dudus' Coke extradition issue points to the most dangerous peril ever faced by Jamaicans here and abroad – that of communities and the state being taken over by a criminal/political force with probably more liquid cash than the government and better armed than the state.

The PNP is not fighting against Coke's human rights. He has his right to just treatment just like everyone else. **We are struggling for our country – its good name, its future in international circles; for law and order for the whole society.**

The way in which this JLP administration has handled the request for Coke's extradition has been to weave a complex web of deception. If you read the papers Sen. Lightbourne has put into court, you realize that they are refusing to sign the authority to proceed on the single basis that some of the strong evidence against 'Dudus', was communicated to the U.S. by an unauthorized police officer.

The JLP are preparing to extradite that policeman, the so called Constable John Doe, who is now apparently in the U.S. for his act, but refusing even to put the request for Coke before the court. Lady Justice is often portrayed as being blind folded, but in Jamaica's case, our Lady Minister of Justice seems instead to be afflicted with vertigo because our justice system and its her approach seem to be turned completely upside down. The Attorney General views the well-intentioned policeman, who has put his life on the line to provide evidence in an attempt to bring down a drug kingpin, as a villain. The policeman is coming under "friendly fire" from his own law enforcement system. At the same time, as has been revealed in the sordid Manatt, Phelps and Phillips saga, the resources of the Attorney General's Department have been put at the service of Christopher Coke and the JLP's interests.

The Prime Minister by his own admission, in his capacity as Leader of the JLP, sanctioned a scheme where the JLP engaged a prominent law firm, contracted them for US\$400,000 to lobby the US Administration to withdraw the extradition request for a man they described as one of the world's most dangerous criminals. The JLP paid the American law firm Manatt to beg the Americans to give Coke a "blie", to let him off – a man accused by overwhelming evidence of having sent tons of deadly drugs to the USA and brought in hundreds if not thousands of illegal weapons for no other purpose than to murder Jamaicans.

Even usually friendly local media are now telling the Prime Minister he has nowhere left to hide from the lies and deceptions used in this cover up. Internationally - the Washington Post, the Toronto Globe and Mail, the Economist and many others have all trashed the JLP's cooked-up version of their obvious entanglement with the Shower Posse.

Recently they have tried some legal 'jim-screechy' to play for time by asking the Supreme Court to clarify Sen. Lightbourne's powers under the Extradition Act. It will not work.

For us and for the great majority of Jamaicans, including the churches, the PSOJ, several unions and the Chamber of Commerce, the law is clear and fair: send the case against 'Dudus' to court to decide if the evidence is admissible and if the case is strong enough under our law to warrant his extradition.

The Prime Minister and his Ministers have lost the moral authority to talk to anyone about crime and corruption. A Government such as this one, without moral authority, cannot govern effectively. They have lost the nation's trust and confidence.

At his swearing-in ceremony, the Prime Minister styled himself as the Chief Servant. It is now for the people to decide on the identity of the master. The Gospels remind us that no man can serve two masters: you cannot serve God and Mammon.

Conclusion

The Vision 2030 Development Plan is supposed to be the roadmap for making Jamaica the place of choice to live, work, raise families, and do business. The important question is: “are we moving closer or farther away from this goal?” For Jamaica to realize this potential, the announcement of more national security policies and legislation is less important than the political will to implement them.

Time could have been spent today cataloguing a number of proposals for making Jamaica safer such as: a national DNA database; the expanded use of Detection Dogs in firearm recovery; the improvement of our investigative and forensic science capacity, and the use of civilian volunteers in supplementing the under-manned police establishment. However the Opposition is now clear that what differentiates us from the government, as a political movement and particularly concerning a sincere fight against crime, is that the Opposition possesses the political will to make the tough choices for the benefit of the Jamaican people.

We want a society governed by the rule of law, securing the rights and dignity of its citizens and offering opportunities for growth and development for all. We want to live in the Jamaica in which our children go to and from school each day, confident of their safety and a future to live out their full human potential.

We want the Jamaica in which communities are free to express their differences and commonalities, of any sort, in a sober, tolerant and engaging freedom.

Achieving this vision requires a broad-based alliance of social partners who believe with us that “enough is enough”. It requires an urgent patriotism and leadership that will fight for Jamaica, and not allow our beloved country to become the bondslave of any individual or group. We are inviting all Jamaicans of good will – teachers, nurses, farmers, police men and women, professionals and students - to join us in this battle.

This is the time for the higher standards of the Progressive Agenda. The PNP needs no ‘President’ except our lady President, accountable to the Party and the Jamaican people to return to power and govern wisely.

We will not guard the murderous Shower Posse or any other gang, yet speak hypocritically about cooperation with the USA about suppressing the gun and drug trade.

We know that confronting the evil men of violence in the society will involve risk and require great courage. But we are inspired by the words of the great Jamaican poet and author Claude McKay who, nearly a century ago, penned these now most appropriate words:

IF WE MUST DIE

*If we must die--let it not be like hogs
Hunted and penned in an inglorious spot,
While round us bark the mad and hungry dogs,
Making their mock at our accursed lot.*

*If we must die--oh, let us nobly die,
So that our precious blood may not be shed in vain;
then even the monsters we defy
Shall be constrained to honor us though dead!
Oh, Kinsmen! We must meet the common foe;
Though far outnumbered, let us show us brave,
And for their thousand blows deal one deathblow!
What though before us lies the open grave?
Like men we'll face the murderous, cowardly pack,
Pressed to the wall, dying, but fighting back!*