

## The Holness legacy & constitutional reform



Mario Boothe  
The Observer



HOLNESS... among the first 100 days activities promised are reforms (Observer file photo)

The recent general election that saw an electorate turnout of 47 per cent, ending in a parliamentary margin of 32 -31 seats between Government and Opposition, respectively,

with many seats closely contested, has drawn much-needed attention to how government essentially functions and how we go about electing political representatives.

It is expected that Andrew Holness and his new Jamaica Labour Party (JLP) Government will have critical constitutional reforms to implement with the input and cooperation of the Opposition, but most importantly civil society as the Partnership for Jamaica (PFJ) articles dictate.

Leading into the general election, Andrew Holness on a platform singled out that his first 100 days would feature constitutional reform.

Based on the fulfilment with this promise, I believe that it's safe to put forward that the first post-Independence generation prime minister of Jamaica's legacy will largely be crafted by his continued interaction with the social media era youth, who increasingly prefer to engage the process via the virtual space. Policy, politics, and change are common themes of this virtual discourse.

There has been in recent times a major interest in constitutional reform as it gains priority among the informed youth, placing it in line with jobs, affordable tertiary education, cheaper housing and the general economy.

### **A lasting legacy**

Jamaica's politicians seem to specialise and thrive on creating minor projects to put their name and party colour on. This practice of shortterm fixes for votes can only breed discontinuity when major projects are to be completed after a switch in Government. There has not been recent leadership that creates national consensus around what legacy resembles; too many Jamaicans are unable to link successes to governments.

The new prime minister now has overwhelming support for constitutional reform and governance that crosses the political, ideological and age divides. I believe there couldn't be a better time for PM Holness to cement his legacy early by generating actual reforms from the civil discourse. The energy is backing reforms, including but not limited to: Fixed election dates, separate executive from parliament, term limits, job description for MPs, an elected Senate, local government autonomy, impeachment, recall, and many other customisable reforms.

Many of these of these reforms would require, as stated by the Jamaican Constitution, a two-thirds majority or a referendum to rectify the changes. These deep, systematic changes are not brick and mortar, job-creating infrastructure projects that will bear the name "Holness Highway", but nonetheless they carry as much significance for a 'maturing' democracy that must begin to wean the politician's uncontested authority and empower the people.

### **Good for governance and economy**

An immediate change in how citizens are asked to engage with Government and contribute to their own governance will be felt among the newly empowered population. The relationship between civil society will become more than Government with watchdogs, but fully incorporated partners in Jamaica's governance. The civil society members of the PFJ must now task themselves with not only providing scheduled counsel to the new Government, but being proactive and create strong working groups that will prioritise and formulate the best implementation strategy.

The overhaul of the governance structure can only serve to improve accountability and transparency, with the demand on political representatives to seek his/her constituents' consensus on major issues before they vote on policies in Parliament.

Any argument that divorces the governance from the economy is false; the economy depends on stern stewardship with honest hands to guide the fiscal ship. For too long our public finances have been treated as a political feeding table, with large proportions going to political mercenaries and activists who are often major business people like construction contractors. By now, linking the betterment of our nation's democracy to the legacy of reforms that Andrew Holness and his team have promised, we will be placing a moral duty on those required to fulfil the promises.

Mario Boothe is an Occupy Jamaica activist, digital advocat, blogger and student. Send comments to the Observer or [m.raphael.b@gmail.com](mailto:m.raphael.b@gmail.com)

# Prioritise Rollout Of National Restorative Justice Programme

The Gleaner



Carla Maria Gullotta

Restorative justice is a model of dispute resolution that is reaping much success in the pilot communities in which it has been implemented. When citizens are provided with alternative avenues to discuss and resolve grievances, the pressure that is normally placed on the courts and penal systems is significantly reduced.

Restorative justice allows conflicts to be diffused even before they escalate to a violent stage. This alternative is a proactive approach to justice and cuts down the number of cases that will have to go before the courts and also the number of persons who are sentenced to prison.

While it remains difficult to put an exact figure to the savings that accrue to Government through restorative justice, having one less mouth to feed in prison and one less case to clear in the courts is a tremendous benefit to the country.

This is why Stand Up for Jamaica (SUFJ) is appealing to the newly-appointed Minister of National Security, Robert Montague, to fast track the rollout of a national restorative justice programme along with the attendant legislation.

Work had already begun in this regard and should now be prioritised by the new security minister. We know that many things will compete for the minister's attention as he tries to bring Jamaica's crime under control and we highly recommend a national restorative justice programme as one initiative that can aid him in this regard.

SUFJ's work in the island's correctional facilities has been advanced by use of the principles of restorative justice. A large part of the rehabilitation of inmates, through the various SUFJ programmes, is providing them with sustainable tools for conflict-resolution.

SUFJ has partnered with the Restorative Justice Unit within the Ministry of Justice to sensitise inmates about restorative justice. In fact, some of them have actually indicated strong interest in going through the process.

