

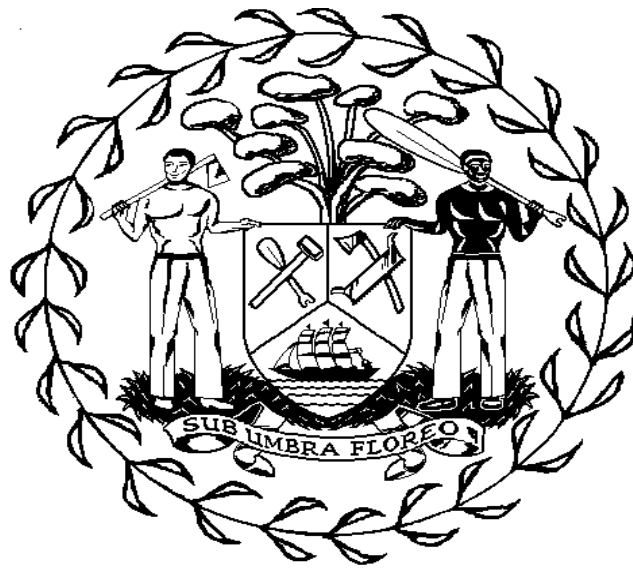
2005-2006

THE Seventh
ANNUAL REPORT
OF
THE OMBUDSMAN



"Truly A Haven of Democracy"

The Seventh 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

FOREWORD	4
INTRODUCTION	8
THE MAGISTRACY	14
FAMILY SERVICES	15
FAMILY COURT	19
CIVIL MATTERS	23
THE POLICE	32
LANDS DEPARTMENT.....	49
MINISTRY OF HEALTH.....	52
MINISTRY OF EDUCATION	57
A SUMMARY OF ALL THE DEPARTMENTS.....	59

FOREWORD

This year the number of cases called “**Civil Matters**” increased to 89 – more than double of what they were last year: 33. This may be the indication of a trend that may continue into the near and distant future. In an increasingly tense society, the disputes between persons will grow more numerous. Sometimes these may escalate into criminal action, but the intervention of a counselor or a mediator approved by both persons may help to accomplish an accommodation agreeable to both parties.

Why should the Ombudsman become entangled in matters that may seem to belong to the private sector rather than the public one?

Some of these cases, including those referring to family matters, had already been adjudicated in one court or the other without resulting in the amiable co-existence that should obtain in the relationship between mother, father and children. In certain cases it became evident to the Ombudsman that courts cannot decree into existence the control of certain emotions that are the key to harmonious living. Mother and father both were shown the good sense of putting the good of the child above their feelings about each other.

In 2002, Dr. Albert Fiadjoe, Professor of Public Law Barbados, in an article published in the Belize Law Review (Vol 1, No 4), called for an expanded role for the Ombudsman in Belize and in the Caribbean. The ideas of the professor fell on fertile soil in Belize, and the result is an increasingly creative response to the call for justice by the common man and woman of Belize, whose cries would otherwise have been unanswered.

Signed:

**Paul Rodriguez
(Ombudsman)**

Ombudsman Office
60 Corner Douglas Jones & Castle Streets
Belize City, Belize
Central America
Tel: (22) 33594
Tel/Fax: (22) 33198
Email: ombudsman@btl.net

(9th June, 2005)

Ref: 7/AROMB/2006

Hon. 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, 2005 – 31 May, 2006.

The report is submitted in accordance with Section 28(2) of the Ombudsman Act, Ch. 5 of the Laws, 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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Speaker of the House of Representatives
The National Assembly
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STAFF

OMBUDSMAN

Mr. Paul Rodriguez, B.A, OBE

INVESTIGATOR

Mr. Lionel Castillo J.P.

OFFICE ADMINISTRATOR

Miss Sharon Flowers

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.

INTRODUCTION: A SUMMARY

❖ During a truly challenging period of his tenure the Ombudsman accomplished the following:

- He received by letter, by e-mail, by phone and personally:

Formal Complaints	345
Informal Complaints	205
	<hr/>
Total	550

- Resolved Formal Complaints

Resolved Formal Complaints	295
Informal Complaints	205
Unresolved	50

The Ombudsman resolved slightly over 90% of the complaints made.

❖ **The Classification System**

CLASSIFICATION SYSTEM

❖ The Ombudsman uses a classification system for complaints. This enables him to explain their disposition in his Annual Report to the National Assembly. The classifications are:

1. Complaint investigated and sustained, recommendation made and accepted

- There were 6 of these.

2. Complaint investigated and sustained, recommendation not accepted and report made to the National Assembly.
 - There was 0 of these.
 3. Complaint resolved to the satisfaction of both parties during the course of the investigation.
 - There were 0 of these; the cases resolved fit more exactly under the other classifications.
 4. Complaint resolved by informal action without the need for a formal investigation.
 - There were 2 of these.
 5. Complaint not investigated, advice and assistance given.
 - There were 202 of these.
 6. Investigation refused or discontinued because of exercise of Ombudsman's discretion in terms of Section 15 of the Ombudsman Act.
 - There were 44 of these.
 7. Complaint investigated but not sustained.
 - There were 41 of these.
- **Informal Cases - 205**

❖ **Attended Conferences**

The most important conferences attended during this reporting were:

- Bridgetown, Barbados, 14th – 19th May.

The Ombudsman of Belize was elected President of the Caribbean Ombudsman Association.

- Belize City, Belize, 8th – 11th March, 2006. Conference of Ombudsmen of Central American hosted by the Ombudsman of Belize and the Inter American Institute of Human Rights at the Princess Hotel. During this conference the Prime Minister of Belize, the Rt. Hon. Said Musa, addressed the Central American Ombudsmen on the role of the Ombudsman of Belize.

The Ombudsman of Guatemala, Dr. Sergio Morales was elected President of the Central American Conference of Ombudsmen.

- Panama City 21st – 24th March. The Ombudsman of Belize attended and reported on Belize's privatization of the Prison System, which seems to be yielding good results with an organized program for rehabilitation of inmates. This brief report was given in the context of a discussion on the humane treatment of prisoners.

