

1999-2000

THE FIRST
ANNUAL REPORT
OF
THE OMBUDSMAN



"Truly a haven of Democracy"

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ANNUAL REPORT
OF
THE OMBUDSMAN

Prepared for laying before the Senate of Belize and the House of Representatives
pursuant to Section 28(2) of the Ombudsman Act, No 7 of 1994

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21 March, 2000

Ref: 1/AROMB/2000

**Hon. Elizabeth Zabaneh
President of Senate
National Assembly
Belmopan**

Dear Madam President,

I have the honour to present my first Annual Report which covers the period 8th July, 1999 - 31 March 2000.

The report is submitted in accordance with Section 28(2) of the Ombudsman Act, 1994 No 7 which states: -

“The Ombudsman shall submit to the National Assembly an annual report relating generally to the execution of his functions.”

Respectfully

**Paul Rodriguez
(Ombudsman of Belize)**

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22 March 2000

Ref. 2/AROMB/2000

**The Hon. Speaker of the House of Representative
The National Assembly
Belmopan**

Dear Madam/Speaker,

I have the honour to present my first Annual Report which covers the period 8 July, 1999 to 31st March, 2000.

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STAFF

OMBUDSMAN

Mr. Paul Rodriguez, B.A, OBE

INVESTIGATOR

Mr. Lionel Castillo J.P.

OFFICE ADMINISTRATOR Miss Sharon Flowers

ACCOUNTS (part time)

Mrs. Rose Nicholas, National Assembly

COMMENTS

With limited staff and resources, we will continue to do all we can to serve all the citizens of Belize, without fear or favour.

INTRODUCTION

It is with a sense of deep humility that I present this my first Annual Report to the National Assembly, in accordance with Section 28(2) of the Ombudsman Act No. 7 of 1994.

The Ombudsman was appointed by the Governor General Sir Colville Young, G.C.M.G., on the 8 July, 1999. But even before his appointment was official, following upon the resolution being put in the House of Representative, citizens started bringing complaints to the Ombudsman-elect. It was not until the 25th August 1999, that the office of the Ombudsman was opened at 56 Regent Street Belize City. Even after the opening of the office, the Ombudsman could not serve the public as he wished until, thanks to Minister of Housing and Prisons and Attorney General Dickie Bradley, we were assisted with the assignment of a civilian Prosecutor, Lionel Castillo, who started working as Investigator. Shortly thereafter a secretary was employed. At the present the staff is three strong, including the Ombudsman.

PHILOSOPHICAL BASIS OF THE ROLE

Every democracy exists only by the consent of the governed. When people go to the polls it is with the understanding that those they vote for will do all that is humanly possible to improve their quality of life. That improvement comes partly through the empowerment of those institutions that exercise a watchdog role to avoid corruption, excesses and abuses and to foster good governance. The office of the Ombudsman is uniquely suited to carry out this function. The National Assembly has chosen the Ombudsman to be the oversight Agent to carry out a role Parliament itself used to do. We are sworn to do this without fear or favour , with the help of Almighty God.

COMSEC ASSISTANCE

On 18 October 1999 Sir John Robertson, K.C.M.G., arrived in Belize to begin a period of consultancy to the Ombudsman of Belize that lasted until 29 November, 1999.

To this advisory capacity Sir John brought a wealth of experience that included 10 years as Ombudsman of New Zealand and President of the International Organization of Ombudsman. He had also advised various governments in the setting up of Ombudsman offices, including Malta, Papua, New Guinea and South Africa.

We owe a great debt of gratitude to Sir John for helping us to establish our Ombudsman office on the time-tested procedures of Ombudsman in many countries. Significantly, he emphasized the need for the Ombudsman to be impartial and independent, without any other agenda but the furthering of good governance in Belize.

After the benefit of his advice and help, the Ombudsman has moved more confidently in carrying out the mandate conferred upon him by the People and Government of Belize.

CONFERENCES

1. GUATEMALA CITY, GUATEMALA

To foster the spirit of Central American regionalism, the Ombudsman attended two conferences during the short period that he has been in Office. In November he traveled to Managua, Nicaragua to attend the Conference of Central American Human Rights Organizations. This was a very useful first step during which the Ombudsman met all his Central American counterparts, including the distinguished Dr. Julio Arrango de Escobar, Ombudsman of Guatemala.

During the crisis following upon the arrest of 3 BDF soldiers and one policeman, Dr. Arrango Escobar visited Belize and spent over an hour with the Ombudsman. During their meeting he invited Belize's Paul Rodriguez to attend the XII Conference of Ombudsmen to be held in Guatemala City. The Ombudsman accepted that invitation and was in Guatemala City from 15-18 March 2000.

This conference yielded significant achievements for Belize. During the opening ceremonies the Ombudsman of Belize was incorporated into the regional body of Ombudsmen of Central America.

At the conclusion of the conference a declaration was signed by the participants that included this important point: -

3) "We exhort the governments of Central America and Belize whose countries have territorial disputes to resolve them by way of direct negotiations in the spirit of Central American Unity which should guide their intentions and actions." (See Appendix A for Complete Declaration).

2. MANAGUA, NICARAGUA

Managua, Nicaragua. At the annual conference of the Commission for the Defence of Human Rights of Central America (CODEHUCA), the Ombudsman attended in an observer status but was invited to address the conference on its second day. (See appendix B for complete statement in English but delivered in Spanish).

IMPORTANT CONCERNS

1. THE POLICE AND CRIME

The practice of being respectful and treating all human beings with the dignity that every person deserves as an inalienable right is not contradictory to, or exclusive of the concept and practice of being firm on crime and criminals. To improve the governance and the quality of life of all Belizeans this truth must be diligently inculcated into the professional behaviour of the Police. Unless this is done, there will continue to be genuine reason to be concerned about police abuse of authority. Such abuse is unacceptable in a democratic society.

In a democracy the authority of the police is largely a moral authority. It has to be, because democracy is only possible when the people agree by social contract to abide by the rules and canons of civilised behaviour, submitting to rules and regulations agreed upon by the majority that are for the common good. It is only by holding determinedly to this view that the concept of law enforcement in a democracy is realizable, for there is very little chance that a few hundred men could contain the outbursts of an overwhelming majority, without their consent. Only a moral outlook that guides the behaviour of that majority makes compliance and obedience to government possible.

One corollary to this principle is that the enforcers of the law must themselves be exemplars of the respect for the moral authority of the law. It is partly to reinforce this idea that all civilised societies have separated the function of punishing crime from that of apprehending the criminals. The wisdom of the ages has taught us that it is too easy for abuse to take place, when the different functions of securing justice are concentrated in only one set of hands. This is why in Belize the responsibility of apprehending criminals is that of the police; while the courts are charged with the verdict to punish. Are we allowing these two distinct roles to become blurred and fused into one? At times it might seem so!

IMPORTANT CONCERN

2. ANSWERING CORRESPONDENCE

When did the art and practice of answering correspondence immediately fall into disuse and/or disrepute in the public service?

Except in one or two isolated cases the experience of the Ombudsman has been that replying to letters is not a favourite practice of public officers. This is true even of the Public Service Ministry itself. These are some examples that show the pattern.

1. On 5 November 1999 the Ombudsman wrote the Public Service Ministry regarding the vacation entitlement of a retired principal.

The reply? Received on 15 March 2000 – 90 working days later!

2. Letter sent to a Head of Department in Belize City informing him of the Ombudsman's intention to investigate – letter sent 10 January. Reply? As of 22nd March 2000 – no reply.
3. A letter sent to a department querying the reason for the cancellation of a lease. The letter was sent on 12 October 1999.

Reply? None. If the complainant in this case had not phoned to inform us that the matter had been satisfactorily concluded our file on this case would still be open.

