



PUBLIC SECURITY REFORMS AND HUMAN RIGHTS IN JAMAICA

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Amnesty International Publications

First published in 2009 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Amnesty International Publications 2009

Index: AMR 38/001/2009
Original language: English
Printed by Amnesty International,
International Secretariat, United Kingdom

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Cover photo: Students and residents of Mountain View Avenue and surrounding communities participate in a peace march from the National Stadium to the waterfront in Kingston on Peace Day, 7 March 2006.

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1. INTRODUCTION

On 7 January 2009, police shot dead Anthony Nelson, aged 22, and seriously injured Ricardo Suckoo, aged 23. The shootings happened at a construction site at Central Village, St. Catherine, where the two men were working. Ricardo Suckoo told Amnesty International what happened.

"It was about 11.30am. We were sitting in the site having lunch when three policemen came from behind us. They asked us what we were doing there. We answered that we were working on the site. After that, they started shooting at us. Anthony was killed on the spot. I received several gunshots: in the hands, in the mouth, at the shoulder. I pretended to be dead but then a policeman kicked at me and realized that I was not dead. I heard one of the policemen saying 'We have to stop because the carpenter is watching.' If the carpenter hadn't been on the roof witnessing the scene, I think they would have shot at me again.

The policemen put me and Anthony's body in a van and drove towards the hospital. One of my colleagues tried to get in the van with us but he was kicked out. He then followed the police van with his jeep. The police was driving very slowly; probably they wanted to make sure I died before reaching the hospital. Again, I think that they could have shot at me if the jeep was not following."

According to the police report, "a team of police was on special operation in the Central Village area when three men were seen acting in a suspicious manner. When accosted, the men opened fire at the lawmen, who took evasive action and returned the fire. Two men were injured and the other escaped. A gun was taken from the men."

Ricardo Suckoo was hospitalized for two weeks following the shooting. He was then discharged and transferred to the Bridgeport police station. He remained in custody for a week, during which time his family had to provide care as he had not fully recovered from his injuries. He was charged with shooting with intent and released on bail. At the time of writing, he was still receiving medical treatment for his injuries including physiotherapy sessions, although the cost was sometimes prohibitive.

Investigations into the death of Anthony Nelson by the Bureau of Special Investigations¹ and by the Police Public Complaints Authority² have not concluded. At the time of writing, more than six months after the shootings, forensic reports had yet to be completed. Ricardo Suckoo does not know why police shot at them. Anthony Nelson's mother told Amnesty International "I know my son is innocent, so let me hope justice will be made."

Jamaica has one of the highest rates of violent crime in the world. According to a government source, at least 120 criminal gangs are thought to be active and responsible for 80 per cent of all major crimes in the country.³ Most victims of violent crime live in deprived and

excluded inner-city areas where unemployment rates are high and access to basic services – water, electricity and security of housing tenure – are often poor. Some of these neighbourhoods have been neglected by the state for years, and many have effectively become the fiefdoms of gang leaders. Criminal gangs not only control communities through fear and violence, they also control access to what few services are available. Many are “garrison communities” where the ruling gangs have for years flourished under the patronage of one or other of the political parties.⁴

The Jamaican Constabulary Force (JCF), the body responsible for policing, has not only failed to protect people from violent crime, it has contributed to the public security problem. A large number of people are killed by the police every year. In many cases the available evidence indicates that fatal shootings were probably the result of excessive use of force and some may have amounted to extrajudicial executions.⁵ However, flawed investigations, corruption and a failing justice system have provided impunity for the officers responsible.

Amnesty International acknowledges the challenges facing policing in Jamaica. However, the organization firmly believes that the complexity of the challenges can never be used as an excuse to compromise on the best quality and respect for human rights.

In 2008, Amnesty International published *Let them kill each other – Public security in Jamaica’s inner cities*.⁶ This looked at violence and human rights violations, the long-standing poverty and exclusion that have led to the public security crisis. It showed how, caught between the criminal gangs who control their neighbourhoods and violent policing methods, people living in inner-city communities are at constant risk of violence. The report also described how the state not only provided little or no effective protection of their right to life and physical integrity, it also denied them access to services which would enable them to exercise their basic economic and social rights.

In its 2008 report, Amnesty International urged the Jamaican government to tackle the problem by creating a comprehensive public security plan for the protection of human rights. It identified a number of priority areas that should be included in this plan, such as the immediate reduction and prevention of homicides and also of killings by police in inner-cities; the implementation of reforms to the police and the justice system; the introduction of a fully independent oversight body to monitor police misconduct and reports of human rights violations; and measures to combat the root causes of violence, in particular disparities in access to economic, social and cultural rights. Amnesty International called on the government to report publicly on a yearly basis on progress made in implementing these and other measures.

When the report was launched in April 2008, the current government had been in office for less than six months. The Prime Minister responded to the report through the national and international media by acknowledging the problem: “We do have a significant problem of violent crime. We do have several instances of police homicides and we also are faced with the problem of corruption within the police force. There is no doubt there has to be serious reform of the police system.”⁷ The Prime Minister also gave assurances that his government was determined to deal with the problem and indicated a number of initiatives that would contribute to addressing the concerns identified by Amnesty International. The Commissioner of Police also reacted to the report: “What is important is whether we give reasons for there

to be negative reports. As far as I am concerned, the real issue is what we are going to do about it and this is where we have to focus."⁸

Encouraged by these reactions, Amnesty International continued to monitor the situation in Jamaica in order to assess any significant improvement in respect for human rights in the public security context and to determine to what degree implementation of reforms and human rights standards was prioritized by the government. This report looks at the situation one year on and analyzes evidence of the government's commitment to tackling the problem in a comprehensive way.

2. CURRENT CONCERNS

The public security crisis remains almost unchanged since Amnesty International's 2008 report. Inner-city residents continue to be at the mercy of gang violence and killings by police. The murder rate is still high and official data suggests that the proportion of victims who are children under 18 grew significantly in 2008. Although 2008 saw a slight reduction in the number of killings by police, figures for the first five months of 2009 show that such killings are once again on the increase. Impunity for police officers accused of human rights violations remains the rule, with no convictions reported since 2006.

FAILURE TO PROTECT

The right to life and to security of the person is enshrined in international and regional human rights law.⁹ Yet in Jamaica, this right continues to be denied to many. In 2008, 1,611 people were murdered, according to police statistics, representing a 2.3 per cent increase over the figure for 2007.¹⁰ Although the figures for the first five months of 2009 show a fall of 8.7 per cent over the same period in 2008, the number of killings remained high with 628 murders reported between January and May 2009. In addition, a further 224 people were killed by police in 2008 and another 84 in the first five months of 2009.

The state has an obligation to maintain order and provide security. The UN Human Rights Committee, the body of independent experts that monitors states' compliance with the International Covenant on Civil and Political Rights, has stipulated that, in order to comply with these obligations, state parties should take measures to prevent killings and punish those responsible, to prevent arbitrary killing by their own security forces,¹¹ and to take reasonable and appropriate measures to protect people against threats to life or personal security.¹²

Most murders were carried out with the use of firearms (79 per cent in 2007 and 78 per cent in 2008).¹³ Although every year the authorities confiscate about 700 illegal firearms, this is thought to represent merely the tip of the iceberg.¹⁴

The state's obligation to protect children is also far from being fulfilled.¹⁵ According to the Inter-American Commission on Human Rights, "since 2003, a total of 398 children have been killed by violent means either due to gang warfare or attacks, abductions, rape and murder. Another 441 have been injured by guns."¹⁶ The figures for 2008 seem to show that children are at increasing risk of violence. According to data published by the JCF, 94 children were murdered in 2008 compared with 70 in 2007. This rise caused serious alarm and debate in the country.¹⁷

The right to security of the person remains an unfulfilled promise for many Jamaicans, and especially for people living in poor, overcrowded inner-city areas. In his State of the Nation speech in January 2009, the Minister of National Security acknowledged the special

vulnerability of those living in communities controlled by gangs: "I dare to say that if you are not a member of a gang, or are not associated with gangs; if you do not live in an area with gang members, then you have a greater probability of not being affected by violence."¹⁸

The marginalization of inner-city communities frequently means that state protection only arrives, if it arrives at all, when the situation reaches crisis point and human rights violations have already been committed.