❖ **Shifting Focus – From Students to Teachers**

In furthering the goal of promoting human rights the Ombudsman attended the National Catholic Teachers' Convention held in February, 2006, in Corozal Town and delivered in two workshops a lecture reproduced here in outline form:-

I. Introduction: Giving addresses or lectures on human rights.

- Human Rights is a way of life
- Observing human rights is a life style

- Human Rights is a culture to be lived.
- II. Therefore unless you understand what it means to be a human being you truly do not understand what human rights are.
- Your awareness of yourself tells you who and what you are
 - hunger and thirst
 - procreative drive
 - drive to preserve & protect life
 - self image
 - There is a self awareness that concerns yourself as you. In other words, you are an individual.
 - There is a self awareness that concerns yourself as wanting to be related and be in relationship with others.
- III. Definition: A HUMAN BEING IS AN INDIVIDUAL
 THAT SEEKS TO BE RELATED TO OTHERS.
- IV. The others that you seek to be related to are like you, pretty much the same.
- They seek their own good as individuals.
 - They seek to satisfy their own basic needs as you do.
 - They seek to satisfy their desires as you do.
- V. What would happen if we all concentrated on satisfying only our own basic needs and our own desires, excluding all consideration for others.
- Families would disintegrate
 - All other social groupings would fall apart
 - Villages, towns, cities would break up.

- All communal living would cease to be possible.
 - Civilization would break up and cease.
- VI. Truth is it takes many of us working for ourselves BUT ALSO FOR THE COMMON GOOD to build families, clans, villages, towns, cities and countries – civilization.
- VII. Human Rights can be properly understood only within this context – the context of the common good.
- Rights concern and attend to the good of individuals.
 - Rights also concern and attend to the good of others.
 - Therefore there is no right without duties and responsibilities to others.

In this regard the Constitution of Belize on page 5 says: **“the provision of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest.”**

Conclusion: The correct understanding of human rights is of a movement, a way of life, that promotes the good of the individual within the context of the common good.

These consequences are obvious: -

1. One cannot use human rights as a shield to protect and foster criminality.
2. Use human rights to foster and encourage an extreme individualism.

On the contrary the culture of human rights must engender:

1. Law & order
2. The Common Good
3. The good of the individual

The Ombudsman delivered lectures to the teachers of Queen Square Anglican School and St. Ignatius School in Belize City.

THE MAGISTRACY

Complaints Received	Complaints Closed	Complaints Open
18	17	1

The Ombudsman has no jurisdiction to investigate decisions of any court. However, the Magistracy, besides containing courts of summary jurisdiction, is also a department of government. Its administration is therefore subject to scrutiny by the Ombudsman.

All of the complaints, except one, involved little or no investigation. The following are some samples

Case 1563

Female Inmate, believing that her trial was unfair, because the policeman handling her case had advised her to plead guilty, complied. She was found guilty and sentenced to a total of one year and a half.

The Ombudsman informed her that having pled guilty she could not appeal to a higher court.

Case 1715

An inmate of Hattieville hopes the Ombudsman can help him to have his case reviewed, and then he would be released.

He pleaded guilty; therefore review by a higher court was not likely.

The Ombudsman urged him to help himself by being on his best behaviour and so earn remission time and perhaps parole.

Case 1648

This complaint concerned a request that the Ombudsman communicate to the Magistrate of the court where a criminal matter would be heard to inform him of allegations the complainant was making in favour of her brother. The Ombudsman explained that this would not be proper and that what she ought to do is take witnesses to court who would testify on her brother's behalf.

Case 1589

An Important Point to Remember. If you are in a traffic accident, and the Court finds the driver guilty, do not presume that involves paying you damage. Claim damages through a Civil Suit.

FAMILY SERVICES

Complaints Received	Complaints Closed	Complaints Open
8	7	1

Under the present leadership of the Department of Human Services there has grown a mature understanding of disclosure to the Ombudsman. There seems now to be a clear understanding of the following section of the Ombudsman Act:-

Chapter 5, Sec. 18, (4)

“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 the 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”

➤ **Noteable sample cases follow:**

Case No 1466

A single parent complained after the death of her child in a child care center because she thought that the accidental death was due to carelessness by those charged with her care on a picnic.

In closing the case the Ombudsman wrote the complainant, the mother, the following letter:-

9th June, 2005

Dear Ms. N:

I have studied the evidence available on the drowning of your daughter. There is nothing that would lead me to believe that anyone could be justifiably held responsible for her death.

Please again accept my sincere condolences together with continued prayer that your pain will soon pass.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

The above conclusion was based on reasonable conclusions drawn from the notes of evidence, for instance a statement made by the sister of the deceased. Inter alia, she told the Police. *“Then Miss Agnes Diego told us to go and change so we can go swim. I was with my sister Adelia Vansen 13 years DOB unknown of the same address. We all went into the water their (sic) was no supervisor present at that time. Then Miss Stevenson a supervisor called as (sic) out of the water and told us to swim in the shallow past where the stones were because the current was strong and the water was deep...”*

The above shows that the supervisor was concerned about possible danger, but did she make enough effort to forestall tragedy?

In dealing with the care of children, there is a fine line between protectiveness and allowing them to enjoy the freedom that children are entitled to.

Another eyewitness testified that efforts were made to forestall a drowning. Miss Stevens or Stephens told him to *“swim out for her”*

.....

However, in the future such excursions when children will swim, should always be organized in such a way as to provide for lifeguards..

➤ **What happens to the children when two parents are jailed?**

Case 1462

This case shows how the Prison, the Courts and the Ombudsman co-operated to ensure temporary protection for the children.

11th April, 2005

Dear Mr. Woods:

RE: **MR. & MRS. E, REMANDED INMATES**

Thanks to your referral to me of the predicament of the above remanded parents, I immediately contacted Magistrate Ordoñez of Orange Walk and the Chief Magistrate; and a bail hearing was held on Monday, 11th April – today.

It is noteworthy that Magistrate Ordoñez had contacted Family Services on behalf of the four E children, even before I had talked to him; and provision had been made for their care.

Thanks for your participation in showing concern for the four children.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

➤ **Protection of the child**

Case No 1500 is an example of measures taken by Family Services to protect the child who may have been sexually abused.

When a father complained that his child was examined by a doctor to determine whether any sexual violation had been committed, after a quick investigation the Ombudsman informed him as follows, bearing in mind that he himself was a suspect.

Letter of 26th August, 2005

26th August, 2005

Dear Mr. O:

Further to our discussion on Friday, 26th August, 2005.

Concerning the issue of consent if the parent himself is a suspect, the consent is not required.

Similarly, if the parent is the suspect, attendance at the examination will be prohibited to him.

