

National Integrity Action's Response to Bushing Claims and Political Intimidation

In upholding the good governance principles of accountability, transparency and the rule of law, National Integrity Action (NIA) calls on the Office of the Contractor General (OCG), the Office of the Political Ombudsman (OPO), and the Office of the Public Defender (OPD) to conduct urgent investigations, and to report to the public promptly on their findings in relation to events concerning the upcoming Local Government elections, which appear to be in clear violation of Jamaica's Charter of Fundamental Rights and Freedoms, the Agreement and Declaration on the Code of Political conduct, the Representation of the People Act, and rules governing procurement of public contracts.

Chapter 3 Section 13.3(i) of Jamaica's Constitution indicates "*the right to freedom from discrimination on the ground of... political opinions*". NIA asks the question: "***To the extent to which persons clad in green appear to constitute the overwhelming majority of individuals engaged in 'bushing' exercises, is there not a basis to investigate whether or not persons of other political affiliations are being discriminated against?***" This matter falls within the purview of the OPD, and persons who feel themselves so aggrieved are encouraged to make reports substantiating any allegation of discrimination.

Along the same lines, Jamaica's Code of Political Conduct signed by both the Peoples National Party and the Jamaica Labour Party states that "*Candidates or others acting on behalf of candidates... must not use funds derived from any source, public or private, to improperly influence electoral choices.*" Furthermore, the quote goes on to say that "*Officials who... have control or influence over the appropriation of public funds... should not discriminate against any individual, group or community on the basis of political allegiance or support.*"

NIA calls on citizens whose experience suggests breaches of these clauses to report same to the OPO for investigation.

In specific relation to the allocation of 600million dollars for 'bushing' on the basis of a Cabinet decision, NIA calls on:

- (a) the OCG to investigate as a matter of urgency whether there has been any impropriety or breach of GoJ public procurement guidelines with respect to the award of contracts, and, as importantly, the award of sub-contracts utilizing these public funds; and
- (b) the Director of Elections to cause the Police to investigate whether there is any violation of Section 91 of the Representation of the People Act making it illegal to buy or sell votes or to engage "bribery and treating".

Finally, we refer to the statements attributed to the Leader of the Opposition made at a political meeting in SE St. Ann on November 16, 2016, which reads in part, "*I know who to bring with me next time. Nuh body nuh trouble me and get wey!... Me nuh fraid a nuh bway or nuh gyal...*"

On the face of it, this statement appears to be in clear violation of the following clause relating to "public utterances" in the Agreement and Declaration on the Code of Political Conduct, "*Party officials (including platform speakers) should not make statements, which are inflammatory or likely to incite others to confrontation or violence.*" Furthermore, "*No person should engage in... or otherwise encourage any form of... intimidation in their political activities.*" NIA calls on the OPO to investigate whether the aforesaid statement constitutes a breach of the Code of Political Conduct, to indicate her findings, and to take the appropriate action.

NIA makes these observations, and these requests in the interest of ensuring that Jamaica's Constitution, relevant laws, codes and regulations are not violated in the course of the current Local Government election campaign.

/November 22, 2016