

2002-2003

THE FOURTH
ANNUAL REPORT
OF
THE OMBUDSMAN



"Truly a haven of Democracy"

The **FOURTH** **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

TABLE OF CONTENTS

FORWARD	.....	7
INTRODUCTION	.....	8
POLICE DEPARTMENT	.....	10
LANDS DEPARTMENT	.....	32
LABOUR DEPARTMENT	.....	44
PRISON DEPARTMENT	.....	50
MAGISTRACY	.....	66
SUPREME COURT	.....	68
FAMILY COURT	.....	73
FAMILY SERVICES	.....	77
CLOSED FILES	.....	82
OPEN FILES	.....	83
INFORMAL COMPLAINTS	.....	84
THE PROMOTION OF IDEAS & RIGHTS...	90
OTHER PUBLIC INITIATIVES BY THE OMBUDSMAN	118

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(1 April 2003)

Ref: 3/AROMB/2003

Mr. Phillip Zuniga, OBE, SC
President of the Senate
National Assembly
Belmopan

Dear Mr. President,

I have the honour to present the Ombudsman Annual Report which covers the period 1 April, 2002 – 31 March, 2003.

The report is submitted in accordance with Section 28(2) of the Ombudsman Act, No 7 of 1994 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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(1 April 2003)

Ref 4/AROMB/2003

Hon. Elizabeth Zabaneh, O.B.E
Speaker of the House of Representatives
The National Assembly
Belmopan

Dear Madam Speaker,

I have the honour to present the Ombudsman Annual Report which covers the period 1 April, 2002 – 31 March, 2003.

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

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Paul Rodriguez
(Ombudsman of Belize)

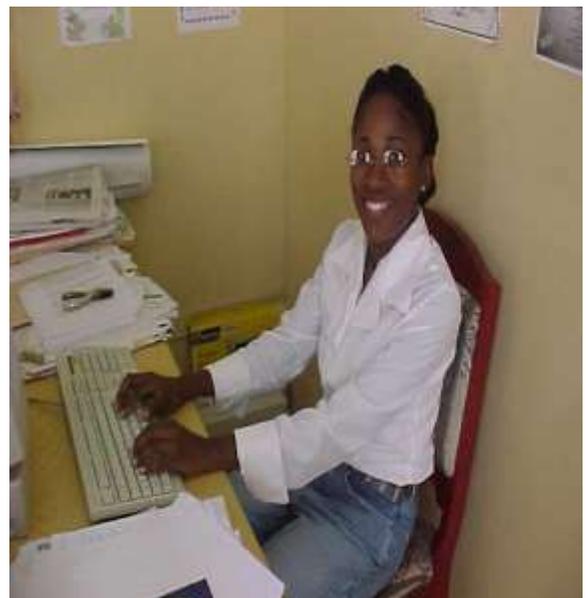
STAFF

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

STAFF GOALS: -

1. To greet every visitor with a cheerful and caring smile.
2. To listen to every complainant as though his/her problem is the only one in the world.
3. Not to take sides between the complainant and the authority against whom the complaint is made.
4. To seek to uncover the facts and the truth in every case.
5. To improve the quality of life of everyone by contributing to an enhanced understanding of the culture of human rights.

To be fair and transparent in all that we decide and recommend.



FORWARD

The Ideal Belizean Public Servant is not a Disembodied Soul but a flesh and blood individual with a personal value system, own perceptions, own religious convictions but committed to freedom, to rights and individual liberties, committed to the supremacy of law, and to good governance.

Even a Minister of Government who was a candidate of a political party once elected must take on the mantle of the truly mature Belizean personality who is the Ideal Public Servant. Once sworn by an oath of office he must sincerely serve without fear or favour, with justice and charity to all and malice to none.

It is a grave misunderstanding to expect that impartiality should require the absence of personal convictions and perceptions. No truly mature person is in the essence of his being neutral, for neutrality may signify a lack of commitment, whereas the Ideal Belizean Public Servant cherishes values that represent the highest aspirations of humanity.

It is unfair and unrealistic to expect that the Ideal Public Servant be completely sanitized and that he surrender entirely his inalienable right of freedom of association

Finally, the Ideal Public Servant may have strong religious convictions, but he will defend your right to believe what you may as vigourously as he defends his own religious freedom.

The Ombudsman should be an ideal Public Servant

Signed:

INTRODUCTION

FORWARD TO AN EMPOWERED SOCIETY

The single most important issue of Belize today is empowerment. What is empowerment? How is it achieved?

To answer the “what” and the “how” of empowerment we must consider that society is made up of different sectors, various organizations, which were formed to achieve specific goals. A private sector organization like the Chamber of Commerce is an association of businessmen who banded themselves together to achieve certain goals that should impact favourably on the group as a whole and upon members individually. Among the initiatives of such an association should be a lobbying arm which seeks to persuade Government to pass laws, introduce measures, and implement initiatives that make it easier for citizens to carry on business successfully.

The organs most needful of empowerment are the offices that work for transparency and accountability – the Auditor General, the Contractor General and the Ombudsman. There are also departments of Government whose specific assignment is to exercise oversight over the actions or inactions of citizens. For instance, the Labour Department deals with complaints from workers who believe they may not have been properly compensated upon dismissal. In such cases the Labour Inspectors should have the confidence to follow the laws and regulations without fear or favour. Of course, the Labour Department deals with many other issues.

Public health is a serious and important community concern. Public Health Officers play a dual role: they should promote initiatives that result in a healthier community; and they should seek to stop or prevent practices that are injurious to the health of individuals or the society as a whole. Therefore they should be empowered to act without fear or favour in enforcing the laws and regulations that deal with the preservation of the health of individuals and the community.

The Office of the Ombudsman is the oversight organ of parliament that may reach into every corner of the Administration to verify whether public officers are properly empowered. Upon concluding that they are free to fulfill their functions to the best of their abilities, then complaints may be attributable to other reasons, for instance, incompetence, lack of caring, a sense of irresponsibility, or abuse.

How is empowerment achieved?

Training, continuous training, for the deliverers of public service will help. But, knowledge of how to do a certain procedure does not itself guarantee acceptable and praiseworthy service. There must be a reaching not only of the mind but also of the heart and will of the service givers so that they take pride in providing service, and feel a sense of accomplishment when citizens leave their desks satisfied that they have been properly attended to.

Perhaps at this time every Chief Executive Officer in government and in large private enterprises may consider the great usefulness of having a Public Relations Officer who deals with issues emanating from the lack of the delivery of service. The PR Persons would be the natural contact officers between the Ombudsman and the Chief Executive Officers.

But the Ombudsman, the Contractor General and the Auditor General themselves need to be more fully empowered. The Prime Minister himself on two occasions after his recent victory at the polls signaled an uncompromising stand against corruption. This determination has to be passed down through Cabinet to all sectors of the Administration, and the message must be: Let transparency and accountability shine through in the doing of public business. The Ombudsman, the Contractor General, and the Auditor General, empowered by the support of the National Assembly, must then keep faith with the nation and fulfill their sacred pledge.

I. MAJOR CONCERNS OF THE OMBUDSMAN

A. Police Department

1. Traffic related complaints show a lack of professionalism in investigation by the police.

CASE NO 793

Letter of complaint

29 December 2002

Dear Sir:

On the 8th October 2002, I was involved in a traffic accident on the northern road near Raul's Rose Garden in Ladyville on my way home from school at about 8:40 or there about. The Police came on the scene after the accident, and I was taken to the KMHM due to injuries suffered where I received medical treatment.

On the 23rd October, I had a doctor's appointment at the hospital, and up to that time no police had made a visit to take any statement from me concerning the accident. In order for a statement to be recorded, I had to personally take a letter complaining that no statement was taken to the Commissioner, who then instructed Inspector Yama to record a statement.

My husband applied for a police report on the 25th October, for insurance purposes. It was received on the 11th December 2002 after I made a request for your intervention when we were told that it would take 4 weeks. I am frustrated about what have been happening. The insurance is waiting for the police report and feels like I am the problem for not settling the claim due to the police report. I believe Mr. Rodriguez that integrity is at stake due to the non-professional action on the part of the police not being able to do in my opinion straightforward Police report.

Mr. Rodriguez, the first report was referenced memorandum 213/15/02/(331) dated to December 2002 and signed by the Acting Commissioner Westby. I am sorry that I did not keep a copy of that report, but as my memory serves me correctly, it stated that

1. Owners of both vehicles.
2. One Mr. H drove pickup with license plate C13887 at the time, 21 years old of 4109 Marigold Lane Belize City,
3. Mr. H was reversing in the direction of Ladyville facing Belize City on the left hand side of the road,
4. Mrs. W who was traveling towards Ladyville and crashed drove vehicle C24398 into Mr. H
5. That both Mr. H and Mrs. W are liable
6. No action or charges was brought against any of the two drivers neither Mr. H nor Mrs. W
7. That both could take out civil action against each other in the Magistrate court.

Sir, it would be a good idea if you could request a copy of the report, because apart from what I have stated, it was not professionally done. Immediately after receiving the report, I instantly called the Commissioner, regarding my displeasure with the report, and made an appointment to see him on the 18th December, at that time he made mentioned he have not seen the report but will have a look at it. On the 18th December, I received the second report from the Commissioner dated 17 December with reference 213/15/02 (342) signed by Supt. A Whyllie, which is not saying anything.

My concern is Mr. Rodriguez, how can two people be liable in a traffic accident when it is crystal clear that Mr. H was on the left hand side of the road in the direction of Belize City? Something is drastically wrong here.

Enclosed are copies of the car in question for your perusal, which was taken by an insurance agent. Once again Mr. Rodriguez I am asking for your assistance in getting a correct and accurate Police report as quick as possible.

Respectfully,

Mrs. W.

Ombudsman makes Commissioner aware of the complaint

Dear Commissioner:

RE: TRAFFIC ACCIDENT, 8TH OCTOBER, 2002 – LADYVILLE

On the above-mentioned date Mrs. W was in a traffic accident. Ladyville Police having failed to do the proper required Police work, the lady was forced to seek your intervention which resulted in Inspector Yama's taking a statement from her.

However, in spite of your solicitous intervention, Ms. W is still unable to access the report she needs for insurance purposes.

It pains me to say it but continued situations like this will cause a complete breakdown in confidence in your traffic department, whose reputation even now is not of the best.

Kindly do what you can to make it possible for Mrs. W to receive the report she requires.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Cc. Minister Ralph Fonseca

The Police Reply

Dear Sir:

I acknowledge receipt of your letter reference 793/JZOMB/2002 dated 29th November, 2002.

The requested report reference 213/15/02 (331) dated 10th December, 2002 was forwarded to Mrs. W.

Kindly be assured that this matter was pursued and the report was received by the Ag. Commissioner during my absence.

However, due to errors contained therein, I have since rescinded the earlier report which is been substituted with my memorandum 213/15/02 (342) dated 17th December, 2002 (copy enclosed).

I have now directed the Officer Commanding Traffic Branch at Belize City to forward the relevant Police Investigation File for my perusal and directive.

The delay in replying is regretted.

Sincerely,

**(A. Whyllie, Supt)
For Commissioner of Police**

A follow-up by the Police

Dear Sir:

I refer to your letter 793/JZOMB/2002 dated 30th December 2002

Having concluded the review of the Police Traffic Accident Investigation File, I am of the opinion that Mr. H appeared to be at fault.

However, no charge can be proffered upon Mr. H as the matter is now statute barred as a result of the failure to issue Mr. H with a Notice of Intended Prosecution at the time of the accident. Efforts were subsequently made to locate Mr. H in order to issue the N.I.P within the said 14 days as requires by Section 84(1)(c) of the Motor Vehicle and Road Traffic Act, Chapter 230 of the Laws of Belize, R.E. 2000 without success.

This neglect of duty has been addressed and the investigating constable has been placed on disciplinary charge of Neglect of Duty.

Notwithstanding the above, Mr. H has since been located, was advised, and claims to have visited his insurance company (Regent) to acknowledge culpability for the accident.

**(A. Whyllie Supt.)
For Commissioner of Police**

CASE NOTE

This case concerned police failure to give an accurate report for insurance purpose after a traffic accident involving the complainant.

In response to the Ombudsman's intervention, the Police Department did further investigation, and the second person admitted to being at fault. However, the matter had already become statute barred.

Nevertheless, the other party promised to inform his insurance company that he had been at fault.

The intervention of the Ombudsman also led to a charge of neglect of duty being placed against the policeman investigating the accident.

However, in view of the fact that the Complainant had consulted an attorney to resolve the matter in court, the Ombudsman closed the case.

Signed:

**Paul Rodriguez
(Ombudsman)**

COMMENT:

To enhance transparency, the Police should have named the investigating police officer and informed the Ombudsman of the result of the charge.

2. Traffic related complaints demonstrate a lack of professionalism in police investigation.

CASE NO 762

The Following is a police report which was part of the submission of the complainant: -

POLICE REPORT

- ❖ Upon being shown photographs which contradicted the Police report, the Ombudsman wrote the Commissioner of Police this letter:

Dear Commissioner:

RE: COMPLAINT UPON A POLICE REPORT OF 15 APRIL, 2002

A report of 15 April, 2002, issued under your name and signed by Sr. Superintendent Bernard Lino on your behalf raises serious questions about the integrity of this report and of your traffic department.

The report is upon a traffic accident that happened on 8th March, 2002, in front of the Roaring Creek Police Station, at about 10:30 p.m. The two vehicles involved were an Explorer OWC – 10260 driven by Mr. G and a Toyota OYC – 6428 driven by Mr. J.

The following information has been supplied to the Ombudsman by the Complainant Mr. J:-

1. No measurements were taken by the Police on the accident site. In fact no police officer has approached him to get a statement from him.
2. Mr. G refused an alcohol test.
3. The accident happened at about 10:30 p.m., not 12:35 p.m., which as you know, is just shortly after midday.
4. Photographs in my possession show unmistakably that the Toyota not the Explorer “**suffered extensive damage beyond repair.**”
5. Commissioner, I am sure you will be most interested to find out who did this investigation and who wrote the report. So am I.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

COMMENT:

**Mr. Kirk Anderson
Director of Public Prosecutions
Treasury Building
Belize City, Belize**

Dear Mr. Anderson:

RE: POLICE REPORT UPON AN ACCIDENT 15 APRIL 2002

Attached is a copy of a letter the Ombudsman wrote the Commissioner of Police on the 27th September, 2002, concerning an accident which took place on 8th March 2002.

I am aware that the matter may have become statute-barred. However, I still make bold to place it before you, as a matter that needs to be addressed, because of the apparent sloppiness manifested in this police traffic investigation. Its lack is of such a high degree that it makes one wonder and raises suspicions that one wishes not to give voice to.

The citizenry of Belize will be most grateful to you for whatever is done to eliminate the unnecessary sufferings of persons caused when justice fails because of sloppy police work.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

3. What happens if the managers of traffic do not clearly indicate what streets are one – way and what corners drivers must stop?

