

# Assessment Of The Manatt/Coke Commission Of Enquiry Report

## Jamaicans United For Sustainable Development

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*Part 1, June 17, 2011*

After weeks of high profile media attention and commentary in the wider society the report of the Manatt Commission of Enquiry and the extradition request from the United States for Mr. Christopher Coke has been tabled in the house.

The report has been greeted with much disapproval and scepticism and has reinforced the view held all along by the majority of the population that nothing was going to come out of it. The people of Jamaica consistently said that it was going to be a grand waste of money, a charade and was going to enquire into things that were already widely known in the society.

Some of us felt that it was necessary and would confirm what went wrong with the handling of the request, why it was delayed for the extraordinary length of time that it was and most importantly it would uncover the truth about this great political crisis that had confronted Jamaica and had so tarnished our reputation in the International community. The enquiry would therefore certainly uncover who and what was responsible for the crisis and would put forward recommendations to hold those persons responsible and for the state to put in place measures that would make it impossible for such a recurrence to take place.

Sadly, the sceptics have been proven right by their infinite, intuitive wisdom as the report is almost exactly as they predicted.

In an initial clinical look at the report it seems that this has been due to a number of factors. Firstly, the report was apparently doomed to failure because it was selected by The Prime Minister himself without any consultation or input from the opposition which he promised to do. He selected the chairman, a person known to favour his party and constructed a terms of reference which were limited in scope for unearthing the truth behind the extradition affair. As people said the Prime Minister set up a committee, chosen by himself, with terms decided by him to investigate into his own government.

It immediately became known as the Golding enquiry therefore.

Secondly, the conduct of the commissioners and their handling of the enquiry was clearly biased, weak and ineffective and helped to consolidate the view that this was a JLP/PNP enquiry and not one of the greatest national importance. The commissioners reduced themselves to observers at times and other times behaved in a high handed manner. The worst of their offences however, was to have sat there and watched witnesses refuse to answer questions, posing some of the most ludicrous assertions and turning the enquiry into a joke. This insult to the intelligence of the Jamaican people has resulted in some of the most scathing comments made of the enquiry.

At this point it was evident that the commissioners were not serious about uncovering the truth, the reason for the enquiry in the first place. This made it unnecessarily long and drawn out which would have cost the public more money as the commissioners were being paid at an hourly rate. The public should therefore require that the payments to the commissioners be significantly reduced, if made at all.

Perhaps the most telling issue has been the content of the report and the conclusions and recommendations that the commissioners have come to. The statement from them that the findings and interpretations was how they saw it, is clear. How they saw it however is different to how the people saw it and certainly has no resemblance to the serious issues that were known before and further uncovered in the enquiry.

Furthermore, the most important findings by the commissioners are rife with contradictions and seem to have been made in order to justify their innocuous and self-serving summary. The summary is that no one is held responsible for the debacle that resulted in the great loss of lives in Tivoli Gardens and the surrounding Western Kingston community. No one is responsible for engaging in an activity to get the United States to drop the extradition request for Mr. Coke, bypassing all the established avenues of the Ministry of Foreign Affairs and the courts of the land.

Incredibly too, no one is to be held responsible and accountable for breaking time honoured traditions by engaging in an undercover act by paying an United States based law firm, Manatt, Phelps & Phillips to negotiate with American authorities to drop the Coke extradition request thereby debasing the power, legitimacy and integrity of our government.

It was determined that Mr. Coke's constitutional rights were breached but the MOU's which related to this issue and which were examined at great length during the enquiry seem to be literally dismissed and used as a diversionary issue. Additionally, Mr. Coke had gone to court over his rights in a contest with the Minister of Justice but the courts did not support his contention.

The commissioners state that MPP was retained by the JLP not by the government but that there was an unfortunate "co-mingling" of the two in the episode. How the commissioners arrived at

this determination is somewhat strange as Mr. Brady refused to testify at the enquiry and everyone else in the party and government refused to state who paid the money to MPP and put the matter beyond doubt.

They also said the Prime Minister became too involved in the case and gave the impression that it was his personal case and not that of the governments of Jamaica and the USA. Further the issue should have been left to Foreign Affairs and not a party, or one would presume selected members of the government.

The Minister of Justice should have signed the request promptly and have the proceedings take place in the courts to determine the authenticity and observance of the constitution of Jamaica if there were any doubts. This was not done even though it was suggested as the correct course of action repeatedly. This delay and the accompanying diversions and obfuscation placed this country in danger and for what purpose?

This was the essential cause of the mayhem, loss of lives, property and the seeming irreparable damage to our credibility and the increased hostility evident in the behaviour of members of our political system. Nevertheless no one is responsible, no one is to be sanctioned it is only pointed out what should have been done.

The commissioners go further in trying to explain their actions by taking issue with the terms of reference and the word "misconduct". They see nothing wrong, no misconduct as they have defined it, only that errors and mistakes were made. Fortunately therefore, the commissioners have made their own report invalid and lead us to demand a proper inquiry in court or with commissioners who have real power as in a court of law.

The inquiry must also investigate the reported killings in Tivoli Gardens and help the residents to overcome this ordeal which must be very hard to endure.

This would lead to the necessary exposure of the tragedy of our garrison political culture and the continued use and abuse of Tivoli residents over the years. No one should pay such a price for participating in any kind of politics. Jamaica has had fifty years of this tribal violence and corruption, is it not time to discard this kind of politics and those who practice it once and for all?

*Part 2. 22 June 2011*

The people of Jamaica consistently said that the Manatt Commission of Enquiry it was going to be a grand waste of money, a charade and was going to enquire into things that were already widely known in the society.

This view has been consolidated by recent public opinion polls from Prof. Boxill's RJR poll and today's publication of the Gleaner's Bill Johnson polls which show that "public officials who testified at the Manatt-Dudus commission of enquiry lied under oath". This is in stark contrast to the findings of the report which accepts the testimonies of government officials and have made recommendations and a summary based on these questionable testimonies.

The poll shows that 50% of Jamaicans think that Solicitor general Douglas Leys lied or tried to mislead the country, whilst 60% thought that the Prime Minister did the same thing. 12% thought the PM was truthful, 8% for the Attorney General, 7% for Minister of National Security Dwight Nelson and 6% for Solicitor General Douglas Leys.

Against this background it has now become clear that trust in government and the lack of confidence in the management of our society has become greater because of the poor Manatt, Phelps & Phillips commission of enquiry report.

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The summary was that no one is to be held responsible for the debacle that resulted in the great loss of lives in Tivoli Gardens and the surrounding Western Kingston community. No one is responsible for engaging in an activity to get the United States to drop the extradition request for Mr. Coke, bypassing all the established avenues of the Ministry of Foreign Affairs and the courts of the land.

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