



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

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April 16, 2009

Michael Hylton and Associates
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COPY

Attention: The Hon. B. St. Michael Hylton, Esq.

Dear Sirs:

Re: Special Report – Investigation Conducted into the Sale/Divestment of Air Jamaica Ltd.’s London Heathrow Slots to Virgin Atlantic Airways Ltd.

We write to acknowledge your letter of the 15th instant in the captioned regard and to thank you for the contact information which you have kindly provided therein for Mr. Michael Conway, the former President and CEO of Air Jamaica Ltd. We have, again, noted that you are acting on behalf of Dr. Omar Davies.

We have enclosed, herewith, for your information and records, a copy of an Office of the Contractor General (OCG) email, which was dated August 13, 2008 and computer time stamped at 2:47PM on that day. The email was the cover for a formal Letter of Invitation which was electronically directed by the OCG to Mr. Conway on the said date with a request for him to assist the OCG in its captioned Investigation.

You will note that the email address, viz. m.conway@worldadventures.com, to which the referenced OCG email and letter were directed, is identical to that which you have now provided to the OCG in your letter to us. However, and as you are aware, the OCG was never favoured with a response from Mr. Conway.

We would also wish to emphasize that Mr. Conway, as was the case with the CEOs of British Airways and Virgin Atlantic, was invited to provide the OCG with information to assist it in its Investigation. Mr. Conway was not requisitioned or compelled to provide the OCG with sworn testimony, particularly in view of the fact that he is a person who physically resides outside of the lawful jurisdiction of the OCG.

In addressing the other issues which you have raised in your letter, I would respectfully respond as follows:

1. You have alluded to the fact that the OCG’s Report of Investigation states that there are critical questions which have been left unanswered and which could only be answered by Mr. Conway.

We must emphasize that the referenced critical questions are questions whose answers will not materially alter the Findings, Conclusions, Referrals and Recommendations that the OCG has set out



in its Report of Investigation. **As we have made pellucidly clear in the said Report, those Findings, Conclusions, Referrals and Recommendations have been arrived at by the OCG based upon the sworn and documentary evidence which was availed to it during the course of the said Investigation.**

2. You have further stated in your letter that “*one of the most striking things about the captioned report is that its conclusions were arrived at **without the input of... Mr. Conway***”. (OCG Emphasis).

A cursory reading of the captioned Report of Investigation would disclose that any such view would be struck down as being questionable, unfounded and incapable of being substantiated.

In the absence of a response from Mr. Conway, deliberate, methodical and decisive steps were taken by the OCG to physically review, examine and analyze the written and official files which had been maintained by him in his official capacity as the former President and CEO of Air Jamaica. This was done with the certain knowledge that the evidentiary weight of any official documentation which had been previously entered upon the files would far outweigh that of any form of unsworn testimony.

The referenced files contained the records of Mr. Conway’s official involvement and dealings as they pertained to the sale or divestment of Air Jamaica’s London Heathrow Slots (AJLHS). The said files, which also included documents that were hand-written by Mr. Conway himself, were examined by an OCG Special Investigator, in the first instance, on September 23, 2008, at Air Jamaica’s Kingston corporate head offices – all with the assistance of Mr. Conway’s former secretary herself.

Other official Air Jamaica files were also physically examined by the OCG. Further, sworn written statements were requisitioned and taken from no less than ten (10) other Senior Air Jamaica officials regarding the matter. These definitive and deliberate OCG actions are all documented in the referenced OCG Report of Investigation.

3. The OCG is of the view that the documentary evidence which it has uncovered from Mr. Conway’s official files, inclusive of his evaluation reports of April 17 and 19, 2007 in which he unequivocally recommended the acceptance of the British Airways proposal, together with the other sworn and written corroborative evidence which the OCG has otherwise secured during the course of its Investigation, fully substantiates the Findings, Conclusions, Referrals and Recommendations which are directly related thereto.
4. The OCG has also been enlightened by the public media interviews which were given by Mr. Conway and Dr. Davies during the past ten (10) days. In the course of their respective interviews, both Mr. Conway and Dr. Davies expressed, *inter alia*, varying qualifications and/or caveats as to what they could or could not recollect from memory regarding the sale of the AJLHS.

It is critical to note that, in both instances, both gentlemen either inferred or expressed that the official documents on file would or should have primacy of importance.

For example, in the case of Dr. Davies, your Client, he expressly pointed to the fact that he had provided responses to the OCG “*without access to the official files and documentation, which are safely stored at the Ministry of Finance and, more importantly, to which (the OCG) had full access*”. Indeed, Dr. Davies went further and sought to caution that his responses to the OCG were given “*within that context*”.



The case of Mr. Conway was not dissimilar. It is instructive to note that during his interview which was given to Nationwide News Network (NNN) on April 9, 2009, he appeared unable to recall one or more of the three (3) letters of April 23, 2007, or the contents thereof, which had been written by Dr. Davies respectively to Virgin Airways, British Airways and to Mr. O. K. Melhado, the former Chairman of the Air Jamaica Board of Directors. Mr. Conway's recollection appeared to have failed him despite the overly substantial and pivotal import of the said letters and the fact that two (2) of them had been formally copied to him.

Indeed, when pressed for a fourth time by the NNN Interviewer as to whether or not he could recall Dr. Davies' letter of April 23, 2007 to Virgin Airways, a seemingly exasperated Mr. Conway retorted: "*I am not saying I don't, you just have me at a disadvantage, **its not in front of me, its two years ago***".

5. It is also instructive to note that the existence of the said three (3) letters of April 23, 2007 was something which was never disclosed, revealed or divulged in any way by the key individuals in this matter, and certainly not by your Client despite the fact that he was the author of same.

In short, the Findings, Conclusions, Referrals and Recommendations of the OCG in this matter are substantially founded upon official documentary evidence, the efficacy, legitimacy, import and weight of which cannot be credibly challenged, contradicted or overturned by Mr. Conway or by Dr. Davies.

These documents include the referenced three (3) letters of April 23, 2007 which were authored by Dr. Davies himself, the British Airways letters of April 19 and 27, 2007 that were directed to Dr. Davies, the May 2 and 29, 2007 Board Meeting Minutes of Air Jamaica, Mr. Conway's April 19, 2007 "*Final Position Paper*", Mr. Conway's letter of April 25, 2007 to Virgin Airways, Mr. Melhado's letter of May 2, 2007 to Dr. Davies and the "*Updated Summary*" that was attached thereto, and the several other official documents which were reviewed from the official files of the Ministry of Finance and Air Jamaica, inclusive of a document which was uncovered in Mr. Conway's files which cryptically stated "... **I have to protect Omar** ..."

I would respectfully caution that the import of these pieces of independent evidentiary materials should not be underestimated, ignored or downplayed.

Respectfully yours,

Greg Christie
Contractor General

Copy: The Hon. Delroy Chuck, MP, Speaker of the House of Representatives
Senator Dr. The Hon. Oswald Harding, OJ, CD, QC, President of the Senate
Mrs. Heather Cooke, Clerk to the Houses of Parliament
Senator the Hon. Don Wehby, Minister without Portfolio, Ministry of Finance and the Public Service
The Hon. Audley Shaw, Minister of Finance and Planning
Ms. Sharon Crooks, Financial Secretary
Mr. Bruce Nobles, President & CEO, Air Jamaica Ltd.
Ms. Paula Llewellyn, QC, CD, Director of Public Prosecutions
Senator the Hon. Dorothy Lightbourne, Attorney General

Enclosure