CASE NO 707

31 July 2002

Dear Mr. Kent Gabb:

RE: GAOL LANE & MARINE PARADE

Investigations into a traffic accident earlier this year that occurred on Marine Parade have caused me to make an on site inspection of these streets in Belize City. I discovered the following:

1. There is no sign at Cor. Eve St., & Gaol Lane to indicate that vehicular traffic should not proceed from Eve St. on Gaol Lane towards Marine Parade.
2. I have always been of the impression that Marine Parade from its juncture with Gaol Lane to Park St. is a one-way street. However, there is no sign affixed anywhere to indicate this.

Finally, I understand that whether these streets are one-way or not has not been gazetted, and without this provision legally they are not one-way.

I would appreciate your comments on the above points.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

12 September 2002

Dear Mr. Gabb:

Over a month ago the Ombudsman wrote you concerning the urgent need to have public clarification on the regulation and flow of traffic on certain streets in

Belize City. I raised the following points then and repeat them, for your convenience.

1. There is no sign at Cor. Eve St. & Gaol Lane to indicate that vehicular traffic should not proceed from Eve St. on Gaol Lane towards Marine Parade.
2. I have always been of the impression that Marine Parade from its juncture with Gaol lane to Park St. is a one-way street. However, there is no sign affixed anywhere to indicate this.

The assigning of blame in traffic accidents is extremely important, and I believe that this is difficult, or maybe impossible, if the traffic rules and regulations, especially the flow of traffic, is not clearly indicated to the public. Already this lack has resulted in great inconvenience and suffering to at least one citizen, and I believe you should do your part to fix the problem.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

**Cc. Chief Justice
Mayor of Belize City**

COMMENT:

The Ombudsman has since this second date made an on-site check of the traffic signs on these streets and found it clearly indicated how the traffic should flow.

4. This case shows that police inaction may have been purely arbitrary:-

CASE NO. 727

25 July 2002

ATTENTION: SUPERINTENDENT WADE

This morning Miss M of 37 King Street, Belize City, phone (608) 6971 told me the following:-

Yesterday evening about 5 p.m. she was visiting a friend on West Street. There was an argument with an unnamed lady whose sister Ms. T came forward, stamped her in the back and then bit her on her cheek. (Her face is still visibly wounded). The West Street Police Station policemen witnessed what happened. When she complained, they laughed but did nothing, although she asked them to take a statement. She then went to Queen Street Police Station. Again, they refused to take her statement. So much for her story.

In the past few weeks I have put forward to the Police Department complaints of persons who were arrested and charged, merely on the word of an accuser. The Ombudsman has therefore put forward the opinion that these should have been handled as civil matters.

In this present case all the person was requiring is that her statement be taken. She was not asking for an arrest to be made or for charges to be laid simply on her word.

The Ombudsman believes that some guidelines should be laid down to regulate these matters, otherwise the response of the Police in cases like this will be perceived as purely arbitrary and the result of favouring a friend or relative.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

COMMENT:

The Commissioner never answered this letter. This signifies that the Police Internal Affairs and Discipline never investigated to find out who were the officers on duty at the cor. West St. & Dean when the alleged incident took place.

However, the will to improve professionalism of the individual police officers must come from the top. That will is to be demonstrated by empowering the officers of the Internal Affairs and Discipline to be more aggressively involved in improving the professional behaviour of police officers without fear or favour.

5. Does the Police Internal Affairs and Discipline ignore serious breaches in public conduct by individual police officers? If they do not, why is it that the Ombudsman has yet to receive a reaction to allegations made by a complainant on 1 July, 2002?

CASE NO 708

1 July 2002

**Mr. Carmen Zetina
Commissioner of Police,
Police Headquarters,
Belmopan, Belize**

ATTENTION: INSPECTOR KEITH LINO

Reports of policemen using their authority to advance a purely personal agenda continues to come to the Ombudsman. Although they are only allegations, I believe it must be perceived beyond any doubt that each complaint is carefully investigated to ensure that such an abuse is eliminated, if and where it exists. I am therefore enclosing the statement made by Ms. O of Fifth Street, San Ignacio, and look forward to your findings.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Letter of Complaint

Dear Ombudsman:

I am complaining against the Police in San Ignacio, especially PC. P, who continues to harass me and my family over completely personal matters. He

liked my daughter, who did not respond to his attention. Ever since every chance he has he sets up people to make false accusations against us.

Signed:

Ms. O

Also I complain against Mr. C, who slapped me for refusing to dance with Him on 18 May, 2002, at Legends 2000 at about 1:30 a.m.

COMMENT:

If the Police decided to handle this matter informally; and, because of a lack of proof, merely warned the officer involved, transparency requires the Ombudsman be informed accordingly.

6. The following case shows how policemen become unprofessional when they act out of favour:-

CASE NO 698

14 June 2002

**Carmen Zetina, Esq.
Commissioner of Police,
Police Headquarters,
Belmopan, Belize**

ATTENTION: SGT. ROBINSON

**RE: COMPLAINT: Ms. Z. POLICE HARASSMENT UPON HEARSAY
EVIDENCE**

This case seems to be one in which a certain policeman clearly abused his authority and persuaded a colleague to be a partner in his abusive action.

The Ombudsman has pieced together the following:-

Upon a complaint from his wife that nurse Z had been harassing her she told her husband PC P and a report was made to the Family Unit. On the night of 11

June, 2002 near 10p.m. PC A accompanied PC P in his private vehicle. They knocked up Ms. Z out of her bed and created a scandalous scene. In the exchange Mrs. P admitted that she had acted upon what her cousin had told her about certain remarks Ms. Z is supposed to have made. Upon the intervention of the Sgt in charge of Belama Ms. Z was left in peace.

It seems that in cases, like this one, in which citizen makes a claim against another, police behaviour would be far more professional and acceptable if the accused would be invited sometime during the day to visit the Police Station to clarify the matter.

The behaviour of PC P & PC A seemed clearly to be making a mountain of scandal out of a molehill of hearsay and a relationship between a grown up consenting and a consenting woman, which is no business of mine or the Police.

I would like to emphasize that in cases like this strict adherence to the protocol of inviting the other side to come in and give their side of the story should be observed.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Besides complaining to the Ombudsman the aggrieved person also went to her lawyer, to whom the Ombudsman wrote this letter:-

1 July, 2002

Dear Mr. Lindo,

I am enclosing a copy of a letter written to the Commissioner of Police, attention: Sgt. Robinson, the officer in charge of the Family Violence Unit. Thank you for your insistence that something be done to stop this form of abusive behaviour. As you will see from this letter, the Ombudsman is insisting that more substantial evidence of wrongdoing be available, before the Police should arrest citizens,

especially where family matters are involved. Furthermore, if the Police do not insist on the above protocol, individual officers may continue to find it easy to abuse their authority.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

COMMENT:

The Ombudsman has been insisting that in handling complaints made by citizens when there has not been an obvious crime committed, the Police should insist on hearing the other side not by arresting but by inviting the other party to come and give his or her side of the story.

7. Too quick to arrest?

9 September 2002

**Mr. Carmen Zetina, Esq.
Commissioner of Police
Police Headquarters
Belmopan, Belize**

Dear Minister:

RE: WRONGFUL ARRESTS BY THE POLICE

On Wednesday, 4th September, Mrs. B of a Belize City address registered a complaint with the Ombudsman. She was arrested by the Boom police, and locked up, and then released without a charge being made. This is what happened, according to her.

She did a favour and took her neighbour, Ms. D to buy water. Upon their return the police were waiting in front of D's house. They proceeded to take chattels from out of her house, without a search warrant, claiming that the goods were stolen goods. Then they proceeded to take both ladies to the station. Mrs. B tried to explain that all she had done was be a good neighbour and take her

friend to buy water. She knew nothing else about what the Police were claiming. She was then locked up and refused a phone call to reassure her 11-year-old child.

I should very much like to enquire from Corporal Tun what evidence he had to justify an arrest and detention in a cell of Mrs. B.

That same afternoon Ms. G, of a Belize City address made a similar complaint. On Sunday, 18th August, her estranged ex-common law husband came to her house doing violent acts- throwing rocks, boards and then biting her. She called for the Police and they came. He attacked her in their presence. The following day she was requested to come down to the station. She did, was arrested and locked up in the P- house. What was the charge – damaging Mr. J's bicycle. The story is that J's, who claims to be a "snitch" for Superintendent Henderson, sought the officer's help, and he cooperated. Ms. G showed me a restraining order that had been issued against J prohibiting him from approaching her.

The Ombudsman is requiring that Superintendent Henderson clarify his position on the above allegations by Ms. G and that Cpl. Tun of Burrel Boom justify his arrest and detention of Mrs. B.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

**Cc. Hon. Ralph Fonseca, Minister of Minister of Budget Management,
Investment & Home Affairs**

COMMENT:

More than six months have passed, and todate we have not received a reply to the above letter. We have also not received a second complaint from the aggrieved ladies. Nevertheless it is clear that to achieve greater respect from the community the Commissioner must do all in his power to shed light on the actions of his men.

8. Who is responsible for safeguarding statements and other records crucial for prosecution?

This letter following upon a complaint raises the troubling issue of how Justice may be denied to citizens through the carelessness or deliberate act of the service givers, the Police.

16 September 2002

**Mr. Carmen Zetina
Commissioner of Police
Police Headquarters
Belmopan, Belize**

**ATTENTION: INSPECTOR ALVAREZ, OIC CRIMINAL
INVESTIGATION BRANCH**

Ms. S of a Belize City address has alleged to me that Mrs. Y, also of a Belize City address on the 25th of August came to her house in search of her sister and stabbed her as she got in the way to protect her sister.

Following that on another occasion after Mrs. Y had threatened her and she went to report the matter to the Queen Street Police Station she was told that neither the knife with which she was stabbed nor the statement she had made could be found. The statement had been made to PC V.

In this matter, as in others, the Ombudsman should not and will not take sides, but the Police should not take sides either.

Don't you think that Ms. S should be satisfied that her complaints should be taken seriously and investigated?

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Cc. Director of Public Prosecutions

A few days later the Commanding Officer wrote this memo. However, the Ombudsman has never been shown the report, if there was one.

MEMO

Please be informed that Miss S of a Belize City address has complained to the Ombudsman, that on 25th August, 2002, she was stabbed by one Mrs. Y, also of a Belize City address.

Subsequent to that incident, and on another occasion Mrs. P threatened Ms. S, who reported the incident at the Queen Street Police Station, where upon making inquiry about the previous report, learnt that neither the knife which she was stabbed, nor the statement recorded by Police Constable V could be found.

I shall be grateful for a written report regarding the allegation.

**(Bernard G. Lino, Sr. Supt).
For Commissioner of Police**

COMMENT:

Should not the officer in charge of a shift at a station be made to understand that he is in charge and responsible for cell, the records, statements, persons at the station during his shift?

9. Do the police observe the "Judge's Rule."

Upon a complaint by a citizen of San Ignacio, the Ombudsman wrote this letter to The officer in charge of Cayo:-

18 November 2002

**Mr. Carmen Zetina
Commissioner of Police
Police Headquarters
Belmopan, Belize**

ATTENTION: SUPT. G. NICHOLAS OFFICER IN CHARGE, CAYO

Mr. R of a Cayo District address, has alleged to the Ombudsman that on 18th October, 2002, he was picked up by San Ignacio Police and was held for three

(3) days. No reason was given for his detention. At the end of the three days he was released with no charge placed against him.

If Mr. R has accurately recounted what happened, your formation was clearly in violation of the Judges Rules on two counts:

1. your officers gave no reason for the detention;
2. the time limit for detention without charge is forty eight (48) hours not seventy two.

The Ombudsman must urge that if the Police hope to have the respect and confidence of law abiding citizens they themselves must be perceived as model citizens in obeying the law.

Please do not interpret the above caution as a condemnation of Police behaviour, for I have no assurance that Mr. R has told me all the facts.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Cc. Hon. Ralph Fonseca

COMMENT:

More than four(4) months have elapsed during which time the Ombudsman has yet to receive a reply from the Police.

10. Whose responsibility?

In the cases of suicide and unexplained, untimely deaths, whose responsibility is it to bring about a closure?

THE POLICE?

Case No 861

5 February 2003

**Mr. Carmen Zetina
Commissioner of Police
Police Headquarters,
Belmopan, Belize**

Dear Commissioner:

RE: SHOOTING DEATH OF BRENTON SABAL, 2002

Sometime last year the above – named person died from shots allegedly fired by a policeman in Dangriga. The father, K is still convinced his son was murdered by the Police. He claims persons nicknamed “Mello”, “Mad Dog” and “Molique” witnessed what happened.

The Ombudsman would appreciate whatever update you have on this case.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Cc. Simeon Sabal

THE DIRECTOR OF PUBLIC PROSECUTIONS?

CASE NO 778

1 November 2002

**Mr. Kirk Anderson
Director of Public Prosecutions
Treasury Building
Belize City, Belize**

Dear Mr. Anderson,

RE: UNTIMELY DEATH OF ELVIS ROSADO

The mother of the above deceased; Mrs. O, has expressed her concern that no legal closure has been put on the life of her son. He allegedly died of self-inflicted wounds on 6th August, 2002, but she has been shown no post mortem or report from a Coroner's Inquest that would have informed her officially the circumstances of her son's death.

Mrs. O would truly like to have the satisfaction of being officially informed what happened.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

THE CHIEF MAGISTRATE?

12 November 2002

**Hon. Herbert Lord
Chief Magistrate,
Belize City Magistrate' Courts
Belize**

Dear Chief Magistrate:

RE: CORONER'S INQUEST: MICHAEL HYDE

The common law wife of the late Mr. George Michael Hyde has appealed to me to find out when the results of a Coroner's Inquest will be made known to her. She believes that affording her the opportunity to know at least some of the circumstances that surrounded her husband's death is the least a civilized society can do to help her to bring closure to this sorry episode in her life and that of her children.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

ZERO TOLERANCE AGAINST POLICE BRUTALITY???

NOT UNTIL THE FOLLOWING ARE DONE:-

- 1. Ensure that Policemen understand that their duty is not to punish but to arrest and charge.**
- 2. When the complainant does not know the name of the Arresting Officer, arrangement be made for ID Parade.**
- 3. The police Disciplinary Department should not believe they have complied with the requirements of the Ombudsman by saying they will investigate.**
- 4. Complete disclosure should follow within a reasonable time (30 working days).**
- 5. The results of every tribunal caused by the initiative of the Ombudsman must be submitted to him.**
- 6. Zero tolerance can only be achieved by 100% transparency.**

The Six Steps
1 2 3 4 5 6
Zero Tolerance

B. The Lands Department:

1. Do soldiers get special treatment? Should they?

CASE NO 278

Ref 278/PMOMB/2000

11 August 2000

**Miss Patricia Mendoza
Chief Executive Officer
Ministry of Natural Resources
Belmopan, Belize**

Dear Ms. Mendoza,

RE: LEASE MR. A

In June I wrote Mr. Cardona a letter querying why the lease of Mr. A had been cancelled. An approval for putting a house on the land by the Belize National Building Society had already been approved. Mr. A is a soldier training in Britain so that he can come back and be better able to defend our country. Is this the way we reward those who serve Belize?