I trust the above information will assist you in guiding your future actions.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

FAMILY COURT

Complaints Received	Complaints Closed	Complaints Open
15	14	1

➤ **THE OMBUDSMAN HAS NO JURISDICTION**

It is important that citizens take note that the Ombudsman has no jurisdiction in the adjudicating processes of the Courts at any of its levels. However, after a judgment by a court certain administrative issues may come to him in the form of complaints, which are usually cries for help. The following are good examples:-

CASE NO 1700

- **Issue – A father who does not have custody seeks cooperation from the mother to benefit the sick child.**

Letter of 24th January, 2006

24th January, 2006

Dear Mrs. M:

Recently your child's father, Mr. L, referred to me the case of your daughter. I am truly sorry to hear that she has been diagnosed with leukemia. I wish I had the power to say a prayer that would cure her instantly.

He has also informed me of the likely medical cost of treating this grave ailment. I do hope that many kind persons will join your efforts to raise funds to pay for the treatment.

However, perhaps the efforts to help your daughter will be more successful if you and her father do all you can to forget whatever hard feelings caused

conflict between you in the past and you work together strenuously to get help for the child whom you both apparently love. I have already asked Mr. L to do the same thing I am now proposing to you. Won't you please try this new approach for the sake of a beloved daughter?

Respectfully,

**Paul Rodriguez
(Ombudsman)**

- **Recently jobless father seeks intervention of Ombudsman to avoid being jailed for non-payment of maintenance.**

Letter of 14th February, 2006

14th February, 2006

ATTENTION: MR. E. USHER

RE: PAYMENT OF MAINTENANCE

The bearer, Mr. P, was ordered to pay child maintenance for his daughter, 15 years old, by the Dangriga Court. He has been delinquent for the past few months because he was unemployed. However, now that he has found employment with Kolbe Foundation at Hattieville Prison; he would like to make the proper arrangement.

Please kindly assist him.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

CASE NOTE

CASE NO 1717

The Ombudsman closed this file after a phone call by Family Court Judge Mr. Usher who informed him that a paysheet deduction arrangement would be made for the complainant.

Signed:

**Paul Rodriguez
(Ombudsman)**

Case No 1669

- **Complaint – Mother was taking child to another town. The father sought the intervention of the Ombudsman.**

Letter of 13 December, 2005

13th December, 2005

Dear Mr. C:

Attached is the letter you must sign and take to Hon. Ed Usher at the Family Court. Hand him the letter and wait to see if he will discuss the matter then and there with you.

Best wishes!

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Resolution –

CASE NOTE

CASE NO 1669

The complainant, on the advice of the Ombudsman, through a letter asked the Family Court for advice on a family matter involving a child and its estranged mother. She wanted to move to another town with no regard to his feelings.

The Family Court assigned custody to the mother but gave access to the child to the father, who was pleased with its intervention.

The Ombudsman therefore closed the case.

Signed:

**Paul Rodriguez
(Ombudsman)**

CIVIL MATTERS

Complaints Received	Complaints Closed	Complaints Open
89	70	19

There are complaints which come to the Ombudsman which do not fit under the umbrella of any public authority. These are cases which are grievances that one individual has against another. These persons come to the Ombudsman as a last resort, especially because they cannot afford the services of an attorney to take the matter to court.

The number of these more than doubled this year from 33 to 89.

Below are noteworthy cases: -

CASE NO 1539

This complaint made by a common law wife on behalf of her mate claimed that the wife wanted the husband to vacate the premises which had been the matrimonial home. In order to try to effect this the wife had engaged the services of a lawyer, who wrote the man a letter giving one month's notice.

The Ombudsman saw both the husband and the wife separately and informed both of them that the matter of the distribution of property between the husband and the wife is a matter for the Supreme Court. Therefore the husband was under no coercion to vacate the matrimonial premises, although he had received a notice from an attorney.

Signed:

**Paul Rodriguez
(Ombudsman)**

CASE NO 1585

This complaint concerned an effort by the Ombudsman to bring about an amicable settlement of a labour dispute between two private persons. When the other person called by telephone after receiving the letter sent by the Ombudsman and expressing a willingness to settle amicably, the Ombudsman decided to close the file, having done what he could to help.

Signed:

**Paul Rodriguez
(Ombudsman)**

Letter of 25th August, 2005

Dear Sir:

This letter is written without prejudice. As you probably know, the Ombudsman does not take sides.

Mr. X has claimed to me that he did work for you on a contract basis. He showed me a paper which you allegedly signed: However, before the job was completed you expressed lack of interest for its completion. Therefore, he is requesting compensation of five hundred dollars from you for that part of the job that was done.

The above is Mr. X's claim.

I have advised Mr. X that if you and he cannot reach an amicable settlement, then he personally may take out a civil suit against you to settle the matter in court before a magistrate.

As you know involvement in court attendance can be tiresome and time-consuming. It is far better to arrive at a mutually acceptable settlement without the intervention of the courts.

Of course I am willing to listen to your side, if you should wish me to hear your story.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Case No 1567

- **Members of two different Mennonite Communities reach an amicable settlement.**

Dear Sir:

Thanks for talking to me over the phone the second time I called you today.

I would like to assure you that although Mr. M and K came to see me, as Ombudsman I do not take sides. Instead my effort in disputes is almost always to bring about a friendly agreement based on fairness and good sense.

Therefore this letter is to inform you that both Mr. M and K repeated to me their position contained in a document signed by Mr. R and other members of the Shipyard Community that if you desire to keep your brother C, they will relinquish his care to you irrevocably, and that you are to understand that you assume full responsibly for him and all that this might entail.

I am sending them a copy of this letter, so that both you and they may understand fully what the position of the other side is.

I look forward to hearing from you.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Case 1732

- **Abandoned common law wife appeals for protection of her rights.**

Dear Mr. D:

Belize has changed in many ways; one of them being that common law wives have property rights and therefore inherits at least a portion of the estate left by the deceased common law husband. Therefore you cannot arbitrarily order Ms. F to vacate the above – named premises. This is something only the Supreme Court of Belize may order.

If you wish to discuss this matter further, please make an appointment to discuss it.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Case 1679

- **A husband is reminded of his wife's matrimonial entitlements:**

Dear Mr. N:

Your wife through a complaint to the Ombudsman has placed the matter of the occupancy and ownership of your matrimonial home as something of grave concern to him. Therefore, this letter is to inform you that by law your wife and children have certain entitlements concerning your home and you may not legally remove them without a decision of the Supreme Court of Belize. May I

emphasize that there is no other authority that may legally remove your wife and cause her to vacate the matrimonial premises.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Case No 1734

- **Advice to a child who refuses to stay away from an adult (already charged) with whom she has had a sexual relationship.**

Letter of 2nd March

2nd March, 2006

Dear R,

Your father came to see me on Tuesday and told me the story of your relationship with an adult.