For instance, on 7 and 8 December 2008, Jamaican television broadcast video footage showing residents of the St. Catherine communities of Gravel Heights and Tredegar Park fleeing their homes and loading their furniture and other belongings onto moving vehicles. Around 200 residents had been given an ultimatum by armed gang members. According to media reports, they were told to leave their homes or they would be killed. Video footage showed police officers watching the residents flee, but not attempting to intervene. It is not clear what triggered the ultimatum. Some local commentators alleged that the threats were part of a battle between two rival gangs for political control of the communities. According to others, the ultimatums were linked to attempts at extortion.

It was not until some time after these events that the authorities took steps to enable some residents to return to their homes. When Amnesty International visited Gravel Heights and Tredegar Park at the end of February 2009, soldiers were guarding the communities and there were people living in some of the houses. Many people had returned after the deployment of troops in early January, but others had chosen not to because they feared reprisals. "Those who didn't want to leave the house had their houses burnt. At least 18 houses were burnt" one resident told Amnesty International. By mid-March, most remaining residents had returned to their homes. Many found their homes vandalized.

These were not isolated events. They reflect the experiences of many people living in communities where the state is effectively absent and where control lies in the hands of criminal gangs. Families and sometimes entire communities have been forced to flee their homes and seek refuge as a result of threats and violence from gangs. Sometimes the threats are triggered by conflict between rival political factions; sometimes they are the result of criminal activities.

As a party to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights, Jamaica also has an obligation to protect people from forced evictions and other unlawful or arbitrary interference with their homes, whether by agents of the state or private individuals or groups.¹⁹

A forced eviction has been defined by the UN Committee on Economic, Social and Cultural Rights, as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to, appropriate forms of legal or other protection" (General Comment No. 7, The Right to Adequate Housing, para 3). The UN Commission on Human Rights has also recognized that forced evictions constitute gross violations of a range of human rights, in particular the right to adequate housing (Resolution 1993/77, para 1).

KILLINGS BY POLICE

Given the context of widespread armed gang violence, policing can be a high-risk profession

in Jamaica.²⁰ According to JCF statistics, in 2008, 12 police officers were killed, while press reports indicate that between January 2009 and the beginning of July of the same year, six officers were killed.²¹

The difficult context and the subsequent fear suffered by many officers cannot, however, justify the high number of fatal shootings occurring every year at the hands of the police.

According to JCF statistics, 224 people were fatally shot by police officers in 2008 (a decrease from 2007 when 272 people were killed). A further 120 people were injured by police (a decrease from 2007 when 156 people were injured).²² In the first five months of 2009, 84 people were killed by police, an increase of 58 per cent over the same period in 2008.

Year	Total number of murders	Number of police officers killed	Number of incidents of shooting by police	Number of people killed in shootings by the police	Number of people injured in shootings by the police
2007	1583	19	553	272	156
2008	1611	12	314	224	120

Table compiled by Amnesty International on the basis of JCF crime statistics and data provided by the Bureau of Special Investigations on 22 May 2009.

The high number of fatal shootings suggests that officers are not complying with international standards on the use of force. These state that police should use firearms only as a last resort in situations where there is an imminent threat of death or serious injury and only when less extreme means are insufficient.²³ In addition, the fact that police shootings result almost in twice as many deaths as serious injuries raises further questions as to whether the police are complying with the requirement that, where the use of force and firearms is unavoidable, police should exercise restraint in their use and minimize damage and injury and respect and preserve human life.²⁴

The statistics, combined with eyewitness testimonies and other evidence, indicate that many of the killings, whether in alleged shoot-outs or in other circumstances, involved excessive use of force by the police and that, in some cases, they amounted to extrajudicial execution.

Eighteen-year-old Randall Richards was shot dead by police officers in his home in Kelliman Terrace, Waltham Park Road, Kingston, on 24 June 2008. His parents witnessed the shooting.

His mother told Amnesty International that several police officers knocked at the door of their house at about 4.30am. She opened the door and the officers came in and started to search the house. Police entered a room where two of Randall Richards' friends were spending the night. She heard the men crying in the room and then gunshots. The police came out of the room carrying the bodies of the two men and put them in a van parked outside the house. Randall Richards was on the veranda. The police came back into the house and saw him crying. His mother saw him standing in front of the policemen with his hands open in the air.

She heard him cry out to her, "Mummy, mummy!" and one of the officers replied "Shut up, pussy!". She said another officer then shot at her son and he fell to the floor. The police took his body to the van and drove away. According to the post-mortem, Randall Richards died from multiple gunshot wounds.

According to press reports, the police were carrying out an operation to arrest a man wanted for murder.

An investigation into the death of Randall Richards was opened by the Bureau of Special Investigations. At the time of writing, more than a year after his death, police statements had yet to be taken and forensic reports had not been completed.

The Commissioner of Police, acknowledging that the JCF firearms and use of force policy had been among the most ignored procedures within the force, has made clear his intention to focus on the implementation of this policy and on retraining the entire force in the use of firearms and force.²⁵ The large number of people killed by police in the first five months of 2009 highlights the urgent need for improved training for officers in the legitimate use of force and alternatives to the use of firearms and for effective respect of international and national standards.

Allegations of excessive use of force and extrajudicial executions are the most serious manifestations of an approach to policing which often disregards human rights standards. There are widespread reports of bias, corruption and discrimination by police officers against people living in the inner cities. There are also persistent allegations of ill-treatment and arbitrary detention. The result is a lack of confidence in the police which, in turn, means that people do not report crimes to them. The National Crime Victimization Survey released in January 2009²⁶ revealed that only less than one third of crimes are reported to the police²⁷. Although the National Crime Victimization Survey and the 2008 Latin America Public Opinion Project (LAPOP)²⁸ both showed that the general perception of the police is improving,²⁹ they also revealed low levels of satisfaction among those who had direct dealings with the police or who have been the victims of crime.³⁰

"Some policemen have relations with girls in the community. Then they are not impartial anymore, they take the side of the girl and of her family and friends. For example, if my sister is going out with a police officer and I do something wrong, I can be sure that nobody will question me."

Young man from inner-city Kingston, interviewed by Amnesty International, February 2009

"The police approach has not changed, it is still disrespectful. You cannot treat people with disrespect and expect that they will co-operate with you. Police is disrespectful especially towards teenagers; they have the perception that all youth are potential gunmen or criminal."

Man from inner-city, Kingston, interviewed by Amnesty International, February 2009

"Bad policing is still an issue. Police enter the houses without search warrant. They beat people, they break everything. In September 2008, they came in and mashed up the stalls."