However, since no explanation has been offered as to why the lease on Lot 186, Lord's Bank Layout was cancelled; the Ombudsman is now recommending that the lease be returned to Mr. A.

A response to this request is required within twenty (20) working days.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

LETTER OF REPLY

3 October 2001

Dear Mr. Rodriguez:

Mr. Armin Cansino, Commissioner of Lands and Surveys, has asked me to investigate and reply to the matters you raised in our meeting of Monday, September 17th, 2001.

This concerns Case 278 (BZC 1592/91). Lot No. 186 in Lord's Bank was leased to Mr. A, a Commissioned Officer of the Belize Defence Force. The lease was subsequently cancelled due to lack of development. Unfortunately, and utterly unknown to the department, Mr. A was away on study leave during the time of cancellation. In view of the foregoing, the Minister of Natural Resources, the Environment and Industry proposed assigning a different parcel of land to the complainant, which was refused. In as much as the cancellation was properly executed and the original lot is no longer available, and Mr. A having refused suggested rectification, the Minister is graciously still open to a settlement and is reviewing the matter.

Mr. A will be informed of the Minister's decision as soon as possible.

With all due respect.

(STAFFORD GARBUTT)
Public Relations Officer

Cc. Minister
CEO
Mr. Cansino

CASE NOTE

The complainant, aggrieved that the lease for a lot was cancelled, brought the case to the Ombudsman. He recommended special consideration for him, because he is a soldier seeking to broaden his military training abroad to better serve his country.

However, the lease had been held since 1992, when it was given in exchange for another lot, in Belize City. When the lease was cancelled in 1999, the three year period within which development should have taken place had long expired. In spite of this, because of his status as a soldier the Minister was willing to offer another parcel. The Ombudsman advised the Lieutenant to accept the offer.

Signed:

**Paul Rodriguez
(Ombudsman)**

2. Sometimes the complainant needs to help herself

CASE NO 549

When a person appealed to the Ombudsman to help her secure a parcel of land. The Ombudsman wrote the Lands Department.

Ref 549/DGOMB/2001

4 October 2001

**Ms. Dorla Grant
Principal Lands Officer,
Lands Department
Belize City, Belize**

Dear Ms. Grant:

RE: LOT NO 6062, PARCEL 294, BZ C-1456/90

Ms. K and her daughter have been in possession of the above said parcel for over 10 years. According to Mrs. K, they have lived on it from 1986. Even now there is a 3- bedroom bungalow on it with plumbing and other amenities.

Kindly consider helping them to obtain secure possession of this parcel.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Then he wrote this letter to the complainant.

14 May 2002

Dear Ms. K,

RE: LOT NO 6062

Enclosed is a copy of a letter I sent to the Lands Department, Belize City, last year. What you need to do now is to go there and apply to purchase.

Since this initiative is one that you must take yourself, success or failure to accomplish your goal is up to you.

Kindly inform my office when you have completed the process.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

3. When Government acquires private land, compensation should be paid to the owner.

CASE NO. 598

Upon receiving complaint that Government had acquired but not compensated, the Ombudsman wrote this following letter:-

Ref 598/ACOMB/2002

15 January, 2002

**Mr. A. Cansino
Lands Commissioner
Ministry of Natural Resources
Belmopan, Belize**

Dear Mr. Cansino,

RE: COMPENSATION FOR EXPROPRIATED PROPERTY OF MR. J

Sometime during the period 1989 – 1996 an estate in Dangriga belonging to Mr. J was divided up for house lots. It seems that in 1999 your Ministry took a decision to compensate the heirs of the late Mr. J at the rate of \$7,550.00 for each acre of land. One of the heirs, Mrs. L, now of a Belize City address, and permanently of N.Y. City, has alleged to me that so far no compensation has been paid to her or any other of her brothers and sisters.

Could you kindly inform when this matter will be concluded.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Two months after the Lands Department replied to the Ombudsman:

Dear Mr. Paul Rodriguez:

RE: **COMPENSATION – ESTATE OF J 10.36 ACRES**

On the 9th January, 1993 the Will of the above deceased was admitted to Probate and administration of his estate was granted to Ms. S, the sole executrix named in said will.

The said Ms. S died leaving seven heirs. Mr. J was appointed Executor of his mother's will and the agreed compensation was one house plot for each of the heirs (from said land) and \$3,500.00 per acre for the remainder of the land.

Todate, only one of the heirs has not received his house plot as yet, all the others have been issued with their Grants. (copies attached)

We have requested funds from the Ministry of Finance to liquidate this debt and as soon as the dereservation is made, payment will be effected to the Executor, Mr. J. A lot will as soon as possible be granted to Mr. X also.

Mrs. S may need to check with the Executor so that she may be apprised of those occurrences.

I trust the foregoing has served to shed some light as to the status of the compensation.

Your Respectfully,

Manuel Rodriguez
(For Commissioner of Lands and Surveys)

The Ombudsman then closed the case with this letter:-

23 April 2002

Dear Mrs. S:

**RE: YOUR REQUEST FOR ASSISTANCE, SETTLEMENT OF
COMPENSATION**

I am enclosing to you a letter sent to me by the office of the Lands Commissioner dated 26 March, 2002, which I have just received. It is self-explanatory.

Please follow up on it to ensure that you and the other heirs receive their compensation.

Thanks for having used the services of the Ombudsman. Kindly inform my office when the business has been concluded and you have received compensation.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Cc. Commissioner of Lands

4. A compassionate representative helps out.

CASE NO 557

There was no legal basis for his complaint when a citizen squatting on a street reserve sought help from the Ombudsman. Therefore the Ombudsman sought the help of Area Representative Dolores Balderamos Garcia:-

18 October 2001

Dear Minister:

RE: RELOCATION OF MR. R

Mr. R has been squatting on the parcel where he has his home for more than eight years, apparently by leave of the authorities. He has now been given notice to vacate the site, because the space is a Street Reserve.

Could you please assist him in relocating to another site within your Constituency? Otherwise, being a poor man, I really don't know what he will do to keep his wife and children housed.

Respectfully,

Paul Rodriguez
(Ombudsman)

CASE NOTE

This was not a complaint but really a request for help. When the citizen was informed by the Lands Department that he would have to move because his house was built on a street reserve, he appealed to the Ombudsman for help. The Ombudsman put his case to his Area Representative, the Hon. Dolores Balderamos Garcia. She assured him on 4 June, 2002, that she would not put him on the street but would help him.

Signed:

Paul Rodriguez
(Ombudsman)

5. Was the land dispute settled when brother and sister signed an agreement?

CASE NO 194

The Ombudsman suggests granting the complainant a lease or opportunity to purchase:

Ref 194/JVOMB/2000

18 February 2000

**Mr. Orlando Vasquez
Lands Officer
Punta Gorda**

Dear Mr. Vasquez,

Could you please clarify for me the position of Spot 27, San Antonio Village, Toledo. In my recent visit to Punta Gorda, Ms. Y complained that she has been in possession of this lot since 1974. But now her brother, Mr. X, wants to take away the land from her.

Ms. Y feels that if she were granted a lease, or allowed to purchase the lot, this would end the pretensions of her brother.

Could you let me have your reactions to this affair within 10 working days.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Above suggestion problematical:-

22 August 2001

Dear Mr. Rodriguez:

Mr. Armin Cansino, commissioner of lands and surveys, has asked me to investigate and reply to your July 6th, 2001 letter concerning Ref 194/ACOMB/2001, to wit: Land Dispute Ms. Y vs Mr. X.

Please be advised that Ms. Celia Leonardo, administrator of lands Toledo, has informed me Mr. X has been awarded Lot No 27 in San Antonio Village, Toledo District and Ms. Y has been so informed by Mr. Vasquez, the assistant lands officer. Furthermore, Mr. X has already commenced development of the land. In view of the foregoing, the matter is considered resolved.

I have requested full documentation of the matter and will supply you with further details as soon as I receive them.

Sincerely,

**(Stafford Garbutt)
Public Relations Officer**

The Ombudsman objects to the solution by the Lands Department:-

Ref 194/ACOMB/2001

7 September 2001

Dear Commissioner:

**RE: LANDS DISPUTE, SPOT 27, SAN ANTONIO VILLAGE,
TOLEDO DISTRICT**

In the most recent communication on the above case signed by Mr. Stafford Garbutt the Ombudsman was informed that Mr. X had been awarded the lot. It was indicated that this was done because he had already started development. Finally, the matter was considered resolved by your department.

I find it difficult to accept that the Lands Department, which should be committed to the highest standards of fairness, should regard Mr. X's claim to be more worthy simply because he has been more aggressive.

By that standard it would seem acceptable to the Lands Department if any citizen should just pick out another citizen who appeared to be weaker and simply take over his/her land. Would that be justifiable? By your apparent standard, it would be.

I have asked before, and more recently in a letter of 6 July, 2001, Ref 194/ACOMB/2001, to see this complete file.

So far, if one is to judge from the information supplied, the Ombudsman would be forced to conclude that the decision to award lot 27 to Mr. X is purely arbitrary, unfair, and certainly not in accordance with the highest standards of transparency that should characterize the department under your charge.

If there is no compliance with my request **WITHIN TWENTY (20)** working days to see this whole file, this matter will be reported to the National Assembly.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Lands Department finds another solution:

3 October 2001

Dear Mr. Rodriguez:

Mr. Armin Cansino, commissioner of lands and surveys, has asked me to investigate and reply to your September 7th 2001 letter concerning Ref 194/ACOMB/2001, to wit: Lands Dispute, Spot 27, San Antonio Village, Toledo District.

In my meeting with you on Monday, September 17th, 2001 I explained that my investigation of the matter had revealed that complainant Ms. Y had a verbal agreement with the lands officer as to a settlement which resulted in Mr. X's retention of the lot, and that Mr. X had already started development of the land. You states you'd consider the matter resolved if Ms. Y would provide written

verification of her agreement to settlement of the matter. I said I'd try procuring such a document.

Unfortunately, as sometimes happens, Ms. Y has since retracted her agreement and the matter is still in flux. The matter is also further complicated by the fact that the department has no vehicle in the Toledo District, hence short of hitching rides, it is next to impossible for the lands officer to reach many places to conduct proper investigations. However, Mr. Marcial Penados, senior lands office, will be traveling to the Toledo District on department business this week and Mr. Cansino has instructed him to look into the matter personally.

Please be assured this matter, as all others in question by your office, is being given priority. I shall inform you of any developments or decisions reached upon Mr. Penados' return.

With all due respect.

(Stafford Garbutt)
Public Relations Officer

Cc. Minister
CEO
Mr. Cansino

Settlement accepted by mutual agreement:

CASE NOTE

The complainant claimed that she had been squatting on the parcel of land since 1974. However, she had no legal document to establish her entitlement. When she complained to the Ombudsman, he sought to have her claim established; but by this time her brother had already started to build on the land. The Lands Department assigned the lot to the brother after she signed an agreement that she would surrender her claim to him, if he would agree to give her twelve loads of land fill.

Signed:

Paul Rodriguez
(Ombudsman)

C. LABOUR DEPARTMENT

1. Quick action by Labour Department produces results:-

CASE NO 635

Complainant claims years of service compensation not paid.

Ombudsman informs Labour Commissioner of grievance:-

Ref 635/PWOMB/2002

19 February 2002

**Mr. Paul Williams
Ministry of Labour
Albert St., Belize City
Belize**

ATTENTION: LABOUR INSPECTOR LORD

Mr. K of a Belize City address, has alleged to me that upon being terminated from the service of Benny's he was paid \$202.74. He had been in this service for over five years.

I believe, therefore, that more compensation is due to Mr. K, and as Labour Inspector you are the competent authority to so inform Benny's.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

**Cc. Labour Commissioner
Mr. K**

Early in April the Ombudsman was informed that the matter had been resolved.

2. Dismissal results in years of service compensation forfeiture

CASE NO 630

The complainant claims unfair dismissal, and believed he was entitled to years of service compensation:-

Ref 630/PWOMB/2002

13 February 2002

**Mr. Paul Williams
Commissioner of Labour
Ministry of Labour
Belmopan, Belize**

ATTENTION: LABOUR INSPECTOR LORD

Mr. J, in January, was allegedly forced to leave Belize to attend to his mother in Honduras who was reportedly ill. On his return his employer told him that he no longer had any employment.

Our Labour Law, I believe, is quite explicit about the entitlements of workers who have been employed for 5 years. The law applies to all and sundry, without fear or favour. I have not yet heard the whole story, but then this is a matter that certainly has to be resolved by the Labour Department.

I would like to urge you to see that justice is done for Mr. J.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

c. Mr. Paul Williams, Labour Commissioner

The Labour Department upheld justifiable dismissal:-

CASE NOTE

This case concerns the perception that because he was attending to an urgent family matter it was excuseable for him not to return to work for a whole week after the expiry of his vacation leave. When the Labour Inspector failed to obtain service compensation, he reported the matter to the Ombudsman without informing him of the important detail that he had absented himself from work for a whole week without any word to the employer.

The Labour Inspector informed the Ombudsman that the complainant was in violation of Sec 46 of the Labour Act. The Ombudsman thereafter agreed that the complainant was justifiably dismissed and was due no service compensation.

Signed:

**Paul Rodriguez
(Ombudsman)**

3. The complainant claimed he had been dismissed unfairly upon a police charge:-

CASE NO 782

Ref 782/LCOMB/2002

12 November 2002

Dear Mr. C:

The Ombudsman has looked into the matter of your dismissal and has found that it was justified. Section 46(2) of the Labor Act provides that an employer may dismiss an employee who absents himself from work without a good reason. The dismissed employee thereby loses all compensation, except vacation pay due to him.

If you have been offered an ex gratia payment of four weeks pay, I would suggest you accept it.

Respectfully,

**Paul Rodriguez)
(Ombudsman)**

The Ombudsman explained he was satisfied he had been dismissed fairly.

CASE NOTE

Having been dismissed from his employment that he had held for seven (7) years the complainant brought his grievance to the Ombudsman. He had earlier been to the Labour Office where the interviewing Officer upon investigating his case informed him that he had been justifiably dismissed and had lost right to all compensation, except vacation leave due him.

However, the complainant was not satisfied and made the argument to the Ombudsman that he had been dismissed because of a charge of carnal knowledge of a minor. The Ombudsman agreed that though he was right that he should not be dismissed upon a mere charge, he was justifiably dismissed for absenting himself from work for fifteen days, without providing a good excuse.

Signed:

**Paul Rodriguez
(Ombudsman)**

4. Was his dismissal motivated by religious prejudice?

CASE NO 647

Ref 674/ALOMB/2002

21 May 2002

**Inspector Andrew Lord,
Labour Inspector
Labour Department,
Belize City, Belize**

Dear Inspector,

RE: DISMISSAL ENTITLEMENTS, MR. U

Would you kindly review entitlements paid by Sanitation Enterprises Ltd. to Mr. U and investigate whether any was perhaps omitted? I did not find any payment in lieu of notice. Perhaps this was an oversight.