There are many other examples. A prompt reply is more an exceptional rarity than an established practice, as it should be.

IMPORTANT CONCERN

3. THE OMBUDSMAN'S MANDATE

There is no doubt that the people of Belize have mandated the office and work of the Ombudsman. As far back as 1979 when the new government of the People's United Party took office a commitment was made in the "Throne Speech" to establish the office of the Ombudsman. In 1993, when the United Democratic Party won the elections that made them the Government of Belize, their manifesto included a strong commitment to establish the office. They kept that promise by enacting the Legislation, Act No 7, 1994. The manifesto "Set Belize Free", upon which the now-governing People's United Party won election, promised on p. 13: -

"An Ombudsman will be appointed with powers and resources to investigate abuse by government or state organs."

The Government kept faith with the People of Belize and appointed an Ombudsman on 8 July 1999. On 14 July Mr. Paul Rodriguez took the oath of office before the Governor General Sir Coville Young G.C.M.G.

The political parties have done their duty to improve the governance of Belize. I don't think the administrators, the Public Service, would deliberately subvert the will of the People and Government of Belize. However, if the Principal Officers of the Ministries, Departments, Mayors, and other government agencies do not follow the processes required by the Ombudsman, they are wittingly or unwittingly frustrating the work of the Ombudsman.

It is the obligation of every Principal Officer (Permanent Secretary, Chief Executive Officer, Head of Department, Mayor) to become completely familiar with the Ombudsman Act and also with the "Practice Guidelines" that the Ombudsman has made available to every Permanent Secretary. Failure to comply with these in the future may lead to the Ombudsman's reporting the matter to the National Assembly.

FORMAL COMPLAINTS

During the 7month period following the opening of the office of the Ombudsman 213 formal complaints were made. Of these 134 files have been closed, the remaining 79 are still open. The closed files fall into the following categories: -

	<u>No.</u>
1. Complaint investigated and sustained, recommendation made and accepted	2
2. Complaint investigated and sustained, recommendation not accepted and report made to the National Assembly.	0
3. Complaint resolved to the satisfaction of both parties during the course of the investigation.	4
4. Complaint resolved by informal action without the need for a formal investigation	29
5. Complaint not investigated, advice and assistance given.	32
6. Investigation refused or discontinued because of exercise of Ombudsman's discretion in terms of Section 15.	46
7. Complaint investigated and not sustained.	20

SAMPLES

Case No 150

Mr. X of a Corozal Town address complained of harassment and brutality by the Corozal Town Police. His hair was pulled out and he was repeatedly punched while being taken to court.

The Superintendent in charge of the Corozal Branch of the Police supplied signed statements by the officers allegedly involved. Upon receipt of these the Ombudsman requested that the men be cross-examined and also asked the complainant to supply names of independent witnesses the Ombudsman could interview. After two months of waiting for that information the Ombudsman decided not to sustain the complaint and closed the case.

ISSUE

Two issues are involved in this case:

1. Those who complain against police brutality should have witnesses and proof.
2. The disciplinary arm of the Police must not only make every effort to be thorough and transparent but give every appearance of being so. In this case police effort seems to have been weak.

SAMPLES

Case No 173

In January of 2000 Mr. T. complained that the Belize City Council had caused a vehicle belonging to him that was awaiting repairs to be towed away and destroyed. He claimed compensation of \$2000.00

The Ombudsman could not sustain the complaint because the complainant was uncertain about the exact date of the removal, and that was a necessary piece of information to establish whether the claim of compensation had become statute barred, in accordance with section 20 of ch 100.

COMPLAINT WAS NOT SUSTAINED

CASE NO 106

Mr. C. of a Belize City address complained that his neighbour built a fence about 8½ ft. high that blocked sunshine and the free flow of air in to his business place.

THE INVESTIGATION

Checking the complainant's property did indeed reveal that the free flow of air had been blocked by the fence of the neighbour.

CASE NOTE

When Mr. C complained that his neighbour had built a fence that completely blocked out the ventilation of his business place located in the lower flat of his building, we received the complaint and decided to investigate.

Although the Ombudsman does not investigate private claims of one citizen against another, he will receive such a complaint, if he thinks that the grievance may have arisen on account of a Government agency's failure to act.

Upon investigating, it was found out that Mr. C was suffering from the consequences of his own failure to comply with provision of the Belize City Building Ordinance 102 and the House and Town Planning Act 148 that stipulate that a building should not be constructed on the edge of the lot adjacent to another lot.

THE ISSUE

This case concerned the failure of a citizen to build in compliance with the building code.

COMPLAINT NOT SUSTAINED

SAMPLE

CASE NO 85

In November 1999, Mr. N complained that in front of the school where his children attend the Police took him into custody not even allowing him time to send his children home safely, though he implored them to allow him to do his paternal duty.

INVESTIGATION

No formal investigation was necessary. Informally the Ombudsman ascertained that the citizen was of good repute. Since he was released 8 hours later and not charged, the Ombudsman thought that the policemen involved should apologise. He wrote the commissioner accordingly.

RECOMMENDATION:

The Ombudsman thought that the citizen deserved an apology. About two weeks later the Police did apologise.

SAMPLE

CASE NO 41

A CASE NOTE: Ministry of Education – Improving Processes

The mother of the top ranked student in the Belize National Selection Examination complained that she had been unable to ascertain, despite many inquiries to the Ministry of Education, what level, if any, of help would be given to her son as a reward for his top academic achievement.

The Ombudsman considered that the urgency of a reply was such that an informal investigation was in order. The facts were confirmed and the Ombudsman wrote to the Minister of Education setting out

the position. He recommended that immediately upon the results of any examinations being published, to which some award is attached, that the parent or the person concerned be written a letter and told exactly what that award will consist of and precisely how, when and where it will be made available.

The Minister responded quickly indicating that he had contacted the family immediately and personally arranged for them to receive the financial worth of a full scholarship, covering book cost, fees, tuition, uniforms and incidentals. He also accepted the Ombudsman policy advice about notification immediately the results are published.

SAMPLE

CASE NO 44

Mr. B complained that when his service with a government agency was terminated, he received the notice of termination on 16 October but the date of termination was stated to be 28 September. He had already given a half-month's service and thought he was entitled to be paid up to the 15th of October. But he was paid only up to 28 September.

A quick investigation by the Ombudsman confirmed the facts submitted by the complainant, and the Ombudsman sustained the complaint. He therefore recommended that the complainant be paid up to and including 15 October.

The recommendation was accepted and the officer received the pay due.

SAMPLE

CASE 97

Mrs. S. complained to the Ombudsman that after a case in the Magistrate's Court, the Police refused to give her back her jewelry that had been stolen. Mrs. S. claimed that when she went to the Police to recover her belongings she was refused, because an officer claimed that Mr. M. also had a claim on the items. He had been accused of handling the stolen goods and was not convicted, instead the case had been thrown out because the prosecutor did not have the case file available when the case was called. The exhibits also were not taken to court.

When the Ombudsman made the Commissioner aware of his findings in this case, the Commissioner informed him that the matter of deciding who was the owner of the jewelry would be decided by a magistrate through a restitution order.

The Ombudsman then closed this case and opened a new file to investigate whether the Police Officers involved in this case had acted in a corrupt manner that had resulted in an obstruction of justice.

After informing the Commissioner of his intention to investigate, the Ombudsman summoned the officers involved to appear before him for questioning on 9th of March. As of 31 March 2000, they have not yet done so. Upon being told that they had to obey the summons, the officers replied that they were instructed not to comply.

SAMPLE: OWN INITIATIVE

CASE NO 148

When the Ombudsman's office learned that an inmate of Hattieville had been shot in the leg on 17th December 1999, he decided to undertake his own investigation.

