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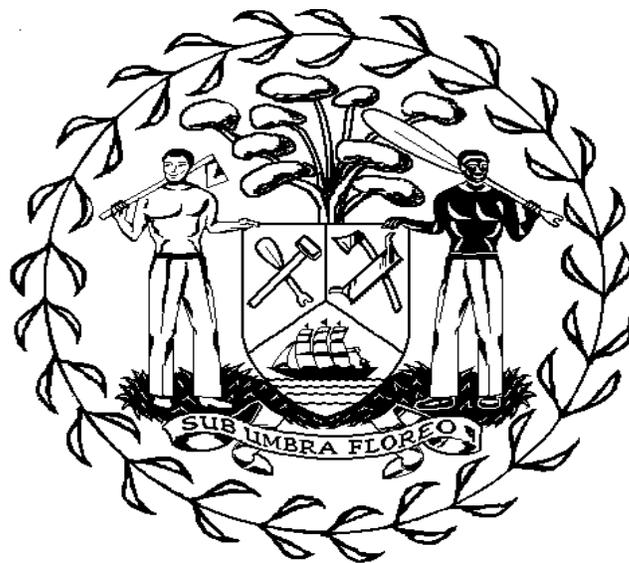
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THE Eighth  
ANNUAL REPORT  
OF  
THE OMBUDSMAN



*"Truly A Haven Of Democracy"*

# The Eighth ANNUAL REPORT OF THE OMBUDSMAN



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

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(18<sup>th</sup> July, 2007)

Ref: 8/AROMB/2007

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 June, 2006 – 30<sup>th</sup> June, 2007.

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

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**Respectfully,**

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**Paul Rodriguez**  
**(Ombudsman of Belize)**

## **FOREWORD**

The primary text and the most important document for determining human rights questions in Belize is the **BELIZE CONSTITUTION**.

**THE BELIZE CONSTITUTION** in its Preamble declares what are the most important values upon which our culture, laws and customs have been constructed. From section (a) to (f) they are listed in perfect clarity of expression in the English Language. They are: belief in the supremacy of God, faith in human rights and fundamental freedoms, the social primacy of the family, the dignity of the human person, the inalienability of human rights which are derived from God.

Section (b) of the Preamble describes the socioeconomic principles upon which the State of Belize are built. They are Natural Law principles which respect and promote social justice in the management of the natural resources of the Nation. Of fundamental importance is the equitable treatment of all citizens, even children, to ensure that every sector of society has a fair opportunity to advance in personal and economic development based on merit and ability.

Section (c) firmly declares and established Belize as a democracy based upon the will of the people expressed in free and fair elections.

Section (d) emphasizes the need for adherence and respect for moral and spiritual values without which freedom and the rule of law will perish.

Section (e) excludes discrimination, expresses the protection of the rights of all, especially life, liberty, the pursuit of happiness and private property. It aligns Belize with those nations which promote international peace, security and co-operation, and an equitable international economic system and social order with respect for international law and treaty obligations among nations.

Section (f) re-iterates the principles already mentioned.

Needless to say, at this point in our development, we must measure and judge every new idea impacting our values and our fundamental rights in an effort to determine their compatibility with them. New concepts that affect and destroy our value system may be exciting during their introduction and experimental stage but may prove to be tsunamic forces of spiritual, cultural and material destruction.

## THE OFFICE OF THE OMBUDSMAN

By Charles B. Hyde

The idea that there should be someone invested with the power to give aid and comfort to the individual citizen who suffers unjustly at the hands of public and other authorities was conceived in Sweden which appointed the first Ombudsman in 1807.

The countries of Europe: England, France, Spain, Germany and Italy followed. Since then, many other countries have come to recognize that the Office of the Ombudsman makes the lot of the individual citizen of a democracy better by far than it would be otherwise. Before the institution of this office, the citizen who was unable to pay for the services of legal counsel was obliged to accept and suffer manifold injustices at the hands of those who exercised state or industrial authority over him.

The first and present Ombudsman of Belize was appointed by the present government in 1999. Even though, it was decided in principle that the post of Ombudsman be created and included in the budget many years ago.

Today, there is an Ombudsman Association in the region comprising most of the countries of the Caribbean. Totalling thirteen members, they meet regularly and exchange information about the emerging roles their offices play in the life of their countrymen and consider ways to serve their nations more effectively.

The functions of the Ombudsman are governed by the Ombudsman Act of 1994. This Act gives the Ombudsman all the powers he needs to intercede on behalf of the ordinary citizen in his relations with public and other authorities, in order to ensure that the citizen is dealt with fairly and that the powers given to or implicit in these authorities are not abused.

Citizens of Belize are endowed with certain rights and freedoms by the Constitution. These rights and freedoms may be maintained by the Judiciary, when they are being threatened or circumvented by anyone. The courts will intervene, if appealed to, when authorities or any other body which exercises power over the citizen abuse that power or deals unjustly with him.

In reality, many citizens suffer the consequences of the improper or unjust exercise of power by public or other authorities, because they are unable to afford legal counsel to put their cases before the courts. Also, the quality of the advocate they can afford to retain may not be up to the task of representing

them successfully against counsel available to the authorities. The average citizen, therefore, may be assured that when they take their cause to the Ombudsman, clothed with his High Office, he can deal with authority from a position of strength.

In investigating a complaint, the Ombudsman has a distinct advantage over any other investigator, including the police.

Firstly, the Ombudsman is a Judge, consequently those who have information to give in cases being investigated will respect his office and, there are sanctions for offenses by those who do not cooperate fully with authorized investigators. Secondly, statements made, pertinent to the investigation, may be taken under oath which assures their veracity. And., thirdly, the Ombudsman is always striving to carry out investigations, with a certain amount of urgency in order to bring cases to a conclusion. Such has been the record in Belize.

It is provided in the Act that anyone who has a complaint about any act done by an authority may appeal for intervention by the Ombudsman. The Act states that a complaint must be made in writing. This puts the onus on the complainant, who may or may not have the ability to present his case, completely and accurately. It has become the practice in Belize for the Ombudsman to encourage citizens who have grievances to come into his office, where they are assisted in formulating their complaints. As a result, many more cases are dealt with by the Ombudsman than there would be otherwise.

In the course of his investigating a complaint, the Ombudsman may discover that what gave rise to the complaint are irregular and dishonest practices which have taken root in the authority. In such cases, the Ombudsman is required to investigate these practices, which come under the heading of corruption and to take appropriate action.

Although the Ombudsman does not have the power to make orders at the end of his investigation of a case and compel obedience to such orders, it is important to note, based on the cases recounted in the Ombudsman's Annual Report to Parliament that his recommendations for action by the authorities complained against have been complied with in almost all cases.

There is no doubt that the institution of the Ombudsman is a significant advancement in improving the quality of democracy for the citizenry of those countries blessed with an enlightened and nationalistic political leadership.