My appreciation for your urgent attention to this matter.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Labour Inspector reports justifiable dismissal

June 10, 2002

Dear Mr. Rodriguez:

REF: Mr. U

In January of this year (2002) the complainant came to my office where he lodged a complaint claiming that his service was terminated from Sanitation

Enterprises Ltd. without cause and that the employer refuses to pay him his benefits.

On Friday, February 1, 2002 I visited the office of Sanitation Enterprise Ltd. and spoke to Mr. Vicente Choco, Personnel Manager. According to Mr. Choco the complainant's service was dismissed as a result of him constantly ignoring his duties to go and argue religious beliefs with a fellow co-worker. He was warned about his action and even moved but the problem continues.

As a result of this the complainant's entitlements were calculated the same day but the complainant refused to collect instead he went to my office. Other than what he had already received I cannot make any other claim on his behalf since neither notice nor severance are payable.

Respectfully Yours,

**Andrew G. Lord
Labour Officer**

Ombudsman writes complainant closing case:-

12/ June 2002

Dear Mr. U:

Enclosed is a copy of a letter from Labour Inspector Lord, which describes correctly what payments are due to you from your former employer. Because you were dismissed, you lost entitlement to notice and severance pays.

Therefore at your earliest opportunity go and collect what is your just due.

Thanks for using the services of the Office of the Ombudsman.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

D. PRISON DEPARTMENT

1. A prisoner's wife, worried about his safety, sought the help of the Ombudsman.

CASE NO 717

Sometimes the best the ombudsman can do is give advice. This is an example:-

Ref 717/MWOMB/2002

15 July 2002

Dear Mr. W,

I write you this letter, because Ms. H, your wife, was so concerned about your well being that she made an effort to come to me to seek help.

I wanted to tell you when you spoke to me on Friday that what you should do is to do your best to be at peace with yourself and your fellow inmates. The prison may be a dangerous place, therefore you must take care not to appear to be so privileged that others are made jealous. So try to discourage your wife from bringing things to you that others cannot have, unless you intend to share.

I wish I could help you more. However, the matter of your sentence is not changeable by anyone. So do your best and make the best of your present circumstances. Thank God daily that you still have persons who care about you, especially your wife.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

2. When a father complained fearing for the safety of his son, the Ombudsman intervened.

CASE NO 731

Ref 731/EGOMB/2002

26 July 2002

**Mr. Errol Gentle
Superintendent of Prisons
Hattieville Prison, Hattieville
Belize District, Belize**

Dear Superintendent,

RE: MR. E

The father of the above- named inmate has appealed to me, because he is in fear about the safety of his son. Mr. C of a Belize City address, has informed me that his son was stabbed on 6th May and that the person who stabbed him has also been stabbed, because he failed to do a thorough job.

I believe that it may be difficult, but could you do whatever is possible to ensure that Mr. E does not suffer any future attacks?

Respectfully,

**Paul Rodriguez
(Ombudsman)**

The Ombudsman closed this file five months later after no further attempts had been made against the inmate.

3. When prison authorities denied prisoner access to medical treatment, the Ombudsman intervened:

CASE NO 676

Ref 676/EGOMB/2002

23 May 2002

**Mr. Errol Gentle, Esq.
Superintendent of Prisons
Hattieville Prison, Hattieville
Belize District, Belize**

Dear Mr. Gentle,

RE: HOSPITAL TREATMENT, Mr. O

As per conversation Castillo/ Mrs. H/ Superintendent, you have agreed to ensure that the above named Mr. O will be brought to the Karl Heusner Memorial Hospital and will be allowed to undergo treatment. A prison guard will be posted to maintain custody of him; and his relatives, especially his mother, will assist in supervising him so that his behaviour will be above reproach while he is undergoing treatment.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Cc. Mrs. D

4. Upon a mother's appeal the ombudsman visited an inmate and afterwards wrote him this letter:-

CASE NO 718

Ref 718/ROMB/2002

16 July 2002

Dear Mr. R,

Today your mother, Ms. H, came to see me to request I get in touch and try to persuade you to make an effort to be peaceable. She was worried after having received reports that your legs are shackled. I checked into the matter and was informed that this is true and is being done, because you have sworn to escape.

Mr. R, I dread to think what might happen to you in view of the fact that you are reportedly determined to escape, no matter what.

I join your mother in begging you to try to be peaceable and to stop thinking of defying the law.

I look forward to talking to you personally.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

NOTE: TO THE DATE OF THIS WRITING THE INMATE IS A MODEL PRISONER, AND IS A MEMBER OF THE ADVISORY COUNCIL THAT MAKES RECOMMENDATIONS TO THE PRISON MANAGEMENT TEAM.

5. Was the shooting of inmate justified

CASE NO 588

Ref 588/EGOMB/2001

18 December 2001

**Mr. Errol Gentle
Ag. Superintendent of Prisons
Hattieville Prison, Hattieville
Belize District, Belize**

Dear Mr. Gentle:

RE: SHOOTING INCIDENT MR. G

The mother of Mr. G has alleged to me that he was shot by a prison officer sometime in the morning of Tuesday, 11 December, 2001. I would appreciate a copy of your report on the incident as soon as it is available, for the Ombudsman needs to determine whether the act was a justifiable use of force by the prison officer involved.

Thank you for your usual cooperation.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

CASE NOTE

When the mother of Mr. G complained to the Ombudsman that her son had been shot by a prison guard, an investigation was initiated. In a letter of 18th December, 2001, the Ombudsman required a report from the Superintendent of Prison. To date no report has been submitted by the prison authorities.

At the time of the incident an allegation was made that temporary QRT officer Eann Daley had done the shooting. This same name has been mentioned in connection with the May 27, 2002, incident at the prison.

The Ombudsman has closed this file and is now concentrating on the 27th May, 2002, incident.

Signed:

**Paul Rodriguez
(Ombudsman)**

6. Prison breakout, 27 May 2002

CASE NO 690

On 5 June the Ombudsman informs the Superintendent of Prisons that he is initiating an investigation:

Ref 690/EGOMB/2002

5 June 2002

**Errol Gentle, Esq.
Superintendent of Prisons
Hattieville Prison, Hattieville
Belize District, Belize**

Dear Superintendent:

RE: SHOOTING OF INMATES

The Human Rights Commission of Belize and inmates of Hattieville have complained to me of the indiscriminate shooting of prison inmates, which occurred on 27th May, 2002 at about 9 p.m.

The complainants claim that the shooting was unjustified, because the guards shot at the would-be escapees after their escape had been foiled and not to prevent it. In their account, it was retaliatory rather than preventative.

Therefore, in accordance with the Ombudsman Act, Section 18(1), the Ombudsman will undertake an investigation. This letter so informs you. This same Section 18(1) requires any officer, or other person, **“to give assistance in relation to the investigation of any matter, to furnish such information and produce any document or thing in connection with such matter”**, so that the facts and the truth may be made evident to all.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Subsequently the Ombudsman received a report from the Superintendent of Prisons. Among other things the report stated:

“Albeit the disturbing revelations, I am obligated to inform you of the true events, based on the investigations. It has been unearthed, contrary to what was initially reported to me, that there might have been no justification to the shooting of any of the four inmates who attempted to escape on the night of May 27.”

“At this time, the Senior Officer incharge of the Night activities, Principal Officer was making his way to the Max Section when a gun shot report was heard. It seemingly came from the general direction of the Max Office. On Dena’s arrival to that area, it was discovered, that all four inmates and Principal Officer Anthony Sutherland, who was assigned to Tango Two Building, had suffered gunshot injuries.”

“It is now known that the sole finger behind the trigger resulting in all five injuries, belongs to Basic Grade Officer Ean Daley.”

On the 17 June, 2002, the Ombudsman informed the complainant, the Human Rights Commission of Belize, as below:

Ref 690/LGOMB/2002

17 June 2002

**Mrs. Linda Gamero
Executive Director,
Human Rights Commission of Belize
37 Garza Avenue,
Belmopan, Belize**

Dear Madam:

RE: ESCAPE INCIDENT OF 27TH MAY, 2002

This is to inform you that having carried out preliminary investigations the Ombudsman has good reasons to believe that officers involved in the above-mentioned escape incident may have committed crimes. Therefore, in accordance with Section 22(1) of the Ombudsman Act, No 7 of 1994, the Ombudsman has reported his findings to the Director of Public Prosecutions, the Commissioner of Police and the National Assembly.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Encl: Copy of Report, National Assembly

On the Same date the Ombudsman submitted to the Commissioner of Police, the Director of Public Prosecutions, the Speaker of the House and the President of the Senate that he believed that a crime or crimes may have been committed:-

Ref 690/CZOMB/2002

17 June 2002

**Mr. Carmen Zetina, Esq.
Commissioner of Police
Police Headquarters,
Belmopan, Belize**

Dear Commissioner:

RE: ESCAPE INCIDENT, HATTIEVILLE PRISON, 27 MAY 2002

On the night of 27th May, 2002, four (4) inmates of Hattieville Prison, Hattieville, Belize District, attempted to escape. The attempt made by Julio Aldana, Carlos Narvaez, Terrencio Villanueva, and Sergio Martinez was thwarted by alert guards. The subsequent actions of the prison guards, however, may have gone way beyond what was justifiable and legal. Therefore, a thorough investigation should be carried out to determine if crimes were committed and by whom.

The Ombudsman Act, No 7, of 1994, requires as follows:

“If the Ombudsman finds, during the conduct of his investigations or on the conclusion thereof, that there is a breach of duty, or misconduct, or of a **criminal offence** on the part of an officer or member of any authority, he should refer the matter to the person or body of persons competent to take such disciplinary or other proceedings as may be appropriate against that officer or member and in all such cases shall lay a special report before the National Assembly.”

In accordance also with the above section, the Ombudsman has also reported this matter to the Director of Public Prosecutions and to the National Assembly.

Along with this correspondence the Ombudsman has submitted the following:-

- A. A list of the officers on duty on 27th May 2002, and who are believed to have been involved in the incident;
- B. A statement from Julio Aldana, Inmate;

- C. A statement from Terencio Villanueva, Inmate;
- D. A report from the Superintendent of Prisons.
- E. Medico-legal – Narvaez
- F. Medico-legal – Julio Aldana
- G. Medico-legal – Sergio Martinez
- H. Statement – Narvaez
- I. Statement – Sergio Martinez

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Normally the work of the Ombudsman on a complaint would cease after he has made a report to the National Assembly. In this case the Ombudsman continued his effort to bring this matter to a determination by a court of law. As a result the case was submitted to the Solicitor General's Office:-

Ref 690/RPOMB/2003

15 January 2003

**Rohan Phillips, Esq.
Crown Counsel
Solicitor General's Office
Belmopan,
Belize**

Dear Mr. Phillips:

RE: EANNE DALEY AND PRISON SHOOTINGS 27 MAY 2002

Attached you will find most of the documentation I have on this case.

I also have a long statement written by Carlos Narvaez, one of the victims. It is in Spanish and is long. If you wish to have it, perhaps I can translate it for you and send it on.

If you think of any other information you may require, please get in touch and we'll supply if we have same.

My personal best wishes for the New Year!

Respectfully,

**Paul Rodriguez
(Ombudsman)**

7. After Doctor's Report the Ombudsman warns inmate and prison management against Contribo.

Ref 835/ASOMB/2003

22 January 2003

**Anthony Sankey, Esq.
Director of Hattieville Prison
Kolbe Foundation,
Hattieville, Belize District
Belize**

RE: PRISON INMATE MR. Q

Upon a request made by the Ombudsman, Dr. Edward P. Schelonka, M.D. attended to prison Inmate Mr. Q. For easy reference a copy of Doctor's report to me is included.

Kindly ensure that Mr. Q obtains the necessary follow-up treatment, that he keeps to the prescribed diet, and that he refrains from using Contribo.

Also enclosed is a copy of Dr. Schelonka's article on the hazards of Contribo. I urge you to cause this information about Contribo to be widely circulated in the prison and that as soon as possible measures be taken to prohibit its use by inmates.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

CASE NO 835

Ref 835/ESOMB/2003

22 January 2003

**Dr. Edward Schelonka, M.D.
Good News Medical Clinic
14 Bally Gordon,
4 Miles Northern Highway
Belize City, Belize**

Dear Doctor,

Thanks for having attended to Mr. Q, prison inmate, as I had requested. Enclosed are copies of letters written to Mr. Sankey, the Director of the Prison, and to the Inmate himself. As these letters attest, the Ombudsman has joined your initiative to discourage the use of Contribo.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

8. Was it inhumane to isolate prisoner with aids?

CASE NO 638

The Human Rights Commission of Belize complained:-

23 May 2002

Dear Mr. Rodriguez:

We are sending you details of a case at Hattieville prison concerning a prisoner who has been locked up in a death row cell reportedly since Monday 13th May on account of his medical condition.

HRCB asks that you urgently investigate and take action to ensure that the prison authorities take immediate steps to ensure proper medical attention to provide to this prisoner. We also ask you to take steps to ensure that his and all prisoners' right to appropriate, safe and humane detention conditions and treatment are upheld.

As we have not spoken directly to the prisoner to find out his feelings about his situation, we would ask that sensitivity and the strictest confidentiality is applied to this case to protect his right to privacy.

Yours sincerely,

Maria Gamero
National Coordinator

The Ombudsman started his investigation

Ref 683/EGOMB/2002

29 May 2002

**Mr. Errol Gentle,
Superintendent of Prisons,
Hattieville Prison,
Hattieville, Belize District
Belize**

Dear Superintendent,

RE: STATUS OF AIDS PATIENT

The Human Rights Commission of Belize has complained to me about the treatment by the prison of an inmate, who is believed to be HIV positive.

Could you please let me know whether he is still at the prison in a death row cell, and what measures are being taken to procure for him adequate medical help?

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Cc. Ms. Hilary Hunt, Human Rights Commission

Prison Superintendent Replies:-

9 June, 2002

Dear Ombudsman,

RE: AIDS PATIENT, MR. L

I refer to your concern as expressed in your correspondence of May 29, regarding the above captioned name.

May I assure you Sir, that contrary to the concern of the Human Rights Commission of Belize, where it is indicative that the inmate is being treated in a discriminatory manner, be assured that whatever measure have been taken where this individual is concern, has been done in the interest of humanitarian treatment.

As you may appreciate Sir, the stigma association with the illness which affects Mr. L, is no less in the Prison where, the lack of education about the disease is concern. To avoid the stress and inhumane treatment from other inmates from this type of treatment, in inmate is currently in a cell alone, where, it is impossible for any other prisoner to become uncomfortable because of his medical condition. You will also agree, that the task to provide Security in this institution and provide convenience to the sick, is a monumental task which, will receive the desired attention.

It is equally important to note that in previous instances, this cell was set-aside for inmates suffering another form of communicable disease. This cell is not a cell used by any condemned inmate. Infact, there is only one Maximum Security Section and a portion of that section is where the condemned inmate are housed.

Major Errol Gentle
Superintendent of Prisons (Ag.)

Ombudsman proposes seeking an early release for the inmate:-

Ref 683/EGOMB/2002

10 June 2002

**Errol Gentle, Esq.
Superintendent, Hattieville Prison
Hattieville, Belize District
Belize**

Dear Superintendent,

RE: AIDS PATIENT, MR. L

Thanks for your letter of 9 June, 2002, in which you seek to reassure the Ombudsman and the Human Rights Commission that you are doing your best to accommodate Inmate L as best you can within the context of a prison with very limited space and resources.