Woman from inner-city Kingston, interviewed by Amnesty International, February 2009

The JCF has recognized that it needs to gain the public's confidence. This is one of the main issues identified as a goal in the implementation of the JCF strategic review.³¹ In the meantime, the JCF has engaged in rolling out community-based policing, starting with 38 pilot communities throughout the 19 police divisions.³² The JCF has stated "this philosophy of policing has, as its central tenet the concept that effective policing can only be achieved through proactive involvement in local problems."³³ Community engagement and a focus on crime prevention and problem-solving, rather than on crime detection and case-solving, are the main features of this approach.

People living in the inner cities and community peace workers who spoke to Amnesty International acknowledged that there were police officers who adopted a positive and constructive attitude. Some community representatives also recognized the efforts being made by local police divisions to involve the community in the design of local policing strategies. However, they stressed that community-based policing had so far remained confined to a few trained police officers whose long-term efforts to build trust with the communities was often disrupted by sudden and unannounced raids into communities by external police units. If community-based policing is to translate into more effective and respectful policing it must be a general policing strategy rather than something confined to an isolated unit. For this reason, Amnesty International welcomes the recent Police Commissioner's decision to roll-out community policing fully island-wide by nominating a Deputy Divisional Commander whose responsibility it is to introduce community policing to all the communities within their division.

FAILURE TO ENSURE POLICE ACCOUNTABILITY

Amnesty International, along with Jamaican human rights organizations and international human rights bodies, has repeatedly highlighted the failure to ensure effective, independent and timely investigations whenever police discharge a firearm or when police action results in serious injury or death.

International law requires the authorities to ensure that there are prompt, thorough and effective investigations in any cases that may involve a violation of the right to life. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state that there should be a system of reporting whenever police use firearms. Where shootings by police result in death, serious injury or other grave consequences, the Principles stipulate that a detailed report should be promptly reviewed by the competent authorities and that those affected, including relatives, should have access to an independent process, including a judicial process. The Principles also call on governments to ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence.

Despite the fact that every year an average of 12 per cent of the killings is committed by the police³⁴, prosecutions of police officers accused of unlawful killings are extremely rare. In part this is a result of inadequate investigations by the Bureau of Special Investigations and the Police Public Complaints Authority³⁵, but it is also due to the marked reluctance shown in the past by the Office of the Director of Public Prosecutions to prosecute officers.³⁶ In the

past 10 years, only four police officers have been convicted for their involvement in killings³⁷ out of a total of more than 1700 reports of fatal shootings³⁸.

Amnesty International welcomes the Director of Public Prosecutions' statement in February 2009 that she aimed to clear the backlog of cases involving killings by police by April/May 2009 and that subsequent reports would be dealt with by her Office within three months of receipt.³⁹ It is important to recognize that between January 2008 and March 2009 at least six cases of police shootings were dealt with by the Bureau of Special Investigations and the Office of the Director of Public Prosecutions in a timely manner and resulted in police officers facing murder charges.⁴⁰ In the case of Paul Brown, a bus driver shot dead by police on 5 January 2009, the ruling from the Office of the Director of Public Prosecutions was released just two days after the shooting and enabled the officer to be charged. However, such speedy responses remain the exception. As the cases of Randall Richards and Anthony Nelson show, many investigations of fatal shootings remain stalled for months with the Bureau of Special Investigations or Office of the Director of Public Prosecutions.

Information received by Amnesty International from the Bureau of Special Investigations and the Office of the Police Commissioner indicate that only 4.5 per cent of officers under investigation for involvement in fatal shootings between 2006 and 2008 were charged⁴¹ and that only one officer has been convicted in connection with a fatal shooting since 2006. According to Bureau of Special Investigation statistics, as of 15 May 2009, 1,040 investigations into complaints against police officers from previous years remained incomplete.

In response to complaints about shortcomings in the system for investigating alleged misconduct by members of the security forces, the government has promised to create an independent investigative body. The Minister of Justice and the Attorney General have reiterated on several occasions that the establishment of an independent commission to investigate excesses by the security forces was a priority for the government.

Nevertheless, a year after the Independent Commission of Investigations Bill was put before Parliament, it had still not been adopted. Issues which appear to have stalled the passage of the Bill are discussions in the Parliamentary Joint Select Committee on the availability of personnel with adequate investigative skills, and the scope of investigations by the proposed commission. Local human rights organizations have called for the commission to be empowered to investigate all allegations of misconduct by members of the security forces and other agents of the state.⁴² Amnesty International is concerned that the failure to date to establish the independent commission is delaying the implementation of an important measure to tackle impunity.

3. SOME STEPS FORWARD

The government has embarked on a process of reform that, if correctly and fully implemented, could remove many of the factors contributing to the public security crisis and significantly improve the enjoyment of human rights for everyone in Jamaica. The implementation of the JCF strategic review recommendations and of the recommendations of the Justice System Reform Task Force, as well as the efforts undertaken to tackle corruption and the development of a community safety and security policy are the most promising processes which are currently under way in the country.

REFORM OF THE POLICE FORCE

Police has an important role to play in creating the secure environment that allows people to exercise their human rights. However, as this and previous Amnesty International reports show, the JCF has failed to protect Jamaicans from human rights abuses including gang violence and has itself been responsible for violations. The persistent failure to bring to justice police officers responsible for unlawful killings and extrajudicial executions not only creates an atmosphere where officers feel they can commit such violations with impunity, it also denies victims' families access to justice.

Various factors have contributed to this entrenched lack of accountability. Among those identified by Amnesty International are weaknesses in the chain of command, with officers failing to report incidents to their superiors and covering up abuses. In addition, officers lack sufficient and effective training in the use of non-lethal force, increasing the likelihood that they will use firearms as a first rather than a last resort. Where there are allegations of human rights violations committed by police, investigations are hampered by a lack of expertise in gathering appropriate forensic and ballistics evidence and by flawed investigation procedures. These obstacles are compounded by a strong culture in the police of protecting colleagues from scrutiny and enforcing a "code of silence". Officers who break this code and co-operate with investigations can face intense criticism and even reprisals from colleagues.⁴³

Acknowledging these failures, the government embarked in 2007 on a process of reform of the force. In June 2008, a strategic review of the JCF resulted in 124 recommendations, most of which were accepted by the government.⁴⁴

Amnesty International, along with national human rights organizations and academics, believes that the overall package of proposed reforms could, if implemented, help to bring policing in Jamaica into line with international human rights standards.⁴⁵ Improving the professionalism, responsiveness and accountability of the force are key objectives of the JCF review recommendations. The recommendations cover crucial issues such as recruitment, training, professional development, performance appraisal, the disciplinary system and vetting. Improved external accountability is also addressed by the recommendation that the Police Public Complaints Authority be disbanded and replaced by an independent

commission for investigations. In general, the need for a radical change in the culture of the force is recognized to be a central issue and is explicitly addressed in the recommendations.

The implementation phase was officially launched on 1 September 2008, with the appointment of an implementation team⁴⁶ and of an oversight committee.⁴⁷ Five-year and one-year budgeted plans have been approved by the National Security Council and 500 million JMD (about 5.5 million USD) has been approved in the national budget 2009-2010.⁴⁸

According to information received by Amnesty International, the first eight months of the implementation phase have mostly been dedicated to the elaboration of implementation plans and strategies. Also, only those aspects of the recommendations that did not require significant additional funds were prioritized for implementation before the budget was set.⁴⁹ However, the allocation of funds for 2009-2010 should signal more rapid implementation of elements of the recommendations aimed at transforming the JCF into a responsive and accountable force.