REVIEW OF INVESTIGATION

Four inmates were interviewed who had first hand knowledge of what had happened. Three witnessed the incident as it was unfolding, starting with a commotion at Tango 1, encouraged by the victim. At a later date two officers who had been thought to be the ones who caused the harm to the inmate were questioned under oath. Although we thought that their whole testimonies were not completely factual, we had to accept the crucial point that before any shot was fired, the victim had been requested to comply with an order. Then even after a warning shot had been fired, he persisted in refusing to obey. This was credible because even the inmates testified to this.

The Ombudsman therefore ruled that the officers had broken no law or regulation, and therefore should not be penalized in any way.

RECOMMENDATION

The Ombudsman therefore recommended the officers should be re-instated with no loss of benefits.

The recommendation was accepted.

REVIEW

Before the Ombudsman made his recommendation he sent a "Review" to the Superintendent to obtain her reaction and input. It is herein reproduced to shed light on the processes that are integral to the Office of Ombudsman. At the same time the Ombudsman urges all Permanent Secretaries, Chief Executives Officers, Heads of Department, Mayors and City Managers to pay attention to these processes, which could result in a significant improvement of governance.

REVIEW SENT TO SUPERINTENDENT OF PRISONS

REPORT ON THE INVESTIGATION OF THE SHOOTING OF CLARENCE GENTLE

INTRODUCTION:

On the night of Friday, 17th December 1999, at between 7:30-8:00 P.M., Hattieville Prison inmate Clarence Gentle was shot in the right leg.

On Tuesday 21 December the Superintendent of Prisons invited the Ombudsman to do an investigation of the incident. Because of his interest in seeing that the human rights of all inmates he respected, the Ombudsman decided to undertake an investigation on his own initiative.

Since September of 1998 when he was Chairman of the Visiting Justices the Ombudsman became acutely aware of the lack of discipline among the ranks of both prison guards and inmates. The social intercourse between the guarded and the guards was so informal and loose that it seemed to him that proper discipline and rehabilitation was either extremely difficult or nearly impossible. Security was extremely lax with inmates walking about on the compound and in and out of the main entrance without any let or hindrance. It was clear then as it is even more so now that a major effort has to be made to establish an understanding of mutual respect between inmates and guards whereby each understands fully the role of the other and guidelines are made completely clear so that incidences of conflict are kept to the minimum.

THE INVESTIGATION

In this investigation the Ombudsman interviewed three prison guards:

- Chief Officer Martin Garcia, 43 years old, with 12 years of prison experience;
- Principal Officer Winston O'Brien, 35 years old, with 17 years of experience;
- Officer Daniel Mendez, 38 years old, with five years prison experience.

Chief Officer Martin Garcia and Principal Officer Winston O'Brien were summoned to appear before the Ombudsman and gave testimony on **oath**. Officer Mendez volunteered a statement.

Four inmates were interviewed. They included the President of the Inmates Association, a Councilor and two inmates who were strategically housed to see and hear this unfortunate drama unfold.

Interviewed were:

- Goldbourne Adolphus, President of the Inmates Association, 29 years old;
- Kelvin Reneau, 24 years old, Councilor of the Inmates Association;
- Kenrick Dawson, 25 years old and cell mate of Clarence Gentle;
- Juan Alvarez, 27 years old, Guatemalan, who gave his testimony in Spanish.

Salient Points of testimonies of Inmates: -

- Clarence Gentle did not appear intoxicated.
- P.O. Winston O'Brien fired a warning shot.
- After the warning shot, Clarence Gentle still refused to go to the punishment cell.
- P.O. Winston O'Brien fired the shot that hit Gentle in the leg.
- The shot was fired on the order of P.O. Martin Garcia.
- The incident arose because of the disorderly conduct of Clarence Gentle that caused P.O. O'Brien to decide to put him into the punishment cell.

Salient points of the testimonies of the prison guards: -

- Clarence Gentle was intoxicated and disorderly.
- None of them fired the shot that injured Gentle.
- Gentle had a piece of pipe in his hand that they thought could be a dangerous weapon.
- Gentle refused to comply with the order to go to cell 41 even after a warning shot was fired.
- Even after Gentle appeared to be hit, they were afraid to go near him.

Summary

After carefully considering all the facts that have come to light in this investigation, one of them is absolutely clear: An order was given to Clarence Gentle; he refused to comply; and even after a warning shot, he still refused to obey. The prison guards testified to this, and so did all the inmates.

The question, then, is whether the force used to get Gentle to comply with an order was excessive or not. In determining the answer to this, these factors had to be considered:

1. The behaviour of Gentle at the time;
2. The lighting available where Gentle was standing;
3. The weapons available to the prison guards.

Putting oneself in the shoes of the prison guards it is not difficult to understand how anyone put in the same situation would respond the same way the prison guards did. It is therefore difficult not to conclude that the guards use of force was not excessive.

Conclusion:

Finally, I would like to recommend the following points to be implemented immediately:

1. Inmates should never defy a legitimate order given by a prison guard. Comply and then argue the point afterwards.
2. There should be no drinking by officers at any time on the prison compound.
3. The brewing of wines cannot be permitted in Hattieville Prison.
4. The behaviour of prison guards should be such as to win and keep the respect of all inmates at all times.

5. The practice of allowing inmates to cook in their cells is one that has to be reviewed.

Paul Rodríguez
(Ombudsman)

SAMPLE

CASE NO 193

This complaint was received by the Ombudsman in Punta Gorda.

Mr. A was concerned that a Malay apple tree would be a danger to his sister's house in the case of a storm or hurricane. He is afraid that it being so close to the house a strong wind would blow it upon his sister's house. He reported complaining to both the Health Department and the Town Board.

The Ombudsman did not investigate this case for two reasons. First, he thought that for the authorities complained about to do anything legally, they would have to establish that the tree is indeed a danger to property or lives. Secondly, the tree is on private land and could not be cut down without the consent of its owner.

The Ombudsman therefore refused to investigate and informed the complainant accordingly.

SAMPLE

CASE NO 169

This case is noteworthy, because it shows how sensitive caring and responsive quick executive action relieved the pain of a long-suffering citizen: -

Resident of Belize City Ms. X complained against her neighbour whose boatyard is adjacent to her dwelling house. She had long suffered this nuisance caused by the noise and dust it creates. The dust had been hazardous to her health because she is asthmatic. So is her mother. The Ombudsman received the complaint on the 20th of January 2000, and the 26th of January the City Manager had been informed of the nuisance and she took immediate steps to abate the nuisance.

SUMMARY OF COMPLAINTS BY DEPARTMENT.

79 OPEN FILES

Lands Department	34 Files
Police Department	25 Files
Family Court Administration	5 Files
Ministry of Public Service	1 Files
Department of Corrections	8 Files
Income Tax Department	1 File
WASA	1 File
Agriculture Department & Lynam College	1 File
Own initiative by Ombudsman	1 File
Social Security	1 File
Fisheries Department	1 File

1. LANDS DEPARTMENT RANKS FIRST IN THE MATTER OF UNRESOLVED COMPLAINTS – 34.

- 8 Lease cancellations for which citizens feel grievance because of poor communication to them from the Lands Department or for some other reason.
- 8 Double leases. How is it that two citizens have lease papers for the same plot of land?
- 2 LOST FILES. How is it that files get lost? Is not there an officer charged with the responsibility of securing files?
- 7 Leases approved but not given effect. How is it that a simple administrative matter cannot be resolved in months?
- 2 Incorrect numbers assigned. Doesn't someone check the maps and plans?
- 3 Titles to the wrong plot of land.

