

NOTICE TO THE PUBLIC

EMERGENCY POWERS REVIEW TRIBUNAL

1. On the 7th day of July 2019, The Emergency Powers Review Tribunal (***“the Tribunal”***) was established pursuant to Regulation 38 of the Emergency Powers (No. 2) Regulations 2019 (***“The Regulations”***) after a Proclamation by His Excellency the Most Hon. Sir Patrick Allen, Governor-General of Jamaica, declaring a state of public emergency. These Regulations were enacted pursuant to The Emergency Powers Act (***“the Act”***).
2. Pursuant to the Constitution of Jamaica (***“the Constitution”***), the Act and the Regulations, respectively, the following persons were appointed to the Tribunal: **Mr. Ian G. Wilkinson, Q.C.**, Attorney-at-Law, Chairman (*appointed the 7th day of July, 2019 by the Honourable Mr. Justice Bryan Sykes, OJ, CD Chief Justice of Jamaica*); **The Honourable Ms. Justice (Ret’d) Gloria Smith, CD** retired Supreme Court Judge and **Ms. Marjorie Shaw**, Attorney-at-Law (*both appointed the 7th day of July, 2019 by His Excellency the Most Hon. Sir Patrick Allen, Governor-General of Jamaica.*)
3. The members of the Tribunal and officials from the Ministry of National Security have been working assiduously to implement the necessary administrative infrastructure and mechanism in order to facilitate the conduct of hearings by the Tribunal.
4. The jurisdiction of the Tribunal covers matters mentioned in Sections 13 (9), 13 (10) and 13 (11), respectively, of the Constitution and, in particular, the following Regulations:

Regulation 22 – An order made by the ***“Competent Authority”*** restricting a person’s access to any area;

Regulation 30 – Dealing with any arrest or detention by an ***“authorized person”*** without a warrant;

Regulation 32 - An order made by the Minister of National Security confining any person to his place of residence or in a place specified by the Minister where the person has no fixed place of abode;

Regulation 33 – Any detention order made by the Minister of National Security; and

Regulation 38 (9) – Providing access to the Tribunal to persons detained or whose freedom of movement has been restricted whether or not via an order by the Minister of National Security.

5. **Regulation 2 (1)** defines the “**Competent Authority**” as including the Governor-General (*or anyone duly appointed by the Governor-General*), the Minister of National Security, the Chief of Defence Staff, the Commissioner of Police, each Deputy Commissioner of Police or the Senior Officer of Police in each parish.
6. The Tribunal will schedule for hearing only matters regarding the above-mentioned Regulations after formal objections have been filed (*pursuant to **Regulation 38 (9)** of the Regulations*) by persons (“**Objectors**”) against whom any of the above-mentioned orders have been made.
7. Objections should be in writing in the form (“**Notice of Objection**”) provided and signed by the Objector, or by an Attorney-at-Law representing the said Objector. All objections must contain the full name of the Objector, his/her address, date and place of detention and the contact information of the objector’s Attorney-at-Law, if one has been retained. A copy of the relevant order, if any, should also be submitted with the Notice of Objection. **NB.:** The Notice of Objection Form can be downloaded from The Ministry of National Security’s website @ www.mns.gov.jm
8. Objections are to be submitted in writing to the Chairman of the Tribunal by e-mail to eprtsas@gmail.com or by post or hand delivery to The Secretary to the Tribunal, Mrs. Elizabeth James c/o the Ministry of National Security, Fourth Floor (4th), NCB Towers,

North Tower, 2 Oxford Road, Kingston 5 Post Office in the parish of St. Andrew.

9. The Tribunal will schedule a hearing for an Objector as soon as reasonably practicable after receipt of the objection.
10. The venue where hearings are to be held is the Jamaica Conference Centre, 14-20 Port Royal Street, Kingston.
11. Pursuant to **Regulation 38 (8)** of the Regulations the Tribunal will regulate its proceedings subject to **Sections 13 (9), 13 (10) and 13 (11)**, respectively, of the Constitution.
12. Regarding regulating the proceedings of the Tribunal, procedural rules have been prepared as a guide to all concerned. **NB.:** The said procedural rules can be downloaded from the Ministry of National Security's website @ www.mns.gov.jm
13. The Chairman of the Tribunal shall report to the Minister of National Security its findings or ruling on each objection and may give directions to the said Minister pursuant to **Section 13 (11)** of the Constitution and **Regulation 38 (11)** of the Regulations, respectively.
14. Any questions may be directed to the Tribunal in writing at the above-mentioned address or e-mail address.

2019 July 30

Mr. Ian G. Wilkinson QC, Attorney-at-Law (Chairman)

The Honourable Ms. Justice (Ret'd) Gloria Smith, CD

Ms. Marjorie Shaw, Attorney-at-Law