



## 2016 Sectoral Debate Presentation

by Opposition Spokesman on National Security

Peter Bunting, MP

### Introduction

#### Progress in Central Manchester

I thank the citizens of Central Manchester for returning me to Parliament for the third time and with over twice the majority of the previous election, despite a swing against our Party nationally. I am encouraged that my efforts have been sufficiently appreciated that the constituents of Central Manchester continue to give me their vote of confidence.

In my first term, I articulated a vision for Central Manchester to become a Centre of Excellence for the knowledge-based industries and set about persuading stakeholders to buy into the vision. It would be founded primarily on three sectors: education, health, and ICT. In the second (2012- 2016) term, significant progress was made in advancing that vision.

In education, we added 2,000 quality high school places and constructed new classroom blocks in five schools, reducing overcrowding and taking Mandeville Primary off the shift system. We have an excellent set of schools in the constituency, getting good results, and I really hope the Minister of Education doesn't disrupt a system that is working.

In the health sector, the Mandeville Regional Hospital has acquired adjacent land to facilitate its upgrade to a Type A facility. Meanwhile, substantial private investment has occurred at Hargreaves Memorial Hospital with the construction of a new wing and the acquisition of sophisticated equipment.

The first step toward implementing the vision was having the PNP commit, through its 2011 Manifesto, to establishing an ICT Centre in Mandeville. Then began a process of searching for investors and "speaking the vision into being." By 2013, that search had led to Sutherland Global Services and its Head of Global Operations - K.S. Kumar, a true friend of Jamaica. Sutherland Global had already established operations in Kingston, and with the combined effort led by then Prime Minister Simpson-Miller, the MP and local stakeholders, as well as the relevant Ministers, Kumar and the Sutherland team were persuaded that Central Manchester was an attractive location to expand operations in Jamaica.

Sutherland subsequently opened its first facility in Mandeville last year. Today Sutherland Global is poised to expand in Mandeville, from its current base at its Ward Avenue facility, where it employs approximately 1,000 persons, to lease additional commercial space. The expansion of this large operation will provide a boost to the economy of Manchester.

#### National Security Challenges and Opportunities

I now turn to National Security. Posterity requires that some attention be paid to the recently issued Report of the Commission of Enquiry, appointed to enquire into events which occurred in Western Kingston and related areas in May 2010 (the Report).

The Tivoli operation and the preceding events will live in infamy. It was a shameful period in our nation's history and a high cost was paid in terms of loss of life, property, and reputation.

The Jamaican people have been fed with such a litany of falsehoods about what preceded and took place during and after the Operation to arrest Christopher Dudas Coke that this Report is important to establish the historical record.

I have not completed a detailed review of the entire report, but here are excerpts of some "Findings" from the first five or six sections:

*3.9 It is very probable that Coke was 'tipped off'*

*3.53 We are satisfied that the Prime Minister's announcement... (3.80 that "the security forces will be moving swiftly to bring the current situation under control" was a clear hint of an imminent internal security operation) ... and had the effect of giving impetus to the preparations of some residents in their desire to create a fortress of Tivoli Gardens.*

*3.55 We are also satisfied that the announcement took away the element of surprise from the planned operations of the security forces and allowed the supporters of Coke to mobilise their own forces against the security forces.*

3.56 In those circumstances, we think that it was incumbent upon him as Prime Minister and Minister responsible for Defence to have communicated with the Heads of the security forces prior to his broadcast.

3.57 We believe that such fortification of a residential community in a Commonwealth Caribbean State was unprecedented in the history of the region.

3.58 We accept the evidence that, gunmen from Tivoli Gardens and approximately 300 gunmen from across Jamaica, were mobilised with a view to preventing the arrest of Coke.

3.59 We, however, are troubled that the vast majority of residents who testified, pretended ignorance of the persons who created the barricades although they admitted seeing "some" barricades in the area. It seems to us that these witnesses were glued to a code of silence... we are of opinion that, since elements of Coke's vast organisation are still active in Tivoli Gardens and other parts of Jamaica as we were told, these residents may still be living in real fear of reprisals if they divulge information about criminals.