- 2 Citizens, already in possession of land, cannot purchase.
- 2 Miscellaneous

III THE POLICE DEPARTMENT RANKS NO 2 FOR UNRESOLVED COMPLAINTS - 25: -

- 1 Case may involve corruption or significant negligence in the performance of duty by a police officer assigned to the courts.
- 1 Case may involve intemperate reaction and/or abuse of authority resulting in the death of a citizen, or a crime.
- 1 Case may involve inadequate disciplinary action to punish irresponsible behaviour; i.e. shooting a firearm in public.

III THE DEPARTMENT OF CORRECTIONS RANKS NO 3 FOR UNRESOLVED COMPLAINTS – 9.

- 1 Case seeks to find out what caused the disturbance on Friday, 17 March, 2000 that resulted in the death of one inmate.
- 1 Case seeks to sort out where professional caring ends and intimacy begins between staff and inmates.

134 CLOSED FILES

Police Department	25 Files
Lands Department	27 Files
Department of Corrections	10 Files
Government of Belize	4 Files
Belize Electricity Limited	3 Files
WASA	4 Files
Labor Department	4 Files
Belize Social Security	4 Files
General Post Office	1 File

Belize Airport Authority	1 File
Housing & Planning Department	2 Files
San Ignacio Town Board	1 File
Customs Department	2 Files
National Celebrations Committee	1 File
Fisheries Department	1 File
Income Tax Department	1 File
Transport Department	2 Files
Queen Square Infant School	1 File
Ministry of Education	4 Files
Belize Tourism Board	3 Files
Reconstruction & Development Corporation	1 File
Family Court Administration	5 Files
Development Finance Corporation	1 File
BDF	1 File
Port Loyola Community Center	1 File
Belize City Council	4 Files
Supervisor of Insurance	2 Files
Ministry of Natural Resources	1 File
Ministry of National Security & Immigration	3 Files
Health Department	2 Files
Systemic Review of Prison	1 File
Forestry Department	1 File
Ministry responsible for Village Council Elections	1 File
Public Service	1 File
Karl Heusner Memorial Hospital	2 Files
Port Authority	2 File
Fire Service	1 File
Lord's Bank Village Council	1 File
Dangriga Liquor License Board	1 File
Liquor Licensing Board (P.G.)	1 File

INFORMAL COMPLAINTS

Besides the above class of complaints, each of which is represented by a file case, there were 148 others made by phone or verbally, which are recorded in a special notebook. These cover a wide variety of citizen's concerns.

EXAMPLES:

1. Mr. X of village Y came to seek advice along with four other workers. They are reapers and farm hands who are paid \$2.00 an hour. They think they should get more. They also complained that aerial spraying was being done with gramaxone and paraguat while they are working in the groves. The Ombudsman encouraged them to stand firm for their rights but to be balanced in their demands.
2. Ms. M. came to seek the Ombudsman's assistance to have her water reconnected. She owes an old bill, which she cannot pay in full. The Ombudsman made a plea to WASA to accept a payment plan of \$10.00 per month. It was accepted.
3. Mr. S. of a Belize City address complained that his bicycle was stolen. When his bicycle was recovered by the Police, he wanted it returned and did not want a case. The Ombudsman advised him not to interfere with the decision of the Police.
4. Mr. F. of a Belize City address came to seek advice. His wife had threatened to have him put out of his house and the Police seemed ready to intervene. The Ombudsman advised him to complain to the Senior Superintendent, pointing out that matter should be resolved by a court of law – not the Police.
5. Miss C. on the 23rd December came to seek our intervention. She was buying a chair by an installment plan from a store in Belize City. This morning she took the last payment. After being issued a receipt, she was told that she would not get delivery of her chair until after Christmas. The Ombudsman appealed to the Consumer

Affairs Officer to intervene. She did, and the lady got her money back.

REACHING OUT TO THE NATION

- The Ombudsman traveled to San Ignacio Town on a familiarization tour. He met with the Mayor of San Ignacio, Mr. Raymond Berry. He received one labour complaint, which was quickly resolved with the cooperation of Mayor Berry.
- The Ombudsman traveled to Orange Walk Town and held a brief discussion with Mayor Roberto Burgos to apprise him of the Practice Guidelines of the Ombudsman.
- The Ombudsman visited Corozal Town in September and met with the Mayor, with Magistrate Leslie Hamilton and Superintendent Crispin Jeffery, Officer in charge of Corozal at the time.
- The Ombudsman made a visit to Dangriga Town on 2 February to meet Government officials and to receive the complaints of citizens.

The Ombudsman made an official visit to Punt Gorda Town from 15-17 February 2000, and met with officers of the Fisheries and Lands Departments. He received complaints from citizens and paid courtesy calls to Magistrate Clive Lino and Superintendent David Henderson

PUBLIC AWARENESS

During the new financial year, the office of the Ombudsman will undertake the following initiatives to increase awareness of the work of the Ombudsman throughout the country

1. To increase co-ordination and co-operation with the Human Rights Commission to conscientise the nation about their rights.
2. To carry out a systematic program of lecturing in schools at all levels to educate students about human rights and the role of the Ombudsman
3. To make field trips into the villages to lecture at schools, appear at village functions and inform villagers of the work of the Ombudsman.
4. To confer regularly with the media to inform them of his work.

To communicate more frequently with permanent Secretaries, Heads of Departments and other government authority heads to encourage them to follow the processes of the Ombudsman.

PUBLIC EDUCATION

Apart from appearing on radio and television talk shows, and making statements to the print medium; the Ombudsman gave addresses to the Following institutions: -

- The high school faculty of St. John's College on 13th October 1999
- The staff of St. John's Junior College on 27th October 1999.
- The high school students of Muffle's College, Orange Walk Town on 28 September 1999. (See Appendix C).
- The students of Muffle's Junior College in Orange Walk town, on 28 September 1999.
- The students of the University College of Belize, Belize City (See Appendix D) on 2nd December 1999
- The students of Ecumenical High School, Dangriga, 2 February 2000.
- The Students of Ecumenical Junior College, Dangriga, 2 February 2000.
- The students of University College of Belize, Punta Gorda, 16 February 2000.

PUBLICATIONS

- **MEDIA GUIDE**- A handy booklet of information for the electronic and print media to explain the processes of the Ombudsman
- **NEED HELP?** - A pamphlet for general consumption to inform citizens of the work and processes of the Ombudsman.
- **SPEECHES: -**
 1. ADDRESS TO MUFFLE'S COLLEGE , ORANGE WALK TOWN
See Appendix C
 2. ADDRESS TO U.C.B, BELIZE CITY - See Appendix D
 3. FREEDOM OF THE PRESS DAY - See Appendix E
 4. AN ADDRESS TO THE CRIME COMMISSION - See Appendix F

APPENDIX A (COMPLETE DECLARATION)



Procurador de los Derechos Humanos

**XII REUNION DEL CONSEJO CENTROAMERICANO DE
PROCURADORES DE DERECHOS HUMANOS
DE CENTRO AMERICA Y BELICE
A LOS PUEBLOS Y GOBIERNOS DE CENTROAMERICA Y BELICE
A LAS ORGANIZACIONES E INSTITUCIONES NACIONALES E
INTERNACIONALES
PROMOTORAS Y DEFENSORAS DE LOS DERECHOS HUMANOS
A LA COMUNIDAD INTERNACIONAL
Y A LOS MEDIOS DE COMUNICACION ESCRITOS-, RADIALES Y DE
TELEVISION**

MANIFIESTA:

1. *La globalización, vista puramente como un fenómeno económico está teniendo graves efectos en el goce de Los Derechos Humanos, especialmente Los sociales, económicos, culturales y políticos*



Procurador de los Derechos Humanos

que a su vez lesionan profundamente el derecho a la vida y a la dignidad y violan el derecho humano a desarrollo de los habitantes de nuestros pueblos. Por lo tanto a los gobiernos de nuestra región para que humanicen el proceso globalizador a través de un enfoque integral de ese fenómeno y hagan todos los esfuerzos necesarios para lograr democracias inclusivas en nuestra región, el respeto y la vigencia de los derechos humanos y una justicia universal contra los crímenes de lesa humanidad.