In view of the fact that it is very difficult for you to cope with an inmate like Mr. L, although you have every desire to do so; the best thing for all concerned is to seek to obtain a pardon for him so he can be sent home to the care of his relatives.

I would like to suggest that we start this initiative immediately.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

NOTE: IN JANUARY, 2003, THE OMBUDSMAN WAS INFORMALLY INFORMED THAT THE INMATE HAD BEEN RELEASED.

PRISON

SINCE DECEMBER 2002 THE OMBUDSMAN HAS NOT RECEIVED ANY COMPLAINTS OF BRUTALITY BY GUARDS TO PRISONERS

Signed:

**Paul Rodriguez
(Ombudsman)**

E. THE MAGISTRACY

1. Sometimes justice is tempered with mercy.

CASE NO 654

12 April 2002

Dear Ms. N,

As I have already indicated to you by telephone, our office has obtained an assurance that if your son goes in Tuesday 16 April, and starts making a payment towards his fine, he may be spared a trip to Hattieville Prison.

I would like to point out to you that a copy of the court record of your son Mr. M has been made available to me, and it has led me to realize how considerate and merciful the Court has been to him.

Let me emphasize that a serious effort must be made by him to pay his fines as soon as possible.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

2. A citizens' patience may wear thin while waiting for an ejection order.

CASE NO 787

Ref 787/HLOMB/2002

20 November 2002

**Hon. Herbert Lord
Chief Magistrate,
Magistrates Courts
Bishop Street, Belize City,
Belize**

Dear Mr. Lord,

**RE: MR. T & A HOUSE RENTED TO
MR. S**

It has been over one year that Mr. S of a Belize City address has been in occupation of the said premises without paying rent. Being a law-abiding citizen, Mr. T, who is in charge of the house, has been trying to have the Court evict Mr. S. However, having been advised by Mr. Smith, one of your bailiff's that the case would be heard today, he went to Court for the second time this month only to be told that the summons was not served on Mr. S.

Mr. T has been long-suffering in this matter, and therefore I beseech you to have done what is necessary to have this matter concluded.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

**Whereas the Ombudsman has done what he could to resolve this matter,
the resolution depends upon a court judgment.**

F. SUPREME COURT

1. Whereas the Supreme Court is the ultimate agency for redress, citizens do complain to the Ombudsman when, for some reason or other, they perceive that their cause has not been completely addressed. The following is a case to the point:-

CASE NO 749

Ref 749/ECOMB/2002

16 September 2002

Dear Mrs. D,

RE: DISMISSAL OF MR. Y AND ORDER OF CERTIORARI

Technically speaking the Board of Governors of your high school are or will be, in contempt of the Supreme Court unless they obey the order to re-instate Mr. Y; or take legal action to counter the writ.

However, I believe there is a way of nullifying this court order. It seems to me that it would consist in either a Constitutional Motion to protect the integrity of the children; or a motion of the Department of Human Development to set aside the writ of Certiorari on the grounds that the Family Act, No, 17 of 1998, Section 46, (a) and (b) makes provision to safeguard and promote the welfare of children.

With a view to have either of the above initiatives set in motion, the Ombudsman spoke with Ms. Kamela Palma, Chief Executive Officer of the Ministry of Human Development, and Mrs. Ava Pennil, Director of the Department of Human Services, requesting they take whatever legal measures may be necessary to protect the children of your high school.

The Ombudsman intervened in this case upon the request by the Principal of the high school. However, whatever initiatives the Ombudsman took would have been terminated if upon his investigation he became convinced that the accusations against the teachers involved were false. This was not the case. Having carefully interviewed separately each of the two girls, the Ombudsman is convinced that what they claimed happened did so happen.

On the other hand, the Writ of Certiorari seeks to nullify the good judgment of the Board of Governors based on purely procedural grounds, assigning more weight to mere procedures than the desirable effects of the Families and Children's Act and the Constitution, which guarantees the safety and personal integrity of every single person. Furthermore, a writ that focuses only on procedural matters would tend to deny the right of employers to organize their affairs and employ and terminate the services of employees whose actions jeopardize the goals of the enterprises.

I urge you to get in touch immediately with the Ministry of Human Development.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

The Ombudsman received the following reply but has todate not been informed what was done:-

16 October 2002

Dear Mr. Paul:

RE: DISMISSAL OF MR. Y AND ORDER OF CERTIORARI

I thank you and hereby acknowledge receipt of your correspondence dated 16th September, 2002 addressed to Mrs. D, Principal of the high school and copied to Dr. Cecil Reneau, Chief Education Officer, reference the dismissal of Mr. Y and Order of certiorari.

Kindly be informed that the contents of your correspondence have been noted.

The Ministry of Education Youth and Sports, thanks you for your thoughtfulness in addressing this delicate issue. We need to make all our schools safe havens for our nations' children.

I thank you kindly for informing and keeping Dr. Reneau abreast on his matter.

**L. Saldivar
(for Chief Education Officer)**

CASE NOTE

This complaint concerns the effort of a principal who sought advice in the face of a writ of Certiorari aimed at re-instating a teacher who had been dismissed by the school board.

After his investigation the Ombudsman recommended that the principal of the school seek legal help to answer the writ while acting to safeguard the personal integrity of her students.

Signed:

**Paul Rodriguez
(Ombudsman)**

2. Judgment delivered by the Supreme Court, where to turn to, if it is not enforced?

The citizen turned to the Ombudsman:

CASE NO 819

18 December 2002

Dear Sir:

It is as a last resort and out of sheer frustration with the functioning of The Office of the Registrar of the Supreme Court and one of its marshals, that I, Lloyd Coleman, appeal to you for assistance in obtaining due payment as mandated in the judgment (Action #492) in the case of Lloyd Coleman (Plaintiff) vs. Traveler's Rest Lodge (Defendant).

I was employed by Traveler's Rest Lodge (Jaguar Paw Resort) from May 1995 to May 2000, when on account of poor labour practices, I resigned and made a claim for the sum \$32,597.00 owing to me for overtime, holiday pay and other entitlements. I was represented by Mr. Hubert Elrington and in February of this year judgment was given in my favour against the said defendant. It is in the process of effecting the judgment that there seems to be no movement, especially in relation to the actions of the marshal of the Supreme Court, Mr. Lennan, and his office.

Due to bureaucratic mishandling, whether intentional or accidental, the Writ of Fieri Facias was not dated until 3 June 2002, and goods were not marled until 31 July 2002 (Attachment 1). The Ford Explorer was found to have a previous lien by Scotia Bank, leaving items of not much real worth. Mr. Lennan claims he made two trips to the resort in question but it is not clear what was achieved by these visits. The process has since been stalled, with him demanding \$1,000.00 from me before anything further is done. I am forced to conclude by his actions and attitude, that the system to expedite justice is all a façade designed to protect the interest of the rich, even though they have been found to be in the wrong.

It seems unreasonable that having been wronged by the defendants, and having been awarded my due compensation by the courts, I should have to bear the cost of transporting the marked goods to the point of sale, as Mr. Lennan is demanding. It is my humble opinion that Mr. Lennan should seize goods and chattels to cover both costs and the award of the court. This he seems reluctant to do. My only financial responsibility is to my lawyer.

I have appealed to the Attorney General's Office and to the Prime Minister's Office but to no avail. I now take this opportunity to write to you seeking your assistance, as you of all people understand that where there is no justice there can be no peace. I intend to get my compensation for my hard work as upheld in the court's judgment by whatever means the system forces me to use.

Sincerely,

Lloyd Coleman

The Registrar's Office gave the Ombudsman the following advice:-

Dear Sir,

I am in receipt of your correspondent 819/MAOMB/2002 dated 19th December, 2002.

Considering Mr. Coleman's position he is adamantly oppose to pay his attorney for transport and workman fee needed to pick up chattels seized on his behalf.

The only alternative is for Mr. Coleman to get his own transport and work crew to pick up the chattels, of which the Marshal will be made available along with a police, for safety when he so requested.

Mr. Hubert Elrington, his attorney is aware of the matter.

**I remain,
Respectfully yours,**

**R.A. Usher
Assistant Registrar
Supreme Court**

The Ombudsman made a recommendation to the complainant:-

Ref 819/LCOMB/2003

9 January 2003

Dear Mr. C,

RE: MR. C VS TRAVELLERS REST LODGE, ACTION #492

I am enclosing a copy of a letter from the Assistant Registrar, which is self-explanatory.

In view of the fact that there is nothing else my office can do, the file is being closed; and I urge you to carry through on the action suggested by Mr. Usher.

Best wishes for the New Year!

Respectfully,

**Paul Rodriguez
(Ombudsman)**

The complainant claimed to have paid his lawyer the \$1000.00. However, 3 month's later, the judgment has not been enforced.

G. FAMILY COURT

CASE NO 643

1. When a father claimed to be confused about what his obligations were, he complained to the Ombudsman who submitted his views to the Director, Family Court:-

Ref 643/MNOMB/2002

8 March 2002

**Mrs. Margaret Nicholas
Director, Family Court,
Commercial Building
Belize City, Belize**

Your Honour:

RE: REVIEW OF CASE, MR. W

Could you kindly personally review this family case of Mr. W of a Belize City address vs. Ms. A of a Teakettle Village address, who have two children together.

It seems that the following points need to be clearly stated to both the persons so that each understands what the law requires and what is expected of each:-

1. Who has custody of the children;
2. Visitation rights;
3. What maintenance allowance is due;
4. What sum is required in payment of arrears.

It must be a very confusing environment for the children, if the basic guidelines of their daily existence is not clear to their parents.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

After a court hearing, the complainant visited the Ombudsman on 21st January, expressing dissatisfaction with the court ruling and claiming the mother was an unfit mother.

The Ombudsman advised him to appeal to the Supreme Court and closed the file.

2. Ombudsman urges civilised behaviour

CASE NO 721

Hopefully, good will on both sides has prevailed:-

CASE NOTE

This case concerned the family matter of maintenance, also alleged physical abuse and physical and mental harassment.

The effort of the Ombudsman was to seek to convince both sides that the breakup of a husband-wife relationship need not descend to the level of uncivilized behaviour. This easily happens if either estranged partner allows meanness and getting even to interfere and block the fulfillment of obligations such as maintenance and caring for offspring.

On 14th October the estranged wife, who had complained, phoned to inform the Ombudsman that the father of her children had paid all arrears of maintenance.

Having gotten this information, the Ombudsman closed the case.

Signed:

**Paul Rodriguez
(Ombudsman)**

3. Jail for dead-beat fathers?

When a mother saw what she thought to be evidence of prosperity, she complained to the Ombudsman about his non-payment of arrears.

CASE NO 666

Ref 665/MNOMB/2002

30 April 2002

**Mrs. Margaret Nicholas
Director, Family Court,
Commercial Center,
Market Square,
Belize City, Belize**

Your Honour:

RE: PAYMENT OF ARREARS BY MR. G

Ms. E, of a Cayo District address, insists that although her ex husband, Mr. G, has recently paid \$300.00 in child maintenance; he should pay all arrears. He contends that the various improvements to his business and home prove that he is well able to meet his obligation to his children, and that he should be forced to do so.

Your Honour, perhaps there is truth in what Ms. E contends?

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Did the threat of jail work?

CASE NOTE

This case concerned a woman who felt aggrieved that the Family Court was not doing enough to persuade the father of her 2 children that he must pay up the arrears owed.

Through a telephone conversation the Director of Family Court informed the Ombudsman that she had issued a bench warrant for the incarceration of the father, unless he paid all the arrears.

Signed:

**Paul Rodriguez
(Ombudsman)**

The complainant has not repeated her complaint to date.

H. FAMILY SERVICES

1. Is it the best protection for a child for it to be taken away from both parents?

CASE NO 802

When a mother complained that her child had been taken away from her because she had gone back to live with her husband, the Ombudsman expressed concern to the Department of Human Development:-

Ref 802/APOMB/2002

9th December 2002

**Mrs. Ava Pennil
Ag. Chief Executive Officer
Ministry of Human Development
Belmopan, Belize**

Dear Mrs. Pennil:

RE: LIAISON OFFICER TO DEAL WITH OMBUDSMAN AFFAIRS

This morning the Ombudsman made contact with your Family Services Division in an attempt to access information quickly. A brick wall was put between him and that information.

I can well understand your staff members' exercise of strict discipline in dealing with the passing on of information to the public. However, the Ombudsman is not the public; he is authorized by law to obtain information from any authority. The Ombudsman Act, No 7 of 1994 states:

“Subject to the provisions of this Act, any obligation to maintain secrecy or any restriction on the disclosure of information or the production of any document or paper or thing imposed on any person by or under any law shall not apply in relation to the disclosure of information or production of any document or thing by that person to the Ombudsman for the purpose of an investigation; and accordingly, no person shall be liable to prosecution for an offence under any such law by reason only of his compliance with a requirement of the Ombudsman under this Act.”
Section 18, (4).

Earlier this year we discussed the matter of lack of cooperation by your departments with the Ombudsman. Is it possible for us to find a way to satisfy the Ombudsman that the needs of his office for information will be met?

Perhaps your appointment of one specific officer to act as Liaison Officer with the Ombudsman is the solution. The arrangement to put every request for information in writing is not suitable.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

He also wrote the Director of the Family Court, as follows:-

Ref 802/MNOMB/2002

23 December 2002

**Mrs. Margaret Nicholas
Director, Family Court
Commercial Building
Market Square, Belize City
Belize**

Dear Mrs. Nicholas:

RE: CASE OF MR. & MRS. M

Further to our telephone conversation of earlier this week on the above case.

As I informed you then, the Ombudsman is concerned whether any report has been submitted to your court containing recommendations proposed for the protection of the child involved.

However, I wish it to be clear that my intervention should not be interpreted as a defence or a plea in favour of Mr. M, who allegedly injured his child. Rather, my concern is for legality.

Furthermore, this seems to me to be a very special case, requiring great sensitivity and understanding of the issues involved. For instance, does our society think it wise to separate a child from its mother, because of one mistake made by the father? This is not said in mitigation of what he may have done, but as a caution lest the child be hurt more by well-intentioned social workers.

Speaking of the father, the Family Services Department should require counseling and psychological evaluation of him to put itself in a position where it can more wisely, prudently and compassionately recommend to your court.

My personal best wishes to you for a joyful Christmas Season!

Respectfully,

**Paul Rodriguez
(Ombudsman)**

The Director satisfied the Ombudsman on the question of the legality of the Family Services action by supplying a copy of the Interim Supervisory order granting supervised access to the child by the mother.

2. Is it in the best interest of a child to deprive it of all contact with its mother?

CASE NO 866

When a mother complained that she had been deprived of all contact with her child, the Ombudsman initiated an investigation:-

Ref 866/APOMB/2003

7 February 2003

**Mrs. Ava Pennil
Chief Executive Officer
Ministry of Human Services
Belmopan, Belize**

Dear Mrs. Pennil:

RE: CUSTODY OF BABY D, 3 YEAR-OLD

The Ombudsman requires to see all the information concerning the child baby D, daughter of Ms. S and Mr. B. It is quite possible that after he has seen all the information the Ombudsman will be satisfied that all due process has been followed and that the Human Services officers have been acting wisely and caringly.