It is extremely important for you to know that what Mr. G is doing is criminal and he may be put in jail for it. The law is clear and specific: a person who has not reached the age of sixteen (16) cannot, may I repeat, cannot legally consent to having sex.

In having a relationship with this man you may be doing him great harm too, for after a person has been in jail; it is difficult for that person to ever again be accepted by the community as a decent person.

Furthermore, you may be doing yourself greater harm, for you are too young to take on the responsibility of having children to nurture at a time when you yourself need to advance in self knowledge. You also need time for yourself to complete your education and training to equip you for your future life.

Please remember that in breaking your relationship with Mr. G, you may be giving yourself a chance to understand yourself better and to see your own

beauty more clearly which you may share with someone at the right time. If he really loves you truly, he will realize that what he is doing is wrong; and what you are doing in breaking with him is for the good of both of you. At any rate, at the right time, when you are older, if you and he are meant for each other, it will happen. But at this time, if he truly loves you, he will leave you alone now.

Please think upon what I have said to you, and maybe you should pray.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Case No 1694

➤ **Promoting good neighbourliness**

Letter of 13th February, 2006

Dear Mr. S,

On Thursday morning, 9th February, 2006. Pastor A and Miss L met with me in my office to discuss your complaint about noise nuisance.

The meeting was very cordial, and the two religious leaders showed themselves to be sincerely concerned about their church's service not being a nuisance and causing discomfort to anyone. Furthermore they assured me that they would do all they could to be good neighbours.

From time to time I may personally check to see if they are complying; and of course, you may inform me at anytime, if there isn't compliance.

Thanks for using our services.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Case No 1777

➤ **Mediation – Little Belize Mennonite Community vs Two Members**

Two disaffected members, who are brothers, had made complaint to Mr. Godsman Ellis, Vice President of the Human Rights Commission of Belize, of human rights violations against them by the Elders of the Little Belize Community, an ultra conservative body of Mennonites.

One brother alleged being tied up and beaten by the members of the community for not obeying the rules of the community, which concern such matters as playing music, having cell phones, drinking alcoholic drinks, consorting with women outside of the community and driving motorized vehicles. The beating occurred some 7-8 years ago.

The other complained of being ostracized. For instance, the other members of the community refuse to do business with him and do not sell to him when he goes to shop. He also believes that they want to repossess his property or to recover it at an unfair price.

On Thursday, 4th May, 2006, at the invitation of Mr. Ellis, the other two members of the Tripartite Council, the Internal Affairs and Discipline Department of the Police (Represented by Sgt. Flowers) and the Ombudsman, traveled to Little Belize to do a consultation and mediation. Accompanying the Tripartite Council was Supt. David Henderson, OIC Corozal, who had also received the complaints of the brothers.

The Tripartite Council met first with two of the three Elders of the Community and two other representatives.

The following points were made by the Elders:

1. They would be willing to buy back property at a fair market price.
2. The disaffected Mennonite will not be attended, if he goes to shop in his vehicle. However, his children will be whether taken in a carriage or a motorized vehicle.
3. They need the help of the Police to keep their children from drinking liquor. The Policeman in Progresso have their full cooperation to take away liquor from any of their minors that he finds with liquor.
4. Corporal punishment is used only as a last resort and it is done with a rubber whip on the rear so as not to cause any serious injury.

The Police, the Human Rights Commission and the Ombudsman were generally relieved to see that the Elders understood their obligations as Belizeans to be fair and just to their members and to respect their rights as persons.

The Elders then showed the Tripartite group the home of one of the disaffected, and a meeting was held with him and his brother with Mr. Allen Reimer of Spanish Lookout translating from English to German.

The Tripartite group listened to the complaints of the disaffected Mennonites and made the following points:

1. The alleged beating administered to one of them could not be taken to court so long after the complaint time, six months, had elapsed.
2. An association does not violate any human right if it takes away a privilege given to a member because he is a member.
3. The commitment of the Elders to be fair should be tested by him. He should continue to make the fourth and fifth payment on the four acres he had acquired for his son in law.
4. Whatever lands have been bought belongs to the purchaser and the Community may re-possess it only by paying him back a fair price that he agrees to accept.

5. The Complainants were given phone numbers to contact the Police and the Tri-Partite Council in the case of any violations of the law or of human rights.

The meeting ended at 4:10 P.M.

Signed:

**Paul Rodriguez
(Ombudsman)**

THE POLICE

Complaints Received	Complaints Closed	Complaints Open
101	96	5

Two developments have significantly impacted the relationship between the Police and the Ombudsman:-

- In November, 2003, the Ombudsman was invited to join a committee comprising the Human Rights Commission of Belize and the Police Internal Affairs and Discipline. The purpose of the committee was to promote best police practice and the observance of all human rights in carrying out their duties.

ESTABLISHMENT OF TRIPARTITE COUNCIL

In April, 2004, the committee became a tripartite council and adopted a code of ethics. (See Appendix 1)

➤ THE POLICE COMPLAINTS BOARD

In May, 2005, the Ministry of Home Affairs proposed the establishment of a Police Complaints Board to be embedded in the Office of the Ombudsman. (See Appendix 2)

The Ombudsman accepted this proposal in the same month and proceeded to name members of the Complaints Board.

The leaders of this Tripartite Council – Mr. Godsman Ellis, V.P. of the Human Rights Commission of Belize, Superintendent Robert Mariano of the Police Internal Affairs and Discipline Department, and the Ombudsman have been spending many hours visiting the different Police Formations throughout the country and in some of these visits include a public town meeting.

Appendix (1)

CODE OF ETHICS

Internal Affairs and Discipline, the Human Rights Commission of Belize and the Ombudsman today agree to observe the Code of Ethics as delineated below:-

Whereas all three organizations agree that the competence of their several offices is to work for the common good and the public interest, they will henceforth:-

1. refrain from public criticism of each other until after the others have been duly consulted;
2. show restraint and objectivity, even when the others may have fallen short;
3. avoid the use of emotionally charged words unless and until a fully completed investigation reveals gross wrongdoing that requires public condemnation;
4. refrain from the use of the words “Police Brutality” but instead use “alleged misconduct”;
5. promote respect for the other organizations publicly and privately, and especially among its own members;
6. refer unresolved issues to the top officer of the other organizations, before seeking recourse elsewhere;
7. resolve complaints as quickly as possible, setting an outer limit of one month;
8. have frequent interchange of ideas through meetings, conferences, and training sessions;
9. always treat every member of the other organizations with the utmost respect;
10. advocate accountability and transparency in the three organizations;

11. always promote the good of Belize.