## **STAFF**

<b>OMBUDSMAN</b>	<b>Mr. Paul Rodriguez, B.A, OBE</b>
<b>INVESTIGATOR</b>	<b>Mr. Lionel Castillo J.P.</b>
<b>OFFICE ADMINISTRATOR</b>	<b>Miss Sharon Flowers</b>

### **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.

#### **OFFICE HOURS**

MONDAY – FRIDAY

9:00 a.m. – 1:00 p.m.

2:00 p.m. – 5:00 p.m.

## INTRODUCTION: A SUMMARY

Amidst great challenges with a skeletal staff the Office of the Ombudsman continues to have an impact in the exercise of its mandate of justice, the promotion of human rights, good governance and compassion:

Our office received by letter, fax, e-mail, phone and personally:

Formal Complaints	327
Informal Complaints	<u>140</u>
<b>Total Complaints</b>	<b><u>467</u></b>

### Cases Resolved

Formal	277
Informal	140
Unresolved	50

**How to contact the Ombudsman  
by phone:**

**Tel: 22-33594  
22-33198**

**Fax: 22-33198**

**Email: [ombudsman@btl.net](mailto:ombudsman@btl.net)**

**HUMAN RIGHTS CONFERENCE IN LONDON,**  
**FEB 26-28<sup>TH</sup>, 2007**

Through the generosity of the Commonwealth Secretariat the Ombudsman of Belize attended this human rights conference held in London.

After returning to Belize the Ombudsman wrote these comments to Prof. Brian Burrdekin, Visiting Professor, the Raoul Wallenberg Institute and UN Special Advisor for Human Rights, who had delivered the keynote paper

The Ombudsman of Belize Wrote:

Paris Principles and Best Practice should form the intellectual framework of the work of all human rights work, but I'd like to submit that the paradigm of the heart is perhaps as important. People who day to day attend to those who need their services should do so from some deeply held conviction that solving this person's problem will make a difference in advancing human dignity.

I realize that it may be awkward to write and lecture about this matter of the paradigm of the heart, because sophisticated people don't like to talk about their personal feelings and beliefs. So perhaps all we can do is mention it. Or, perhaps, we Ombudsmen should always enrich our presentations with cases that we have personally dealt with.

Perhaps it will take our countries sometime before they all sign on to all the conventions. However, the Commonwealth Forum lobbying Commonwealth Heads of Government may change this. There is no certainty when one deals with human beings, but maybe our work of education and conscientization will eventually pressure governments to yield to all human rights requirements. Hopefully politicians themselves will become conscientised.

As Ombudsman of Belize, I continue my work of education and conscientization along with the day-to-day requirements of dealing with complaints against the administration to promote good governance.

I am glad I had the great privilege of meeting you and listening to your ideas.

**Signed:**

**Paul Rodriguez**  
**(Ombudsman)**

- The Ombudsman continued his lecture tours on human rights addressing the teachers at the following schools:
  1. February 15<sup>th</sup>, 2007 Punta Gorda Methodist School
  2. February 15<sup>th</sup>, 2007 St. Peter Claver School.
  3. February 16<sup>th</sup>, 2007 Julian Cho Technical High School
  4. April 27<sup>th</sup>, 2007 SJC High School Teachers
  5. June 1<sup>st</sup>, 2007 Escuela Mejico
  6. 2 Lectures to the police recruits at the Police Academy
  
- The Ombudsman of Belize and the Ombudsman of Guatemala cooperate to build confidence between our two countries.
  - On 13<sup>th</sup> May, 2007, Sr. Oswaldo Enriquez, Special Advisor to Ombudsman of Guatemala, Dr. Sergio Morales Alvarado, arrived in Belize. Immediately upon his arrival the Ombudsman of Belize took him on a visit to Hattieville Prison to confer with Guatemalan inmates incarcerated for illegal entry.
  - The following day the Ombudsman took Sr. Enriquez to Belmopan to deliver a letter to Prime Minister Musa, President (Protem) of SICA. The letter requested advisory status as promoters and protectors of human rights for the Ombudsman Council of Central America, of which Belize's Ombudsman is a member.
  - During the meeting with the Prime Minister, the Prime Minister was requested that his government de-criminalize illegal entry for first offenders from Central America.
  - On the same day the Ombudsman accompanied by Sr. Enriquez and the Consul of Guatemala Sra. Patricia Lavagnino traveled to the Western Border to confer with OAS Representative Dr. Angel Trinidad to be

briefed on the various initiatives the OAS had undertaken to build confidence between Belize and Guatemala in the Adjacency Zone.

## **STREET PACIFICATION**

The Office of the Ombudsman is one of the public agencies that throughout the days and months of the past eight years has worked to promote a more compassionate treatment of the poor, the vulnerable and even some who are trapped by criminal habits.

This program carried out by Investigator in the Ombudsman Office, Mr. Lionel Castillo, helps students, schools that have undisciplined youths and parents who have difficulty coping with delinquent youths.

This brief report needs to be vague to protect the identity of those that have been involved. The countless praiseworthy deeds of Mr. Castillo remains unsung by the media.

- The Office of the Ombudsman is a magistracy of conscience. It supports justice and public order, while not forgetting that these cannot be attained without mercy and compassion.

## ◆ 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 8 of these.
2. Complaint investigated and sustained, recommendation not accepted and report made to the National Assembly.
  - There were none of these.
3. Complaint resolved to the satisfaction of both parties during the course of the investigation.
  - There was 1 of these.
4. Complaint resolved by informal action without the need for a formal investigation.
  - There were 3 of these.
5. Complaint not investigated, advice and assistance given.
  - There were 206 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 24 of these.
7. Complaint investigated but not sustained.
  - There were 35 of these.

THE MANDATE –  
TO IMPROVE GOVERNANCE  
BY  
RECEIVING COMPLAINTS  
AND INVESTIGATING THEM  
AS THEY REVEAL THE  
WORK OF EACH PUBLIC  
AUTHORITY

## THE POLICE

*Critical analyses of the work of the Ombudsman with the Police shows that it is a department growing in respect for rights with leadership that continues to work for better governance in the promotion of law and order. In this report there is no mincing of words to hide failure, but the assessments are objective and fair. Moreover, the facts speak for themselves and show that the Police Department continues to improve its performance in the area of respect for human rights and the promotion of good governance.*

The total number of complaints against the Police were 101, of which 84 were resolved, and 17 remain open. Investigation will continue in the cases that remain open during the following reporting year.

Examples of notable issues follow.

1. **Police Apologise**

Four cases # 1772, # 1838, 1848 and 1965 showed that the Police did not consider themselves too big to apologise.

### Case No 1772

A mother complained that her two sons reported the burglary, or attempted burglary of premises they were caretaking.

She complained that her two sons, including a minor, were detained for 24 hours without a proper investigation being done, although the sons had reported the matter themselves.

As a result of the intervention of the Ombudsman the policeman involved was severely reprimanded and an apology was written to the mother.

### Case No 1838

When her house was searched and nothing was found a housewife complained to the Ombudsman about the invasion of her privacy.