However, it is disquieting that the whereabouts of the child is not known by either parent. Also, we need to be satisfied that all the proper steps leading to custody have been duly taken, within the boundaries of the law.

While we uphold the principle that where parents have proved incapable of adequate and proper nurturing of their offspring, we still believe that it can be irreparably damaging to a child's proper development to deprive it of all contact with its natural parents.

Kindly allow this matter to be dealt with urgently.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Within reasonable time the Ombudsman received the case file from Human Services, and as a result wrote this letter to the mother:-

Ref 866/SAOMB/2003

7th April 2003

Dear Ms. S,

RE: YOUR COMPLAINT, CASE #866, SEEKING REDRESS FOR THE RECOVERY OF CUSTODY OF YOUR CHILDREN

After your complaint, which impressed me because of the concern you showed for your child, I started an investigation. Upon my request for your file, Family Services presented me with a report which seemed thorough. Based on that report, I have decided that it would be good for us to meet. However, this time I believe it would be better if you came alone. Subsequently if you wish we can include your boyfriend in our discussion.

I am willing to see you as soon as you wish. You may call for an appointment or just come.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

137 CLOSED FILES

Police Department	46 Files
Lands Department	8 Files
Department of Corrections	11 Files
Supreme Court	2 Files
Magistrate's Court	5 Files
Family Court	6 Files
Labour Department	7 Files
Ministry of Health	2 Files
Civil Matters	19 Files
Ministry of Budget Planning	2 Files
Immigration Department	4 Files
Public Services Commission	1 File
Registrar General's Office	1 File
Ministry of Home Affairs	2 File
Housing Department	3 Files
Belize City Council	2 Files
Civil Aviation Department	1 Files
Family Services	1 File
Social Security	2 Files
Income Tax Department	1 File
National Youth Cadet Corps	1 File
Auditor General	1 File
Ministry of Finance	1 File
Director of Public Prosecutions	1 File
Sacred Heart Parish	1 File
Roman Catholic School Management	2 File
Traffic Dept.	1 File
Village Councils	3 Files

170 OPEN FILES

Police Department	74 Files
Lands Department	25 Files
Ministry of Sports	1 File
Family Court	10 Files
Ministry of Foreign Affairs	1 File
Ministry of Housing	2 Files
Social Security	4 Files
Labour Department	1 File
Department of the Environment	1 File
Civil Matters	10 Files
Ministry of Education	1 File
Department of Corrections	5 Files
Ministry of Works	1 File
Family Services	4 Files
Belize Defence Force	2 Files
Ministry of Budget Planning	1 File
Magistrate's Court	4 Files
Supreme Court	1 File
Appeals Court	1 File
Registry	1 File
D.P.P	1 File
Registrar General	1 File
Member of Belize Bar	1 File
Immigration Department	4 Files
Belize City Council	2 Files
Belmopan City Council	1 File
Village Councils	2 Files
Ministry of Sugar Industry	1 File
Citrus Growers Association	1 File
Elections & Boundaries	1 File
Ministry of Economic Dev.	1 File
O.W. Taxi Federation	1 File
Port Authority	1 File
Customs	1 File
Ministry of Health	1 File

II INFORMAL CASES

DEFINITION: **AN INFORMAL CASE** is a complaint that requires little or no investigation. Usually it is an appeal for help when an aggrieved person feels that an agency is not listening or does not care. Often it is a request for help to get quick, effective results. During this reporting period the Ombudsman recorded two hundred and eighty seven (287) of these. Here are a few samples:-

POLICE DEPARTMENT:

Case # 997

Mr. B sought the intervention of the Ombudsman. A former employee, Ms. R of a Belize City address and her boyfriend Mr. L assaulted him causing injury. They went to the Police, but as of the time of their visit, no arrest had been made. The Ombudsman reported the matter to Insp. Lino, along with the allegation made by Ms. R that her father Sgt. Neal would see to it that nothing came of their report.

Case # 1009

Ms. N sought the help of the Ombudsman. Her grandson, who is of a Ladyville address, was being detained by the Police in Ladyville and kept incommunicado. The Ombudsman spoke to Cpl. Cob, who stated that he was being investigated in connection with a burglary.

Case # 1024

Mr. A, today 22 April sought the help of the Ombudsman. His store was burglarized last year, and on 25 Sept, he applied for a police report to make a claim to Courts Ltd. The Ombudsman contacted Mr. Frank Garcia at the records Office, Racoon St., Police Station who told the Ombudsman he had the report ready for delivery.

Case #1044

Mr. J, sought the advice and help of the Ombudsman on behalf of his brother-in-law, Mr. F who has been accused of the murder of Mr. Alfredo Sanchez. Mr. J argued that no witness had definitely identified Mr. F. The Ombudsman

explained that the Police will not and should not give to the public any information they may have on a criminal charge, especially murder. However, if the remand of Mr. F. is too long drawn out and does not reach the court for prosecution, then the Ombudsman will intervene.

Case #1051

This afternoon, 29 May 2002, Mr. Lionel Castillo delivered up to the police Mr. T and his brother, both wanted for questioning by the police in connection with the murder of "Bagaa", Darrel Jones.

Case # 1063

Ms. D, of a Belmopan address, this morning, 14 June, 2002, sought assistance for her brother. Arrested for allegedly stealing a chain, his wife came from Chetumal to Corozal to testify to the Police that the chain was hers. She thought that in spite of that evidence the Police still had him held. The Ombudsman checked with Superintendent Westby, who told him that Mr. G had been released. His sister called back after checking and thanked the Ombudsman for his intervention.

Case # 1075

Mr. H of a Belize City address arrested on Friday 21st June, complained that he was asked to strip down to his underwear in the bush off the Old Northern Highway. In a telephone conversation on Monday, 24th June 2002, PC Bol told the Ombudsman that he felt that he had to treat Mr. H as he did to prevent him from escaping. His ankle was injured and he was alone. He had reason to suspect Mr. H of committing a burglary because he had caught him in a lie. Although he had been released before 48 hrs, he may still be arrested again. In the meantime, if he had a document to prove ownership of the bicycle he is holding, he would release that to him.

Case # 1149

Mr. F of a Belize City address sought the help of the Ombudsman after being dismissed from the Police Department. At first claiming discrimination, when asked if he had any witnesses who heard the ethnic slurs of a superior officer, he said he didn't. The Ombudsman then informed him that the Commissioner had the discretionary power to decide who was suitable or not to be a constable.

PRISON

Case # 1002

Mr. O of Hattieville Prison complained to the Ombudsman by phone. He injured a finger. KHMH attended to him, and the doctor ordered that he be hospitalized. The Supt. ordered that he be brought back to prison. The Ombudsman defended the action of the Superintendent explaining to Mr. O that since he had escaped before the Superintendent was afraid he would try to escape again. On Tuesday, 2 April, the Ombudsman spoke to Mr. Gentle and asked him if Mr. O was receiving proper medical attention for his wound. He informed the Ombudsman that he would be sent to KHMH on Wednesday 3 April.

Case # 1012

Ms. E of a Belize City address sought and obtained the help of the Ombudsman to visit her brother, Mr. M, who has been remanded to Hattieville Prison. Visits to remanded prisoners are not allowed on Sundays, but because she cannot visit during the week, she asked for an exception to be made in her case. Her request was granted.

Case #1048

The mother of Mr. K, inmate of Hattieville Prison, on Monday 20 May, 2002 sought the intervention of the Ombudsman to cause him to be returned safely to prison. The Ombudsman himself took him to prison and delivered him personally unscratched to the Superintendent.

Case #1111

Ms. I of a Toledo District address, mother of Mr. C, inmate at Hattieville Prison, sought the help of the Ombudsman to get medical help for her son. She claimed his bullet wounds were infected and proper medical care was not being given to him. The Ombudsman visited the prison and verified that whatever may be done to help his condition is being done, including an appointment with the doctor in Belize City within a few days.

Case #1184

Ms. F, of a Belize City address sought help for Mr. V accused of murder along with three others. She fears for the life of her son. The Ombudsman has sought the assurance of the Director of Prisons that Mr. V will be protected.

MISCELLANEOUS

Who can vote in political conventions?

Case #1154

Mrs. L from Stann Creek telephoned expressing concern that members of the United Democratic Party would not be allowed to vote in the convention to choose a candidate for the People's United Party. The Ombudsman explained to her that this matter about who were eligible to vote in party conventions was one that the party's executive council would determine as their right: this is the way it is in almost all democracies.

Case # 1159

How much time must pass before justice is delayed?

Mr. E sought the help of the Ombudsman to get a quicker hearing in court in Orange Walk over a civil matter. The Ombudsman explained to him that justice required that the court give the respondent an opportunity to prepare his case. The matter was taken to court on 22 July, 2002, about 2 months ago, which is not an unreasonably long time ago. However, he assigned Mr. Castillo to enquire of the magistrate for Orange Walk when the matter would be heard.

Case #1165

Humane treatment for the criminally insane?

Ms. T sought help for her brother, Mr. P, possibly a criminally insane person at Kolbe Prison. He is locked up, she thought, among hardened criminals at the Maximum Security Section. The Ombudsman checked and was informed by Director E. Gentle that he is in the Medium Security Section. He promised he would have him attended to by the Prison doctor and also by the psychiatrist.

Case #1180

The Ombudsman helps to get service

Mr. C, of a Cayo District address, sought the help of the Ombudsman to obtain a birth certificate he has been trying to obtain trip after trip to Belize City. The Ombudsman intervened on his behalf by phoning Ms. Daniels of the Registry of Births office.

Case #1221

Who can dismiss from government employment – open vote worker?

Ms. K of a Belize City address, showed the Ombudsman a letter of dismissal from the National Youth Cadet Corps. He advised Mr. Ferguson to return to work since no one but the CEO of Education and Sports, Mr. Dorian Barrow, had the authority to dismiss him. The letter of dismissal had been signed by signed by someone else.

Case # 1227

May your stepson occupy your property without your permission?

Mr. G of Belize City sought the assistance of the Ombudsman. A stepson is occupying one of his houses without his permission. The Investigator was asked to show Mr. G how to apply to the court for an eviction order.

Case #1253

In some cases one should not milk blood out of stone.

Ms. E, of a Ladyville address sought information about a pension. The Ombudsman told her that women over 65 would receive a pension from Social Security. Therefore she should check with their office on Princess Margaret Drive.

Case #1261

Conflict resolution between two neighbours.

Mrs. C of a Cayo District address sought help from the Ombudsman to settle a dispute with a neighbour that arose on account of a dog. The dog got loose and attacked and injured the neighbour's dog in the wee hours of the morning. The

neighbour has been angry ever since. The Ombudsman called the other party, and conciliated the matter offering that if the neighbour paid damages they should let the matter rest, if the dog would also be properly restrained. Both sides promised to settle the matter according to the recommendations of the Ombudsman.

Case #1276

Who should pay for the mistake?

Mr. X of a Belize City address sought the help of the Ombudsman because he applied for a renewal of his license to drive. After laminating, there was a change of information on the license, and he was being asked to supply 2 more photographs, to which he objected. The Ombudsman advised him that if the changes were necessitated by his changing of the information then he would need to provide the 2 new photos at his own expense.

Case # 1281

Don't burden your neighbour with your waste.

Mr. J of a Belize City address sought help to persuade his neighbour to carry out the necessary repairs on his plumbing to forestall sewerage effluence from flowing into his yard. The Ombudsman made an on-site inspection and found Mr. J's grievance to be justified. He therefore requested Mr. S to effect the repairs.

III. THE PROMOTION OF IDEAS AND RIGHTS

While the main focus of the Ombudsman of Belize is the promotion of good governance, he also undertakes other activities that eventually may impinge on the national consciousness and help bring about a greater appreciation for great values that are the basis of the reality popularly referred to as civilization and culture.

In pursuit of the above, the following papers are submitted as a sampling of this Aspect of his work:-

- A. The Role of the Political Party – delivered to the Elections and Boundaries Commission on 25th June, 2002 at the Radisson Fort George.

THE ROLE OF THE POLITICAL PARTY

In Thirteen Chapters Assad Shoman shows how quickly a protest movement gathered popular support, and in less than a year's time a political party was formed to work for national unity and to rid British Honduras of Colonialism. The British Honduras dollar was devalued 31 December 1949. According to Shoman the People's Committee immediately went beyond the issue of devaluation to attack "colonial exploitation as the root cause of the social and economic crisis and began to advocate self-government."

It is interesting that during the past two national elections parties other than the two major ones and independent candidates have offered themselves as alternatives. In the last election the People's Democratic Party campaigned on a theme that resembled something like this: Don't

vote for these two big guys. You already know both. Neither is good for you. However, the two majors went on to sweep aside whatever little resistance the PDP represented, and one of them won in a landslide. Independents throughout the land must have been deeply disappointed.

Reflecting back on how quickly the people of British Honduras moved behind the anti-colonial banner one may speculate why a population moves so quickly in a direction at a certain time and why not so at another time. If I recall, the main theme of the PDP was that of corruption.

Several conclusions may be drawn from this comparison between 1950 and 1998.

- 1. The leadership of the PDP was not credible.**
- 2. The elimination of corruption was not perceived as an important issue.**
- 3. No vision of the future was offered as an attractive national alternative.**

Of course, more observations may be added, but for economy of time we shall have to move on, and back into history. This time to the late sixties and early 70's.

In 1969 the National Independence Party had suffered another election setback, losing all seats except the Albert Division. Thus the composition of the House of Representatives was 17 PUP's and 1 NIP. Sometime afterwards the Hon Philip Goldson left to study law in England. Dean Lindo had made an unsuccessful bid to take over the National Independence Party. Having failed, he then broke away to form the People's Development Movement. Not long after Goldson's departure, a serious effort was made by that movement to fill the vacuum created by Goldson's absence and to court the support of the 40 or so percent of the electorate.

About the same time a group of aspiring politicians had begun secretly meeting, believing that even with the great oratorical skills of Ken Tillett, the People's Development Movement would not be able to galvanize opposition support in a future election and attract disenchanted PUPs and independent voters to support an opposition slate of candidates. But the ultimate goal of this group was not to go it alone but to serve as a catalyst to unite all the opposition forces. This group known as the Liberal Party and led by Harry Lawrence, then a businessman now Editor & Publisher of the REPORTER, was instrumental in forming first a Unity Congress and then the United Democratic Party, an amalgamation of the three opposition

forces. This process was completed only a few months before the 1974 national elections – the closest election held up to that time with the fledgling UDP coming within 9 votes of tying the long-entrenched PUP.