- 2. Demanda de los gobiernos de Centroamérica y Belice que realicen esfuerzos serios para no privatizar los servicios públicos esenciales (salud, educación, vivienda, comunicaciones) y que, en todo caso las privatizaciones no se conviertan en causas del incremento de la extrema pobreza, la desocupación y la desatención de las necesidades primarias de la persona humana.*
- 3. Exhortamos a los gobiernos de Centroamérica y Belice cuyos Estados tengan diferendos territoriales a resolverlos por la vía de la negociación directa dentro del espíritu de Unidad Centroamericanista que debe guiar sus intenciones y acciones.*
- 4. Su profunda preocupación por las constantes acciones legales en juicios de amparo promovidas contra las resoluciones del Procurador de los Derechos Humanos de Guatemala ante el Poder Judicial, recuerda a las Instituciones y organismos del Estado, que las resoluciones y recomendaciones del Procurador de Derechos Humanos son en conciencia, en consecuencia, de naturaleza vinculante.*

5. Los Procuradores o Defensores de los Derechos Humanos representan Los intereses de Los habitantes de nuestros países, sin distinción alguna en materia de defensa y promoción de Los derechos humanos por to que nos comprometemos a reatizar acciones comunes de conformidad con eZ plan estratégico aprobado en esta reunibn y otras que se estimen necesarias.
6. Reconocemos Za trascendental importancia de Los medios de comunicación social en el marco del conocimiento, la defensa de los derechos humanos asi como en Za divulgación de Zas resoluciones, recomendaciones, acciones y procedimientos de Los Procuradores o Defensores del Pueblo.
7. Demandamos de los Estados de Centroamerica y Belice que cumplan con Los preceptos legates de fortaZecer Las Procuradurias, Comisionados y Defensorias de Los Derechos Humanos respetando la independencia funcional de Las mismas.
8. EZ Consejo, hace suya, la preocupación de la Defensoria de Los Habitantes de Costa Rica sobre Zas consecuencias, en los trabajadores agricolas del use de plaguicidas y acuerda apoyar Za gestión realizada por taZ Defensoria ante la AZta Comisionada de los Derechos Humanos de Zas Naciones Unidas para realizar una investigación en toda Za región Centroamericana y Belice sobre eZ impacto de la aplicación de Los agroquimicos especificamente Los productos DBCP y DDT.
9. Expresamos al Instituto Interamericano de Derechos Humanos (IIDH), en su caZidad de Secretaria Técnica de este Consejo, nuestro reconocimiento



Procurador de los Derechos Humanos

REPUBLICA DE COSTA RICA

Ciudad de Guatemala, 17 de Marzo del 2000

Dr. Ricardo Arango Escobar
PROCURADOR DE LOS DERECHOS HUMANOS DE
GUATEMALA Y
PRESIDENTE DEL CONSEJO CENTRAL AMERICANO DE
PROCURADORES

Dr. en Ciencias Piedad Pérez Ise
PROCURADOR PARA LA DEFENSA DE LOS
DERECHOS HUMANOS DE NICARAGUA

Dr. Paul Rodríguez
OMBUDSMAN DE
BELICE

Dra. Irma Pineda Santo'
COMISIONADA ADJUNTA DEL COMISADO NACIONAL
DE LOS DERECHOS HUMANOS DE HONDURAS

a • v

Dr. Max Alber, Equívoro Ferrón
DEFENSOR ADJUNTO (JUDICIALES) DE LA

APPENDIX B (COMPLETE STATEMENT IN ENGLISH BUT DELIVERED IN SPANISH)

(Speech given in Nicaragua (12/11/99))

Rights. What is the Belize situation?

There are human rights violations, perhaps more than I know of. However, there is no organized effort by any group or class of society to deprive other citizens of their rights. There is no official discrimination of persons based on colour, creed, race, political affiliation, or religion. No group or party is organized and carries out a program of deliberately blocking any citizen from pursuing a peaceful and fruitful life. Moreover, the very Constitution of Belize declares its support for human rights. In its preamble it says: “WHEREAS the people of Belize – (a) affirm that the nation of Belize shall be founded upon principles which acknowledge the supremacy of God, faith in human rights and fundamental freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person and the equal and inalienable rights with which all members of the human family are endowed by their creator ... “

Nevertheless, we are aware that during the history of mankind, there have been tyrannical regimes which spoke glowingly of freedom and rights while carrying out in a systematic way the complete subjugation of their peoples. This is why I am glad to say that in Belize our two major political parties, which have alternated in sharing power during the past eighteen years of independence, are both publicly committed to the cause of human rights and the protection of the basic rights of persons.

In looking at rights, there are at least three attitudes that one may have: (a) a passive acceptance of the status quo; (b) a philosophical rejection of oppression; (c) a positive, proactive rejection of the policies and attitude which in effect lessen the dignity of persons. The person who has a proactive attitude works committedly to change structures and systems, which are the breeding grounds of injustices and the violations of rights. The activist will inevitably find himself/herself in the battleground of the marketplace. It is there where some have the missiles of abundant resources and power while the poor and disadvantaged have only their weak bodies and dispirited minds to fight with. It is a very uneven fight. Therefore, in Belize and elsewhere, a fight for human rights must be in

effect a fight for economic rights. Everywhere there must be far greater effort by all classes and groups to bring about a more equitable distribution of the resources of our lands. Without a more deliberate, conscious effort to see that the poor get a fair share of the nation's wealth, there is no social justice, no human rights, and no peace.

We must be the leaders in this battle. We must at every opportunity urge our friends and neighbours to deal with everyone fairly in the marketplace. We must urge the whole of society in our countries to support policies and initiatives that favour the development of the poor and disadvantaged. We must do what we can to peacefully organize society to reject laws and economic measures that will continue to enrich a few at the expense of the masses. We must implore and convince the rich and powerful that helping to promote social justice is not charity but really enlightened self-interest. We must continue to urge our societies to understand that the person who has lost their dignity because of dire poverty has nothing else to lose and may do desperate things to try to get even with society.

But, who am I to talk to this gathering? I have not been imprisoned or shed my blood or suffered in any way in the great cause of promoting justice and human rights. In the midst of Central America there have been those who have lived in fear and some who have actually paid the ultimate price because they dared to speak out for justice. In Belize we have not had such purifying and edifying experiences, but even in the most democratic countries where the media is free there have been countless instances of the violations of the rights of individuals by the police, by powerful organizations, by government bureaucracy and by selfish and greedy private enterprises that take advantage of workers. Just a few weeks ago, a father of children lost his life in one of our jails in Belize, and a policeman now finds himself in prison accused of the crime. Therefore in Belize and everywhere else there is need to discipline, educate and sensitize all public administrators to the truth that service means respecting the rights of all. I would like to add my voice to the increasing number of voices that are now saying: **even the unborn have a right to life.**

In Belize the government of Prime Minister Musa has embarked on a bold and ambitious plan to build ten thousand new homes. We in Belize will have to do all we can to ensure that most of those homes go to those who have none. This must be an aspect of breaking up the pockets of poverty, and I recommend this kind of initiative to governments everywhere.