**Case note:** The Ombudsman closed this file after the Police apologized to the lady.

**Letter of Apology**

**6<sup>th</sup> July, 2006**

**Dear Madam:**

Please accept my sincerest apologies for the inconvenience caused to your family on 20<sup>th</sup> June, 2006, when your house was searched by policemen. I am so glad that nothing incriminating was found.

Please understand that we are undertaking an exercise to try to rid our city of guns and drugs that causes so much harm to people. We will continue this program since we are committed to stop violence.

Thank you for being a good citizen.

**Respectfully,**

**Case No 1848**

During a search the Police found no drugs but found a scale that could be used for weighing drugs. Because no drugs had been found, the Ombudsman thought it proper that the scale should be returned to its owner.

The owner wrote back by e-mail:

**Dear Mr. Rodriguez:**

I was able to retrieve my scale from the Corporal this morning without any hindrance. I once again thank you profusely for your assistance in this matter.

**Respectfully,**

---

**Mr. P**

**Case No 1965**

The following letter summarizes this case very adequately.

**12<sup>th</sup> April, 2007**

**Dear Sir:**

On 12<sup>th</sup> January, 2007, Supt. Robert Mariano, OC Orange Walk, wrote you a letter apologizing that policemen under his charge had searched your premises in your absence. The same letter adds that your attorney Mr. Cardona had been requested to cause you to make a statement. Three months have passed, and you have not yet done so. I have therefore closed your file.

Thanks for having used the services of the Ombudsman.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

**Cc. Mr. Marcel Cardona Cervantes**

2. 

<b>Show of Bad Faith</b>
--------------------------

**Case No 1916**

**20<sup>th</sup> October, 2006**

**Dear Mr. K:**

Following the complaint you made to me against the Police in San Pedro, we did an investigation of court files. We learned that since 1996 there have been twenty one charges (21) filed against you and the penalties imposed by the courts total over twenty seven thousand dollars (\$27,000.00), which are still outstanding. As a result you could legally be picked up at anytime and sent immediately to jail.

Therefore, if I were you, I would behave exceptionally well and avoid the slightest police attention.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

**3. False Arrest**

The Belize Constitution clearly states that a person shall not be deprived of his personal liberty on a mere suspicion but upon a reasonable suspicion that he or she has committed an offence.

Therefore the Ombudsman continues to insist that the Police must have some evidence before arresting and detaining a person. Below are two cases, where false arrest was involved.

**Case No 1952**

The complainant had claimed false arrest alleging that the only evidence the police had was prejudiced.

The Police supplied proof that the complainant had been justifiably arrested and had been found guilty in court of violating a protection order.

This complaint was deemed not justifiable and was not upheld by the Ombudsman.

4. **The Police and Civil Matters**

When the Police are called upon to intervene in civil matters, they may if their non-intervention would result in violence.

However, if they intervene, they should do so without fear or favour

**Case No 1868**

The complainant by virtue of a written agreement with the owner of a parcel of land was threatened with removal by another claimant. He was assisted by a policeman.

The two letters below are pertinent to this case.

**12<sup>th</sup> September, 2006**

**Supt. Robert Mariano  
Commander,  
Internal Affairs & Discipline  
Police Headquarters  
Belmopan,  
Belize**

**Dear Commander:**

**RE: MR. H VS MR. B, CLAIMING PROPERTY - HATTIEVILLE ROAD**

This file is being sent to you for you to inform me whether Mr. B should not be charged for damage to property at least.

However, the matter may have been complicated by the action of Sgt. Dominguez of Hattieville.

In a verbal report given to me by Mr. Lionel Castillo, he reported that last week Mr. H came to the Ombudsman's office and complained that Sgt. Dominguez had accompanied Mr. B to the 84 acre property and given Mr. B the impression

that the Police was in support of his claim to be on the property. On the Sunday Mr. B had returned and removed doors, roof and windows.

I look forward to your input as soon as possible.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

Letter of 27<sup>th</sup> September, 2006

**27<sup>th</sup> September, 2006**

**Dear Mr. H:**

I have done what needs to be done to let the Hattieville Police understand that they acted mistakenly when they interfered in a civil matter, and I have closed the case.

Now, it is up to you, if you are so minded to sue Mr. B for damage to the property. You may take out the suit yourself at the Magistrate's Courts, if you are claiming less than five thousand dollars (\$5,000). Consult Mr. Castillo of my office if you wish to ask for help. You may reach him personally at the office or at cell 604-5231.

Best wishes!

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

5. **Power to Exile?**

**CASE NO 1836**

In these cases the complainants claimed that the Police forbade them to land in Caye Caulker and San Pedro.

The Ombudsman wrote this complainant the following letter:-

**4<sup>th</sup> July, 2006**

**Dear Ms. W:**

**RE: TRAVEL AND STAYING IN CAYE CAULKER OR SAN PEDRO**

It is hard for me to believe your story that the police in these communities in Belize have prohibited you to land on these cayes, for there is no law in Belize that give them this power.

However, you and your companion must understand that your freedom of movement may not be hindered by the Police but you are required to obey all the laws of Belize, as every Belizean should.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

**CASE NO 1860**

**3<sup>rd</sup> August, 2006**

**Dear Commander:**

**RE: EXPULSION FROM SAN PEDRO**

Kindly check on the information given by Mr. F, who claims a Sergeant on Monday assaulted him while taking a boat to Belize City and ordered him not to return to San Pedro. This allegedly happened on Monday, 31<sup>st</sup> July, 2006.

As far as I know, the Police has no authority to expel anyone from anywhere. If Mr. F commits a crime, he is to be arrested and charged accordingly.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

*Letter:*

**August 14, 2006**

**Mr. Paul Rodriguez  
Ombudsman  
#60 Douglas Jones St.  
Belize City**

**Dear Sir:**

Reference your memorandum OMB/2006.

I agree with your comments.

O.C. San Pedro Police was spoken to on this matter.

---

**Commander**

Since this letter no complaint has come to the Ombudsman on this issue.

6. **False Arrest?**

**Case No 2010**

This complaint was made while the aggrieved person had been in detention for a couple of hours. The arresting officer had detained the person merely on the word of someone who suspected that the detainee had stolen his pup.

The Ombudsman insisted that the word alone of the owner of the pup that the detainee was the thief was not sufficient. The person detained was released.

The Ombudsman continues to warn the Police that they may be sued for false arrest.

7. **Unwarranted Use of Force**

How much force is unwarranted? How much force is too much?

The following cases were complaints against the Police that were not supported by the Ombudsman, because the policemen were reduced to the position of having to act in self-defence and in defence of a colleague.

**Case No 1774**

The Police were on a drug operation in the Old Dump Area of Benque Viejo Del Carmen at night. By the river side they saw a male person carrying a knapsack. The Police ordered him to stop, but he ran until one of them caught up with him. He stoned the policeman and continued his escape but another policeman caught up with him, and a struggle ensued for possession of a rifle. The policeman shot him in the foot.