One of these days scientific pollings will be done on Belize politics and elections, and pundits, politicians and the citizenry will be able to more accurately analyse and claim why people vote the way they do. What factors contributed to the UDP loss of an election in 1979 that many thought it would win is still a guessing game. Pundits have assigned as principal cause the issue of who was the real leader and who would have become the Premier, if the UDP had won. This lack of a clear leader is perceived as having caused in-fighting with jockeying for position instead of a fixing of a firm offensive line against the opponent. Perhaps this is one of the lessons that our political parties must take seriously today-that generally people do not like uncertainty about leadership. Of course, where human beings are concerned, it is hazardous to claim that we definitely in all circumstance will prefer one form of leadership to another. In different times in different circumstances people have accepted dictatorship as the best form; at other times an oligarchy has been preferred.

One of the important functions of political parties is to give us a leader, or leaders, that we will accept and follow.

When we talk of the role of political parties, it evokes analyses that are psycho-social and historical.

Political parties are born or are created because we are social beings. When human beings react to the same emotions together, sometimes they realize that they have got to make common cause to rid themselves of a threat to all. This was what happened in 1949-50 that resulted in the formation of the People's Committee and the People's United Party. In a somewhat less dramatic way, our fear of being re-colonized and absorbed by a larger, culturally and racially, different neighbour gave birth to our opposition party in the 1950's. This fear or perceived threat some think was largely determinant of the outcome of the June, 1993, election when Britain announced the withdrawal of its troops from Belize. Our fear of an invasion from the west galvanized opposition support and the result was a victory for the Red.

Our emotions are really morally neutral. They are a significant part of what we are, and the person who does not learn how to control or deal with them is in for a very stormy life. We admire somewhat the young romantic lady who meets a young man with a cute face and a strong handsome body whose disposition, however, seems to make him malleable because of expressions of gentleness and a certain passivity. Even if she later learns

that he is an alcoholic who becomes a completely different persona once alcohol gets to his brain, she still clings to the hope that she can manage him and through affection, understanding and love mold him into the perfect husband. We pity her, because, it seldom works.

A nation sometimes flirts with politicians or leaders who are like alcoholics in disguise. Perhaps the most striking example of this is Germany and how it allowed itself to be fascinated by Hitler in the early thirties and allowed him to assume the powers of Chancellor of Germany. When the persecutions of Jews and others started most Germans dismissed these policies as passing fancies. Some, even after the discovery of the concentration camps where millions of innocent people were exterminated, refused to believe that it had taken place.

But politicians, leaders and political parties have been everywhere the movers of development, the agents of great change.

When I started high school at St. John's College in 1952, classes for the most part were held in an old ramshackle building that stood where the Catholic Diocesan Building now stands. However, that year on account of a growing enrollment 2 First Form classes were housed in Lind's Building, a two story wooden structure that still stands in Caribbean Shores somewhere behind St. Matthews Street. The awakening political movement

had realized that national development required certain basic initiatives. One of these was the need for more high school education; the other was the need for more housing. About this time the Landivar Campus started to take shape and the dredging to reclaim the swamps that existed from Princess Margaret Drive to Freetown Road was started a short time after. Those days we had to dismount from our bicycles to cross over the twelve inch pipes across the road that emptied the sludge that formed the lots that were later surveyed and parceled out and are now called King's Park.

Our needs and our fears, these are triggers which politicians, political parties, leaders and statesmen use to get us moving into directions they want to take us.

As Ombudsman I do travel a bit. Believe me it is a great pleasure, one of the great pleasures of the office to travel our highways, early in the morning. The Hummingbird Highway is one of the most scenic vistas anywhere in the world.

The first time I went to Dangriga, a mere youth of sixteen, to take up a teacher's post at Lynam College, there was no Hummingbird Highway. The trip was made in a cargo boat, the Heron H, which took three or four times longer to reach than it now takes in a Jeep Cherokee. Let's not mention the difference in comfort and convenience. But before one reaches the

Hummingbird, starting from Belize City, one must pass through fifty miles or so of very good highway. As one passes through Hattieville, once referred to as “Cattleville,” Freetown Sibun, Rockville, ml 25, St. Matthews etc. etc. one believes and dreams that someday soon all along that way will stretch from the sea to Belmopan our suburbia with the civilizing glow of electric lights making travel safer and less fearsome.

Belmopan rose out of a fear and a need. After 30 October, 1961, Belize City lay in shambles; government offices and private homes equally were the victims of torrents of rain, floodwaters and wind. The vision was born out of this disaster: Let’s build us a new city inland safe from hurricane.

While construction was in full swing one of its main critic was yours truly, then the Editor of the REPORTER. Critics cried out: “why waste money on a city where no one will want to live; why not fix up the old city instead?”

Recently, my wife and two of our daughters joined up to buy a home in Belmopan. The idea, they have told me, is to have a weekend retreat and a safe shelter from hurricane. It is probably not the last time that I have eaten crow! (In Kriol we say less daintily “eat yu own vomit”)

Why is it that we men so easily submit to the charms of a woman. I guess it’s the old story of Adam and Eve all over again. When Miss Castillo asked

me to do this talk, I said “yes” but shortly thereafter felt like an amateur skater on very thin ice on a very deep river.

You who work for the Elections and Boundaries Commission are in somewhat the same position the Ombudsman is in. Because of your office, you must maintain a public posture of complete and impeccable impartiality. Yet you know, as do I, that any human being who is truly a mature human being may feel very passionately about certain issues. The secret of doing your job does not involve a castration by cutting off all your normal civic feelings and even your passionately felt personal perceptions. But it does mean that one must be even more passionately committed to fairplay, to even handedness.

In 1969 during the City Council Elections I was still Editor of the REPORTER. Mr. Price for a while had stationed himself at the Free Gardiner’s Hall at Cor. Cemetery Rd and Euphrates Avenue. I remember doing something I would never dream of doing to any politician today. I said to him: “Sir, I hope you won’t punish me after you’ve won this election.”

The perception today is that all politicians practise a certain measure of victimization. Of course, I don’t think the levels are quite as deep or as

widespread as they used to be. But it is a tool that governments, rulers and political parties may still use as an instrument of coercion to advance initiatives that they may perceive to be in the best national interest. Always bearing in mind that sometimes some leaders do have a better grasp of the whole picture far better than the individual, we may have to concede that while the punishment sometimes is bitter medicine, it is sometimes for a good cause.

However, the wisdom of this our age, the age of rights, tells me that the best expression of what the ideal citizen must be is: One who prays that he may be willing to die for what one believes, but at the same time prays as fervently to be willing to die in defending your right to believe what you want.” Of course our goal is to render the idea of having to die for your rights as passe.

Having skated on thin ice for too many minutes may I continue to hazard freezing and drowning for just a few more by making an attempt to be far more adventurous by looking at the present and the future and asking these questions:-

1. In 2003 will any group other than the Red or the Blue so understand our fears and needs and be so armed to present a vision that will attract and win the nation's support?

- 2. If corruption is an issue, will it significantly influence voters' decisions at the polls? Belize has become an increasingly less moralistic, more practical population with individuals who want to get ahead and couldn't care less who steals what. This is not an attitude I would endorse, but one cannot deny its existence.**

- 3. Will politicians exploit our sensitivity to fear and use the Guatemalan issue to frighten us when what may be required is a calm, cool assessment of the realities of Belize in 2003 and beyond?**

- 4. Will politicians provide us with the real answers to our foreign exchange problem? Even if you have not studied economics, common sense tells you that the more foreign goods you buy, the more of your goods you need to sell abroad to pay for your imports? It's as simple as that!**

- 5. Who will show us sensible plans to develop our agriculture, our tourism industry? Our fishing industry – fish farming especially?**

- 6. Who will show us plans to build more schools, especially high schools – without raising taxes?**

7. Who will provide the leadership to tackle our decay as a civilized society?

8. Who will diversify the curricula of our schools?

9. Who will solve the problem of the need for more electricity?

All that I have said so far amounts to a description of the role of political parties. Sometimes we curse them because they do not seem to be doing what we would like them to do. But we need them. Most of all we need them to have the best people, men and women who will show us a vision of what we may become – not play on our fears to create a nightmare in our imaginations, which we reject, instead of examining the reality before us.

I believe in a better world and a better Belize. God give us the wisdom to mold our leaders and our political parties into willing instruments for the creation of a better Belize!

As a postscript, I'd like to say that UBAD was not accounted for in this paper, simply because it was a cultural movement. Unlike political movements whose impact may be easily measured by their effect on the electorate, cultural movements sometimes take generations to manifest their impact. The measurement of their successes or failures cannot be

reckoned by simple numerical statistics. It is far harder to gauge attitudes than to count number of votes.

I thank you!

B. From Auschwitz to Belize with Love – a message to high schools and to the Prison.

FROM AUSCHWITZ TO BELIZE WITH LOVE

Sunday, purely by chance, I saw bits and pieces of two movies that were on “Lifetime”. I caught the first one in the middle, when I was visiting my daughter. Briefly, it was a love story. The main character was a policeman.

In the evening, my wife was watching the same channel and again a love story. This time the hero was a fireman.

Where I started to watch, there was a car accident. This pretty lady was trapped in the vehicle, which was upside down and leaking gas. Ignoring his own danger, this man, a fireman, stayed with her holding her hand, until help could arrive.

It seems that since 9/11/ even the media have been trying to point us the way to a re-evaluation of true heroism and to an uplifting of the concept of the role model.

Since the twin tower incident, the message from important areas of the American media has been unequivocal: the best role model is the true hero! Who is the true hero? The true hero is the person who is willing to risk his life for you and for me.

There is a big story behind the name of the foundation that now runs Hattieville Prison. The Foundation’s name is Kolbe Foundation, named after Maximilian Kolbe.

During World War Two Fr. Maximilian Kolbe was thrown into prison simply because he was a priest. One day a prisoner escaped. When that would happen, the Nazis would retaliate quickly by executing 10 Jews for every escapee. Those to be punished in retaliation would be chosen at random.

All the prisoners were lined up outside on the courtyard, as the Commandant picked out the ten who were to be executed. When he stood in front of this man, the poor Jew trembled and cried because he had a wife and children, whom he loved very dearly. Maximilian Kolbe then did something that was unheard of. He stepped out of the crowd and said to the Commandant: "I wish to take the place of this man."

Maximilian was, however, not shot. He was starved, and after punishing for ten days without food, he was injected with carbolic acid and died a very painful death.

He died that another may live. This is the greatest love. The most popular leader of the world throughout the centuries has said: "Greater love than this no man has than to lay down his life for his friend."

As we celebrate Valentine's Day, let us be mindful that love shows itself in many ways. When you give your girlfriend or boyfriend a rose or a chocolate, you may be showing affection. Just remember that true love is respectful, is self-sacrificing, is focused on the good of the other person.

Let us bear in mind that true love makes us like God, for the Apostle John says: "Let us love one another because love is of God. Everyone who loves is begotten of God and has knowledge of God..."

HAPPY VALENTINE'S DAY!

C. Teachers and Parents will give birth to a new civilization – published in the March, 2003 of the Christian Herald

TEACHERS AND PARENTS WILL GIVE BIRTH TO A NEW CIVILIZATION

Thank you for having agreed to allow me to meet with you this morning. I can't think of a better way to spend this time. I think of the great impact of your influence and the greater contribution you could make and may make. To me this is awesome!

Have you ever stopped to think and to ask yourselves: "who are the most important guardians of civilization?" If asked that question, it would be very difficult for me to make a decisive choice between parents and teachers?

However, parents, mothers especially, are the first to get a crack at the formation of brand new personalities, for that process begins even in the womb. During the past hundred years so much has been said and written about what happens there. For instance, it is popular knowledge that the moods and feelings, joys and sorrows of the mother affect the babe in the womb. But even before the last century, the science of genetics has been telling us how the mental and physical characteristics of one generation are passed on to future generations.

Is it possible that all this scientific knowledge is the unfolding in time and history of intimations spoken centuries ago when an inspired writer proclaimed: I quote: "Truly you have formed my inmost being; you knit me in my mother's womb. I give you thanks that I am fearfully, wonderfully made." Ps. 139: 13-14

I can't help but wonder what a much better world we would live in if everyone had that kind of self image! It speaks to me of the awesomeness of being a man – of being a human.

Unfortunately what the Divinity may accomplish in a split second of grace-filled inspiration; we mortals, teachers and all others, who seek

to shape personalities to create a new civilization, must try to do day in day out at home and in schools. It may be a humdrum, every step by pains-taking step chore for us teachers and parents.

The scripture quoted above may be thought to be evidence and proof enough that mothers and fathers are the first and foremost guardians of society – a fact that perhaps has not been sufficiently emphasized in our community. After all, the work of building civilization is in the final analysis that of nurturing and educating human beings to become mature individuals.

Fostering maturity requires some knowledge of the fruit. Just as the fruit requires sunlight, water and other nutrients so the human person needs the sunlight and nourishment of loving care and affection, especially in its infancy. The bonding which may result from the attention and care of parents is the first force that prevents the child from remaining completely self absorbed. The importance of this movement in a person's development is incalculable. As baby grows into childhood, simple repeated lessons of considerateness and manners move the little ego into the reality of the importance of others. Because humans are by nature relational beings, reaching out to the other is of crucial importance both to the self and to society.

Perhaps one of these days all peoples of the world should for one shared moment pause and ask ourselves; "what is civilization? Is it the great buildings? Is it marvelous engineering feats? Is it the treasures of artistic expression in music, words and paintings? Do we think solely of these when we consider the concept, civilization?

Isn't the truth, rather, that at the heart of the reality stands the human person? Civilization, then, cannot be adequately shaped unless we fully understand this inescapable truth, that it is first and foremost about humans. Therefore to shape it is to shape the individual personality. To accomplish this properly and correctly, we must know what he needs most of all.

Certainly to be human means to need food, shelter and clothing, but it also means infinitely more. It also, for instance, means to need beauty, goodness, happiness, justice and peace.

Building the best civilization necessitates the wise work of prioritization to work intelligently toward the realization of all needs – according to the measure of the importance of each. The most technologically advanced society will probably be able to provide for the basic needs of nearly all the earth’s inhabitants, but alongside that success may still march the failure to provide for the deepest hunger of man. These needs only his spirit perceives.

What are these needs perceived by man’s spirit?

One of the most compelling is the human heart’s yearning for well-ordered relationships. Because he is a relational being, man needs to relate to other humans, but that relating must be founded on a certain mutuality, a certain give-and – take, a certain giving you what you are due and fully expecting you to give me what I am due. This type of arrangement the mature human spirit sees as the type of order that should be the model of all societies - and of the whole of human civilization. It is only one step in logic from here to the next step of declaring the need for a culture of respect for all human rights.

Unfortunately some misunderstand basic human rights to be absolute, although there are no absolute rights in reality. All rights are limited by the rights of others and by the common good. The Constitution of Belize is eloquent in this regard. It says: **“whereas every person in Belize is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinion, colour, creed or sex, but subject to the rights and freedoms of others and for the public interest...”**

However, the common good must always be pursued with the full recognition and acceptance that the basic human right of the individual should never be completely negated.

Parents and teachers, the principal guardians of civilization, and the Ombudsman, must always insist on bringing about respect for human rights in every facet of life, by teaching and promoting the lessons of justice in interpersonal relations, in the relationship among groups, and with the whole national community.