To the above ends, we hereby affix our several signatures -:

On behalf of

Internal Affairs & Discipline

Human Rights Commission

Ombudsman of Belize

Appendix (2)

LETTER FROM MINISTRY OF HOME AFFAIRS

24th May, 2005

**Mr. Paul Rodriguez
Ombudsman
Corner Douglas Jones & Castle Sts.
Belize City**

I have the honour to propose the establishment of a “Police Complaints Board” based on your office.

The Ministry of Home Affairs, after consultation with the Commissioner of Police and the Crime Council, wishing to maintain its zero tolerance policy of abuse of police powers, prefers that a Complaints Board exist with the full

authority of the Ombudsman Legislation and report its work to the highest level in order that justice is administered in a transparent and impartial manner.

With your permission we propose to assign to your office a senior police officer, ex-officio the head of the internal affairs branch. This office was recently upgraded to facilitate this proposal and has the services of a qualified attorney in the newly established post of police legal advisor. The final composition of the Board or additional members as necessary could be appointed at the Ombudsman's discretion.

We await your approval and are available to assist with the development of this police complaints mechanism.

Regards,

A. J. Usher
Chief Executive Officer

Appendix (3)

LETTER TO MR. ALLAN USHER

Ref CB/AUOMB/2005

24th May, 2005

Mr. Allan Usher
Chief Executive Officer
Ministry of Home Affairs
Curl Thompson Building
Belmopan,
Belize

Dear Mr. Usher:

RE: POLICE COMPLAINTS BOARD

The matter of whether special legislation would be needed to establish a Police Complaints Board having been resolved by the opinion of the Ministry of Home Affairs Legal Counsel, Mr. Gian Ghandi, and the Ombudsman having agreed that the Ombudsman Act, chapter 5, at Section 10(1) gives him the competence to appoint officers and agents to assist him in carrying out of his duties, hereby agrees in principle to the establishment of a Police Complaints Board.

Therefore at your earliest opportunity let us meet to agree on the details.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

➤ Members of Complaints Board Named so far:-

1. Mr. Charles Mariano
2. Mr. Austin Flores
3. Mr. Hervan Morgan
4. Mr. Godsman Ellis
5. Dr. Salim Manii
6. Mrs. Maria Gamero
7. Mr. Israel Alpuche
8. Mr. Carlos Leon
9. Ms. Louise Wade

However, so far the usefulness of the Complaints Board has been minimal. Much more organizational work has to be done so that all the members of the Board be regular contributors to the monitoring work it was created to do. Terms of reference have to be worked out and meaningful processes have to be established.

- **It is to be noted that while the above initiatives have been in the process of being organized the Ombudsman and Internal Affairs and Discipline of the Police have cooperated in making a significant contribution to improving the services of the Police through their monitoring efforts.**

➤ **COMPLAINTS AGAINST THE POLICE**

- **Types of Complaints:** The Ombudsman uses Seven (7) Classifications. The complaints fell under categories 1, 5, 6, 7.
- There were 23 complaints classified as 7. This means that the complaints were received, investigated and not upheld and supported by the Ombudsman. Below are noteworthy cases:-

CASE NOTE

CASE NO 1481

This case concerned the complaint of a young woman, who claimed the Police had falsely arrested her.

She was brought to the Ombudsman Office by a man who claimed to be her uncle, which was later disputed by the owners of the store where she used to work.

She claimed that the Police arrested her because she was thought to be involved in the crime of theft along with another employee – her boyfriend.

When the Ombudsman spoke to the owner of the store, he told him that he and the Police went to the apartment where the young lady and two young men lived in very poor circumstances. They found stolen items in the room, including a toy gun, hair styling stuff and Pantene Shampoo. The young man was in charge of locking up the store, and there was no breaking of any locks. In the store fingerprints were taken, but when those made by a female did not match those of the young lady; she was released.

The Ombudsman closed this file when he realized that the Police may have acted justifiably in suspecting her as an accomplice.

Signed:

**Paul Rodriguez
(Ombudsman)**

Case No 1429

A classic case in which the Ombudsman, after doing his investigation, did not report the matter to the competent authority, although a person had been shot.

Dear Mr. Rogers:

RE: YOUR SON'S UNTIMELY DEATH

On 17th March, 2005 the Police Internal Affairs and Discipline Department informed me that PC Aldo Ayuso had been interdicted and the file on the case has been submitted to the Director of Public Prosecutions.

In my effort to see that justice is done, I did my investigations: It included interviewing two persons who at first were thought to be eyewitnesses. One of these made a statement to the Ombudsman, and this was made available to your Attorney, Mr. B. Q. Pitts. The second witness denied being an eyewitness.

The Ombudsman Act at Section 22(1) requires that if during an investigation the Ombudsman obtains evidence that indicates wrongdoing, he should report

the same to the Director of Public Prosecutions. However, the statement I received was inconclusive.

While I have decided to close the file, if any solid information should come to my knowledge pointing to a crime in this matter involving the death of your son; I assure you that I will pursue the matter to its logical conclusion.

Again, please accept my sincerest expressions of sympathy at the untimely passing of your son.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Case No 1733

This case is important to show that even persons who have the best intentions may be wrong.

CASE NOTE

CASE NO 1733

This case concerned a complaint made by a concerned citizen who felt that a citizen's right to free expression was being violated by a high ranking police officer who unplugged an electronic device that was playing campaign music near a polling station on Election Day, 1st March, 2006. The concerned citizen objected to the police action and was detained for an hour until his attorney intervened.

However, the police officer was right and the citizen was wrong. The regulations for Election Day place limitations on citizens to express their preference in the vicinity of the Polling Station for the preservation of public order. Therefore the citizen was misguided in his opposition to the Police, though he was well-intentioned.

Nevertheless, the police officer, instead of using the big stick of his authority to enforce the law, could have been diplomatic and may have persuaded the

citizen concerning the reasonableness of the regulation restricting party political expression near the polling station. Given the impeccable character of the complainant, it is easy to accept that he would have endorsed the justifiable action of the police.

Signed:

**Paul Rodriguez
(Ombudsman)**

➤ **To ensure Transparency**

CASE NOTE

CASE NO 1616

This case concerned an initiative by the Ombudsman to ensure transparency on the work of the Police Department.

On the 27th September, 2005, the Police Disciplinary Department requested the Ombudsman observe a body lying in a private home at Los Lagos, Ladyville, Belize District. The body was that of a youthful black male who had allegedly been shot to death by the Police.