3.76 The rule of law was under the severest threat and we can put the situation in no better terms than those used by Mr. Golding, namely, "a calculated assault on the authority of the State."

4.38. ACP Leon Rose's evidence of the explosion of violence in West Kingston on 23 May is credible. It is corroborated by other evidence both oral and documentary. It discloses armed violence and lawlessness of a high order and was an overt display of defiance on the part of the criminal elements loyal to Coke. Clearly, the safety and security of West Kingston was under direct threat of such magnitude that it demanded a firm response by the security forces.

4.39. We find that the several police stations which were attacked, damaged or destroyed, were the objects of criminal intent to create a virtual state of anarchy in West Kingston and to cause maximum fear, panic and confusion.

4.105. So far as the events of 24 May are concerned, officers of both the JDF and the JCF were assailed by constant, sustained and heavy gunfire soon after setting out from the UDC Car Park towards Tivoli Gardens.

4.106. Gunmen were strategically positioned on high-rise buildings within and outside of Tivoli Gardens, in Coronation Market and the MPM complex and they maintained a steady offensive against the security forces into the afternoon.

4.109. Having seen actual, real time video footage of the gunfire to which Bravo Company was exposed, we were astonished at its intensity and duration.

5.20 The video evidence that we saw left no doubt in our minds that the special arming of criminal elements in Tivoli Gardens was no mere allegation. It was a fact of frightening proportions.

5.21. The armoury which Coke established or to which he had access, was comprised of M16 and AK47 rifles, handguns, grenades, at least one .50 calibre Grizzly sniper rifle and a large quantity of ammunition. These rifles were no ordinary firearms.

5.32. The purposes of this armoury were, inter alia to repel attacks by the security forces, to engage in arms and drugs trafficking within Jamaica and to ensure that the Presidential Click/Shower Posse was capable of engaging in and winning gunfights with other gangs.

5.75 Treating the fortification of Tivoli Gardens as an important incident in arming that community, we find that this fortification was indeed special because the emplacement of IEDs among barricades capable of detonating and causing injury or death, was a new phenomenon in Jamaica. Nothing of its kind had been seen in Jamaica prior to May 2010.

5.85 Coke may have been obliged to beat a hasty retreat from the area of the Presidential Click. Indeed, the sum of US\$245,000.00, (J\$30.6 million at 125:1) also found on 25 May at the Presidential Click, supports an inference of a hasty escape from Tivoli Gardens.

These are all findings of a factual nature, which are important for the historical record. In the years since 2010, There has been a creeping revisionism in the accounts of what took place. These accounts seek to focus entirely on the security forces' excesses and minimize the responsibility of the political leadership that created this "mother of all garrisons" in the first place, which then incubated and nurtured the murderous Shower Posse over generations. Tivoli Gardens, named after the amusement park in Copenhagen, was a social experiment that went wrong, that mutated into a garrison.

These recent accounts ignore the fact that it was the corrupt attempt to delay and frustrate the extradition that led to this civil war conflict in the middle of a residential community. There was almost a full battalion of criminal paramilitaries confronting and engaging the Jamaican state's security forces.

Later sections of the Report identify: i) adverse findings against members of the security forces; ii) allegations of extra-judicial killings; and iii) other human rights abuses by the security forces. These findings will likely be the subject of internal disciplinary reviews or criminal investigations and prosecutions, therefore I will avoid commenting specifically on these issues.

Finally, the Report makes 51 wide-ranging recommendations for the consideration of the Government, and eventually Parliament. We look forward to the acceptance and implementation of many of these recommendations.

