

PUBLIC

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13 May 2008

UA 125/08

Intimidation/ Excessive use of force

BAHAMAS

**Emmanuel McKenzie (m), Chairman of the Millar's Creek Preservation Group
Vanessa Small (f), Public Relations Officer, Millar's Creek Preservation Group**

Emmanuel McKenzie and his organization have been targeted by the Bahamian security forces who have also accused him of illegal activities in an attempt to discredit him. Amnesty International believes that this harassment may be linked to his environmental activism.

Emmanuel McKenzie is Chairman of the Millar's Creek Preservation Group, a non-profit organization dedicated to protecting the local environment of Millar's Creek, on the island of New Providence, where the Bahamian capital, Nassau is located. On the evening of Saturday 19 April the Millar's Creek Preservation Group held a fundraising event at the Banana Tree Café in Millar's Creek Recreation Park, which is run by the organization. The event, which was attended by about 300 people including members of the local Haitian-Bahamian community, was interrupted shortly before midnight by the sound of gunshots. Armed masked men entered the café's premises and ordered everyone to lie on the ground. Emmanuel McKenzie was handcuffed and dragged off at gunpoint to a clearing in the grounds of the park. When he asked what was happening he was told to "shut the fuck up or we'll shoot you in the head". He also asked whether it was necessary for the handcuffs to be so tight, and was again told to shut up and a gun was pointed at his head.

Emmanuel McKenzie was later informed that this was a joint operation of the Royal Bahamas Police Force, Royal Bahamas Defence Force, Department of Immigration and Drug Enforcement Unit in search of illegal weapons and drugs. He was not released from his handcuffs until 3.30 am. Several Haitian nationals who worked at the café were arrested during the operation and detained overnight at the Carmichael Road Immigrant Detention Centre in Nassau, despite the fact they had valid work permits. One of them had his passport torn up by a member of the security forces during the operation. Some of the patrons of the event were reportedly struck by gun-butts by officers involved in the operation, causing heavy bleeding to the face of one individual and others were trampled on as they lay on the ground.

Although no illegal goods were found on the property, Emmanuel McKenzie was later charged with "intent to supply drugs" after it was alleged that he had offered marijuana to an undercover police officer on the grounds of Millar's Creek Recreation Park on 18 April, the day prior to the raid. Other witnesses allege he was not in the Millar's Creek Recreation Park on that date. He was told by police to appear in court to hear the charge on 30 April.

However, the police issued a warrant for his arrest two days earlier on 28 April on the grounds that he was due in court that day and had failed to appear. The warrant was subsequently withdrawn. Emmanuel McKenzie believes that he was intentionally given the wrong date to attend court. A new court date was subsequently set for November. Later that same week Vanessa Small, Public Relations Officer for the Millar's Creek Preservation Group and also present at the fundraising event, observed a police vehicle parked outside her apartment.

Emmanuel McKenzie made a formal complaint at police headquarters regarding the operation and associated abuses on 19 April but Amnesty International is unaware that any investigation has yet been initiated.

As part of its activities the Millar Creek Preservation Group campaigns against illegal dumping and attempts by developers to encroach on the wetlands. In early April 2008 they started a campaign against a developer who is building a gated community and marina adjacent to the Creek. According to the campaigners the development has reportedly destroyed a vast area of the protected wetlands and is having an adverse effect on the marine life sustained by it. The campaign is being supported by the Bahamas National Trust.

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

- requesting to be informed of the reasons for the 19 April operation by security forces in Millar's Creek Recreation Park;
- calling on the authorities to immediately carry out a thorough and independent investigation of all allegations of misconduct made against the security forces, including excessive use of force; threatening behaviour; illegal detention; theft and destruction of property; for the results to be made public and those responsible brought to justice;
- requesting information on the evidence that led to criminal charges being made against Emmanuel McKenzie;
- calling on the authorities to fully investigate the police harassment suffered by Emmanuel McKenzie and Vanessa Small following the events of 19 April;
- reminding the authorities that the UN Declaration on the Rights and Responsibilities of Individuals, Groups and Institutions to Promote and Protect Universally Recognized Human Rights and Fundamental Liberties recognizes the legitimacy of the activities of human rights defenders and their right to carry out their activities without any restrictions or fear of reprisals.

APPEALS TO:

Deputy Prime Minister and Minister of Foreign Affairs

The Honourable Brent Symonette
Ministry of Foreign Affairs
Goodman's Bay Corporate Centre
West Bay Street
P. O. Box N 3746
Nassau, The Bahamas

Fax: +1 242 356-5990, 328-8212 or 326-2123

Salutation: Dear Deputy Prime Minister

Minister of National Security

The Honourable Tommy Turnquest
Ministry of National Security
Churchill Building, 3rd Floor
P. O. Box N 3217
Nassau, N.P.,
Bahamas

Fax: +1 242 - 356-6087 or 356-7444

Salutation: Dear Minister

Commissioner of Police

Commissioner Reginald Ferguson
Royal Bahamas Police Force
P.O Box N 458
East Street
Nassau, N.P.
Bahamas

Fax: +1 242 - 328-2644

Salutation: Dear Commissioner

COPIES TO:

Newspaper

The Nassau Guardian
#4 Cater Street, Oakes Field
P.O.Box N-3011
Nassau, N.P
Bahamas

Fax: +1 242 328 6883

and to diplomatic representatives of BAMAHAS accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 24 June 2008.