

## NOTICE TO THE PUBLIC

### EMERGENCY POWERS REVIEW TRIBUNAL 2021

1. On the 14<sup>th</sup> day of November, 2021 The Emergency Powers Review Tribunal (“*the Tribunal*”) was established pursuant to Regulation 38 of the Emergency Powers Regulations 2021 (“*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 Regulations, respectively, the following persons were appointed to the Tribunal: **Mr. Peter Champagnie, QC**, Attorney-at-Law, Chairman (appointed on the 14<sup>th</sup> day of November, 2021 by the Honourable Mr. Justice Byran Sykes, OJ, CD Chief Justice of Jamaica); Ms. Majorie Shaw and The Hon. Mr. Justice (Ret’d) Lloyd Hibbert (both appointed the 14<sup>th</sup> day of June 2020 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:

**Regulations 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 33** – Detention by an “authorized person”; and

**Regulation 38(9)** – Providing access to the Tribunal to persons detained or whose freedom of movement has been restricted.

5. **Regulation 2(1)** defines the “*Competent Authority*” as 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 **Regulations 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 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 @ <http://www.mns.gov.jm>
8. Objections are to be submitted to the Chairman of the Tribunal via e-mail to [eprt.centralandwesternkgn@gmail.com](mailto:eprt.centralandwesternkgn@gmail.com) or by post or hand delivery to The Secretary to the Tribunal, Mrs. Elizabeth James c/o the Ministry of National Security, Ground Floor, Oxford House, 6 Oxford Road, Kingston 5 in the parish of St. Andrew.
9. The Tribunal will schedule a hearing for an Objector as soon as possible after receipt of the Objection. The Tribunal may, in appropriate circumstances hear matters by video conference or any other form of electronic visual means.
10. The venue where hearings are to be held is the Citizens Security Secretariat, 6 Orchard House, Kingston 5.

11. Pursuant to **Regulation 38(8)** of the Regulations the Tribunal will regulate its proceedings subject to **Sections 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 @<http://www.mns.gov.jm>
13. The Chairman of the Tribunal shall report to the Competent Authority its findings or ruling on each objection and may give directions to the said Competent Authority 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 email address.

2021 November 14

*Mr. Peter Champagne, QC Chairman*

*Ms. Marjorie Shaw*

*The Hon. Mr. Justice (Ret'd) Lloyd Hibbert, CD*