A medico legal certificate attested to the injury of the first policeman.

This complaint was submitted by the Guatemalan Embassy.

**Case No 1955**

This letter by the Ombudsman to the complainant summarizes the case.

**1<sup>st</sup> December, 2006**

**Dear Ms. Y:**

I regret not having gotten in touch with you sometime sooner after you made your complaint against the Police in October alleging unwarranted force.

Upon examining all the evidence that I have been able to access I found the following:

1. On the night of 20<sup>th</sup> September, 2006, the Police responded to information about a robbery attempt;
2. Inspector Grinage came to the scene and told the driver and occupants of a gold-coloured Ford Temps to stop;
3. The vehicle sped off and was driven into a canal behind the BWS Compound;
4. Danny Anderson alighted from the vehicle and appeared to be carrying a **“Black shotgun”**.
5. Edwin Flowers came out of the vehicle and was shot by Inspector Grinage.

Without allowing the previous five important points of information to influence my judgment, I studied the statement made by Edwin Flowers himself. This is what he said, his own words in describing the point of time when he was shot. Edwin said: **“whilst the car in the canal I notice the same Grey Focus Car drove up and as he said that I put my hands up in the air and I opened the front passenger door and came out the car.”**

It is my opinion that Edwin made a crucial mistake in opening that car door after he had **“frozen”**, whether he was inside or outside of the car. The police

had good reason to perceive that they carried guns because they were reportedly on a mission to do a robbery. Therefore it seems reasonable that Inspector Grinage feared for his life and acted out of self-defence. I must conclude therefore that the action of Inspector Grinage was restrained (he shot at the leg) and justified.

I have therefore closed this investigation without upholding your complaint.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

8. **Return of Goods by the Police**

**Case No 2011**

The Ombudsman supported the release of a vehicle held by the Police.

**29<sup>th</sup> March, 2007**

**Supt. Chester Williams  
Officer in Charge  
Criminal Investigation Branch  
Queen Street Police Station  
Belize**

**Dear Commander:**

**RE: STATUS OF VEHICLE, 2000 GOLD ESCALADE**

The alleged owner of the above-mentioned vehicle has appealed to my office to obtain the release back to him of it. While the Ombudsman by this action to assist the owner in recovering the vehicle in no way by so doing wishes to imply innocence or guilt of the person accused of a crime while driving the said vehicle, he would support a decision to release, provided Forensics has

thoroughly examined it and extracted every bit of evidence that it would possibly yield.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

**Cc. Commander, IAD**

9. 

<b>Abuse of Authority by the Police</b>
---

**Case No 1807**

The Police intervened in a civil matter that was settled amicably. They had held a chainsaw which had been used in a logging operation.

*More than a year has passed without the disciplinary tribunal giving a judgment concerning the chainsaw.*

10. 

<b>Cross Complaints</b>
-------------------------

Policemen caught in the crossfire of civil disputes should be very careful to act without fear or favour, staying in the middle and not getting caught in favouring one side or the other.

Case No 1911 & 1948 were cross complaints made to the Police and to the Ombudsman afterwards. The letter below indicates what his position was when one of the disputants accused him of taking sides.

**20<sup>th</sup> October, 2006**

**Dear Ms. L:**

Although I have indicated to you that I would be prepared to intervene between you and Mr. P, my primary interest in this matter between you and

Ms. D was an alleged false arrest against her by the Police. I am enclosing a copy of that letter to the disciplinary department of the Police.

Perhaps I did not make my point clear enough or strong enough for the Police to understand that the Ombudsman is completely against arrests that are not based on reasonable cause. Concrete evidence, like an impartial and independent witness, may be regarded as credible, but merely the word of the complainant in my view does not constitute reasonable cause, unless for instance, the person complaining has a visible wound. Therefore, I wish to re-iterate, irrespective of whether you are the complainant or Ms. D, the complaint by itself does not necessarily constitute reasonable cause for arresting and charging.

I close by repeating my offer to mediate an amicable settlement of the differences between you and Mr. P.

**Respectfully Yours,**

**Paul Rodriguez  
(Ombudsman)**

**11. Belize Police, Guatemala Police Cooperate**

When on 9<sup>th</sup> October, 2006, the Ombudsman of Belize received a request for help in investigating the detention of a Guatemalan national at Hattieville Prison, the case had already been investigated by him.

In his reply to Sr. Conrado Martinez, Special Assistant for Human Rights of the Ombudsman of Guatemala, Ombudsman Paul Rodriguez informed him as follows:-

1. Molina had been arrested on 15<sup>th</sup> July, 2006;
2. Molina had been identified by photograph as being one of ten men who had committed twelve aggravated assaults beginning in July, 2005.
3. The Belize Police had been assisted by the Guatemalan Police.

4. After the gathering of information, the Guatemalan Embassy was informed of our investigation and its conclusion.
5. No information has been brought to our attention to change our mind that Molina had been justifiably arrested and detained.

12. **Ombudsman Office Not A Shield to Protect Criminal Behaviour**

Some complainants have sought to use the office of the Ombudsman as a shield against prosecution. The following cases illustrate this point:-

**Case No 1879**

Complaint Against A Corporal

**15<sup>th</sup> September, 2006**

**Dear Mr. G:**

**RE: YOUR COMPLAINT AGAINST CPL. PALOMO**

Yesterday, 14<sup>th</sup> September, 2006, I personally visited Ladyville Police Station where I interviewed the Officer in Charge of the shift, Sgt. Humes. He was also in charge on the evening of Friday, 8<sup>th</sup> September, 2006, when the incident, the subject of your complaint, occurred.

Mr. H informed me that there was nothing specifically that he noted about the incident because the detention of your son was handled in a routine way.

I questioned him about the denial of the use of the phone to Z. He answered that as far as he knew your son had not requested any phone call. The denial of water and food was something that he would not countenance.

It seems to me that it would not be unreasonable of you to reply to the above statements of the Sergeant by saying that he is only supporting his officers and that what I was told by them should not be accepted by me as gospel truth. My reply would be that what you are claiming may be true.

However, it may be of interest to you to know that the interception of your son's vehicle was not accidental. I have learned that on the said evening the Police were on alert for a convoy of vehicles from Belize City, allegedly headed to Orange Walk to do robberies. One of the vehicles was the one your son was driving, and what would have aroused the interest of any lawman about your son's presence on the highway was the fact that he was being accompanied by D and T, both deportees from the United States of America.

It might interest you also to know that on my way home on Thursday evening, 14<sup>th</sup> September, 2006, about 5 P.M. while traveling on Dean Street between Plues and George, Mr. Lionel Castillo, Investigator in the Ombudsman Office, saw your son's vehicle parked on Dean Street in the neighbourhood of the George Street Boys. Mr. Castillo suggested we circle around to make sure, but within a few minutes of our return; the vehicle was gone.

Sir, considering all I have told you, one could still reasonably conclude that the Corporal did abuse your son. However, your son's words alone also do not prove it to me. This brings me to the point I am duty-bound to make to you.

