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Guyana: Commission of Inquiry into death squad

Questions on the recently announced Commission of Inquiry's mandate and powers must be answered promptly, or fundamental flaws may jeopardise its ability to effectively search for the truth from the start, Amnesty International said today.

The inquiry could provide a welcome opportunity to investigate recent allegations that a death squad has tortured, "disappeared" and killed dozens of individuals since 2002.

"The grave and serious nature of the allegations that a death squad is killing and torturing, possibly with the collusion of a government Minister, is of extreme concern. These allegations must be vigorously investigated, and the public must have full confidence in those investigations" Amnesty International said.

The organization stressed that the Commission of Inquiry should be framed around international standards that provide detailed guidance on the elements needed for an effective investigation into such allegations, particularly the UN's *Model Protocol for a Legal Investigation of Extra-Legal, Arbitrary and Summary Executions* (the "Minnesota Protocol")."

Amnesty International also urged politicians and others with influence not to make public remarks that may prejudice the outcome of the inquiry. Last week, the President of Guyana stated that the Minister of Home Affairs, who is to be the focus of the inquiry, "enjoys my full confidence and that of the cabinet."

"Particular care must be taken to ensure that the outcome of the Commission of Inquiry is not predetermined -- or perceived as such -- through premature speculation as to the innocence or guilt of persons allegedly implicated in unlawful activities, or through structural and procedural flaws," said Amnesty International.

"The requirement under international law that those investigating allegations of unlawful killings be independent of those under scrutiny is also incompatible with the appointment of the serving Chair of the Police Service Commission onto the 3-person Commission team."

Central to the success or failure of the Commission of Inquiry will be its power to:

- recommend criminal investigations leading to prosecution and to produce outcomes, including a determination of persons responsible for any illegal killings and of any practice which may have brought about those deaths;

obtain all information necessary, including the authority to compel testimony under legal sanction, test evidence and protect witnesses, families of the alleged victims and other sources from violence or other forms of intimidation.

Background Information

In January, a self-confessed 'informant' made public allegations about the existence of a death squad or squads, with a membership including existing and former police officers. Amnesty International has received a list of at least 64 alleged victims. A national newspaper subsequently stated that it had viewed telephone records purportedly demonstrating that the Minister of Home Affairs, Ronald Gajraj, had communicated with members of the squad.

On 7 May 2004, the Minister of Home Affairs announced that he would vacate his office to allow an inquiry to proceed. On 15 May the President of Guyana announced an inquiry, pursuant to the Commissions of Inquiry Act 1933, into "*whether and to what extent there is evidence of a credible nature to support the allegations that the Minister of Home Affairs, Mr. Ronald Gajraj, has been involved in promoting, directing or otherwise engaging in activities which have involved the extra-judicial killing of persons*".

The functions of the Police Service Commission, established under Guyana's Constitution, are to discipline, appoint and remove officers in the Guyana Police Force above the rank of Inspector. It also advises the President on the appointment of the Commissioner of Police.

Public Document

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