The opposition PNP at that time, fully aware that many in our security forces had developed in an environment of hard policing where there have been human rights abuses of our citizens, decided that it was unwise to support a second extension of the State of Emergency, as was being proposed by the then JLP administration. We recognized the potential for significant abuse of citizens' human rights and freedoms. In any event the chaotic conditions that necessitated the initial declaration of the State of Emergency no longer existed at the time of the request for a second 30 day extension. We do not regret taking this course of action, and this Report vindicates our decision.

### **Review of the last administration's initiatives**

So this was the context that we inherited at the beginning of 2012 :- The security forces had made headway in reducing murders coming out of the Tivoli operation, as a result of significantly degrading the capabilities of Jamaica's apex criminal organization, the Shower Posse. At the same time however, serious concerns were being raised about human rights violations by the JCF, including extrajudicial killings, not just in the Tivoli operation but also in various operations over time. This culminated in the application of Leahy Vetting by the US Government of several units of the JCF and JDF after the release of the Public Defender's Report on the 2010 Tivoli operation.

Our new administration set about a fundamental transformation of the relationship between police and the citizenry. We believe that sustained success against violent crime must stand on a solid foundation of trust between the Police and the communities they serve. Therefore, we undertook a number of initiatives to remove sources of friction and build trust. These included:

- Instructing the JCF to downplay the paramilitary style of dress by police personnel. Instead we emphasized the khaki and red seam uniforms. The police must be seen as a part of the civilian community, not a force of occupation.
- Distributed approximately 7,000 'less lethal' kits – i.e. utility belts with batons, handcuffs, and pepper spray - to police personnel, and facilitated training in the appropriate use of force for front line personnel.
- Consequent on the amendment to the Dangerous Drugs Act, there are now 14,000 fewer arrests per year for smoking of a ganja 'spliff' - a traditional source of friction between the Police and community youths.
- Our administration had virtually eliminated the use of curfews – a restriction on citizens right to freedom of movement.

Through instituting the above measures, the JCF now enjoys a better relationship with many communities, which facilitates better information flow to plan operations, and contributed to a 61% decrease in police fatal shootings during our term in office. In fact, 2015 recorded the lowest number (91) of police fatal shootings in over 30 years. Our administration did not consider the lives of Jamaicans, even alleged criminals, as mere "collateral damage".