REFORM OF THE JUSTICE SYSTEM

The failings of the criminal justice system are denying many Jamaicans their right to equal protection of the law.⁵⁰ They have also contributed to the deteriorating public security situation in the inner cities. The failure to bring to justice many of those responsible for violent crime and to hold to account police officers accused of involvement in unlawful killings or extrajudicial executions, combined with widespread corruption, have left those living in inner-city communities vulnerable and marginalized. They have also eroded confidence in the institutions of the state.

In an attempt to address these multiple weaknesses, the government set up the Jamaican Justice System Reform project to undertake a comprehensive review of the state of the justice system and develop strategies and mechanisms for its modernization. In June 2007, the Justice System Reform Task Force issued a detailed set of recommendations which, if implemented, could significantly improve access to justice for victims of criminal and police violence.

Two years after the release of the Task Force report, implementation of the recommendations is still in its initial phase. However, the ongoing establishment of a Justice Reform implementation unit, the approval of a five-year justice system transformation framework agenda,⁵¹ and the technical and financial support promised by several bilateral and multilateral donors⁵² suggest that implementation may be carried out at a more sustained pace in the near future.

In the meantime, a proactive approach has been taken to reduce the backlog of criminal cases with the approval of provisions aimed at increasing the number of judges in the Supreme Court and the Court of Appeal, as well as the number of prosecutors and staff in the Office of the Director of Public Prosecutions.

ACTION TO TACKLE CORRUPTION

Widespread corruption undermines the capacity of the state to respect, protect and fulfil the human rights of people living in inner-city communities. Corruption in the police and failings in the justice system prevent cases of alleged excessive use of force by police from being

adequately investigated, hamper the collection of evidence, and hinder prosecution of those responsible. Corruption in key economic sectors also prevents national resources from being directed towards the socio-economic development of inner-city communities.

Acknowledging that “the public security crisis is facilitated by high levels of corruption”,⁵³ the government has started to tackle corruption in key sectors. Within the JCF, the Anti-Corruption Branch strategy⁵⁴ resulted in an increase in the number of people arrested in 2008 for breaches of the Corruption Prevention Act,⁵⁵ although most of those charged were low-ranking officers. The National Contracts Commission has documented allegations of large-scale breaches of public procurement regulations, while the Commission of Customs dismissed a number of personnel suspected of corruption. Since the end of January 2009, anti-corruption champions in the police, the justice sector, key ministries and public sector agencies have been brought together into the National Integrity Action Forum in order to enhance information sharing and collaboration.⁵⁶

In May 2008, the government brought the Corruption Prevention (Special Prosecutor) Act before Parliament. This seeks to establish the Office of the Special Prosecutor for Corruption with the task of investigating and prosecuting corruption in both the public and private sectors. A joint parliamentary select committee has been considering the bill since September 2008.

CO-ORDINATION OF SOCIAL INTERVENTIONS AND COMMUNITY SAFETY MEASURES

The human rights violations experienced by people living in inner-city communities are driven by and reinforce poverty and exclusion, creating a vicious cycle of violence, human rights violations and deprivation. In its 2008 report, Amnesty International highlighted the need for a comprehensive and effective public security policy to bring an end to this cycle. The report identified how government action had been largely reactive. The authorities have tended to respond to public indignation at high crime rates either by developing policies which were then not implemented, or by providing ad hoc support for specific community security initiatives. Amnesty International highlighted the lack of any co-ordinated framework for systematic resource allocation, prioritization or integration with other initiatives.

Although a year later the development of a comprehensive public security plan has not been explicitly included among the government’s priorities, the need to ensure a more holistic and more co-ordinated approach to the public security problem has been integrated into the political discourse⁵⁷ and some practical steps have been taken.

The most promising initiative is the development of a community safety and security policy promoted by the Ministry of National Security.⁵⁸ The policy aims to provide a strategic framework for the rationalization, co-ordination and harmonization of current and future social intervention programmes.⁵⁹ It promises to be innovative, not only because it would provide the overarching strategy that has been missing so far, but also because it attempts to address a wide range of community concerns in terms of security and development by targeting institutions which previously had not been linked with community security issues. A key element of the proposed strategy is the elaboration of community safety plans. They will be developed with community participation so that specific community needs are identified and lead to co-ordinated plans for development and security.

The need for increased co-ordination has also been recognized by international donors. The government and international donors commissioned a study to evaluate the impact of the full range of donor-funded programmes supporting community security and safety initiatives. The findings of this study, which is currently being carried out, are intended to guide the elaboration of the community safety and security policy.

4. OBSTACLES TO REFORM

Jamaica is not new to reform processes. At least six other reviews of the JCF have been conducted over the past two decades and the justice system has been the subject of several studies and specific reforms. Different reports have been produced by bi-partisan commissions, NGOs, international agencies and scholars on the complexity of the crime and violence problem and several concrete solutions have been identified⁶⁰. Since national independence in 1962, bilateral and multilateral donors have supported the police and the justice sector in their efforts to modernize by providing technical assistance and considerable funds. However, few of the recommendations, reviews and reforms were implemented and the impact of the international community's interventions in strengthening institutions is disputed even among donors.

Given this legacy of thwarted attempts at reform, it is not surprising that there are concerns about the efficacy of current plans. While there would appear to be some encouraging signs, it is also the case that some of the factors which prevented the successful implementation of previous reforms are still present.

The first factor is a natural resistance to change within the institutions which are the focus of the reform processes, such as the police and the judiciary. For example, setting up a police force that works to serve the people and protect their human rights will require a radical transformation which is likely to be resisted. In relation to the JCF, most of the national and international independent commentators agree that good leadership, though necessary, is not in itself sufficient to overcome that resistance and ensure changes and results. In other words, while the presence of a Commissioner of Police of proven integrity and genuine commitment to reform is an important and essential step, widespread concern remains over the negative influence of recalcitrant officers who are determined not to lose the position of power that decades of corruption, lack of control and impunity have afforded them.

The second factor is political division. Although the protection of Jamaican citizens from fear and want and ensuring their economic and social rights should be a matter of national concern, there is considerable apprehension that competition for political power and control could prevail over this aim. Fractures, not only between the ruling and the opposition parties but also within the parties themselves, could have a very detrimental effect on the implementation of the current reforms. Moreover, there are concerns that internal resistance within the police, the judiciary and other key institutions could be manipulated and exploited by political groups seeking to increase their power and influence.

The third factor is the current global economic recession. The economic downturn has had a significant impact on Jamaica. A reduction in foreign investments,⁶¹ a fall in remittances from the diaspora,⁶² and a decrease in exports, which has had a huge impact on the bauxite/aluminium industry,⁶³ are among the most visible and alarming effects. In such hard

times, there is a risk that the government will allocate funds to other priorities and reduce the resources allocated to implementation of the reform process.

"The present economic environment, both locally and internationally, is not one in which resources will be readily available. Now, more than at any other time, we need the understanding and the support of the nation to win the fight against crime. The nation can only be mobilized on the basis of a consistent bi-partisan approach."

Minister of National Security, State of the Nation debate, January 2009

Finally, the historical links between violence and politics should not be underestimated.⁶⁴ As acknowledged by Prime Minister Bruce Golding, even though there has been a significant reduction in the link between political tribalism and criminal activity in recent years, "there is still a far way to go."⁶⁵ The existence of garrison communities and the violence fuelled by political and gang rivalry remain a reality in Jamaica's inner cities, as does the culture of patronage and corruption. Their eradication requires determination and courage from the current political leadership. The reform of the police and of the justice system risk being empty promises unless the political leadership is willing to adopt unpopular actions to address the issue of garrison communities and to tackle corruption at all levels.