*The Office of the Ombudsman operates within the context of the law, public order and the common good. The laws of Belize require compliance by all citizens. The common good and public order demand the respectful obedience of all citizens to the laws, including the ordinary citizens and public authorities. The Ombudsman requires compliance by both citizenry and public authority for the preservation of civilized living. One consequence is that the Ombudsman cannot take sides when a complaint is made.*

*The Ombudsman will continue to monitor the behaviour of the Police and recommend disciplinary measures against defaulters, but who will monitor citizens when they break the laws?*

*Finally, I must share my concern with you about the friends of your son. My opinion is that as long as he keeps company with persons of ill repute the Police will continue to have the unpleasant duty of monitoring him. I will continue to insist that they do so with restraint and patience, respecting the dignity of the human person.*

---

Paul Rodriguez  
(Ombudsman)

## LANDS DEPARTMENT

Complaints Received	Complaints Closed	Complaints Open
20	12	8

### CASE NO 1902, 1922, 1924

Of the twenty cases of complaints involving intervention by the Lands Department three pertained to the Bomba area where land tenure has been an issue for decades.

When the Ombudsman received the following letter from the Land Adjudicator, he closed the three files:-

**October 25, 2006**

**The Office of the Ombudsman  
#60 Douglas Jones Street  
Belize City**

**Dear Sir:**

Your letter ref: EROMB/2006 dated October 10, 2006 came to the attention of the Land Management Program for action.

You, no doubt, are aware that the village of Bomba in the Belize Rural North (I) adjudication section is being adjudicated at the moment.

Your concern over the **“Cabanas Land”** is a matter under adjudication presently.

However, you can be assured that at the completion of the adjudication exercise, all land tenures in the section will be established with certainty and finality.

**Yours truly,**

---

**Mr. J.H. Hertular  
Land Adjudicator**

## **CIVIL MATTERS**

In this report we are accounting for 72 matters brought to us in complaints of civil matters.

Most of these complaints, if unattended, would have caused festering resentments, conflicts, and maybe worse.

The complainants sought the services of the Ombudsman as the last avenue for affordable redress.

Through this medium the Ombudsman informs the whole nation to make use of his services, even where grievances are caused and directed to private persons and entities.

The following samples highlight the desirability of this work.

Twenty nine (29) of these civil complaints were concerned with property disputes. Here are a few samples:-

### **Case No 1769**

The complainant, a tenant, was given a notice to vacate:

Letter of 21<sup>st</sup> April, 2006:

**21<sup>st</sup> April, 2007**

**Dear Ms. F:**

You are hereby given notice that the undersigned is terminating your tenancy at the premises where you are a tenant from month to month. This termination is to be effective on 30<sup>th</sup> April, 2006 and you must continue to pay rent until this date.

You are required to vacate and surrender possession of the premises to the undersigned on or before the above date, free of all occupants and personal possessions. Upon termination all arrears must be paid in full and any damages

to the property must be repaired to its original condition or will otherwise be dealt with according to law.

If you fail to vacate the premises by the above date, the undersigned may commence eviction proceedings against you and/or exercise other available rights and remedies under the law.

Thank you for your anticipated cooperation.

**Very truly yours,**

---

**Ms. P**

The Ombudsman informed her as follows:

1. Your landlady needs to give you 30 days notice.
2. If you fail to vacate, the matter must be taken to court.
3. This is a civil matter to be decided by a court of law. The police have no business intervening, except to preserve the peace.

**Case No 1804**

***Does a landlord or landlady have the right to interfere in the private affairs of a tenant?***

***The Ombudsman told this complainant “No”. The landlord has no right to interfere.***

**1<sup>st</sup> June, 2006**

**Dear Mr. C:**

This is to inform you of the law regarding tenancy.

As I understand the situation with your sister. She is a tenant in the house of which you are the caretaker. Because you have been accepting her rent, you are her landlord and have certain obligations towards her. They include her use of the place to carry on her private home life – without interference or hindrance by you. Therefore any act of interference may be considered an act of harassment for which she could take you to court.

Furthermore, if you want to terminate her tenancy, you must give her one month's notice in writing. If she fails to remove herself from the premises, you need to take the matter to court. You may not harass her.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

**Cc. Maskal Policeman**

**Case No 1806**

In this case, it is the landlady who seeks help. The Ombudsman advises her against arbitrary moves.

**5<sup>th</sup> June, 2006**

**Dear Mrs. H:**

Attached please find a letter of notice to the persons now occupying the building of which you are the caretaker. As I explained to you these persons have to be given a month's notice in writing.

With respect to the utility bills:- Because those utilities were supplied to you, the companies have no claim on your tenants, but only on you. Therefore you must pay them in full.

However, you may take your tenants to court to claim from them what they should pay. There is a problem. You will need to prove that the rent did not include utility costs.

You will also need to establish their level of consumption. This may be difficult. The best you may hope for is an amicable arrangement.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

**Case No 1850**

To close this case the Ombudsman wrote the complainant the following letter:-

**15<sup>th</sup> September, 2006**

**Dear Ms. B:**

Attached is a letter to Mr. P summarizing the dispute between you and him and requiring him to refund the month's rent you paid to him.

If you or he is not satisfied with my recommendation, you or he may seek adjudication in court.

Thanks for making your complaint to the Ombudsman.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

The following letter outlines the complaint.

**14<sup>th</sup> September, 2006**

**Dear Mr. P:**

In August you visited my office to inform me of your side of the story in the dispute with Ms. B over the renting of a house in Vista Del Mar for which you are the agent.

You claimed that on 8<sup>th</sup> April, 2006, you and Ms. B agreed that she would rent the house. She would pay for two months with the rent starting to run effective 1<sup>st</sup> May, 2006. The second month's rent would be a deposit. No rent would be charged for the remaining days of April. That time would be used by you to effect certain changes to the premises. At the end of May you asked from Ms. M, Ms. B's agent, for the rent for June. On the 3<sup>rd</sup> June you again asked Ms. M, for the rent and warned her that you would have to rent the house to someone else. On that same day when you did not obtain the rent required from Ms. B's agent, you rented the house to someone else.

At the end of our meeting Ms. B – Mr. P – Ombudsman on Monday, 4<sup>th</sup> September, before you departed from my office, Ms. B returned two keys to you, which were the keys to the house you had purportedly rented to her. This single fact clarified the main issue involved: i.e. you had rented a house to Ms. B and without her consent you had entered that house and permitted someone else to occupy it.

Perhaps then you were not aware of the provision of the law that stipulates that to end a tenancy the tenant must be given notice in writing to vacate the rented premises within thirty days.

Another provision of the same law requires that ejection be effected only by order of a court.

In the light of the above two provisions, the question about tiles, carpet, fence and cleaning of the yard fade into insignificance compared with the obvious breaking of the tenancy law by you.