SUFJ remains committed to the rehabilitation of inmates and views restorative justice as a viable path for their reintegration into the society. Restorative justice bridges the gap between inmates and their victims and can serve as a bulwark against recidivism. It is through restorative justice that the problem of overcrowded prisons can be addressed over a long-term basis as it helps in keeping people out of prison and advances the exit of inmates from correctional facilities.

Keeping petty offences out of the courts will mean that less Jamaicans will end up with a criminal record. The impact of this can be compared to that envisioned by the amendments made to the Dangerous Drugs Act, which makes possession of two ounces or less of marijuana a non-arrestable, ticketable offence, that attracts no criminal record.

As Jamaica faces a new chapter of hope with the transition to a new Government, we must redouble our efforts to use restorative justice as a tool to plant the seeds of a more forgiving and caring society. In doing so we will be creating an environment where reasoned discussion and conflict resolution becomes the norm and the elements of the society which breeds criminality can be effectively countered.

If we empower people to solve conflicts amicable through the tools of restorative justice we will undoubtedly keep more citizens out of prison and in so doing create a more humane society.

**- Carla Maria Gullotta is Italian Consulate to Jamaica and Executive Director of SUFJ, a human rights groups that carries out rehabilitation work with inmates in the island's correctional facilities. Email feedback to [columns@gleanerjm.com](mailto:columns@gleanerjm.com)**

# St Ann Businessman Convicted For Wife's Murder

Barbara Gayle

The Gleaner

St Ann businessman Bertram Clarke and his co-accused, Arthur Robinson, are to be sentenced on April 21 for the murder of Clarke's wife.

They were convicted yesterday by a 12-member jury in the Home Circuit Court. The jury retired for almost three hours before returning the guilty verdict.

Senior Puisne judge Gloria Smith, who presided at the trial, ordered a social enquiry report. Florist Clarke, 74, was found at the couple's home in Watt Town, St Ann, on the night of October 26, 2007, with her head bashed in and her throat slashed. She was taken to hospital, where she died.

The Crown, represented by Senior Deputy Director of Public Prosecutions Lisa Palmer Hamilton led evidence that her husband plotted with two schoolboys from a high school in the parish to carry out the murder. Then schoolboy Robinson and another schoolmate, Emanuel Newland, were implicated in the killing. Newland pleaded guilty and is now serving a 15-year sentence.

Smith excused the 12 members of the jury from serving for the next 10 years. She said that the jurors had served for a prolonged period. The murder trial started on November 9, 2015, had several adjournments in December, and ended yesterday. Smith thanked the jurors for what, she said, was their sense of service to their country.

# Husband, co-accused convicted of wife's murder

The Observer



KINGSTON, Jamaica — The “marathon trial” of Bertram Clarke and Arthur Robinson, who were charged for the offence of murder, was concluded today.

According to a news release from the Office of the Director of Public Prosecutions, a 12-member jury returned unanimous verdicts of guilty for both accused to

the charge of murder.

Director of Public Prosecutions (DPP) Paula Llewellyn said the 15-week trial is by far one of the longest, if not the longest trial to have been conducted before the Home Circuit Court in Kingston.

The trial commenced on November 9, 2015 before Justice Gloria Smith in courtroom number one and caused all other criminal cases that were previously set for trial in that courtroom over the period to be adjourned, the DPP said.

The release said the case first surfaced some eight years ago in the St Ann Circuit Court, then last year was transferred to the Home Circuit Court list. “The prosecution’s case was that on Friday the 26th October 2007, the deceased, Mrs Floris Clarke, was found in a pool of blood suffering from multiple injuries at her matrimonial home in Watt Town, St Ann,” Llewellyn said. “Mrs Clarke later died on October 28, 2007 at the Kingston Public Hospital.

The Crown reported it led evidence from 17 witnesses that Clarke’s husband, Bertram Clarke conspired with two schoolboys to kill his wife.

One of these boys, Arthur Robinson, who was also from the community of Watt Town, was Bertram Clarke's co-accused in the case. The second schoolboy, Emmanuel Newland, had previously pleaded guilty in July 2011 to the murder and is currently serving a prison sentence of 15 years, the DPP said.

Bertram Clarke and Arthur Robinson are scheduled to be sentenced on April 21, 2016 and the trial judge in the matter has requested a social enquiry report for both men.

Meanwhile, the trial judge, Justice Gloria Smith, commended the jurors for their patience, diligence and tolerance in maintaining their attention and attendance over the period of the trial. Consequently, they have been exempted from serving as jurors for the next 10 years, which has been approved by the Chief Justice.

Llewellyn too offered commendation for the team from the Office of the DPP in what she described as a "very long and technical matter beset by challenges".

## **Women to pay fine or face jail time for loitering**

The Observer



KINGSTON, Jamaica – Several women who appeared in the Half-Way-Tree Petty Sessions Court today pleaded guilty to loitering and were fined \$2,000 or three months in jail.

The women, 27 in total, were last month arrested and charged as part of efforts by the police to improve public order in Half-Way-Tree, St Andrew.

The women were also ordered to stay away from Half-Way-Tree for the next three months.



A news release from the Corporate Communications Unit said operations in the St Andrew Central Division aimed at improving safety and security in public spaces are continuing.

**The End**