5. CONCLUSIONS AND RECOMMENDATIONS

Amnesty International's research reveals a very mixed picture in terms of progress in improving public security in Jamaica. On the one hand, the situation for those living in inner cities remains dire with many unable to enjoy their human rights. On the other hand, the government has shown some interest in addressing most of the causes of the public security crisis and has therefore promoted the development of reform projects and started to implement them.

Jamaica has made a good start on this road to reform. A clear strategy for change has been identified and a detailed set of recommendations to drive forward the reform of the police and of the justice system has been developed. Other important policy documents are being drawn up, such as the community safety and security policy. International donors have expressed their clear commitment to provide technical and financial support for these reforms. Jamaicans have shown their support for the plans by electing a government whose programme focuses on the need to curb violence and foster development. What remains to be seen is whether the political leadership is strong enough to overcome possible obstacles and resistance and whether it is truly committed to tackling the public security problem from a human rights perspective.

Disenchanted by previous failed attempts at reforms, people living in inner-city communities are calling for tangible changes in their daily lives. The ultimate aim of the Jamaican government's reform efforts must be to change the situation of poverty, exclusion and violence in which people in inner-city communities live and to ensure that everyone in Jamaica can enjoy all human rights without discrimination. Success will, therefore, not be measured in terms of policies adopted, legislation enacted, new institutions created or officers trained, but in terms of a reduction of homicides and a fall in the number of killings by police. It will involve bringing to justice in fair trials police and other state officials responsible for human rights violations. It will entail increasing public trust in the police and in the justice system and improving the socio-economic situation and enjoyment of economic, social and cultural rights of those living in inner city communities.

The Jamaican government has an opportunity to build on the measures taken so far and to show real commitment to ensure the respect, protection and fulfillment of human rights. In order to do this, Amnesty International believes that the Jamaican government needs to sustain efforts and prioritize action in the following areas.

Fully and systematically implement the reform of the police and the justice system

"Police reform will have an impact only if it reinforces and is in turn strengthened by an independent and effective judiciary system and if there is an effective and uncorrupt administrative framework, including a transparent and fair process treating allegations of police abuse or misconduct."

Police reform and human rights, A HURIST/United Nations document, 20 July, 2004⁶⁶

The plan to combine reform of the police and the justice system is very important and promising. The police and the judiciary are interdependent and complementary in their task of enforcing law and respecting, protecting and fulfilling human rights. By proceeding in parallel, the two processes of reform can mutually strengthen and reinforce each other. For this reason, enhanced co-operation between the Minister of National Security and the Minister of Justice is crucial in order to co-ordinate the two reform processes and ensure that the overall goal is to strengthening the rule of law.

Reform of the police and the justice system must be seen as essential for the realization of human rights and should therefore receive the support of both the ruling and the opposition parties which at different stages have been engaged in these processes.⁶⁷ The political leadership must be united in giving clear guidance and avoid partisan political differences during implementation. While external evaluation of the processes is to be welcomed, this should be based only on technical and objective indicators and not on politically-motivated considerations.

Addressing possible resistance to change within the JCF is a crucial issue. In order to limit such resistance, it is important that the scope and the purpose of the review is known, understood and hopefully accepted by all the members of the force in order to ensure they are able to participate in this process. Particular attention should be paid to the implementation of recommendations relating to the improvement of internal communication and participation by officers at all levels of the force in the reform process.

The implementation of the reform of the police and justice system should be guided by the need to achieve concrete changes in terms of responsiveness and accountability to the public. The continued support of donor governments and multilateral development agencies will help to provide the methodological tools necessary to monitor and evaluate progress and propose changes accordingly, in particular through the identification of indicators.⁶⁸ These should include indicators measuring the quality of services provided as well as quantitative measures such as numbers of arrests, reports to the police, clear-up rates, prosecutions and so on. The use of qualitative indicators is necessary to assess whether the implementation of the reforms is effective in improving public confidence in the police and justice system and in improving respect for and protection of human rights by both institutions.

Participation by the population must be at the heart of the reform processes. Participation in government and public affairs is a right grounded in international law.⁶⁹ In practice it translates into the right of people to be informed about the decisions which affect them, to have a say in those decisions, to be able to participate actively in processes that can determine the realization of their human rights and for their views to be taken into account in decision-making processes. Active participation should be a rule in every public decision-

making process. The authorities should ensure that everyone can exercise the right to participation without discrimination and take steps to ensure that marginalized individuals and communities are not ignored in decision-making processes which affect their lives.

Although the reform of the police and of the justice system may appear extremely technical, it is the people living in inner-city communities who on a day-to-day basis experience human rights violations and face difficulties in obtaining protection from the police and accessing effective remedies. Seeking and taking into account their views is therefore necessary to ensure that the reforms have a positive impact on their lives.

In addition, in order to ensure the participation of people living in poverty in marginalized inner-city neighbourhoods, steps will need to be taken to ensure their empowerment. The Jamaican government, with assistance from the international community, should develop strategies to strengthen capacities for participation. A plan for participatory monitoring of the JCF review and the reform of justice system should be prepared to decide who will participate and how the capacities of those participating will be strengthened so that their involvement is meaningful.

Enhance police accountability⁷⁰

"Human rights oriented policing requires police, both as individuals as well as the institution, to recognize the importance of being watched and second-guessed by outsiders; police don't have to like being scrutinized, but they must understand it is a precondition for legitimacy."
D.H. Bayley, *The contemporary practises of policing: A comparative view*, 1997

The full implementation of the JCF review should considerably enhance internal accountability of the force. In particular, the implementation of an effective performance appraisal system, the review of the JCF discipline system and the vetting⁷¹ of all staff deserve special attention. Indicators based on the UN Code of Conduct for Law Enforcement Officers need to be included in those processes in order to make sure that only officers whose conduct complies with international human rights standards are retained in service. A system of incentives and disciplinary measures should be established which is aligned not only to capacity/competence criteria but also to integrity and respect for human rights.

The government must establish without delay the independent commission to investigate abuses by members of the security forces. At the time of writing, the Independent Commission of Investigations Act (2008) was awaiting final approval by Parliament. Parliamentary approval should be obtained without delay and adequate resources allocated to enable this new body to effectively perform its investigative tasks. In order to ensure that the investigators of the independent commission have the necessary competence and skills, it is essential that a training strategy be developed and adequately funded. In order to guarantee good quality investigations, the new commission will need access to adequate and independent ballistics and forensic expertise. The government should continue to seek technical assistance in particular from other states where there is expertise in developing mechanisms and procedures for independent investigation and monitoring of the police.

In order to enhance police accountability, it is essential also to improve the system for prosecution and prompt and fair trial of officers responsible for unlawful killings, excessive use of force, or other serious human rights violations. There has been some progress, as

shown in some cases where the Director of Public Prosecutions has made prompt decisions to prosecute police officers. However, measures are needed to ensure that in all cases there are no unnecessary delays in bringing prosecutions. The creation of a special coroner for police abuses⁷² would enhance investigation capacity in relation to deaths occurring at the hands of agents of the state, and consequently provide stronger evidence to support the Director of Public Prosecutions' decisions. The establishment of a special prosecutor for corruption would also expedite the prosecution of state agents involved in breaches of the Corruption Act. Parliament should take urgent steps to adopt laws establishing these institutions and to clearly define the interactions and relations between the Office of the Director of Public Prosecutions and the new independent investigative commission.

Adopt and implement a plan to combat the root causes of violence

"We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights."