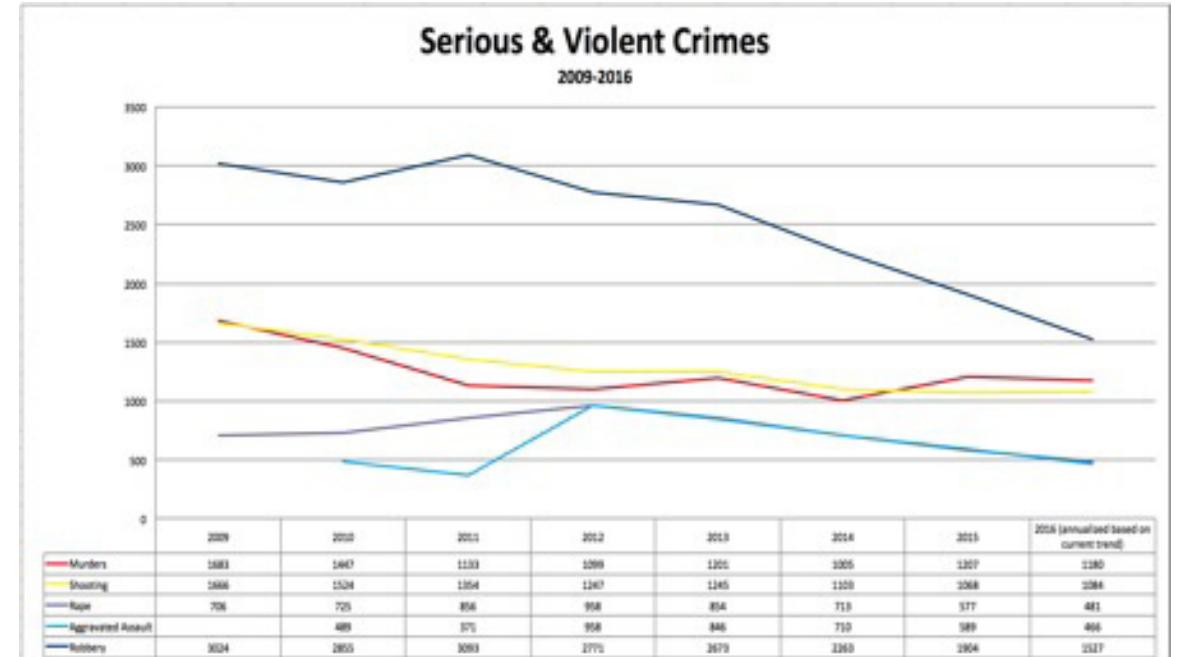


The second important broad policy thrust was to build institutional capacity and significantly improve the investigative, operational, and forensic capabilities of the Ministry, its departments, and agencies. In this regard:

- We merged the former Forensic Lab and Legal Medicine Unit to form the Institute of Forensic Sciences and Legal Medicine. Ballistic and laboratory capabilities were upgraded.
- The clear-up rate for murder is now over 50%, up from 28% only a few years ago, and it is continuing to improve from year to year. In 2015 more than 700 persons were arrested for murder, the most in any one year.
- The JCF is recruiting more qualified persons and in greater numbers. All recruits are now subject to background screening and polygraph testing. MOCA has been relentless in 'weeding out' bad eggs in the Police Force.
- MOCA was established to go after the criminal kingpins and their facilitators, including corrupt public officials. Special efforts are being used to go after the profits of their crime using anti-money laundering and confiscation provisions in POCA. Legislation to make MOCA a statutory body, independent of the JCF, was far advanced when we left office.
- Billions of dollars were invested in i) upgrading the APFIS system; ii) upgrading the telecommunications system for the JCF; iii) acquiring new vehicles for the JCF and JDF; and iv) acquiring a new Protected Mobility Vehicle (Bushmaster) Squadron for the JDF.
- The Firearms Licensing Authority (FLA) and the Passport Immigration and Citizenship Agency (PICA) were both recognized as top performing, and became fully self-funding entities.
- Between 2012 and 2015, we enacted several pieces of groundbreaking legislation to provide policy support to our security forces in the fight against criminals. These included:
  - The Law Reform (Fraudulent Transactions) (Special Provisions) Act 2013, commonly referred to as the Anti-Lottery Scam law.
  - The Criminal Justice (Suppression of Criminal Organisations) 2014 Act, commonly referred to as the Anti-Gang law.
  - The DNA Evidence Act, 2015
  - Amendment to Proceeds of Crime Act (POCA) (which among other measures, establishes a Cash transaction limit to make it more difficult to launder money.
  - Amendments to the Maritime Drug Trafficking (Suppression) Act in 2015 - to help stem the flow of illegal weapons into the country through the 'guns for drugs' trade.

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The results of these initiatives are reflected in the long-term downward trend in all serious and violent crimes.



The average number of murders per year for the four-year period from 2008 to 2011 was 1,470 as compared to an average of 1,127 (or 342 fewer murders per year) for the four-year period from 2012 to 2015. Indeed, the average year of the past PNP government had lower number of murders than the best year of the previous JLP government.

The Prime Minister campaigned on the fiction that crime increases when the PNP is in office. More recently, he stated a desire for a bipartisan approach, which is a change, but one that we welcome.

For the first two months of this year, murders and shootings were down by 16% and 21% respectively, and all categories of violent crimes were down by approximately 30%. The figures up to June 18 however, show significant slippage since the JLP came to office as murder is now up y.t.d. by 0.4% and shooting by 1.4%. The percentage reduction of all categories of violent crimes is now down by only 10% compared with 30% just three and a half months ago.

