



Any reply or subsequent reference to this communication should be addressed to the Contractor-General and the following reference quoted:-

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MEDIA RELEASE

LETTER FROM THE OFFICE OF THE CONTRACTOR GENERAL TO THE NATIONWIDE NEWS NETWORK REGARDING STATEMENTS MADE IN INTERVIEW BY MR. ERNEST SMITH, MP, ATTORNEY AT LAW, REPRESENTING MR. JOSEPH HIBBERT, MP

Kingston, Jamaica; August 11, 2009 – The Office of the Contractor General (OCG) has today written to the Nationwide News Network (NNN) regarding certain statements and allegations which were made by Mr. Ernest Smith, MP, Attorney at Law, representing Mr. Joseph Hibbert, MP, during a NNN radio interview which was conducted with him on the “*This Morning*” radio programme on July 15, 2009.

Having regard to the gravity and the very serious nature of the statements and allegations which were made during the interview by Mr. Ernest Smith, and their perceived implications for the integrity and credibility of the OCG’s ongoing Investigation involving Mr. Joseph Hibbert, the OCG has publicly reproduced, hereunder, the full text of its letter to NNN.

The OCG’s letter has been copied to the Chairman of the General Legal Council of Jamaica, Dr. the Hon. Lloyd Barnett, OJ, among other State authorities.

“August 11, 2009

Mr. Cliff Hughes
Chief Executive Officer
NationWide News Network
27 Mannings Hills Road
Kingston 8
Jamaica

Dear Sir:



Re: Interview with Mr. Ernest Smith, Attorney-at-Law representing Mr. Joseph Hibbert, which was aired on the “This Morning” Programme on July 15, 2009

We write with reference to an interview which was aired on July 15, 2009, that was conducted by your Mr. Clyde Williams and Ms. Naomi Francis with Attorney-At-Law, Mr. Ernest Smith, on the “This Morning” programme.

Subsequent to the airing of the programme, the Office of the Contractor General (OCG) requested, and was provided with, an electronic copy of the recording of the interview by Nationwide News Network.

The following is a transcribed extract of the referenced interview which was aired on July 15, 2009:

*“**Question:** Mr. Smith, when the Contractor General in Jamaica, said that he would look into the matter, you had initially expressed reservations about that process. And in fact we are going to just play for you what you had said in an interview.*

***Mr. Smith:** No...no...no...I remember what I had said.*

***Commentator:** No let’s refresh the memories of the listeners...let’s hear what Mr. Smith said in January about that investigation by the Contractor General.*

CLIP OF MR. SMITH:

“Here is a situation where our client is being asked to assist in investigations which pointing fingers to others and for him to cast, its really impugning his Mr. Hibbert’s character at this stage.”

***Question:** If it is that Mr. Hibbert wants to clear his name wouldn’t this further that cause as oppose to impugn him in any way?*

***Mr. Smith:** No....It is the manner in which it was done. Because as I said from day one, Mr. Hibbert, even without my advice and counsel, met with the Contractor General, supplied the Contractor General with details of his association with Mabey & Johnson.*

The Contractor General received the same documents that we got in November. There was no necessity for any public announcement because it was agreed. And don’t forget the Contractor General is a lawyer you know. It was patently clear that no due diligence had been done.

What the Contractor should have done, and I still maintain that, is having regard to the fact that these names, the names of the holders of these accounts were never disclosed to him, having regard to the fact that he operating from Jamaica, has no locus standi to enquire into these accounts abroad and would not get the information anyway, he should have waited until the Serious Fraud Squad or Mabey & Johnson provides him with the information of the holders of the account to which these vast sums of money are alleged to have been lodged.”

It is instructive to place upon the record that the Contractor General, Mr. Greg Christie, on the morning of July 15, 2009, contacted your Mr. Williams twice, during the referenced programme, and denied that any such meeting had occurred between himself (or any representative of the OCG) and Mr. Joseph Hibbert, as had been alleged by his Attorney-at-Law, Mr. Ernest Smith.