Kofi Annan, UN Secretary-General, "In larger freedom: towards development, security and human rights for all", 2005

In its 2008 report, Amnesty International called on the government to adopt and implement a plan to combat the root causes of violence, in particular disparities and discrimination in the access to economic, social and cultural rights. One year later, this recommendation remains a priority.

The government should use maximum available resources – including those available through international co-operation and assistance – to ensure that people living in inner-city communities have effective access to economic, social and cultural rights, without discrimination. In particular, the authorities should ensure enjoyment of the right to an adequate standard of living, including housing; to work; to the highest attainable standard of physical and mental health; and to education. These measures are an essential element of any community safety and security policy.

Substantial investment in initiatives and measures aimed at facilitating the development of marginalized and at risk communities is of vital importance. The global economic downturn poses considerable challenges to the Jamaican economy and to the government capacity to effectively implement projects and programmes. However, social interventions should not be sacrificed by the Jamaican government or by the international community in difficult times. National authorities and donor governments should intensify their efforts to coordinate social interventions effectively in order to ensure that available resources are deployed in ways that maximize impact. It is only by addressing discrimination and marginalization, which are the root causes of violence, that it will be possible to achieve durable responses to the public security crisis in Jamaica.

Recommendations for other governments

Amnesty International believes that sustained international cooperation is crucial to supporting Jamaica to overcome its public security crisis and to ensuring that the reform processes are effectively implemented.

In relation to the implementation of reform of the police and the justice system, the support of international donors and development agencies is particularly important to identify

substantive qualitative and quantitative indicators for monitoring results in terms of the realization of human rights, as well as to ensure that data are collected on a regular basis.

As soon as the independent commission of investigation on abuses committed by members of the security forces is established, bilateral and multilateral donors should provide important assistance to build institutional competence and effective independent investigators. Facilitating the speedy transfer of expertises from countries which have already established such an institution could be decisive.

Continuing to enhance the co-ordination and the effectiveness of social interventions and community security programmes should also be a priority. For this purpose, support in the finalization and in the implementation of the community safety and security policy will help to ensure that measures for effective access to economic, social and cultural rights are an integral part of the policy.

ENDNOTES

1 The Bureau of Special Investigations is a unit of the Jamaican Constabulary Force. It undertakes investigations of all police shooting incidents and reports to the Commissioner of Police. It draws up reports to submit to the Commissioner of Police and to the Director of Public Prosecutions in cases where the investigation suggests that criminal proceedings could be initiated. The Bureau of Special Investigations is staffed by current and former police officers and, as a result, the credibility of its investigations has been subject to question.

2 The Police Public Complaints Authority is an independent, civilian body established to monitor and supervise investigations by the police into killings by officers and other complaints against the police. It reports annually to the Minister of Justice. The Authority can also investigate cases of its own accord and submit cases for prosecution to the Director of Public Prosecutions. Public confidence in the Authority is low and human rights organizations in Jamaica have highlighted many of the weaknesses of this institution, including lack of authority, lack of independent investigative capacity and lack of access to independent ballistics and forensic services.

3 State of the Nation Debate, presentation by Senator Trevor MacMillan, Minister of National Security, January 2009.

4 The link between violence and politics has been highlighted by many criminologists and acknowledged by the Report of the National Committee on Political Tribalism issued in July 1997. The Committee was appointed in 1997 by the then Prime Minister and its findings have been acknowledged by the current Prime Minister. The Report defined a garrison community as "one in which anyone who seeks to oppose, raise opposition to or organize against the dominant party would definitely be in danger of suffering serious damage to their possessions or person thus making continued residence in the area extremely difficult if not impossible. A garrison, as the name suggests, is a political stronghold, a veritable fortress completely controlled by a party. Any significant social, political, economic or cultural development within the garrison can only take place with the tacit approval of the leadership (whether local or national) of the dominant party".

5 Extrajudicial executions are unlawful and deliberate killings, carried out by order of a government or with its complicity or acquiescence. An extrajudicial execution is, in effect, a murder committed or condoned by the state.

6 (AMR 38/001/2008).

7 Miami Herald, "Rights group: Jamaica must crush its crime", 2 April 2008.

8 Jamaica Gleaner, 7 April 2008.

9 See, the Universal Declaration of Human Rights, Article 3, "Everyone has the right to life, liberty and security of person"; the International Covenant on Civil and Political Rights, Article 4.1, "Every person has the right to have his life respected" and Article 7.1, "Every person has the right to personal liberty and security." Jamaica ratified the International Covenant on Civil and Political Rights on 3 October 1975. See also the American Convention on Human Rights Article 7(1), "Every person has the right to personal liberty and security". Jamaica ratified the American Convention on Human Rights on 7 August 1978.

10 According to data published by Jamaican Constabulary Force, 1,583 people were murdered in 2007.

11 Human Rights Committee General Comment No 6. para 3.

12 Views of the Human Rights Committee, Delgado Paez v Colombia, Communication 195/1985, 23 August 1990.

13 The use of firearms to commit murder has continued to increase during the past two decades. In the 1990s 50 per cent of homicides were committed with guns. By 2000 this had risen to 61 per cent and by 2005 this had risen again to around 75 per cent.

14 Janice Miller, Jamaica's representative to the UN Preparatory Committee for Review Conference on Illicit Small Arms Trade, New York, 11 January 2006; Mark Shields, Jamaica's Deputy Police Commissioner, quoted in "Guns from America fuel Jamaica's gang wars", Associated Press, 21 June 2009.

15 Article 6.2 of the Convention on the Rights of the Child requires states to "ensure to the maximum extent possible the survival and development of the child". Jamaica ratified the Convention of the Rights of the Child on 13 June 1991.

16 Preliminary observations on the Inter-American Commission of Human Rights' visit to Jamaica in early December 2008, press release No. 59/08.

17 See for example, Jamaica Star, "More children being killed", 21 April 2008; Jamaica Observer, "Spilling innocent blood", 22 June 2008; Jamaica Gleaner, "Missing child alert system mooted", 9 October 2008; Caribbean Net News, "Task Force to be set up in Jamaica to devise ways to protect children", 10 October 2008; Jamaica Gleaner, "Police not focusing enough on child cases", 14 October 2008; and Jamaica Gleaner, "Keeping children and women safe", 30 October 2008.

18 <http://www.mns.org.jm/StateoftheNationPresentationJanuary232009/tabid/712/Default.aspx>, visited 2 July 2009.

19 Article 17, International Covenant on Civil and Political Rights.

20 See for example, Amnesty International, Let them kill each other – Public security in Jamaica's inner cities (AMR 38/001/2008), pp. 17-18

21 See Jamaica Gleaner, "Police feel fear too – Murders of colleagues hit close to home", 7 July 2009.

22 Source: Bureau of Special Investigations (on file with Amnesty International).

23 Principle 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials stipulates that police should use firearms only as a last resort in defence against an imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority or to prevent their escape, and only when less extreme means are insufficient to achieve these objectives. According to principle 10, "In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident."

24 Principle 5 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states:

"Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; (b) Minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment; (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

25 Jamaica Gleaner, "I did not come here expecting any magic – Lewin speaks his mind about his first year as commissioner", 27 April 2009.

26 In January 2009, the Ministry of National Security published the first large-scale Jamaica National Crime Victimization Survey based on interviews conducted in 2006. It is based on a sample of 3,112 Jamaican residents, representative of the general Jamaican population. It aims at complementing police statistics with information on incidents not reported to or recorded by police, information about victims and offenders, the psychological impact of victims' experiences, attitudes towards the criminal justice system, fear of crime and perceptions about neighbourhood safety and disorder.