In Belize and elsewhere, the promotion of human rights and social justice must mean reforming education to make it have a more meaningful impact on the lives of all. To the sons and daughters of the rich and powerful, it must teach compassion and caring; to the children of the poor, it must teach hope and skills so that they can grow up and live in dignity enjoying a fair share of the fruits of their labour; to all it must teach those eternal values that enable persons/people to live at peace with themselves and with each other.

We in Belize are far from perfect in our observance of the requirements of human rights, but nevertheless we are glad to boast that many from other regional countries have come to our shores and have found a better life in Belize. We are proud to tell the world that recently, this year, we went through an exercise of granting amnesty to undocumented aliens to allow them to become citizens and to regularize their immigration status. Thousands took advantage of this program.

This is the century of the rights of man. Everywhere there is a growing sense that the most important earthly resource is the human person. It is very simple. We have during the past fifty years witnessed the most astounding technological progress ever in mankind's history. Its cause has not been new discoveries of material resources, but humanity's use of creativity to organise resources in new and more efficient ways.

I remember the night when the Apollo spacecraft landed on the moon. At the time, I was Editor of the Reporter newspaper in Belize. I went outside of my office building and stared at the moon. It did not matter to me that it was not one of my own country who was then on the moon, or that it was not myself standing on the volcanic face of the moon. Tears came to my eyes. I was moved. I felt bigger than myself! I felt a part of it all. I heard the words of the psalmist piercing the silence around me: "Man you are truly great; God has made you a little less than the angels."

Yes, there is no more important resource in the world. Therefore we must beware lest that little mouth that we are depriving of a bite to eat, through our insensitivity be another Madame Currie, or a Mother Theresa, or another Einstein, or a Said Musa.

Ladies and gentlemen, I am proud to tell you that the Prime Minister of Belize was a poor boy and sold tamales on the streets of Belize City. I now thank God that there was then, enough opportunities for the poor in our land for him to become educated and to obtain higher education abroad through scholarships. But, he would be the first to admit that much is left to be done. This will continue to be the case in Belize and elsewhere until the vast resources of all countries are directed in a more deliberate way to developing the most important resource on earth – people.

In closing, I would like to propose that during this conference we pass a resolution identifying ourselves with the work of the United Nations in its specific commitment to human rights and that we send this resolution to Mrs. Mary Robinson, President of this Commission of the United Nations.

Let us join hands with the initiatives of Mrs. Robinson and try to persuade the private sectors of our Central American lands to become more committed in concrete ways to the work of advancing respect for all human beings, showing this in concrete measures to make their lives more meaningful.

Let me finally conclude by saying that human rights must include women's rights. There is no way we will achieve universal justice unless we recognize that the rights of women are equal to that of men. But as long as these are mere words, justice for all will continue to elude us. We must make all efforts to enshrine the equality of women in our laws. Let gender equality be a prime goal of the new millenium.

APPENDIX C(SPEECH TO MUFFLE’S COLLEGE)

(speech to Muffle’s College)

Our government is legally constituted only as the result of free, democratic elections. In other words, it is the voice of the people speaking in free elections that authorises and empowers government.

However, because of human weakness democratic governments are not perfect. Those who administer the institutions of government sometimes fail in governing justly in the day to day running of public affairs.

Society has therefore developed various mechanisms to institutionalise certain checks and balances in democratic countries. For instance because the Prime Minister and his cabinet wield enormous executive powers, they must take an oath of office promising before God and man to respect all the institutions of the country and to deal with all manner of men without fear or favour. Thus, in effect, every Minister swears before God to govern justly, dealing with all citizens without bias or prejudice.

Besides, in order to further ensure justice and fairplay, democratic societies encourage the formation of various organisations, especially political ones, whose stated and understood role is to compete against the ruling group to give citizens an alternative that could become the next government. In the best tradition of democracy the opposition party plays the vital function of checking the arrogance of power.

Another powerful institution developed by every society to protect itself against the undisciplined and unprincipled is the Courts of the land. Thus we have a Supreme Court and Inferior Courts, where citizens may put before a judge any matter – even one against the most powerful persons and institutions of the land. And if citizens doubt the justice and fairness of those courts, there are appeals courts to which an aggrieved citizen may have recourse.

To provide for the enforcement of the orders of the courts, there have been formed constabulary forces that provide the physical power to enforce the decisions of courts. Ancillary to the police force are the penal facilities where people are punished who violate the rights of others. (Rights are the bases of all litigation. Your right ends where another’s begins)

There are workers' unions, business bureaus, civil organisations: all of these are in some way dedicated to promoting the interests and protecting the rights of their members. And now we even have an Ombudsman. What is the specific work of the Parliamentary Commissioner or Ombudsman???

The Ombudsman deals with complaints from any citizen who feels that a government ministry, department authority, board, or body has in some way or other deprived him of a right or entitlement. If a citizen feels that he/she has been discriminated against, the person may complain to the Ombudsman to get redress. If you go to a public office and you feel that you have been disrespected, you may take a complaint to the Ombudsman. How do you complain? Do so in writing, giving your full name and complete address (phone number, if you have one). State briefly what you are complaining about giving time and date and names, if you know them. You may also visit the Ombudsman at his office at No 56 Regent Street, Belize City. All information given to the Ombudsman should be factual and truthful.

Finally, the Ombudsman has sworn an oath committing himself to serve without fear or favour. He is dedicated to protecting the rights of all citizens without fear or favour. All Belizeans will be treated fairly and justly by him.

I have explained to you the role of the Ombudsman putting the office in the context of the whole framework of our democracy.

Thank you for being attentive. I will now take your questions.

Appendix D (Speech to U.C.B)

Is Belize a mere conglomeration of the descendants of Mayas, European Baymen, Africans, Hispanics, East Indians, Arabs and some Orientals, a lot of ingredients that have been thrown into the same pot without melting into each other and becoming a good sere?

Perhaps some might point to the many mixed marriages and matings, not the consequences of any declared national objective, as proof that Belize has a unique national ethos. However, this mixing of the different ethnic groups may be simply the work of subconscious forces, such as our reproductive and societal instincts rather than the result of a laudable conscientization that is the result of an appreciation of man as man, in spite of the diverse cultural expressions of his humanity.

Let us not discount the need for an active program of conscientization through education. Perhaps through this effort we will arrive at that place where we will be able to express more fully and accurately what the Belizean ethos is. The more we study our antecedents, especially those who may be regarded as being at the bottom of the social scale; the more we will respect both ancestors and descendants. Through sensitive study that opens the eyes of the mind and heart we will recognise those qualities and virtues that have made everyman the unique species that he is. We may all learn from our educational processes that genius and intelligence cut across the broad spectrum of all human races and cultures.

What I have been describing will hopefully impact on all of Belizean society, but most of all it must make an impression on you. You who are listening are embarked on the journey of self-discovery.

As I drove to the U.C.B. this morning I paid attention to what to some may have looked like a heap of driftwood junk. When I saw the twisted boughs, the gnarled branched, the bumpy surfaces, I said to myself: "Works of art in the making!" We are all like different pieces of that heap of driftwood. We are all works of art, nature's art, God's art, in the process of being chiseled and shaped into what we may become through our conscious efforts.

Today I want to urge you that the only education worth having is that which prepares you to live a full, whole, meaningful life. It would be simplistic to deny that one of the most important facets of life is that each one of us must

acquire skills that enables a person to take care of his own physical needs and those of his loved ones. Even in contemporary life, with all our progress, we still need food, shelter and clothing – we even need computers and television.

Because as a nation we need to feed ourselves, perhaps our educational system at all levels needs re-organising here and there to help our young Belizeans to cultivate that innate creativity which pushes human-kind to love to make and do things. While the learning of the principles of agriculture, forestry, water conservation, construction etc. are incalculably important, so is the attitude which makes all of us realise that it is pure snobbery to regard a painting as in itself a higher expression of life than the proper cultivation of a mango tree or a field of corn. Both are capable of eliciting from human beings a moment of joy that is a unique expression of humanity, apart from the utility of the field of corn.

