

MEDIA RELEASE

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

The Office of the Director of Public Prosecutions (DPP) received a Report from the Office of the Contractor General pertaining to its investigation into the- **Allegations of Corruption and Irregularity that are Related to Certain Government of Jamaica Bridge Building Contracts that were Awarded to the British Firm of Mabey and Johnson Limited.**

The DPP's Office having reviewed the Report and its attached documents has made the following findings:

- (1) It is my considered view that without more, there is insufficient material at this time which can form the evidential substratum for instituting criminal proceedings against Mr. Deryck Gibson, Chairman, Deryck A. Gibson Ltd, (former agent in Jamaica for Mabey and Johnson Ltd), for the offence of Conspiracy to Defraud at the requisite standard of proof in the criminal law which is **proof beyond a reasonable doubt.**
- (2) Mr. Joseph Hibbert, former Chief Technical Director in the Ministry of Transport and Works (MTW) between 1989 to 2003 based on his requisitions to the Office of the Contractor General (OCG), admitted to accepting monies from Mabey and Johnson for "...out of pocket expenses for travel" (**page 113** of the OCG's Report), would be considered in breach of the administrative guidelines as outlined by the Permanent Secretary of the Ministry of Transport and Works, Dr. Alwin Hales in his requisition to the OCG.

It would be a matter entirely for the relevant authorities at the Ministry of Transport and Works, the Public Service Commission and/or the Parliamentary/Political Directorate to determine what sanctions and/or other

administrative actions he would be subject to, if any, in light of the fact that he has retired from that position and is presently a Member of Parliament.

- (3) I am satisfied that there is sufficient compelling material to be referred to the Commissioner of Police and his assigned investigators for further enquiries to be made in respect of the alleged actions of a Mr. Joseph Hibbert and any other possible persons of interest as yet unknown pertaining to this matter for the purpose of possible criminal prosecution. The line of enquiry to be pursued by the Police would surround possible breaches between 2000 and 2003 of s.14 (1) (b) of the *Corruption Prevention Act 2000* (which repealed the previous *Corruption Prevention Act*) and the possible commission of a common law conspiracy.

Section 14 of the *Corruption Prevention Act* states that:

- (1) A public servant commits an act of corruption if he-
- (b) in the performance of his public functions does any act or omits to do any act for the purpose of obtaining any illicit benefit for himself or any other person;
- (4) It goes without saying that the material to be gathered by the Jamaican Police authorities has to be capable of being admitted and tendered into evidence through live witnesses in compliance with the rules governing the admissibility of evidence in criminal matters in Jamaican jurisprudence, to the standard imposed on the prosecution which is proof beyond a reasonable doubt. **The material to be gathered has to be capable of being translated into cogent, credible and reliable evidence** through the oral testimony of witnesses. The rules of evidence mandate that documentary evidence can only be admitted into evidence through a witness who is competent so to do. Inadmissible hearsay will **NOT** suffice.
- (5) Paragraph 4 has to be seen in light of the following:

- The lapse of time between the alleged commission of the offence and the commencement of the investigation
 - The integrity that must be brought to bear in the gathering of evidence of identification in light of the very high threshold that has to be attained by the prosecution for its admissibility whether by direct evidence or circumstantial evidence.
 - Sourcing the original documentation and/or proof of the available copies
 - The fact that most of the potential witnesses may still reside outside the jurisdiction and can only be accessed with the assistance of the Mutual Legal Assistance Treaty or by their voluntary co-operation.
- (6) It is only after the collection of all this material that the Jamaican Police Investigators and the prosecutorial authorities will be able to properly assess the viability of the appropriateness of going forward with a potential prosecution which will have a reasonable prospect of conviction.

Paula V. Llewellyn, C.D, Q.C.
Director of Public Prosecutions

Prepared by the Office of the Director of Public Prosecutions.
dpp@moj.gov.jm