27 68 per cent of the respondents had failed to report recent incidents when they had been the victims of crime to the police.

28 The LAPOP survey is the only survey of public opinion and behaviour that covers the Americas. The 2008 chapter on Jamaica, entitled "The Political Culture of Democracy in Jamaica, 2008: The Impact of Governance", is available at <http://sitemason.vanderbilt.edu/lpop/JAMAICABACK>.

29 For example 85 per cent of respondent to the 2008 LAPOP survey said they felt that when the police came into their neighbourhood they were "there to help you" rather than "there to abuse you"; 68.4 per cent of the respondent to the National Crime Victimization Survey felt that the police were doing either a good job or an average job enforcing the law.

30 When asked about their level of satisfaction with how the police dealt with their case, almost half of the respondents to the National Crime Victimization Survey answered that they were either "not very satisfied" with the police (14.2 per cent) or "not satisfied at all" (32.5 per cent). The LAPOP survey showed also that people who had been victims of crime were more likely to have negative impressions of the police.

31 See infra, page 14.

32 Community-based policing is not new in Jamaica. Since the 1990s, the JCF has supported experiments in community-based policing in selected pilot communities. The most recent pilot project was implemented in the Kingston inner-city neighbourhood of Grants Pen. This ran from October 2002 for five years with the support of the United States Agency for International Development (USAID). A USAID-sponsored assessment of community-based policing in Jamaica published in March 2008 found that "Grants Pen is not a model in terms of success or replicability". The assessment also highlighted that "while CBP [community-based policing] has been attempted in various forms and at various times in the history of Jamaican policing, there has never been a significant, sustained implementation programme". The current community-based policing initiative, also funded by USAID, builds on the recommendations of the assessment.

33 See <http://www.jcf.gov.jm/MajorFormations/CommunityPolicing/CommunitySafetySecurity/tabcid/329/Default.aspx>, visited 2 July 2009.

34 In 2005 police were responsible for more than 10 per cent of killings (1674 people were victims of criminal murder and 202 were killed by the police). The comparable figures for subsequent years were: 14 per cent in 2006 (1355 people victims of criminal murder and 229 killed by the police); 14 per cent in 2007 (1583 people victims of criminal murder and 272 killed by the police); and 12 per cent in 2008 (1611 people victims of criminal murder and 224 killed by the police).

35 Amnesty International's 2008 report stated: "Human rights organizations in Jamaica have documented many irregularities in the investigations by the BSI [Bureau of Special Investigation] and the PPCA [Police Public Complaints Authority]. These include investigators delaying visits to the crime scene, sometimes for several days, resulting in the loss of vital evidence; failure to preserve the crime scene by prematurely moving the bodies; failure to collect evidence, including sample swabs, clothing or statements; and failure to conduct adequate and complete autopsies" (p. 28).

36 See for example Amnesty International, Jamaica: The killing of the Braeton Seven – A justice system on trial (AMR 38/005/2003).

37 Three police officers were convicted in October 1999 for the murder of David Black, who was beaten to death in Trelawny police station in September 1995. The last police officer to be convicted was sentenced to life imprisonment in February 2006 for the killing of Michael Dorsett, who he shot in the back on 9 November 2000 while on patrol with other police officers.

38 According to statistics from the Bureau of Special Investigations, 1422 people were killed by the police between 2000 and 2007. A further 224 people were killed in 2008 and another 84 in the first five months of 2009.

39 Jamaica Gleaner, "DPP tackles cop cases – Llewellyn vows to clear pile-up of BSI files by April/May", 2 March 2009.

40 Information provided to Amnesty International by the national human rights organization Jamaicans for Justice.

41 According to data provided by the JCF, 1311 police officers are under investigation for their involvement in incidents of fatal shootings between 2006 and 2008. 59 were charged for murder and additional offences, arising from such incidents of fatal shootings.

42 According to the bill, the commission will conduct investigations into actions of the security forces that lead to death or injury or that was intended or likely to result in the death of, or injury to, any person; involve sexual assault or other assault and battery. Damage to property or taking money or other property has also been listed. On 8 May 2009 the Senate adopted the Report of a Joint Select Committee of Parliament, which extends competence of the Commission to other "incidents of a grave or exceptional nature". Human rights NGOs have argued that this formulation leaves no scope for the Commission to investigate complaints of threats or intimidation, illegal detention and false imprisonment, harassment, discrimination, malice, failure to investigate and disrespect by the police.

43 See, for example, Amnesty International, Let them kill each other – Public security in Jamaica's inner cities, "Inadequate investigations", p.29.

44 The review was conducted by a panel of domestic and international experts. The full list or recommendations are available at the Ministry of National Security website:
<http://www.mns.org.jm/JCFStrategicReview/tabid/633/Default.aspx>, visited 2 July 2009.

45 The resolution that adopted the UN Code of Conduct for Law Enforcement Officials states that "every law enforcement agency should be representative of and responsive and accountable to the community as a whole", UN General Assembly Resolution 34/169, 17 December 1979.

46 The Implementation team is headed by the Assistant Commissioner in charge of Strategy Policy and Plans.

47 The Implementation Oversight Committee is composed of 10 members external to the JCF and drawn from a wide cross-section of Jamaican society. It has the task of assessing progress made in the implementation of the recommendations, recommending adjustments and keeping the public informed. Although only required to meet quarterly, so far the Committee has been meeting monthly. It reports to the National Security Council and the Prime Minister.

48 Information provided to Amnesty International by JCF Strategic Review Implementation Team in April 2009.

49 For example, the process of increasing the number of civilians performing non-core functions within the police force started with the engagement of 10 civilians to work with Crime Stop, an initiative involving partnership between the community, the police and the media to involve the public in the fight against crime. Some mechanisms for external communication have been set up and a comprehensive internal and external communication plan is being developed. Thanks to funds awarded by the Canadian government, the vetting process has also started with about 40 senior officers undergoing polygraph integrity testing.

50 Universal Declaration of Human Rights, Article 7: "All are equal before the law and are entitled without any discrimination to equal protection of the law".

51 Among the wide range of recommendations made by the Justice System Reform Task Force, the agenda identifies seven strategic objectives and estimates costs will be around 6 billion Jamaican dollars (about US\$67 million) over the five-year period. The objectives are: ensuring the fair and timely resolution of cases, improving access to justice, strengthening the capacity of the judiciary, strengthening links between institutions in the justice sector, establishing a sound court infrastructure, and implementing a social component to the delivery of justice.

52 The Canadian government through the Canadian International Development Agency (CIDA) provides technical and financial assistance to reform justice-related legislation and policies, strengthen institutions in the justice system and encourage civil society to provide input to reform of the justice system. The European Union budget support programme includes support for the justice system as one of its main focuses, along with support for police reform. The development of the justice system transformation framework agenda is one of the criteria for the release of the first envelope of funds.

53 Report of the Special Task Force on Crime convened by the Leader of the Opposition Mr. Bruce Golding, Road Map to a Safe and Secure Jamaica, May 2006, 1.5.6.

54 While the year-one anti-corruption plan focused on increasing the deterrent effect for members of the police force, the year-two plan combines deterrence with prevention through education, communication and training. The year-two strategy is designed to incorporate the JCF strategic review's recommendations related to the promulgation and establishment of a zero tolerance policy towards corruption. In the framework of this strategy, an anti-corruption toll-free telephone line was launched in mid-January 2009 to allow people to report anonymously allegations of corruption by police personnel and employees of the Customs Department. Calls are received by operators located outside the island

and, if relevant, the information received is forwarded to the Anti-Corruption Branch of the JCF or to the Commission of Customs for investigation.

