

JDF Warning - INDECOM Search Warrant Too Risky, Solicitor General Tells Court

Livern Barrett

The Gleaner



Gladstone Taylor

The entrance to the Jamaica Defence Force headquarters at Up Park Camp in St Andrew.

The nation's solicitor general, Nicole Foster-Pusey, is warning that granting the Independent Commission of Investigations (INDECOM) a warrant to search the army's Up Park Camp

headquarters could shake international confidence in Jamaica.

The warning came yesterday as the Judicial Review Court began hearing an application by the head of the Jamaican military, Major General Antony Anderson, and the Defence Board to quash a warrant obtained by INDECOM to conduct a search of the Jamaica Defence Force (JDF) headquarters.

As part of its investigations into the use of mortars during the May 2010 police-military operation in the west Kingston community of Tivoli Gardens, INDECOM surprised JDF officials with a search warrant last December.

The warrant was accompanied by seven notices that required JDF personnel to give evidence under oath about the use of mortars.

The warrant, which was scheduled to be executed on January 12 this year, gave INDECOM investigators the authority to enter Up Park Camp and gain access, make enquiries and inspect documents, records, information and property related to the procurement and use of the explosives during the operation.

While acknowledging that the intended purpose of the warrant was to access and inspect documents related to actions of members of the security forces in a specific operation, Foster-Pusey warned of the dangers this presented.

"The warrant is so wide in its scope that there are no restrictions on how the retrieval of the information and documents will be conducted, and it is likely that sensitive information and confidential international agreements will be obtained or accessed," she indicated in her submissions to the court.

"That is not the only possible consequence of the proposed act. There is substantial risk that if the warrant is executed ... certain confidential documents and information will be disclosed or accessed," she warned.

Added Foster-Pusey: "There will also be a negative impact on the confidence reposed in the Jamaica Defence Force, and, by extension, Jamaica due to this access."

The solicitor general also raised concerns that there appeared to be no protocol in place to prevent disclosure of records and information that INDECOM would not be authorised to view. She suggested that the court could consider and form a view on whether there is the need for a protocol to be put in place "in respect of information which may be outside of the realm of the Official Secrets Act".

Seventy-four civilians and one member of the JDF were killed in the operations, which were aimed at capturing then fugitive Christopher 'Dudus' Coke.

After initially denying that mortars were used in the operations, retired army chief Major General Stewart Saunders admitted, during testimony before the west Kingston commission of enquiry, that 37 mortars were fired into three open spaces in Tivoli Gardens during the operations. Foster-Pusey is scheduled to continue her submissions today.

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Samuda Tackles Sugar Woes

Gary Spaulding

The Gleaner



File
Samuda

A senior team from China National Complete Plant Import Export Corporation (COMPLANT) is expected in Jamaica this week in a bid to address concerns in the sugar industry.

The disclosure was made yesterday by

Industry, Commerce and Agriculture Minister Karl Samuda.

"This week, further discussions are to be held at the highest levels with all the parties involved," he said.

A decision by Chinese investors, to discontinue operations at Monymusk in Clarendon until 2018 has landed the industry in a tailspin.

Samuda said several high-level meetings, aimed at addressing the issues bedevilling the local sugar cane industry, were on the ministry's agenda.

He also promised that a statement would be made after the discussions are concluded.

"We have been in discussions with all the stakeholders, including the All-Island Cane Farmers' Association," he said.

But while the minister remained adamant that he would not be making premature statements, he disclosed that the chairman of COMPLANT is scheduled to arrive in Jamaica by tomorrow. He said this was in response to an invitation that he has extended.

"Our focus is to determine how cane is distributed into the various factories, including Frome, Monymusk, Long Pond and Worthy Park," he said.

Samuda said this was with an intention to find a solution to what he described as "the Monymusk situation".

He told The Gleaner yesterday that, until the talks are concluded, he would not be in a position to speak on the matter.

Samuda said, however, that he was "cautiously optimistic" that, by weekend, he should have something definitive" to say.

The divestment of the Government's assets in the sugar industry to Chinese investors was expected to result in a turnaround in the fortunes of the ailing sector in Jamaica.

The sugar industry, however, remains in a precarious position, a situation local players claim is a result of how the Chinese have managed the assets divested to them.

Samuda said consultations were also on in earnest to bring about a resolution to the impasse involving J. Wray & Nephew (JWN) and Algix Jamaica Limited.

Within a month of Samuda's ministerial appointment, the Court of Appeal upheld an injunction against JWN preventing the company from resuming operations at the Appleton Estate sugar factory, crippling harvesting.

The injunction, obtained by Algix in January 2016, bars Appleton Estate from discharging effluent that does not meet trade standards into two rivers in the parish, pending the resolution of a lawsuit.

The case is set for trial in September.

Algix has contended that the effluent from the sugar estate was entering its fish farm and that this was affecting its business.

However, JWN denies any causal link between its factory and Algix's alleged losses.

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Cop caught having sex with minor

The Observer

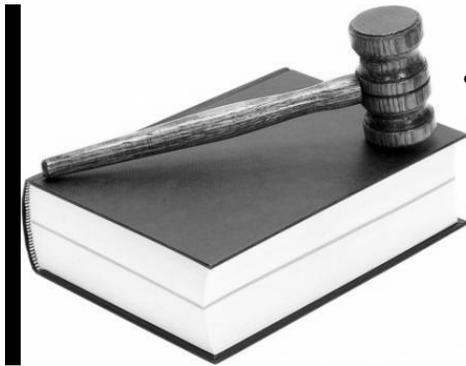


KINGSTON, Jamaica – A district constable who was reportedly caught having sex with a 14-year-old girl at a police station was offered \$300,000 bail in the Kingston and St Andrew Parish court.

The accused, who is charged with having sexual intercourse with a person under 16, was last Tuesday granted bail by senior Judge Judith Pusey.

The accused was reportedly caught after his colleagues heard noises coming from the bathroom. The accused is scheduled to return to court on May 19.

Cop On Trial For Allegedly Killing Girlfriend Could Know Fate Today



The Gleaner

The police Constable on trial for allegedly killing his girlfriend at the Errol Flynn Marina in Portland nearly three years ago could know his fate today.

Lincoln McKoy is accused of shooting his former lover Jessica King to death on August 14, 2013.

Yesterday prosecutors and the attorney representing McKoy wrapped up their case, paving the way for closing arguments to begin.

Lead prosecutor Paula Llewellyn urged the seven-member jury not to give McKoy a chance simply because he is a member of the Jamaica Constabulary Force.

Llewellyn painted McKoy as a lover scorned and asked jurors not to feel sorry for him, saying there was no legal justification for his alleged action.

Prosecutors have led evidence that King was shot in the forehead and neck almost at point blank range.

McKoy also suffered gunshot wounds to the head and throat during the incident.

However, he denied any involvement in his former girlfriend's death and insisted that he did not harm himself.

McKoy's attorney will begin his closing arguments this morning and the case could go to the jury later today.

The End