As a result of his examination the Ombudsman saw no evidence that would have indicated to him that the Police had used unjustified force. The man was in a private, dwelling house which was not his home. He had a 25 caliber firearm in his right hand.

In a public statement made later, Dr. Lopez, Psychiatrist, stated that he had treated the dead person, that he was mentally ill, and dangerous.

Signed:

**Paul Rodriguez
(Ombudsman)**

- **In 6th Classification of cases the Ombudsman either refuses to investigate or discontinues an investigation. There were 28 of these complaints.**
- **The Ombudsman may discontinue an investigation if the complainant loses interest in the case.**

For example – Case No 1618

Letter of 4th October, 2005

4th October, 2005

Dear Mr. V:

In order for me to decide whether to investigate your case or not, I need the following follow-up information:-

1. The identity of the three policemen;
2. A medical certificate attesting to your injuries;
3. If you had nothing to do with the bicycle, why did you attempt to run away from the police?

I look forward to hearing from you as soon as possible.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

CASE NOTE

CASE 1618

The Ombudsman decided to discontinue this investigation when, after waiting twenty working days for the complainant to answer crucial questions relating to accusations made by him against the Police, he had failed to do so.

Signed:

**Paul Rodriguez
(Ombudsman)**

➤ **A complaint made in bad faith?**

CASE NOTE

CASE NO 1527

This complaint concerned the alleged grievance of a mother who claimed that her daughter had been sexually known and that the Police had done nothing about it.

When the Ombudsman initiated his investigation, the case seemed to spin into several directions of possible exploitation of young females to commit crimes. For instance, when the police made an effort to get a second statement from the girl, who allegedly had been carnally known, she refused saying that her father would not consent.

Then, another girl, who was the companion of the alleged victim and probably knew what was happening, left the country with her parents, although they were to appear in court.

The Ombudsman therefore discontinued this investigation.

Signed:

**Paul Rodriguez
(Ombudsman)**

❖ Investigation discontinued for loss of interest.

17th January, 2006

Dear Mr. L:

Immediately upon receiving your complaint I wrote you a letter on 11th October, 2005, requesting a copy of the doctor's report. Three months have passed since this request was made and you have not complied. Therefore I must assume that you have lost interest in this complaint. I have therefore closed the file.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

- **In the Fifth Classification are cases that require little or no investigation. Very often advice given or assistance rendered helps to resolve the problem quickly. There were 202 of these.**

CASE NOTE

CASE NO 1632

This case concerned the recovery of a schoolbag containing important items, such as a social security card, from the police. The bag had been taken away on 21st September, 2005, and it had contained two sticks of marijuana. The complainant had been taken to court and fined, but his schoolbag had not been returned.

The Ombudsman closed the case after the schoolbag with its contents were returned to him by the Commander of the Police Internal Affairs and Discipline.

Signed:

**Paul Rodriguez
(Ombudsman)**

CASE NOTE

CASE NO 1742

This was a request by a citizen who was sent by his attorney to record a statement to the Ombudsman following an arrest of a person he knew and who was charged with conspiracy to kidnap and murder him.

The Ombudsman must at all times be cautious and seek to prevent any use of his office to promote criminality.

However, in this case the Ombudsman thought he should cooperate, because he knew of no evidence that definitely pointed to any attempt to obstruct justice, and it was justified on the principle that a person accused is innocent

until proved guilty. Therefore this intervention was on behalf of the goal of promoting justice.

Signed:

**Paul Rodriguez
(Ombudsman)**

- **Must an officer of lower rank give unconditional obedience to one of higher rank at all times and in all places.**

Case No 1635 provides the Ombudsman's answer.

28th October, 2005

Dear Commander:

RE: TRIBUNAL – CPL

Before a tribunal is held against the Corporal I would like to discuss with you the issues involved. While the choice of some words by the Corporal were unfortunate, it may be that we would arrive at a better understanding of what happened and what caused him to appear to be challenging the authority of a superior officer, if we discussed the case before the tribunal is held.

First of all, we need to seek to understand what the Corporal's thinking might have been when he insisted on charging a person, although a superior officer may have seemed to want to let her escape the consequences of her actions. He says it plainly in the letter he wrote to the higher ranking officer, i.e., "*...nobody is above the law.*" Is this not an expression of the essence of what makes police work meaningful? After all, at the heart of the mandate of the policeman is to uphold the law **without fear or favour**, even in the face of opposition. An officer who carries through on this conviction may be imprudent at times, but certainly that fault should be more easily forgiven than that of not caring about right and correct behaviour.

Secondly, while I believe his criticism of the superior officer for divulging that the woman caught in wrongdoing was an informer may have been too forthrightly expressed, I nevertheless agree that knowledge should never have been divulged to just anybody.

Thirdly, the principle of unquestioned obedience may be necessary in the military in time of war. However, an uniformed force that deals with civilians must equip its officers with more civilian skills, like good public relations. Therefore, I believe the superior officer should have called the officer into a private office and requested that he grant some measure of consideration to the person being a female and since the offence was one for which the police could offer bail on its own. It is to be noted that there is no lessening of discipline but an increase in it when subordinates are persuaded to follow a superior, because he is reasonable and respectful of his subordinates and encourages them to excellence rather than to mediocrity. In my view, the officer who strives to act without fear or favour is reaching for excellence and should be encouraged to fulfill his goals. If his superior wins his confidence, he is in a good position, if not immediately, but later, to teach him the also important lesson that sometimes a policeman must also show not only the stern face of the law but also the human face of a man who knows that at times all of us need to get a break.

Please let us discuss this case before it goes to tribunal.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

N.B. The tribunal was not convened.

➤ **May the Police exile a person from a place?**

In Case No 1611 the Ombudsman tell the Caye Caulker Police the answer.

22nd September, 2005

Dear F:

When you return to Caye Caulker, make sure that you have this letter on your person. Keep it on your person wherever you go. What it says in the following lines are self-explanatory:-

TO WHOM IT MAY CONCERN

The bearer of this note, Mr. F, has assured me that his visits and stays in Caye Caulker are wholly legitimate. Whether they are or not, this letter should not be considered as any endorsement of his behaviour but as a request that he be treated fairly and with dignity. Naturally, if he is caught in violation of any law, he should be dealt with according to law – with justice and dignity.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

- **The Ombudsman supports the Commissioner's action to dismiss**

Letter 31st October, 2005

31st October, 2005

Dear Mr. P:

RE: DISMISSAL FROM THE POLICE DEPARTMENT

Please note carefully the Commissioner of Police's reason for dismissing you from the Police Department. You were dismissed as a result of a conviction by the **Supreme Court of Belize**. I believe that the Commissioner may have acted on a reasonable assumption that he would be failing in his duty to properly manage the Police Department if he allowed a person convicted of negligent use of a firearm to remain in his department – one whose mandate is to **protect** not to harm.