Therefore, although Ms. B may complain to the Police for a charge of burglary against you, I will recommend to her that if you refund the rent for May, she accept it and shake hands and part in peace. This must be effected within ten days of your receiving this letter or else Ms. B will pursue this matter with the Police and the Courts.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

**Case No 1862**

After the court has spoken, all that an evicted tenant may do is ask for compassion.

This complainant did so using the Office of the Ombudsman.

***Letter of 11<sup>th</sup> August, 2006***

**11<sup>th</sup> August, 2006**

**Dear Mrs. K:**

I received the letter from your lawyer on Friday, 4<sup>th</sup> August, 2006, giving me until Tuesday, 15<sup>th</sup> August, 2006, to vacate your property.

Please believe me that I have now completely accepted the judgment of the court. Consequently, I and my family are now dependent on your good will to give us a little more time to find a place to move to.

Even now I am searching for a place everyday to rent; and as soon as I find one, we will vacate your place.

Please give me a bit more time, but if I find a place tomorrow; I shall move immediately.

Thanks!

**Respectfully,**

---

**Mrs. H**

**Case No 2001**

A Reminder that Freedom of Religion and Right to Property are basic rights protecting everyone.

**A REPORT: LITTLE BELIZE MENNONITE COMMUNITY SEEK HELP**

Today leaders of this ultra conservative Mennonite Community sought the advice and help of the Ombudsman, to deal with problems resulting from the actions of a breakaway member, Mr. B.

With the help of supporter(s) of Spanish Lookout, a more liberal community in the Cayo District, he has built a competing church building right next door to the entrance to Little Belize. They want to know what they can legally do.

The Ombudsman advised that as long as the land belongs to the builder of the church, there is nothing they or anyone else can do. Freedom of religious practice is protected by our Constitution. They may do nothing illegal to prevent the dissident from worshipping according to his conscience and from attracting others to do so.

Protecting the young people of the colony is the crux of the problem. Therefore the Ombudsman advised that they should set up a watch so that they can be alerted when the competing churchman arrives to give them the warning to move all their young people out of “harm’s” way.

The Ombudsman suggested that they should hire a bus and he would make a tour of Belize City to show the youths all the squalor that loose moral living causes. This he suggested, because he was told that the young people are attracted to the new church; because they are offered a new teaching which allows secular practices like drinking liquor and womanizing.

He further emphasized that once their children reach the age of adulthood – eighteen – they are free to do as they please. Therefore they must use their wisdom to teach the young gently the wisdom and attractiveness of their way of life.

**Signed:**

**Paul Rodriguez  
(Ombudsman)**

**Case No 1840**

In this case one of the heirs of a deceased person sought the services of an attorney to carry out the eviction of another heir.

Following the advice of the Ombudsman, the person wrote the attorney the following letter:

**Dear Mr. W:**

I received your letter of June 29<sup>th</sup>, 2006. I would like to inform you that I lived with Ms. X for eighteen years. As his common law wife, I am entitled to benefit from his estate. I have consulted and gotten advice and am taking my case to Legal Aid.

Kindest regards to you.

**Sincerely,**

---

**Ms. E**

**Case No 1944**

Does five (5) years of occupation constitute squatters rights?

In the letter below the Ombudsman answers:-

**22<sup>nd</sup> November, 2006**

**Dear Ms. T:**

**RE: YOUR OCCUPATION OF LOT**

Ms. P of a Belize City address today showed me documents which unmistakably prove that she is the rightful owner of the lot, which you are now occupying.

Ms. P has asked me to intervene to bring about an amicable settlement of the problem you have created for yourself. Therefore, I inform you as follows:

1. 5 years of illegal occupation does not constitute squatters rights;
2. As of today, 22<sup>nd</sup> November, 2006, you are hereby conceded until 22<sup>nd</sup> January, 2007, to vacate the land which you now illegally occupy;
3. You are to remove whatever structure you have on it.
4. Unless you comply with the above instructions, she will refer this matter to the Courts, where you will also be charged with trespassing, which is a Criminal act.

To conclude, it is very important for me to inform you that because the Ombudsman does not take sides, if you show me during the time of notice to vacate that you have a legal title to this parcel then the Ombudsman will withdraw any support for your removal.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

**Case No 1889**

Should you invest in improving someone else's property?

**22<sup>nd</sup> September, 2006**

**Dear Mrs. Z:**

The matter of safeguarding your rights upon making an investment to improve a property which belongs to another is a delicate matter, when it concerns a relative as close to you as a daughter. Obviously whatever measures are taken by you could be regarded as an expression of lack of trust, which might be hurtful to your daughter. However, in these matters, a measure of wisdom is necessary. Therefore, I am attaching a form, which we have composed at our office, suggesting that you ask your daughter to sign it before you undertake the proposed improvements to the property.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

**THE AGREEMENT**

**BELIZE**

I \_\_\_\_\_ (owner) of #27 Teakettle Village, Cayo District, Belize AND

\_\_\_\_\_ (investor) of #27 Teakettle Village HEREBY MAKE this **Agreement of**

**Life Interest** dated this \_\_\_\_\_ of \_\_\_\_\_ 2006. In support of our Agreement we submit the following:

(a) Deed of Life Interest between \_\_\_\_\_ owner of property and  
\_\_\_\_\_ investor to said property.

(b) A certificate of Title to the land, estate and interest charged under the agreement.

(c) The owner shall not interfere or remove investor from property.

(d) Shall be binding without prejudice to any other agreement, will or assignment to any other person from this date forward to the said property.

(e) The owner being the registered proprietor of the land, estate and interest as set forth in

Minister Fiat Grant No. \_\_\_\_\_ of title in \_\_\_\_\_ favor dated the \_\_\_\_\_, in consideration of the payment to \_\_\_\_\_ owner of the sum

of **e.g. Ten Thousand Dollars** by the investor and other causes and consideration here there both here by constitute an **Agreement of Life Interest** on the said land in favour of the

investor, the said investment being **e.g. Ten Thousand (\$10,000) dollars** Belize currency.

And the owner hereby request and authorize \_\_\_\_\_ the investor to enter the said Agreement of Life Interest and to note the same according to law.

In Witness whereof the parties have signed and sealed these presents in the presence of the following witnesses.

Owner \_\_\_\_\_ )  
Name \_\_\_\_\_ )

\_\_\_\_\_ )  
Witness \_\_\_\_\_ )

Investor by \_\_\_\_\_ )  
Name \_\_\_\_\_ )

\_\_\_\_\_) )  
Witness )

\_\_\_\_\_  
**Justice of the Peace**

**Dated this \_\_\_\_\_ of 2006**

**Case No 1828**

May a policeman on his own without a warrant from the court evict a tenant?

The Ombudsman said **“No”** and informed the policeman accordingly.

Note of 11<sup>th</sup> April, 2006

**11<sup>th</sup> April, 2006**

**Dear Officer:**

Allow me to inform you as follows:-

Only a court of law may evict a person from a place where he has been living. A mere letter of notice does not satisfy this point of law. Mr. S has to take this matter to court.

