

# **MEDIA RELEASE**

## **OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

The Office of Public Prosecutions (DPP) received a Report from the Office of the Contractor General pertaining to its investigation into the Sale/Divestment of Air Jamaica Ltd's London Heathrow Slots to Virgin Atlantic Airways.

The DPP's Office having reviewed the Report and its several documentary exhibits has made the following findings:

- (1) There is no material revealed in the Contractor- General's report to support any consideration of any offence under the *Corruption Prevention Act* by any person in relation to this matter.
- (2) That given the nature of what was stated by Dr. Omar Davies in his requisition to the Contractor -General's Office when compared with the three letters signed by Dr. Davies all dated April 23, 2007, the public interest would mandate that the matter be referred to the Commissioner of Police for further investigation in relation only to the possible breach of **section 29 (a)** of the *Contractor General Act* by Dr. Davies (a state of affairs which was also referred to by the Contractor –General).

Section 29 (a) of the *Contractor General Act* states that :-

Every person who -

- (a) wilfully makes any false statement to mislead or misleads or attempts to mislead a Contractor General ...shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

- (2) It is only after this investigation with the necessary gathering of statements from individuals whose names will be subsequently indicated to the Commissioner of Police that the Prosecution will be put in an informed position to properly assess the sufficiency of the evidence which may or may not ground a viable prosecution to the requisite standard as mandated by the criminal law.
- (3) I am always cognizant of the fact that a set of circumstances which may be suspicious can fall short in the final analysis of the requisite high quality of proof that the criminal law requires to sustain a viable prosecution.

Of course the burden always falls on the prosecution's shoulders to prove its case beyond a reasonable doubt. The evidence has to exist and be cogent, credible and reliable. If there is documentary evidence, the rules of evidence mandate that it can only be admitted into evidence through a witness who is competent so to do. If the evidence gathered falls short of the required standard then a prosecution cannot proceed and here again the public interest would have it no other way.

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

Prepared by the Offices of Director of Public Prosecutions.  
[dpp@moj.gov.jm](mailto:dpp@moj.gov.jm)