

## TERMS OF REFERENCE FOR THE COMMISSION OF ENQUIRY

### 1. To enquire into:

- (a) the situation in Western Kingston and related areas in May 2010 prior to the attempt to execute a provisional warrant in extradition proceedings relating to Christopher “Dudus” Coke, and the reasons and circumstances surrounding the declaration of a State of Emergency in that month;
- (b) whether, and if so under what circumstances, state officials and law enforcement officers came under gunfire attacks during May 2010 in incidents connected to the attempts by law enforcement officers of Jamaica to arrest Christopher “Dudus” Coke;
- (c) the circumstances under which, and by whom, several Police Stations and other state property (including police or military vehicles) were attacked and damaged or destroyed by firebombs, gunfire or other means during or around the period of the State of Emergency declared in May 2010;
- (d) the conduct of operations by the security forces of Jamaica in Tivoli Gardens and related areas during the said State of Emergency in the month of May 2010;
- (e) the allegations that persons were especially armed to repel any law enforcement effort to capture the fugitive Christopher “Dudus” Coke and, if so, by whom;
- (f) what were the circumstances under which, and by whom, embattlements and barriers were set up in Tivoli Gardens, and whether efforts were made, and by whom, to restrict ingress and egress of law enforcement officers or to prevent the arrest of Christopher “Dudus” Coke;
- (g) what arrangements were made, and what precautions were taken, to protect citizens in Tivoli Gardens and other affected areas from unnecessary injury or property damage during the law enforcement action in the State of Emergency, and the adequacy and appropriateness of those arrangements and precautions in the prevailing circumstances;
- (h) whether, and if so under what circumstances, civilians, police officers and soldiers of the Jamaica Defence Force were shot and killed or injured during May 2010 in connection with the security forces seeking to effect the arrest of Christopher “Dudus” Coke on a provisional warrant in extradition proceedings;
- (i) the circumstances under which, and by whom, private property was damaged or destroyed during or around the period of the State of Emergency declared in May 2010;

- (j) whether the rights of any person or persons were violated in any of the affected or related communities by either law enforcement officers or by anyone else and, if so, whose rights were violated, and the manner and extent of such violations, and by whom such violations were perpetrated;
  - (k) the chain of command in relation to the decisions concerning the operations by the security forces in Tivoli Gardens and related areas during May 2010, and the respective responsibilities of each person in that chain of command;
  - (l) whether any dereliction of duty or unlawful conduct is attributable to any person or persons in that chain of command in connection with the decisions concerning or the execution of the operations by the security forces in Tivoli Gardens and related areas during May 2010 and, if so, to which person or persons, and the nature and extent of such dereliction of duty or unlawful conduct;
  - (m) the circumstances concerning the recovery of illegal firearms and other munitions in Western Kingston or any related or affected areas;
  - (n) whether there was any direct or indirect communication between the fugitive Christopher “Dudus” Coke, and any Jamaican Government Official (or Officials) or any agent thereof, during the period between when the Request for Extradition was first communicated to the Jamaican Government or any of its agents or officials and when the fugitive Christopher “Dudus” Coke was arrested; and if so, by which Officials and or agents thereof, the nature of any or all such communications, by what means and for what purposes;
  - (o) whether copies of affidavits and other confidential supporting documents attached to or related to the Request for Extradition of Christopher “Dudus” Coke, were found in Coke’s offices, and the circumstances under which and the purposes for which those documents came to be there;
  - (p) the circumstances under which the fugitive Christopher “Dudus” Coke managed to elude arrest during and after the operations by the security forces of Jamaica in Tivoli Gardens and related areas in May 2010, and the circumstances of his capture;
  - (q) whether monies, benefits or compensation were provided by the State to compensate residents of Western Kingston including Tivoli Gardens and, if so, how much was actually paid or distributed, the manner and recording of such payment or distribution, and the adequacy of such compensation.
2. The Commission shall use its best efforts to conclude its enquiry within three (3) months after it commences, and shall make a full and faithful report on and recommendations concerning the aforesaid matters, and transmit the same to His Excellency the Most Honourable Governor General, within two (2) months after concluding its enquiry.
  3. The provisions of the Commission of Enquiry Act as amended in 2013 shall be applicable for purposes of this enquiry.

4. The Commission may hold public and private hearings, in such manner and in such locations, as may be necessary and convenient.