**Signed:**

**Paul Rodriguez  
(Ombudsman)**

## **PRISON**

Notwithstanding the improved conditions at the Hattieville Prison, this report includes 14 complaints. The four major complaints were not supportable by the Ombudsman. The rest were not complaints of abusive actions by the prison authorities but rather seeking help from him to obtain privileges?

### **Case No 2036**

In this complaint a mother claimed to the Ombudsman that her son was being deprived of visits. He immediately intervened with a call to the Director of the Prison and obtained a permission for her to visit with the inmate. The Ombudsman himself took her to the prison and wrote the following letter to the Director the day after:-

**25<sup>th</sup> April, 2007**

**Mr. Marlon Skeen  
Director,  
Kolbe Foundation  
Hattieville Prison,  
Belize**

**Dear Mr. Skeen:**

**RE: INMATE**

Thank you very much for approving the visit of the inmate with his mother, Ms. J and his sister D. We had a very good visit. Ms. J was very glad to see that her son was in good spirits and fairly good health. However, would you kindly check into five issues that the Inmate raised.

1. He is a diabetic, and no medical attention has been rendered to take care of this.

2. When he was admitted 4 items were checked and received by G.I. Sherlette Hill and P.O. Robert Hernandez. They are: \$285.00 u.s., \$37.25 Bze, 1 MP3 video camera, 1 smart phone.

However, he was not given a receipt.

5. May he not have access to his own clothes and toiletry that were checked in when he was readmitted?

Finally, I understood from our conversation that the inmate would be allowed visits from his close relatives.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

On 4<sup>th</sup> May, 2007, Mr. Skeen answered the queries made by the Ombudsman.

**May 4<sup>th</sup>, 2007**

**Mr. Paul Rodriguez  
Ombudsman  
#60 Douglas Jones St.  
Belize City,  
Belize**

**Dear Sir:**

**RE: INMATE**

As per your ref regarding concerns raised by the inmate, kindly note the following responses to your inquiries:

1. He is diabetic, and no medical attention has been rendered to take care of this.

Response: Several diabetic tests were done and the results indicated negative for diabetes.  
Since your inquiry another test was done today. This result will be available in two weeks time and a copy of the result will be forwarded to you (see attached medical report).

2. When he was admitted 4 items were checked and received by G.I. Sherlette Hill and P.O. Hernandez. They are: US\$285.00; BZ\$37.25; 1 MP3 video camera, 1 smart phone.  
However, he was not given a receipt.

Response: Usually, when a person is admitted to prison, items classified as “Unauthorized” are removed and held in safe keeping by prison authority. A receipt is issued and these items are returned upon his/her released. If it is cash, he can make withdrawals not exceeding \$40.00 weekly (\$20.00 two times per week).

However, if the person is an escapee – in the case of Inmate Marin – who is being returned to prison, then these items are confiscated.

Kindly note, at present these items are not considered confiscated goods but are only being held in safe keeping by prison authorities.

The Police department believed that these are items acquired from robberies conducted in the Stann Creek District during the time Inmate Marin was a fugitive.

We will continue to hold these items until the police conclude their investigation and at which time they will either be handed over to police authority or seized by prison authority.

3. May he not have access to clothes and toiletry that were checked in when he was readmitted?

Response: as mentioned above, items found in inmate Marin’s possession are being held as possible evidence in pending police investigation(s).

In regards to visits by close relatives, permission is being granted for him to received weekly visit by his mother only.

We hope that you find the information provided helpful. If you need further clarifications, kindly contact us.

Sincerely,

---

**Mr. Marlon Skeen  
CEO,  
Kolbe Foundation**

**Case No 1968**

Through this complaint an inmate sought to query why he was still in prison, having served his time.

The following letter clarifies the position.

Letter of 20<sup>th</sup> December, 2006

**20<sup>th</sup> December, 2006**

**Dear Mr. W:**

**RE: COMPLAINT MADE TO THE OMBUDSMAN, TUESDAY, 19<sup>TH</sup>  
DECEMBER, 2006**

Yesterday during a tour I made of the prison you informed me that you had already served your time of 5 years and 4 months, yet you are still in prison.

I have checked into your case and have been informed as follows:

On Friday, 8<sup>th</sup> December, 2006, you appeared before a prison tribunal on a charge of drug trafficking in the prison, having been caught with one quarter pound of marijuana on your person you were found guilty and as a result must continue to serve time in prison until 8<sup>th</sup> January, 2009.

What else can I say to you?

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

**PROFILE OF AN OMBUDSMAN**

- He/she is impartial
- He/she does not take sides until after an investigation
- He/she supports his/her opinion based on facts, truth, justice, fairness and compassion
- He/she does not support criminal behaviour
- He/she promotes the dignity of every human being

## **SOME SAMPLES OF INFORMAL COMPLAINTS**

- Mr. G, sought help for his son, arrested and charged with robbery. While he tried to prove the innocence of his son, the Ombudsman told him that he would need to have corroborative evidence that his son was not involved. Mr. Castillo, Investigator, later found out that the charge was supported by a statement made by one of those accused of the crime.
- Mr. L, inmate of Hattieville, requested a recommendation from the Ombudsman to be used for parole purposes. The Ombudsman explained that the recommendations he needs must come from the people who supervise him daily at the prison.
- Ms. Y, sought help for her son, remanded on a charge of the murder of a person. She insisted that her son had nothing to do with the murder but could provide no proof that he could not have been the murderer. The Ombudsman informed her that a person would have to come forward to him, independently of her, and make a sworn statement that would remove suspicion from her son. The Ombudsman would submit that statement to the DPP who would decide on its merit.
- Ms. B, sought help, claiming that her son had been detained by the Police for no good reason. The Ombudsman contacted Sgt. Flowers and suggested that if the Police had no charge against the youth he should be released. About an hour after he called back and reported that the youth had been released.
- Mr. V, sought help after being dismissed. He was paid his wages but not any benefits. This is according to the law if there were truly just causes to dismiss. The Ombudsman referred this point to the Labour Department for them to verify that the dismissal was for just cause.
- Mrs. X, of a Belize City address sought help against Mr. P of a foreign collecting agency that harasses her with phone calls threatening legal action. The Ombudsman advised that she should ignore the calls, if she has signed no agreement, then there is no legal obligation.