Your only hope is to appeal the Supreme Court decision to the Appeal's Court. If you will follow this course, you shall have to act quickly and have your attorney lodge the appeal immediately.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

- **The above-mentioned initiatives and cases are a testimony to the energy and commitment of the Police Department of Internal Affairs and Discipline. The table above on page 32 shows the input and the output. The receiving of complaints itself is a time-consuming process often involving the taking of statements and questioning to arrive at the true facts. Apart from these cases the police Disciplinary Department carried out investigations of many complaints made to them. It is significant to note that the Ombudsman may have access to any of those, if he wishes.**

LANDS DEPARTMENT

Complaints Received	Complaints Closed	Complaints Open
10	6	4

Because land is so important to the economic wellbeing of people, issues involving property rights and entitlements will always remain an area of concentration by the Office of the Ombudsman. This importance is reflected by the assignment of valuable space in this report, although the number of complaints received by the Ombudsman were greatly reduced when compared to the previous year – vs 28 for 2004-2005.

The following sample cases highlight a very important issue in land tenure:-

Case No 1721

➤ **The complainant claimed that someone else had taken up occupation of her lot in Middlesex**

➤ **The investigation revealed the following:**

1. The lease on lot 56 had been assigned 20th May, 1997 for seven years.
2. The lessees did not occupy the lot.
3. She had paid no rent.
4. Another person had been granted permission to occupy by the Village Lots Committee Chairman after the leasee had abandoned the lot.
5. The occupant had fully planted out fruit trees and built a house on the lot.
6. The lease was cancelled for non-payment of rent.

THE ISSUE: **The person who is granted a lease must abide by the conditions of that agreement, e.g. develop the land, pay the rent etc., or else the lease may be justifiably cancelled.**

.....

Case No 1484

Letter 11th May, 2005

11th May, 2005

Dear Mr. Cansino:

RE: LOT 25, ML. 2 WESTERN HIGHWAY

Kindly intervene to have this matter resolved as soon as possible.

Mr. H sometime ago had had a lot at Ml 3. Western Highway approved to him. He requested and received approval for a new assignment to the above-mentioned lot.

In August, 2004, Hon. Cordel Hyde had assigned the lot to someone else. Mr. H appealed to the Prime Minister. The Prime Minister in December, 2004, requested a substitute (Note attached).

Please let us resolve this as soon as possible.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

- **Question: Is it good practice for the recommendation for land by the Area Representative to be so intrusive that the beneficiary takes approval for granted and proceeds to occupation?**

- **ISSUE:** The issue is that government lots are public assets that must be managed by set procedures that are known by all and are acceptable to the people and to the Whole Government.

- Fortunately in this case the first lessee was willing to accept a lot elsewhere.

MINISTRY OF HEALTH

Complaints Received	Complaints Closed	Complaints Open
5	5	0

When a worker complained against PAHO and the Ministry of Health, the Ombudsman concentrated his investigation on the part played by the Ministry in causing grievance. This was because PAHO, an organ of the United Nations, enjoys diplomatic privileges. However, at the same time, the Ombudsman felt that if any allegations against PAHO proved factual, especially in any matter involving human rights violations, the United Nations would need to be informed.

The investigation and resolution took sixty days.

Two letters and a case note summarize this case:-

Case No 1649

- **The following letter of 6th December, 2005, describe the grievances:-**

6th December, 2005

Dear Mrs. Hall:

**RE: COMPLAINT OF MS. D, OPEN VOTE WORKER CENTRAL
HEALTH REGION**

This communication is written without prejudice.

Ms. D has complained to the Ombudsman because she feels aggrieved at being transferred from PAHO without justification.

Miss D maintains that the letter written on behalf of PAHO by Mr. A.F. Cruz on 25th May, 2005, Ref 10R/704/05/14 vol. II does not at all resemble the true facts.

Rather, she has claimed that the real reason for her transfer was that she refused to accept an arbitrary and unilateral change of her employment condition with regard to her right to privacy being imposed on her by PAHO, an organ of the United Nations, the world's champion of human rights. Miss D feels strongly that the identification process now being implemented by PAHO to be an unjustified invasion of privacy, especially because of the insensitive manner in which it was being required of her. Because she is sensitive to matters regarding her privacy, she asked for private explanations and consultation. These were denied to her, but instead she was required to submit to following the group without due consideration to her own feelings and sensitivities.

She feels that the local PAHO officials have treated her objections flippantly because she is a cleaner and perhaps they feel not deserving of some show of respect and consideration.

In addition, Miss D also feels that Central Health Region has joined PAHO in disrespecting her. She has been led to form this opinion because of the following:

1. She has applied for leave, which is due to her - denied.
2. She is being threatened with transfer to Southside, Belize City. She lives on Northside.
3. She was informed by word of mouth of a change of procedure for sick leave. She asked for a copy of the memo. It was denied to her.

Mrs. Hall, would you kindly meet with Miss D at your earliest convenience. I would be much pleased if you inform me about this meeting.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

➤ **Letter of 1st February, 2006, summarizes the findings of the Ombudsman:-**

1st February, 2006

Dear Ms. D:

Finally, I have received from the Ministry of Health all the documentation needed to study all the issues involved in your complaint, according to the verbal reports you have made to me and the documentation you showed to me.

You will recall that at the first meeting we had I explained to you the role of the Ombudsman. One of its most important and necessary features is **NOT TO TAKE SIDES**. The Ombudsman must decide according to the facts. Therefore in investigating your case the Ombudsman needed to verify whether the facts proved supportive of your grievances, might have been rooted in discrimination by PAHO Belize because of your cleaning post at their office.

Whereas the Ombudsman took very seriously the accusation of discrimination against you by PAHO, I found it very enlightening that a letter written to you by Dr. Israel on 23rd May, 2003, accused you of an overt act of the same fault. The letter recounts an incident of the day before when you were invited to sit around the conference table with everyone else and you refused. Dr. Israel ended that letter to you as follows:-

“Please be assured that I am willing to continue to work with you in a spirit of cooperation and respect, but I will not tolerate disrespect from you to anyone in this office and most certainly, I will not tolerate it for myself.”