Allow me to return to the image of the piece of driftwood that represents each of us. We all begin life in the same condition of being rough hewn. Our basic instincts all clamour out for satisfaction, at one stage one being more vociferous than the other. At one period perhaps one takes over the driver's seat and becomes the most aggressive force driving a river of turbulent currents.

I maintain that one of the main purposes of education, if not the principal one, is to provide ourselves an opportunity to reflect upon these forces in ourselves that impel us one way or the other. Those moments of pausing to reflect may be conducive to enlightenment that shows us what these subconscious forces would drive us to and why we have to control and balance them. This is the process by which we become self-disciplined.

Becoming, educated, then is more than becoming a store-house of information.

In my university years I majored in Latin, ancient Greek, and Philosophy. How much of the mass of information I picked up along the way is still with me? Not much. That is not to say that there have not been occasions when I have recognised the advantages of the background I have. For instance, recently the question was asked publicly whether lesbianism is immoral as is homosexuality. Because of my background I knew right away that lesbianism is homosexuality, for the word "homosexuality" is not made up of

the Latin noun “Homo” ,which means “man”, but the Greek adjective meaning “same”. Thus homosexuality means same sex activity. Curiously, the word “Lesbianism”, is derived from the word “Lesbos”, a Greek island where the poet Sappho, a woman, lived. She was reputed to have preferred to sleep with women rather than men.

These bits of information may enable one to show off from time to time, but they would hardly of themselves qualify one as an educated person. Being educated goes far beyond the mere recitation of facts. Certainly, far more important is the creative use of facts already memorised for the production of an entirely new something. The facts that you have in your heads right now is like so many pieces of driftwood. We must use the chisel of our imaginations to sculpt them into a new vibrant reality. This is what we call being educated.

Don't bemoan the fact that you may not be able to paint a picture as beautiful as Gilvano Swasey can; or that if you took a piece of driftwood to sculpt a statue you would make firewood rather than a Creole goddess. The main item that you must sculpt into a masterpiece is yourself. Your talents, your body, your soul are what you have to work with, chiseling here, cutting there, exercising moments of choice that signal a new path or a crossroad that may shape you for the rest of your days.

In short, the process of education involves developing memory, reasoning, imagination, emotion, feelings, will etc. The truly educated person seeks to become a whole person. I say “seeks” instead of “sought”, because it is an ongoing, never-ending process. Even in the late summer of his years, the Ombudsman of Belize considers that his education continues.

Having served as teacher, journalist, writer, administrator, politician, salesman, businessman and political activist, he must now use other facets of his personality to which duty now calls him. The Ombudsman, to do his work without fear of favour, must be completely impartial and objective. He must not take sides but look at all the available facts. Only after he has seen and analysed all the evidence may he make a recommendation to redress a wrong, if there has been one; or to deny a complaint, if the facts do not substantiate the complaint.

During the controversy that followed the appointment of this Ombudsman it struck me as strange that some should have thought that he would not be

impartial and objective. It struck me that perhaps in places here there is not enough appreciation of what taking an oath of office really means.

Every public official in Belize upon taking up his duties swears an oath of office. Placing his or her hand on the Bible, he swears before God to perform his duties impartially, without fear or favour, affection or ill-will.

I bring up this matter, because I firmly believe that one of the qualities that we must re-introduce into our national character, our ethos, is honour. There used to be a time in Belize when the best assurance that one could give is “upon my honour”.

There are defining moments in all of our lives. For each and everyone of you, there will be at least one moment of existence, of reality, of time, when you will say “I do” or “I don’t” or “I won’t”. That will be a moment that will be inscribed in edible ink preserved for all time in what you will become. It may define you not only for time but also forever into eternity.

Out of all Western history and literature one of my most favourite persons is Thomas More. And his story told in Robert Bolt’s “A man for all seasons” is one of my best liked works, which I read over and over. Apart from the religious significance of More’s life, I admire him for what he has taught me about what being a real human being means.

In the introduction to his play, Bolt says that some people might consider it strange that he who is not a Catholic or even a Christian should write about a man that is called Saint Thomas More. He goes on to explain that he chose to write about him, because he needed to say what being a person really means. Today people identify themselves with their successes. Money, possessions, a car, a Rolex watch – people hold up these things as signifying themselves, their importance, who they are.

You all know the story of More. A famous man of letters known throughout Europe, he was named Chancellor of England by King Henry VIII. When the King could not get him to publicly approve of his divorce from Catherine of Aragon to marry Anne Boleyn, he had an act of Succession passed through parliament. Now More would have to take the oath or suffer the consequences of being found guilty of treason. Listen to this conversation between More and his daughter Margaret.

More asks: “you want me to swear to the Act of Succession?”

Margaret (quoting his own words spoken in a different context): “God more regards the thoughts of the heart than the words of the mouth”, or so you always told me.

More: “What is an oath then but words we say to God?”.... “When a man takes an oath, Meg, he’s holding his own self in his own hands. Like water and if he opens his own fingers then- he needn’t hope to find himself again

In another place, the Duke of Norfolk is telling More how dangerous it is to know him now that he has made himself an enemy of the King by not supporting his marriage to Anne Boleyn. More is trying to find a way to insult the Duke so that they can break off being friends for the safety of the Duke. In the process, More says:

“And what would you do with a water spaniel that was afraid of water? You’d hang it! Well, as a spaniel is to water, so is man to his own self. I will not give in because I oppose it. I do – not my pride, not my spleen nor any other of my appetites but I do –I. Is there no single sinew in the midst of this (touching Norfolk) that serves no appetite of Norfolk’s but is, just Norfolk? There is! Give that some exercise, my lord!”

The above are some of the most powerful words in all of Western literature. This is also an example of something I learned as a teacher that I have creatively resurrected in my consciousness to affect the work and duties that I have now embarked on as your Ombudsman.

This brings me back to image of the pile of driftwood. That is what we all are –like pieces of driftwood that we must chisel into the form of mature human beings that are made up of emotions, feelings, basic instincts, memory, imagination and the power to create and reason and will. All of these harmoniously developed is what we mean by “education”.

At this juncture, I recall what Dr. Fiadjoe, eminent lecturer of law at the U.W.I, said in a lecture he gave recently at the Radisson Fort George Hotel. He told the story of this famous professor who was visiting Harvard University. After he had spoken 10 minutes, he said that is the 10 minutes for the letter H. After another 10 minutes.... that is for the letter A. Ten more minutes – that is for the letter R. At this point a bright young man

turned around and looking at his girlfriend said: “Thank God, we are not at the Massachusetts Institute of Technology!”

So, lest any of you do me the same, or worse, let me just conclude by telling you briefly the basics of the work of the Ombudsman.

The Ombudsman is the Parliamentary Commissioner appointed by the National Assembly as the oversight agent to hold executive government accountable for its administration and actions. He does so principally by receiving and investigating complaints made by citizens against Ministries, departments, statutory bodies, municipalities and village councils. He has no executive power. He exercises great moral influence by virtue of his integrity, his impartiality, his independence and the force of his reasoning based on the facts. When he has concluded an investigation, he either upholds the complaint or denies it, based on the facts. If he upholds, then, the authority is informed, and he makes a recommendation for redress. If the authority fails to carry out the recommendation, the Ombudsman must report the matter to the National Assembly.

Thank you.

I'll be pleased to answer any questions you may have!