- Mr. C, complained to the Ombudsman of a noisome effluence on his street. The Ombudsman advised him to consult the Health Inspector in San Pedro and if he did nothing to take the matter to court himself, according to the provisions of the Nuisance Act.
- Mr. V, of a Belize City address sought help. His vehicle had been impounded by the Ladyville Police. It is a Toyota Camry. The Ombudsman referred the matter to Sgt. Rivero of the IAD who later informed the Ombudsman that the vehicle was one of two vehicles the Police thought had been used in a robbery. This point was clarified and the vehicle would be released at 2 p.m.
- Ms. J, sought help for her niece, who has been remanded in prison for fighting and damaging property belonging to her common-law husband. The attacks by Ms. E, the niece, is a consequence of her catching the man with another lover. The Ombudsman informed her that only the Supreme Court could change the decision of the Magistrates' court for Ms. E to serve one month in remand. Furthermore, her niece needs to be convinced that she cannot force faithful love. He will counsel her if she comes to see him.
- Ms. T, of a Belize City address, sought help to withdraw a case against four policemen charged with having sex with her 15 year old daughter. She complained of intimidation and threats which made her think that withdrawal of the case would be best for everyone concerned. The Ombudsman advised her that he could not intervene in advocating any withdrawal of the case. She and her daughter would need to do this.
- Mr. P, sought help to avoid prosecution in a case of child molestation. The mother, of a Belize City address accompanied him. Because there was a restraining order against his making physical contact with the mother of the child, the Ombudsman warned Mr. P to leave the child's mother and not to make any further contact or he could be taken to jail forthwith. He left alone. The Ombudsman told the mother that prosecuting the case depended upon Family Services.
- Mr. A, sought help to obtain information from the Land's Department on behalf of a friend. The Ombudsman informed him that he had to show some proof of having authority to act on behalf of Mr. Y.

- Mr. V, sought help of the Ombudsman. His brother has been held since 9 a.m. Tuesday, 5<sup>th</sup> December, 2006, and has not been charged. The Ombudsman explained that the Police may hold him for 48 hours. He telephoned Supt. Henderson who informed him that Mr. X is reputedly involved in criminal activities and may have been involved in a discharging of a weapon. However, he is not sure there is enough evidence to charge him. He will therefore probably be released today.
- Mrs. C, sought help to have a claim for adjustment of benefit to be processed by Social Security. The Ombudsman spoke to Ms. K, the Benefits Claims Officer, and she informed him that the matter had been attended to and Mrs. C could claim her check.
- Ms. Z, owes BEST money and the court has issued a warrant for her arrest and incarceration. The Ombudsman informed her she must make a payment and request an extension.

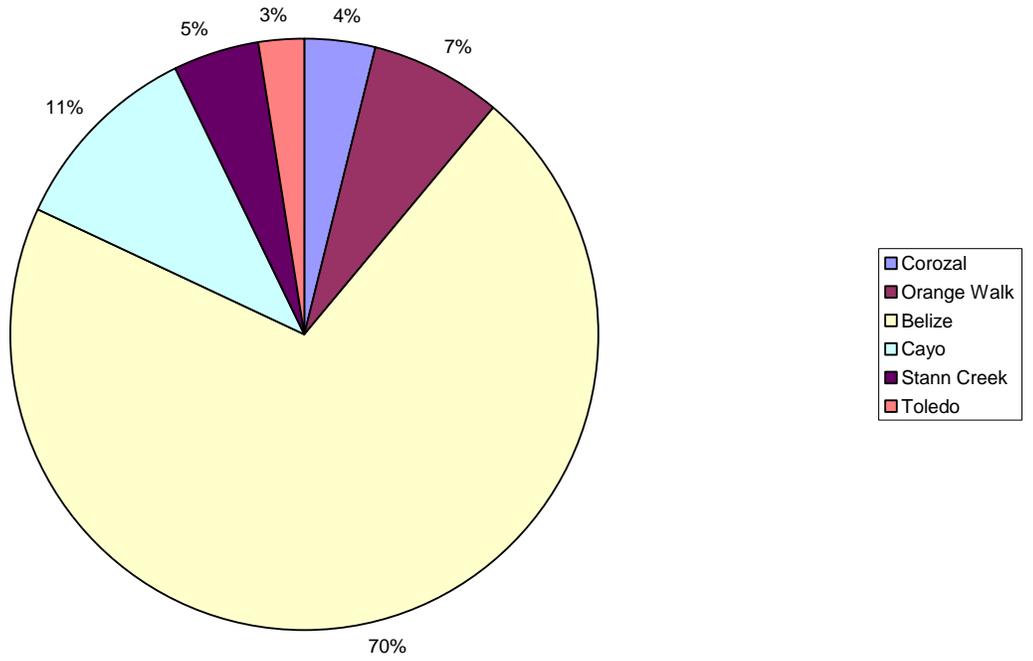
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### ➤ **PUBLIC ORDER**

To achieve public order every citizen must realize that there are no absolute rights. The Belize Constitution speaks to this where it says:

“the provisions 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 (Ch II, 3, (d).”

Formal Complaints by District



## A SUMMARY OF ALL THE DEPARTMENTS

<b>Ministry or Department or Authority</b>	<b>Cases Resolved</b>	<b>Open</b>	<b>Total</b>	<b>Average Time of Resolution</b>
<b>Police Department</b>	<b>84</b>	<b>17</b>	<b>101</b>	<b>29 days</b>
<b>Lands Department</b>	<b>12</b>	<b>8</b>	<b>20</b>	<b>120 days</b>
<b>Civil Matters</b>	<b>76</b>	<b>6</b>	<b>82</b>	<b>9 days</b>
<b>Magistrates Court</b>	<b>8</b>	<b>4</b>	<b>12</b>	<b>4 days</b>
<b>Family Court</b>	<b>17</b>	<b>0</b>	<b>17</b>	<b>33 days</b>
<b>Labour Department</b>	<b>12</b>	<b>5</b>	<b>17</b>	<b>73 days</b>
<b>Ministry of Health</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>23 days</b>
<b>Ministry of Immigration &amp; Nationality</b>	<b>7</b>	<b>1</b>	<b>8</b>	<b>14 days</b>
<b>Benque Town Council</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>122 days</b>
<b>Ministry of National Development</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>- days</b>
<b>Ministry of Housing</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>- days</b>
<b>Social Security</b>	<b>10</b>	<b>0</b>	<b>10</b>	<b>5 days</b>
<b>Customs Department</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>6 days</b>
<b>BDF</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>- days</b>
<b>Ministry Education</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>98 days</b>
<b>Port Authority</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>7 days</b>
<b>Belmopan City Council</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1 days</b>
<b>Ministry of Home Affairs</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1 days</b>
<b>Registrar General</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>62 day</b>
<b>Director of Public Prosecutions</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>9 days</b>
<b>Airport Authority</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>17 days</b>
<b>Ministry of Transport</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>3 days</b>
<b>Coast Guard Service</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>16 days</b>
<b>Youth Hostel</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1 day</b>
<b>DFC</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>27 day</b>

<b>Treasury Dept.</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>6 day</b>
<b>Hopkins Water Board</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>79 days</b>
<b>Belize Water Services</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>2 days</b>
<b>Ministry of Works</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>10 days</b>
<b>Ministry of Finance</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>15 days</b>
<b>Family Services</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>39 days</b>
<b>Hattieville Prison</b>	<b>15</b>	<b>0</b>	<b>15</b>	<b>18 days</b>
<b>Village Council</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>- day</b>
<b>Fisheries Department</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>- day</b>