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Jamaica: One more year without justice

Two years have passed with no answers. Paulette Wellington is still waiting to know the circumstances in which her son, Sheldon Gary Davis, was killed, less than a week after the proclamation of the state of emergency in May 2010. He was arrested at home by the security forces on Sunday 30 May 2010 in Denham Town, West Kingston. After the arrest, Paulette desperately searched for him and only four days later received confirmation that he had been killed. A police officer told her that an officer shot him under custody when he tried to take a soldier's gun. Other men under custody with Sheldon said that they saw a police officer putting Sheldon under a mango tree and shooting him.

Like Paulette Wellington, many other families are still waiting for truth and justice. Two years have passed since the Jamaican security forces entered the West Kingston inner-city of Tivoli Gardens and killed at least 73 people as part of a law enforcement operation aimed at arresting suspected gang leader Christopher Coke. Two years have passed since the two month-long state of emergency was declared, during which time several other people, like Sheldon Gary Davis, were suspected of having been unlawfully killed by the security forces and hundreds of others are believed to have been unlawfully arrested. Amnesty International documented these allegations in the report *"Jamaica: A long road to justice? Human rights violations under the state of emergency"* (AI Index: AMR 38/002/2011), published on 23 May 2011.

The investigation by the office of the Public Defender into over 1000 complaints about the conduct of the security forces under the state of emergency has yet to be concluded. On 21 May 2012, the Public Defender reported to the press that an interim investigation report would be submitted to Parliament by the end of the month, indicating initial findings and setting out the Government support required in order to conclude the investigations.

Shortcomings in the forensic services are one of the reasons for the long delay in the investigations. . In particular, the resources available at the ballistics laboratory were deemed to be inadequate to deal with such a high number of cases, especially given that the laboratory had already a backlog of 2000 requests in October 2010 for cases prior to the state of emergency. Jamaica has one of the highest murder rates in the world and the number of fatal shootings by the police every year is also fairly high. As a result of this, and well before the 2010 state of emergency, Jamaican human rights organizations and Amnesty International have been campaigning for years to enhance the capacity and ensure the independence of the forensic services.

For the past two years, the Public Defender and Jamaican civil society organizations have been calling for the establishment of a commission of inquiry into the allegations of human rights violations committed during the state of emergency. Amnesty International also believes that such a commission is the best way to shed light on the overall scale of the alleged human rights violations. In addition to clarifying the facts and establishing individual and institutional responsibility, a commission of inquiry would also allow measures to be identified that could help prevent abuses being committed in the future.

The previous government said it would need to decide whether to establish an independent commission of inquiry on the basis of the conclusions of the report by the Public Defender's

Office. Despite having been in power for more than four months, the current government has yet to take any position in relation to the investigation of human rights violations committed during the state of emergency. In the meantime, other families have added their names to the list of those claiming justice.

The number of people killed weekly by police officers in dubious circumstances in Jamaica continues to be unacceptably high. In the first six days of March 2012, the killing of 21 people by police officers spiked a wave of criticism against the way the police conduct its operations in marginalized inner-city areas. Many of these killings occurred in the West Kingston areas that were worst affected by the operations under the state of emergency,

As Jamaica commemorates the second anniversary of the proclamation of the state of emergency, it is time for the government of Prime Minister Portia Simpson Miller to appoint an independent commission of inquiry with a broad mandate and powers. This will be a decisive step to ensure that investigations into the allegations of human rights violations during the 2010 state of emergency are completed and that these investigations result in justice and remedy. It is now time for the Government to take effective measures to prevent such violations being repeated. It is time that Pauline Wellington and other victims' families knew what really happened to their relatives, and it is time that they have access to justice and full reparations.