#### Prison Reform

As a country we have long recognized the need for a modern, purpose-built prison to improve the conditions under which inmates are held. However, budgetary constraints and competing priorities such as education, health and vital infrastructural development have prevented successive Governments from solving the problem of the deteriorating conditions in our major correctional facilities. Jamaica has a prison population of around 3,900, 70% of whom are low to medium risk, serving sentences of between 3 months to 3 years. It is therefore not in the country's best interest to hold these inmates, mostly young men, in sub-human conditions where they become hardened and eventually return to society, posing a greater safety and security risk. The island's two principal correctional facilities, the Tower Street Adult Correctional Centre and the St. Catherine Adult Correctional Centre, were built in the 1600s and 1800s respectively. They are

falling apart, and are highly susceptible to natural disasters with great potential for injury, loss of life, and liability to the State. The staff who work at these institutions are also exposed to these risks.

Our administration had taken steps to improve the conditions under which inmates are held. These include: a. In September 2013 the South Camp Road Detention Centre was renovated and designated as a juvenile correctional and remand centre. We achieved the complete separation of juveniles from adults in our correctional system. b. In September 2015, construction commenced for a 300-bed block at the Tamarind Farm facility to accommodate medium risk inmates at a cost of 194 million dollars. c. To reduce overcrowding at both Tower Street and the St. Catherine Adult Correctional Centre, the medium security facilities at Tamarind Farm and Richmond will be expanded to house an additional 700 inmates.

The Ministry of National Security engaged the UK Government in negotiations across three administrations, to secure a grant of £25 million towards the construction of a modern maximum-security facility, contingent upon the signing of a Prisoner Transfer Agreement (PTA) that was proposed by the UK Government. The JLP opposed this initiative. Therefore, I expect to hear from the Minister in his sectoral presentation, the progress of his plans to build a new prison.

It is a matter of national security, and public dignity that Jamaica pursues a modern, and highly functional Correctional System to replace our two aging facilities. Amnesty International has repeatedly cited the conditions in our maximum security facilities as falling well below international minimum standards and constitute violations of Articles 10 and 7 of the United Nation's International Covenant on Civil and Political Rights (ICCPR).

### **Crime Prevention Measures**

In the last administration, more attention and resources have been invested in attacking the root causes of crime than ever before, through carefully-designed crime prevention measures.

One such measure is the Citizen Security and Justice Programme (CSJP III). Through this project, the Ministry of National Security will spend more than US\$50million over four years to contribute to the reduction of crime and violence. The specific objectives are to: (i) improve social cohesion and community governance; (ii) increase employability and employment of residents in target communities; and (iii) improve access to and efficiency of justice services at the community level. There are new elements in this project such as funding of violence interrupters, managed by the PMI, and social marketing funding to support the Unite for Change initiative.

The Unite for Change (UFC) initiative was perhaps the most far-reaching and game changing innovation from the last four years in national security. It was a behavior change measure to educate citizens on the root causes of the epidemic of violence; igniting their passion and energies and commitment to defeat violent crime; and creating pathways to help move people from concern to action. It involved partnerships with community organizations, churches, schools and various civil society groups who are lending their hands, hearts, minds and voices to promote positive change in our society. It also sought to promote inter-ministerial cooperation in violence prevention initiatives.

The UFC uses new and traditional media as well as more traditional face-to-face meetings and smart mobile technology, among others. It targets school age children and supports parenting because the experts tell us that the early years are the most formative in a child's development. It engages communities through peace marches, peace concerts, and supports initiatives such as Peace for Champs and the 10,000 Men and their families march.

### **Conclusion**

We welcome the call for a bipartisan approach to crime from the Prime Minister and the Opposition will answer that call in the national interest.

However, there is no magic overnight solution, so let's continue what works:

- increased professionalization of the JCF
- no political interference in operations,

- greater use of technology and intelligence
- more resources allocated to the security forces for crime control measures
- more school and community-based initiatives aimed at addressing the root causes of crime and violence.

And finally, if the government is serious about a bipartisan approach, then let us continue the Unite for Change initiative and let both sides of this House unite for change.

Thank you.