Just the day before, on 22nd May, 2004, Dr. Israel had written you a letter on the subject of lateness and your non-compliance with a very important staff activity: security/disaster management activities. Your non-compliance expressed by being one hour late and your refusal to cooperate with the security warden prompted this letter, which Dr. Israel closed as follows:

“I want to urge you to reassess your response/reaction as part of the team of this office. Please be reminded that the success of the work of

this office depends on the unstinting cooperation and involvement of each and every staff member. This is what I expect of everyone and no less of you.”

On the other hand, I have no documentary proof written by you denying any or all of the shortcomings and failures you have been accused of. For instance, I would have thought that you would definitely reply to the following statement made to you in a memo of 3rd May, 2001, by Dr. Graciela Uriburu, as follows:

“After recommendations... regarding your disagreement with your evaluation, you again chose to voice your strong opinions aggressively. After reviewing your behaviour for the past months, it is evident that you do not wish to consider any comments with respect to your job, you have demonstrated little or no respect for instructions of your supervisor and you always end up in heated discussions or arguments.”

Again you have not provided me with any letter or other document denying the allegations made against you.

In my file there is a letter of 28th May, 2003, to you accusing you of not being punctual and one for June 20, 2003, about unexplained absences from work.

Being as knowledgeable of your rights as you are, you must know that dismissal must be for cause. However, **termination** is legal provided the employer pays all accrued benefits. However, instead of doing that, as the **“Agreement”** with Government enabled them, they requested that the Ministry of Health re-deploy you back into their services. Allow me to quote the pertinent point in the Agreement:-

“2. These posts will be managed by PAHO/WHO according to its regulations and policies. The selection of the personnel, definition of functions, supervision, evaluation and termination will be the exclusive responsibility of PAHO/WHO.”

The above section of the Agreement makes it abundantly clear that PAHO had the lawful authority to terminate your services. To their credit, they did not. Instead they requested that you be transferred back to the Ministry of Health.

To summarise, Ms. D, it has not been established to me by any evidence provided by you or anyone else, that PAHO or the Ministry of Health have treated you unfairly in this matter of your re-deployment to that ministry.

However, what I have said above does not apply to your present circumstances and your need to be properly briefed by your present supervisor with regard to your posting, your duties and responsibilities and yes – your entitlements. I would advise that you now seek a clear, documented understanding of your present posting, if necessary, considering that you are bound by the General Workers rules.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

➤ **Complaint not supported**

CASE NOTE

CASE NO 1649

This complaint concerned the alleged grievances of a government worker who was charging discriminatory behaviour against an international agency into whose service she had been deployed.

After a thorough investigation the Ombudsman found the accusations not to be supportable and could not uphold the complaint.

Signed:

**Paul Rodriguez
(Ombudsman)**

MINISTRY OF EDUCATION

Complaints Received	Complaints Closed	Complaints Open
7	6	1

➤ **The following letter closing a case is self-explanatory.**

18th April, 2006

**Ms. Maude Hyde
Chief Education Officer,
Ministry of Education
West Block
Belmopan,
Belize**

Dear Ms. Hyde:

**RE: EXPULSION AND RE-INSTATEMENT OF E.P. YORKE
STUDENT KARL TULCEY**

When the above-mentioned incident became public knowledge, I was so shocked by what I thought could be the effect on the morale of teachers and the undesirable repercussions it could have on control of their classrooms that I decided that I had to do an investigation.

At the very beginning I perceived that perhaps because I have been a teacher at various times in my life and still have classroom encounters through my human rights promotion; I may be susceptible to an exaggerated sensitivity to the need for classroom and school discipline. Therefore I sought the benefit of the opinions of someone who would be less emotionally sensitive to the issues involved.

The attached two pages are copies of commentary I sought from an impartial person. He is not a teacher – has never been one. Rather, he is a senior citizen with vast experience of the Public Service of Belize. He is a well-balanced man

who does not entertain extreme views and has vast knowledge of public affairs. Please read his commentary.

I would like to add one small comment concerning point (iii) of the letter signed by Mr. A. Genitty and sent to the Principal of E. P. Yorke on 8/2/06 as follows:-

The point made by Mr. Genitty, concerning the present social climate is highly speculative. It may be argued with as much credibility that “tough love” may have done Master Tulcey much more good. If his parent had been forced to send him to night school, he might well have been more effectively taught the need for self-discipline.

At any rate, after expressing my views, I have considered that no positive good will come of pursuing this matter any further and have closed the file.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

❖ Karl Tulcey received his high school diploma from E.P. Yorke High School on Sunday, 4th June, 2006.

A SUMMARY OF ALL THE DEPARTMENTS

Ministry or Department or Authority	Cases Resolved	Open	Total	Average Time of Resolution
Police Department	96	5	101	38 days
Lands Department	6	4	10	62 days
Department of Corrections	17	3	20	18 days
Magistrates Court	17	1	18	11 days
Family Court	14	1	15	31 days
Labour Department	4	7	11	126 days
Ministry of Health	5	0	5	22 days
Ministry of Immigration & Nationality	11	1	12	67 days
Ministry of Tourism	1	0	1	220 days
Ministry of Home Affairs	4	0	4	99 days
Ministry of Housing	3	0	3	16 days
Social Security	8	3	11	34 days
Customs Department	1	1	2	172 days
Agriculture Department	1	0	1	95 days
Ministry Education	6	1	7	22 days
Belize Defence Force	2	0	2	6 days
Belize City Council	2	0	2	258 days
Dangriga Town Council	1	0	1	13 days
Maskall Village Council	1	0	1	1 day
Director of Public Prosecutions	2	0	2	23 days
Public Service Commission	2	0	2	63 days
Ministry of Transport	1	1	2	17 days
Civil Matters	70	19	89	15 days
B.E.S.T	1	0	1	1 day
Liquor Licensing Board	1	0	1	1 day
Belize Advisory Board	1	0	1	1 day

Accountant General	1	0	1	5 days
Punta Gorda Town Council	1	0	1	28 days
Judiciary	1	0	1	3 days
Belmopan City Council	1	0	1	12 days
Progresso Village Council	1	0	1	54 days
BWS	3	0	3	6 days
Attorney General's Ministry	1	0	1	11 days
Ministry of Finance	1	0	1	20 days
Family Services	7	1	8	12 days
Hattieville Prison	17	3	20	18 days
B.E.S.T	0	1	1	20 days
D.F. C.	0	1	1	1 day
Village Council	0	1	1	1 day