

UA 177/01

Arbitrary arrests / torture and ill-treatment / legal

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JAMAICA

**Neville Lynch (aged 16), Lenworth Henry, Orane Bailey, Delroy Kennedy, Prince Breckett, Sean Damian Stone, Wayne Punancy, Roland Walker, Trevor Abel, Kirk Headley, Patrick Williams, David Spence, Rohan Lynch, Dervin Nappier, Anthony Archer, Chris Boodie, Dwayne Walker Alphonso Kennedy, Davian Williams.**

The above named men, aged between 16 and 22, have been detained without charge since they were arrested from their homes in Board Villa, Denham Town, Kingston, between 7 and 8 July by members of the Crime Management Unit (CMU). Some of the men have reportedly been denied access to lawyers and/or families. They have reportedly all been ill-treated. Amnesty International is concerned for their safety.

Reports have alleged that at the time of the arrests, the men were beaten, kicked, slapped in the face and stomped on. Delroy and Alphonso Kennedy were reportedly forced to lie shirtless on a concrete pavement in the sun for three hours. The two allegedly suffered burns to their bodies. All the men were illegally finger-printed and photographed at Harmon Barracks. They are understood to have been arrested along with an estimated 200 others, who have reportedly since been released.

Police reportedly brought the detainees, who live in an area dominated by the opposition Jamaica Labour Party (JLP), to Hannah Town (Kingston), an area dominated by the ruling People's National Party (PNP), where they were beaten by rivals.

Neville Lynch, Lenworth Henry, Orane Bailey, Delroy Kennedy, Prince Breckett, Sean Damian Stone, Wayne Punancy, Roland Walker, Trevor Abel, Kirk Headley, Patrick Williams, David Spence, Rohan Lynch and Dervin Nappier are currently detained at Portmore Police Station. Anthony Archer, Chris Boodie, Dwayne Walker, Alphonso Kennedy and Davian Williams are detained at the Gun Court Remand Facility.

Neville Lynch, a 16-year-old juvenile, was reportedly beaten in custody. The police were apparently trying to force him to say that he is 18 years old. Police have allegedly also refused to allow the families of some of the detainees, who were undressed when arrested, to bring clothing and shoes.

#### **BACKGROUND INFORMATION**

Amnesty International has long-standing concerns regarding patterns of human rights violations committed by police and security forces in Jamaica, including extra-judicial executions, excessive use of force, arbitrary arrests and torture and ill-treatment. Detainees, including children, are often held in inhumane conditions and subjected to torture or ill-treatment in custody.

The arrests followed a raid by members of the CMU on 7 July in Tivoli Gardens, a stronghold of the opposition JLP. The CMU alleged the operation was an attempt to recover arms. At least 27 people - including four police officers - were killed during the resulting disturbances, which lasted several days. Reports indicate that police and army personnel fired indiscriminately into crowds and houses, including from helicopters above the area, and targeted unarmed civilians. On 9 July the Prime Minister ordered the army onto the streets, who imposed curfews in the affected areas.

The CMU, which carried out the arrests, was established by the Prime Minister in September 2000. Amnesty International has received credible reports that the unit has been responsible for a number of alleged extra-judicial executions and acts of torture since its formation.

The UN Human Rights Committee has ruled that a delay of one week from time of arrest before the detainee was brought before a judge was incompatible with article 9(3) of the International Covenant on Civil and Political Rights, to which Jamaica is a state party. The Inter-American Commission on Human Rights has stated that the detention of individuals in prison for over a week without being brought before a judicial authority is an excessively prolonged period.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:**

- expressing concern that those named above, including 16-year-old Neville Lynch, have reportedly been beaten during their arrest and while in custody;
- urging the authorities to ensure that they are not further tortured or ill-treated;
- calling for their immediate release, unless they are charged promptly with a recognizably criminal offence;
- asking for them to be granted immediate access to legal aid, family and medical assistance, and for their relatives to be informed of their whereabouts;
- expressing concern that 16-year-old Neville Lynch is being detained with adults, asking for him to be immediately released or, if charged with a recognizably criminal offence, transferred to a place of safety;
- calling for an independent and impartial investigation to be carried out into the allegations of torture and ill-treatment, with the results made public and those responsible brought to justice;
- urging the authorities to ensure that no further instances of police brutality occur.

**APPEALS TO:**

Francis A. Forbes, CD, LL.B.  
 Commissioner of Police  
 Office of the Commissioner  
 101-105 Old Hope Road  
 Kingston 6  
 JAMAICA  
 West Indies

**Fax: + 1 876 927 7516**

**Telegrams: Francis Forbes, Commissioner of Police, 101-105 Old Hope Road, Kingston, Jamaica**

**Salutation: Dear Commissioner**

The Hon. K.D. Knight  
 Minister for National Security and Justice  
 Mutual Life Building  
 North Tower  
 2 Oxford Road  
 PO Box 472  
 Kingston 5  
 JAMAICA  
 West Indies

**Fax: +1 8676 906 1713**

**Telegrams: The Hon. KD Knight, Minister for National Security and Justice, 2 Oxford Road, Kingston, JAMAICA**

**Salutation: Dear Minister**

**COPIES TO:**

Howard Hamilton Q.C.  
 Public Defender  
 78 Harbour Street  
 Kingston  
 JAMAICA  
 Fax +1 876 922 9830

and to diplomatic representatives of JAMAICA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 29 August 2001.