APPENDIX E (FREEDOM OF THE PRESS DAY)

(Freedom of the Press Day given at the Zoo (28/11/99))

FREEDOM OF THE PRESS DAY

Like every other good thing, some people do not really appreciate freedom until they lose it. What does the Proverb say?

“You don’t miss the water until the well runs dry.” God willing, for us such a dire prophecy will never come true; for while we have it, we appreciate it and enjoy it in its varied expressions, especially that of being able to speak freely and propagate our ideas. We have freedom of the press and are not likely to see it taken away from us to see if we would miss it.

During the past 18 years of our independence, we have changed government every election. Although politicians try to take too much of the credit for this, boasting about their political astuteness, the people most responsible for this have been the media. I am not going to set out to prove this, showing how key stories in the newspapers, on the radio and television affected the perceptions of voters. This could be done with research and some effort. But we do not have time for that this morning. I hope it suffices to say that some day some enterprising researcher will do that for our greater enlightenment, for those who need to be convinced.

However, based on our knowledge of human nature; we know that most people want to find out the truth, because they want to live their lives by it. This, then, is the basis of the strength of the media. They cater to our curiosity, to our desire to know the facts. They tell us what is really going on. Hopefully with more available resources at their disposal, they will be able to provide us with deeper, more comprehensive, investigative reporting; so that we will be able to understand more fully the very complex issues that affect our society today.

While we expect our media to tell us what’s going on today, we have to sound a warning that they should not allow themselves to be swept blindly into the stream of the mindlessness that seems to dominate the flux of

history. Our societies are unduly influenced by aggressive consumerism and crass materialism that have invaded the minds and hearts of men threatening to drive out of them any consideration of the finer values.

One of the broad goals of the media must be to encourage and promote in acceptable ways, without descending to the level of propagandists, an appreciation of those values that will not only preserve our civilisation but turn it into a finer cloth that is made up of concepts like honesty, decency, fairplay, respect for all human life and of all those rights and virtues that make man and woman shine as the apex of creation.

This is a beautiful day – not only because the sun in our system is shining, but also because that light, is shining in our minds showing us that path where freedom is a brighter beacon illuminating the steps we take to a better quality of life. This life is enlivened by those feelings and aspirations that makes it truly worth living.

We thank the media for recording those moments in our lives and those of the community when we seem to shine because of our freedoms.

Thanks!

APPENDIX F (ADDRESS TO THE CRIME COMMISSIONER)

Address to Crime Commission

Unless we understand that man/woman is a three- dimensional being, we will never truly know what humankind really is.

You are the Crime Commission. In a certain, true sense you have been assigned the duty of unraveling the mystery of human behaviour, and this is no less than an assignment to know and understand the history of man.

As a member of this commission, you should start by asking yourself questions such as these:

1. Why are some people good?
2. Why are some bad?
3. Why do some people easily conform to group behaviour?
4. Why do others break the accepted rules of behaviour?
5. Why do some people favour high-risk adventures?
6. Why do some stick to the safe, known path?

These and similar questions you must ask yourselves, and you have to answer with the most brutal honesty, even if answering truthfully you find yourself thinking a little less conceitedly about yourself. This may be uncomfortable, because we almost always want to think the best of ourselves.

I do not know if I can answer any of these questions wholly and completely, but I do believe that a solid, philosophical base is the best starting point: That foundation is the truth that man is a three dimensional creature. Man/woman belong and live in the kingdom of plants and animals. Like plants, he needs a suitable environment in which to breathe and live. Without a suitable environment his life becomes difficult and gradually impossible.

In a sense each human being is an encapsulated form of the history of humanity. There was a time when he existed as pure vegetable matter in a mother and a father. When sperm and ovum were united a leap of aeons of time in evolutionary history took place in the twinkling of an eye. The miracle of the creation of a new human being took place! An aquatic existence in the amniotic fluid was a replay of the evolutionary process of original life coming from the sea.

Isn't it revealing that our first motions are made on all fours. We creep before we walk, unlike other animals who stand up right away. It's amazing how the history of our race is replayed in each of its evolutionary stages in every single one of us.

During the early years of our lives it is the basic animal instincts, our links to the animal kingdom, that makes our existence possible. The bonding with the group is represented by mother, whose breasts we reach out for to satisfy the hunger of life. We never outgrow these instincts, for they are what keep us connected to the animal kingdom, of which we are somewhat a part, but not entirely so.

Aggressiveness, seeking to be part of the group, the drive to reproduce ourselves, acquisitiveness, these are all the drives that place one of our feet in the animal dimension. These are mostly the bases for our passions and Ambition; only partially, for during his existence on this earth, man straddles another dimension- that of soul, of spirit, of thinking and reasoning.

No one is angry at a lion when it kills the antelope in the wild; that is what it needs to do for its own survival. Neither is anyone annoyed when the gazelle gets away from the hungry lioness that needs to feed its young. That's the way of nature, that's the way of life in the animal kingdom. But it is not so with man/woman.

His evolutionary struggle has been a battle to conform his actions and behaviour to realise what he believes the conditions of his life should be and may become as he evolves into a greater consciousness of the spiritual dimension of his existence. The history of civilization has been this pilgrimage – man searching to guide his actions by thought and reason and not by the urges of his basic instincts, his passions, emotions and feelings.

Why is the business of dimensions, evolution, history, and an understanding of man/woman necessary? The study of crime is the study of the behaviour of man/woman, which we will never analyse properly and correctly unless we understand the true nature of man. Those who believe that man is but the product of his environment make the great error of forgetting the spiritual nature of man. Man is matter, but he is also spirit; from this proceeds the tension in which he lives. At times reason tells him clearly how to behave, but his body contradicts those principles, if the body has not been disciplined to conform to the ruling influence of reason. Herein is the core of the work of the Commission: to recommend ways and means for all the organs, structures, systems of society to change in such a way as to provide the maximum level of effectiveness in teaching infants, children, teenagers, adults – all of us the ways of cultivating self-discipline.

Therefore our educational system must be re-organised with programs to foster disciplined creativity, students working with their hands, full-blown sports programs all year around, spending more and more on education and gradually less and less on prisons and law enforcement.

One of the greatest causes of the breakdown of strong family structures is sexual promiscuity. The whole culture of misguided insistence on controlling population and preventing AIDS by advocating the use of condoms, even to children, is one of the biggest mistakes our civilization is making.

In some of us the practice of bad habits and the influences that impinged on our Consciousness from earliest infancy have been so much directed to educate only the animal in us, that the dictates of reason are but sporadically a mere squeak, which are easily ignored.

For an authority figure to make a condom available to a child is tantamount to telling him or her: whenever you feel like doing it, it is alright, provided you use a condom. That is just like telling a kid that it is alright for him/her to be just like an animal – ruled by instincts and feelings only, with no consideration for the higher values of life.

Our age is the age of self-gratification, and sexual promiscuity is its number one, its chief avenue of expression.

We need to start again teaching our children: self-control, discipline, abstinence, chastity. We haven't been doing so during the past 30-40 years, and we are now reaping the whirlwind. Unless we change, countless more of our children will be having babies – all growing up in the loose, undisciplined atmosphere of children who cannot control their basic instincts, their passions, their emotions.

Unless we change, we ain't seen nothing yet.

Sorry to sound so bleak, but that is the way I see it! Other concrete suggestions:

1. A well developed curriculum from primary to tertiary level on religion and morality.
2. A coming together of Church State, Civil Society to promote healthy recreational activities for all.
3. A better disciplined Police that is people friendly.
4. Provision of bigger open spaces for children to run and play.
5. Fully organised sports program in all schools.
6. Compulsory military service for all at the age of 18, except if one is going to school.
7. Develop the culture of respect and true love.

By the way, the third dimension is the afterlife, immortality.

Paul Rodriguez
(Ombudsman)