

Behind Jamaica's Garrison

(Part 4)

The following are excerpts of the July 1997 Report of the National Committee of Political Tribalism. The Committee was chaired by Political Ombudsman the Hon. Justice Kerr.

General proposals and recommendations

Political Education

WHILE THE Committee notes the present comforting emphasis by Government and Opposition on facilities for improvement in education, the existence of political tribalism is clearly indicative of certain misconceptions of party politics in our Constitutional Democracy, in particular, the existence of garrison communities and the significant and increasing malpractices in the proceedings in the general election.

There is, therefore, the need for political education in terms of basically outlining the role of the politician;

(1) in particular, as Members of Parliament and/or of the executive and to make the people understand the responsibilities of the elected and the responsibilities of the citizens as electors,

(2) that political power involves a duty and discretion to perform diligently and efficiently and for the benefit of the people,

(3) and for the citizens to recognise that to their constitutional rights there is the corresponding duty of upholding the law and the integrity of general elections which are designed as the peaceful process of choosing the persons to whom the governing of the country will be entrusted during the constitutional tenure of office.

Recommendations

That political education be taught as a special subject to:

(a) schools beginning as part of the curriculum of the 12-year olds; and

(b) adult education at the community level.

Community Relations

As the National Task Force puts it "Any successful campaign against crime requires the wholehearted support of the people. In the present climate, that support will not be forthcoming. It is imperative that steps be taken to bring about a reconciliation between the police and the people and both sides must show a willingness to right the situation."

The institution of a local Consultative Committee as exemplified by that in St. Thomas and Westmoreland is commendable and such a local committee for every police station is recommended.

The membership of the local committee should be drawn from residents in the area served by the particular station.

As the Police Administration is divided into areas, the Committee recommend a Police Area Consultative Committee, the membership of this Committee to include a representative from each local committee.

We endorse the recommendations in the report of the National Task Force on crime that: there should be a Community Council with a membership including representatives from community leaders, Parish Council, the Church, social and philanthropic organisations, members of the Private Sector Organisation and a nominee of the Commissioner of Police. This Council's main purpose would be to formulate and implement a policy of the reduction of crime and the maintenance of peace and order in the constituency.

On the other hand, as the Security Forces have an inescapable duty to act firmly against crime and to maintain law and order, the Committee appreciates that there will be occasions when the nature and extent of the

criminal activities call for hard policing - the calling out of specially and appropriately trained units and even if the occasion so demands, the assistance of members of the Jamaica Defence Force. In any event then, the principle of using no more force than reasonably necessary is applicable and over-reaction should be avoided. The police must act within the law at all times. But, when a community becomes resentful and restless and there is widespread loss of confidence in the police, the particular circumstances may require a review of police methods. This attitude of the community is often due to a breakdown of the desirable rapport between members of the community and the police and more often than not it is triggered by some incident or cause of conduct which the community feels was abuse or excess of police power.

When this occurs or is imminent, it is recommended that either on an address or complaint from a citizen or on its own volition, the Community Council should make the necessary enquiries and take steps to effect reconciliation between the people of the community and the police.

Public duty in assisting the police in the maintenance of law and order

The laissez-faire - "it's none of my business" - is an attitude which permits the garrison process to continue. As long as those outside the garrison communities are not directly affected even if it is their job to inform, they decline to do so.

"Many people are unwilling to participate in organisations and many are unwilling to take critical positions from an independent non-partisan position. In the context of strong clientelistic relations business persons are often inclined to play along with the process either with the hope of receiving benefits or out of a fear of the consequences of opposing forces." - (*Mark Figueroa - p.29*)

Residents in garrison communities or in areas with a history of political violence and gang warfare are understandably reluctant in giving information or witness statements in cases of crimes of violence and in particular firearm offences and murder. This is due to the fear of being targeted as stool pigeons and the knowledge that potential witnesses in pending cases of violence have been threatened and even murdered. This fear remains despite the existence of a witness protection programme. Others are unwilling because of misguided loyalty based upon close relationship by blood or intimacy or enforced obligation as beneficiaries of the system.

The Committee recommends for the consideration of Government the provision of asylum out of the island for witnesses who have given evidence in cases where there is reasons to believe that their life would still be in danger from members of a gang or relatives and friends. To that end it may be necessary to enter into reciprocal arrangements with friendly Countries.

If the measures recommended to eliminate the causes and contributory circumstances of political tribalism as set out earlier are successfully carried out then the expected consequences will be not only an awareness of their responsibilities as citizens but the courage to discharge those responsibilities.

It is the duty of the citizen:

1. to co-operate with the police in the maintenance of peace and good order in the community and the prevention of crime;
2. to assist in the administration of justice as witnesses and jurors; and
3. abstaining from giving aid and comfort to anyone who has committed or is in the act of committing offences against the law particularly offences that are in breach of the Representation of the People's Act and kindred offences.

Concluding general observations and proposals

Political violence

Responding to the suggestion from members of the public that political leaders should walk and talk together in the troubled areas, we recommend:

- (i) a joint meeting of political representatives in each constituency at which the leaders will publicly declare their disassociation with all or any person involved or reputed to be involved in violence or drug trafficking.
- (ii) and joint visits to the troubled areas.

On violence - firearms

The firearm is by far the most frequently used weapon in the commission of offences of violence. It is the weapon used in the maintenance of garrison enclaves, the dominance of dons, the weapon of war between garrison communities of different persuasions and the on-going gang warfare for causes other than political.

The Committee was credibly informed that there are in the hands of criminals guns of power and firing rate never before seen in the country.

The Police in the recovery of illegal guns have been fairly successful. They have been less successful in uncovering the source and method of importation due to the deportees' American connection, the difficulty of effectively patrolling the extensive coastline of Jamaica with our present fleet and the conspiracy of silence among the criminal element.

Amnesty

The Commissioner of Police has expressed the view that he is not averse to the notion of amnesty for illegal firearms and that any initiative that can lead to the reduction of the possession of illegal firearms is deserving of support.

He supports an amnesty on the basis that the weapons may be surrendered through confidential conduit.

As regards the importation of illegal guns it is suggested that resources be allocated for intelligence work in the countries in which guns are supplied to this country in order to significantly enhance the ability of the Jamaican Authorities in controlling and preventing the illegal importation of guns.

The Committee considered these views and the question of an Amnesty. There was a minority view that a previous amnesty had not achieved the desired results, as such guns as were surrendered were not from the criminals but from householders who for one reason or another had failed to obtain the requisite Firearm Users Licence. Therefore in the present era of firearm and gang warfare, an amnesty now would unlikely to be any more successful than the previous one. The majority, however, accepted the views of the Commissioner of Police that it would provide an opportunity for the repentant to surrender his guns and that there was expectation from journalists and a significant number of citizens that there would be such an amnesty.

According, by a majority, an Amnesty is recommended for a short period and for surrender to be affected during the daylight hours.