55 In 2008, 69 people (56 members of the police force and 13 civilians) were arrested. The comparable figure for 2007 was 20.

56 Led by the University of the West Indies and supported by USAID, the forum has received the endorsement of the Prime Minister and of the Leader of the Opposition and it is mandated to develop a practical action plan in the next two years to raise Jamaica's levels of national integrity.

57 As reported by the Jamaica Information Service in its article "Crime reduction requires a multi-dimensional approach" dated 20 January 2009, the Minister of National Security, at the third Inter-American Forum on Violence Prevention and Citizen Security stated: "Security and crime reduction are cross-sectoral, public private and community-based phenomena that require a multi-dimensional approach. They demand cross-fertilization of efforts among all social actors, significant institutional reform to facilities, a holistic response, and it requires us to see beyond the limitations of our institutions and deliberately seek to build across and beyond the lines of bureaucracy".

58 Another initiative is the National Transformation Programme ("A first Start for Jamaica") launched by Prime Minister Bruce Golding in mid-2008. Independent but based in the Office of the Prime Minister, the programme brings together representatives from government departments and civil society and is mandated to "bombard the nation with positive national core values to transform negative personal behaviours, establish productive community mores and to restore a positive national image", as well as to "coordinate present social intervention initiatives for more effective impact in keeping with national priorities". Although no concrete results have been seen so far regarding its co-ordination role, the Programme is playing a part in publicizing government policies and actions related to violence prevention and community safety.

59 Currently the main programmes are: the Community Security Initiative, implemented by the Ministry of National Security and funded by UK Department for International Development; the Citizen Security and Justice Programme, implemented by the Ministry of National Security and financed with a loan from the Inter-American Development Bank; the Inner City Basic Services for the Poor project, implemented by the Jamaica Social Investment Fund and financed with a loan from the World Bank; the Peace Management Initiative, funded by the Ministry of National Security (see Amnesty International's 2008 report, p. 39) and the Violence Prevention Alliance (see Amnesty International's 2008 report, p. 39). These programmes focus on inner-city communities and their wide range of activities include dispute resolution and mediation, improvement of community infrastructure, skills trainings and micro-finance.

60 See for example Report of the National Committee on Crime and Violence, 11 June 2002; Government of Jamaica, National Security Policy for Jamaica: Towards a Secure and Prosperous Nation, 2007; United Nations Office on Drugs and Crime and the Latin America and the Caribbean Region of the World Bank, , "Crime, Violence and Development: Trends, Costs and Policy Options in the Caribbean", Report No 37820, March 2007; Anthony Harriott, "Editors Overview", Understanding Crime in Jamaica: New Challenges for Public Policy, University of the West Indies, 2003.

61 Caribbean Press Releases, "Jamaica Monitoring Effects of Global Financial Crisis Daily", 19 November 2008, available at <http://www.caribbeanpressreleases.com/articles/4251/1/Jamaica-Monitoring-Effects-of-Global-Financial-Crisis-Daily/Page1.html>, visited 7 July 2009.

62 Caribbean Net News, "Commentary: Remittances to Latin America and the Caribbean decline this year", 2 June

2009, available at <http://www.caribbeannews.com/news-16810--6-6-.html>, visited 7 July 2009.

63 RadioJamaica, "Bauxite crisis takes a toll on government revenues", 5 February 2009, available at http://www.radiojamaica.com/index.php?option=com_content&task=view&id=15353&Itemid=52, visited 7 July 2009.

64 The fact that party politics gave rise to factional conflicts and that the use of violence in politics has intentionally been nurtured as a strategy to gain political power has been highlighted by the broad-based National Committee on Political Tribalism appointed in 1997 by the then Prime Minister and acknowledged by the current Prime Minister. For more information on the role of violence in Jamaican party politics, see Amnesty International, Let them kill each other – Public security in Jamaica's inner cities (AMR 38/001/2008), pp. 8-11.

65 Prime Minister Golding addressed the issue of political transformation in his speech at the third biennial Jamaican Diaspora Conference in June 2008, as reported by Caribbean Net News: "Politics has contributed to crime problem, says Jamaican PM", 18 June 2008.

66 The document is available at the United Nations Development Programme website:
http://www.undp.org/governance/docs/HR_Pub_PoliceReform&HR.pdf, visited 7 July 2009

67 The ruling party's electoral programme included the commitment to carry on with these reforms, but the JCF review and the Justice System Review Task Force were set up by the previous government.

68 A number of initiatives to identify indicators in the justice and security sectors have been brought to Amnesty International's attention. First, USAID, through the Community Empowerment and Transformation Project (COMET) and in partnership with the JCF and University of the West Indies, is supporting the identification of indicators and benchmarks for monitoring and evaluating community-based policing, including the use of quantitative and qualitative data. Second, the Harvard University Kennedy School of Government is carrying out a project to support the development of a system of indicators for measuring performance of the justice and security sectors in three pilot projects in developing countries, including Jamaica. Third, as mentioned earlier, in January 2009 the Minister of National Security published the first large-scale Jamaica National Crime Victimization Survey. The Ministry informed Amnesty International that it intends to carry out this survey on a regular basis.

69 Article 25 of the International Covenant on Civil and Political Rights states that every citizen shall have the right and the opportunity to "take part in the conduct of public affairs, directly or through freely chosen representatives". Paragraph 8 of the Human Rights Committee General Comment No. 25 (CCPR/C/21/Rev.1/Add.7, General Comment No. 25) states "Citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association."

70 Police accountability involves a means of identifying and addressing problems that could lead to human rights violations in order to prevent the violations from occurring. It also involves methods for ensuring that, once human rights violations occur, steps are taken to bring perpetrators to justice and provide victims with reparation so as to ensure human rights violations do not recur. This requires effective systems of accountability both within police structures and outside them. The former are known as internal accountability mechanisms while the latter are referred to as external accountability mechanisms.

71 "Vetting usually entails a formal process for the identification and removal of individuals responsible for abuses,

especially from police, prison services, the army and the judiciary", UN Secretary-General's 2004 report, The rule of law and transitional justice in conflict and post-conflict societies, p. 17.

72 The Coroners (Amendment) Bill provides for the creation of the Office of the Special Coroner. The Bill was passed by the Senate in early December 2008 and is awaiting approval by the House of Representatives.



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PUBLIC SECURITY REFORMS AND HUMAN RIGHTS IN JAMAICA

People in Jamaica's inner cities have for decades been caught between the reign of fear exercised by criminal gangs – responsible for the overwhelming majority of crime in the country – and violent policing. Police killed more people between January and May 2009 than during the same period in 2008. This bucks the trend – so far, 2009 has seen a fall in the total number of murders compared with 2008.

It is widely accepted that only by addressing the root causes of the public security crisis – deprivation and exclusion in the inner cities – can there be a durable solution. Far-reaching reforms to the police and the justice system have begun. Steps have been taken to tackle corruption, and a safety and security policy is being drafted to address security and development at community level.

As this report shows, these reforms have now reached a critical stage. With political will and commitment, they can help drive forward the changes needed to tackle entrenched human rights problems in the inner cities. Amnesty International is calling on the Jamaican authorities and donor governments to seize this opportunity to make a real difference to the thousands of Jamaicans currently denied their human right to live in dignity and security. The country's future depends on it.

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Index: AMR 38/001/2009
July 2009

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