We are aware, and do herein acknowledge, that between 8:15 am and 9:00 am, Mr. Williams, on several occasions, tried unsuccessfully to get Mr. Smith to return on air to clarify his statements in light of the Contractor General's denial.

Having regard to the gravity of the assertions which were made by Mr. Smith, and the perceived implications for the integrity and credibility of the OCG's ongoing Investigation involving Mr. Joseph Hibbert, the OCG subsequently issued a written Statutory Requisition to Mr. Joseph Hibbert.

The OCG, in its written Requisition, which was dated July 27, 2009, produced to Mr. Joseph Hibbert the above-referenced extract of the Nationwide Interview of July 15, 2009 and asked Mr. Hibbert, *inter alia*, the following verbatim questions:

1. *"In the context of the foregoing interview with Mr. Smith on July 15, 2009, please provide answers to the following questions:*
 - i. *Did you meet with the Contractor General, Mr. Greg Christie, with regard to the Office of the Contractor General's (OCG) Investigation into contracts awarded to Mabey & Johnson Ltd. prior to the OCG's initiation of the said investigation on January 7, 2009? If yes, please detail the following information:*
 - (a) *The date(s) on which you met with the Contractor General;*
 - (b) *The circumstances relating to the same;*
 - (c) *The name(s) and title(s) of the person(s) who were in attendance;*
 - (d) *The location(s) at which the meeting(s) was/were convened;*
 - (e) *Did you speak to the Contractor General, at any time, during the referenced time? If so, please provide the date(s) on which you held such conversation and the particulars of the same.*
 - ii. *Did you meet with the Contractor General, Mr. Greg Christie, at any point, during the period of January 8, 2009 to July 15, 2009? If yes, please detail the following information:*
 - (a) *The date(s) on which you met with the Contractor General;*
 - (b) *The circumstances relating to the same;*
 - (c) *The name(s) and title(s) of the person(s) who were in attendance;*
 - (d) *The location(s) at which the meeting(s) was/were convened;*
 - (e) *Did you speak to the Contractor General, at any time, during the referenced time? If so, please provide the date(s) on which you held such conversation and the particulars of the same.*



Please provide documentary evidence, where possible, to substantiate your assertions/responses.”

In his written response to the OCG’s foregoing questions, which was dated August 7, 2009 and which was sworn before a Justice of the Peace and received by the OCG on August 10, 2009, Mr. Hibbert stated, verbatim, as follows:

- (i) “No.
 - (a) *Does not apply*
 - (b) “ “ “
 - (c) “ “ “
 - (d) *Does not apply*
 - (e) *No.*

- (ii) *No.*
 - (a) *Does not apply*
 - (b) “ “ “
 - (c) “ “ “
 - (d) *Does not apply*
 - (e) *No.”*

The OCG has deemed it prudent to bring this matter to your attention in light of the allegations which were aired on Nationwide News Network and particularly in light of Mr. Joseph Hibbert’s assertions in his sworn statement which was submitted to the OCG yesterday.

As it stands, and in light of the very serious nature of this matter, the OCG has copied the authorities, persons and entities that are indicated hereunder as it considers what further action may be appropriate and necessary, under the circumstances, with regard to Mr. Ernest Smith.

Please be guided accordingly.

Yours sincerely,

Maurice Barrett (Signed)

Maurice Barrett
Chief Investigator

Copy: The Hon. Delroy Chuck, MP, Speaker of the House of Representatives, Houses of Parliament
Senator Dr. The Hon. Oswald Harding, OJ, CD, QC, President of the Senate, Houses of Parliament
Dr. Lloyd Barnett, OJ, Chairman of the General Legal Council
Mr. Joseph Hibbert, M.P.
Mr. Earnest Smith, M.P., Attorney at Law
All Media Houses”

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