Acting justly, which simply means giving everyone his due, is simply another way of talking about respecting the rights of all.

Those who promote justice and human rights are engaged in evoking one of the most profound needs of the human person – an instinct that is etched in the very genes of the human race that push the person to relate to others as persons of equal dignity.

When society makes an all-out effort to teach everyone how fulfillment of one of his most basic yearnings can come through everyone's making an effort to be a truly just person, which means respecting the rights of others, then peace will begin to reign on earth. This will mark the beginning of a new civilization.

- D. Brief Remarks on Presenting the "Third Annual Report" to the Caucus of Chief Executive Officers.

**REMARKS ON PRESENTING THIRD ANNUAL REPORT TO
CAUCUS OF CHIEF EXECUTIVE OFFICERS**

Ladies, gentleman,

Thanks for affording me the opportunity to officially present each of you with a copy of the Third Annual Report of the Ombudsman. Most of what is contained in its pages is really a story of your success; for whenever action follows upon the recommendations made by the Ombudsman this demonstrates that the Chief Executive Officer realizes the importance of righting wrongs done, improving service to the Nation, and enhancing the quality of transparency in public affairs. Therefore, it is no exaggeration to state that the work of the Ombudsman, if it is to have a worthwhile impact on the governance of the nation, is intimately intertwined with the input of all Chief Executive Officers.

Speaking on the subject of transparency, it is becoming increasingly apparent that Chief Executive Officers will find themselves operating in glass cases, as far as their public performance is concerned. Your

stage is where most of the action gets played out, and the spotlight of public opinion will be ever more on you as the citizenry of a progressively enlightened people insist on more and more quality output and transparency.

In this new age of vibrant insistence on individual rights and freedoms, of more enlightened and effective and efficient governance, of enhanced accountability and transparency, public personae will rise or fall in the esteem of the nation depending on how caring and compassionate they are perceived to be by the individuals they either hinder or assist in their quest for a fuller, richer quality of life.

I beseech you, the very few, who have not been so attentive to the concerns of the Office of the Ombudsman to consider what I have said above and to bear in mind that all our public efforts should be for the enhanced glory of the Nation Belize.

- E. The Ombudsman and the Proposals – a paper made available to the media after the publication of the proposals to settle the Belize – Guatemala differendum.

THE OMBUDSMAN AND THE PROPOSALS

TO SETTLE THE GUATEMALA – BELIZE DIFFERENDUM

Because of his special office the Ombudsman has to consider the proposals for the settlement of the differendum with Guatemala in the light of his dual roles.

Upon his appointment, the Ombudsman assumed the role of both a national persona and an international personality. As Ombudsman of the Nation of Belize, the Ombudsman assumed the responsibilities of being the principal proponent of good governance in the country of Belize. His role requires that he undertake initiatives, do investigations and make recommendations with a view to promoting the prompt, efficient, and fair delivery of public services to all those who dwell in Belize, without fear or favour.

The duties of his office requires that the Ombudsman promote rights, respect for law and order and support initiatives that redound to an enhanced understanding of values and behaviour that contribute to the building of a stronger civilization.

The second role is not really secondary, for it may be as important as the first, in view of the continuous and necessary interaction among national communities that form the international family of man. In his office as an international voice the Ombudsman is to promote the conscientization in his own country and throughout the world of a culture of respect for the rights of all, dedicate himself to initiatives that will contribute to a better understanding of the significance of the brotherhood of all human beings and the need for universal peace as a necessary environment for the progress of all peoples.

It is in the context of the above that the Ombudsman must view the Proposals for a settlement of the differendum. Therefore in the context of the above-named principles that govern his dual roles, he must ask:

1. Is Belize being asked to surrender anything that would seriously compromise her national sovereignty?
2. Is Belize being asked to concede anything the absence of which would diminish her capacity to continue to enhance the economic well being of her sons and daughters?
3. Is Belize being required to deliver to its neighbour any right or entitlement that violates her Constitution or any law of the land?
4. Is Belize going to lose its self-respect as a nation, if it votes for the Proposals?
5. Is the signing of a treaty with Guatemala, consequent upon an acceptance of the proposals, likely to enable both Belize and Guatemala to more easily live in peace as neighbours undertaking economic and cultural initiatives that will be mutually beneficial?

6. Even if we rejected the proposals, would we not at some future date be forced by international law to sit with Guatemala to determine the maritime rights of each country?
7. So far both Belize and Guatemala have been intransigent, holding to positions that the other could not accept, what effect will our continued intransigence have upon the international community of nations – not to mention our friends?

Signed:

Paul Rodriguez
(Ombudsman of Belize)

- F. A lecture on the introduction of the Philosophy of St. Thomas Aquinas – common ideas on metaphysics and knowledge that every person should be familiar with.

AN INTRODUCTION TO THE PHILOSOPHY OF THOMAS AQUINAS

The manager Fr. Leslie, has asked me to lecture on the philosophy of St. Thomas Aquinas. I thank him for placing such confidence in me, for Thomas Aquinas, was one of the greatest thinkers who has ever lived.

Thomas Aquinas lived in the thirteenth century. He was born near Naples in Italy about twelve hundred years after the crucifixion of Christ or about eight hundred years after the Vandals sacked Rome in 457A.D, a date which marks the fall of the Roman Empire.

When I was a boy, historians used to refer to the six or seven hundred years which followed the fall of the Roman Empire as the Dark Ages. This is because this period was marked by the non-existence of any strong civil authority or government

throughout Western Europe and by a series of invasions by Saracens (Moslems, followers of the new religion founded by Mohamed) and Vikings from Northern Europe.

However, historians have now reviewed their judgment of Europe following the fall of the Roman Empire. They now realize that far from being the barbaric wasteland imagined before, actually a new cultural and social life was growing in Europe alongside of the chaos that existed in some places. Where before, perhaps because of religious prejudice, there was a reluctance to assign credit where it was due, there is now an admission of the great contribution the Church made during this period to preserve the culture of the Ancient Greeks and of the Romans. The civilizing work of the Church was expressed especially through the rise of Western Monasticism. In 480 St Benedict was born. As a young man he fled from Rome to escape vice and violence. He founded the great monastery of Monte Casino, which still exists today.

Monks, dedicated to the religious ideals of poverty, chastity and obedience, cleared lands, built prosperous farms, developed the arts of husbandry and skills of craftsmanship and preserved and copied the ancient classics of Greece and Rome. However, much of the work of the ancient Greek philosopher Aristotle had been lost to the West. That valuable treasure would come back to Europe through the aggressive wars of Islam.

Having united most of the Arabian Peninsula and much of what is now known as the Middle East, the followers of Mohamed then set their eyes on Europe. For centuries after they occupied southern Spain and set up centers of learning as they consolidated their conquests. It was through their scholars that the works of Aristotle, which had been lost to Europe, found themselves in the hands of monks who copied them. This marked the recovery of the philosophy of Aristotle.

To understand Thomas Aquinas, you must understand the basics of Aristotelian philosophy. However, to understand him one must start with his teacher Plato. Before we speak of them,

let us come back to chart briefly the course this lecture must take.

First of all, we must have some basic idea of what philosophy is. It has been said, and it is probably true, that all human beings have some philosophy of life or other. In this very broad sense, then, it may be said that all men and women are philosophers. In a more restricted sense philosophy is the study of reality, in all its facets, to seek to arrive at some unified understanding of the whole of what we consider to be real. Therefore the study of philosophy asks and seeks to answer these ultimate questions:-

1. What is reality, or what do you mean when you say something is real?
2. Is the human mind able to know what is real?
3. What is truth? Is the human mind able to know truth.

Aristotle's teacher, Plato, answered those questions like this; He thought that the world as he saw it consisted of two realities. First, a physical, material, corporeal one that was corruptible, mortal, and destructible. The other reality was a superior one: a world of forms or ideas, which were spiritual, indestructible and immortal.

To Plato the human act of knowing and thinking took place when a human being recalled what had been experienced in a different life. In other words, human beings lived in a kind of re-incarnated world, for ideas or forms left a body at its death, while another part continued in existence as a form or idea. Plato never succeeded in bringing the two together, that is the world of physical, material corruptible bodies and that mysterious some thing in man that enables him to think. His star pupil, Aristotle, did.

Even today, some people believe in a dualism of good and evil. They believe that there are two ultimate forces which make up the whole of reality. Some people believe there is good, and there is evil. As they look upon the world, they see that evil

continues no matter what we do. Because evil seems as powerful as good, they mistakenly conclude that evil, like good, is one of the two basic, ultimate forces that make up reality.

In Plato's philosophy dualism was inevitable, because he accounted for human thought by saying that it consisted of recalling ideas or forms that one recognized from a previous existence. To Plato what was really real was not the man you saw, or the horse, or pig, but the idea or form of these that existed forever somewhere else. These ideas or forms were indestructible, immortal, incorruptible. One can discern here that Plato was grappling not only with the question of how knowledge takes place, but also with the larger issue of how things come to exist. He answered neither question satisfactorily. Aristotle did.

Aristotle lived roughly three and a half centuries before Christ. He was the teacher of Alexander the Great. I mentioned this detail, because through his conquests Greek thought and literature was spread throughout the kingdoms that were conquered by Alexander.

Aristotle in his thinking arrived at the point where he knew that horses, or anything else, existed apart from whether he thought about them or not. In other words, he recognized that an objective reality existed outside of himself or his thinking about it.

Let us examine what Aristotle meant by this. I am talking to you right now, and you are listening to me. Does that mean that you exist only if I am talking to you and you are listening to me?... Suppose I walk out of this place and leave you sitting here, do you cease to exist because you are no longer the focus of my attention? Obviously no! Let us consider another example; this one has to do with knowledge and truth. If I have two eggs on the table and two in my refrigerator, how many eggs do I have? The answer is obvious: $2+2=4$

Let us ask the question in another language. *Quantos son dos y dos? Dos y dos son cuatro.* No matter in what language you ask it, two and two are always four. This is a self-evident truth.

In Aristotle's philosophy, truth is the conformity of the mind to reality, and there are certain self-evident truths in reality. Another of these self-evident truths is the fact that we exist and the fact that the human mind is able to know truth.

Let us consider the first truth – that we exist. There are certain conditions that characterize my existence and yours. For instance, we are of limited capacities, we are fallible and most important mortal. One of these days you and I will die. Our existence in time and space is limited. I was not here 100 years ago and I will not be here 100 years from now. I was caused by my father and mother, and so were you; and they in turn by their mothers and fathers. This boils down to the famous question: which came first the chicken or the egg? This reasoning process led Aristotle to conclude there must be a first cause of all.

I've have had to review the salient points in the thinking of Aristotle, because Thomas Aquinas built the edifice of his world view or philosophy upon the pillars of understanding planted by Aristotle: these two pillars are the existence of objective reality and man's capacity to know and understand that reality. To complete that edifice started by Aristotle, Thomas Aquinas interwove the knowledge of God given to man by Divine Revelation. In the philosophy of Aquinas there is a harmonious marriage of what human reason by itself could discover about all existing reality, and the supernatural reality of God's existence and all that he has revealed about Himself and about us. In other words, in Thomas Aquinas there is a harmonious blending of faith and reason.

Thomas Aquinas starts his main work, The Summa Theologica with the question of the existence of God. However, I believe if he were alive today he would start building his world view by studying man.

Aquinas was born in an age of faith. Throughout the many centuries that followed the fall of the Roman Empire the power and influence of the Church grew. The Church became the single most unifying and civilizing force throughout Europe. However, where we are today is in a world that has lived through several ages: Western Civilization is what we have left after The Middle Ages, the Age of Discovery, the Reformation, the Age of Reason, the Founding of colonies and the Age of Colonialism and Slavery, the Rise of the Nation States, the Industrial Revolution, the Rise of Democracy, the Fall of the British Empire, two World Wars, the Atomic Age, the Second Vatican Council, the Cold War, and the Exploration of Space. These movements have had far-reaching consequences. One of them has certainly been an understanding of the uniqueness of the individual. This emphasis on personhood may be a result of the increased focus on the rights of the person and the importance of the individual, whose well-being has become the most important item on the agenda of democratic states.

In popular thinking and culture man/woman has made himself/herself the measure of all things. To suit our own perceived needs we have changed the meaning of truth and of reality. What is real is what I see, touch, taste, smell, hear, sense. Everything else that may be talked about or thought about is not necessarily real.

As day follows night, if reality is a matter of subjective feeling, then truth also becomes a matter of subjective judgment. This means that what is your truth may not necessarily be my truth. Therefore absolute truth ceases to be. Furthermore, this makes right and wrong to be purely subjective. Absolute truth ceases to be, and is replaced by subjective beliefs, attitudes and feelings.

On the other hand, the philosophy of Thomas Aquinas is based on a profound respect and confidence in man's ability to find the objective truth that is discoverable in the reality that surrounds us. This capacity has and does enable human beings to use the data observed by our senses to deduce and formulate basic

principles which are the foundations of all scientific study. These sciences include.... philosophy and theology.

As the final point in this talk, I would like to refer you to Aquinas' thought on the subject of happiness contained in Question II, Part I of the Summa Theologica.

Here he asks the questions: whether happiness consists in having wealth, whether in having honour, whether in fame and glory, whether in power, whether in any good of the body, whether in pleasure, whether in any good of the soul, whether in any created good. The answer to all these questions is "NO". To conclude I would like to direct your attention to Thomas's answer to the last of this series of questions: whether man's happiness consists in any created good. This is his answer:

"I answer that, It is impossible for any created good to constitute man's happiness. For happiness is the perfect good, which quiets the appetite altogether since it would not be the last end if something yet remained to be desired. Now the object of the will, that is, of man's appetite, is the universal good, just as the object of the intellect is the universal true. Hence it is evident that nothing can quiet man's will except the universal good. This is to be found not in any creature, but in God alone, because every creature has goodness by participation. Therefore God alone can satisfy the will of man...."

May I conclude, with your leave, by quoting something I said in a lecture last year to students of St. John's Junior College:

"It is interesting how we allow our lives to seem so complicated as we grow out of childhood. We dress ourselves with the sophistication of status, education and culture. It is true blessing when we come to the realization: 'Actually I am a pretty simple being. All I really, deeply want and need is to be truly loved and to love.' It is the greatest of wisdom to know that the more I love others, the more I am loved. Religion may help us to arrive at this place."

The above, I submit is my answer to the question Thomas Aquinas asks about man's happiness. If I had expanded on that paragraph, I would have concluded that the human person's happiness consists in loving God and neighbour and being loved by them.

I thank you!

IV OTHER PUBLIC INITIATIVES BY THE OMBUDSMAN

- A. After the death of Cpl. Fernando Rosado on 22nd December, 2001, the Office of the Ombudsman started a fund raising drive to assist the widow of the deceased police officer, who had been murdered in the line of duty.

The picture shows Acting Commissioner Bernard Lino delivering a cheque to Mrs. Loretta Rosado, the wife of the deceased.



- B. During the period in review the Ombudsman served on two Commissions of Enquiry.
1. The investigation of the shooting death of three Guatemalan nationals at the Belize – Guatemala Border.
 2. The investigation of the sale of passports after 15th January, 2002.