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Jamaica: Braeton Inquest -- Getting away with murder?

Following deeply-flawed proceedings over nine months, an inquest jury in Jamaica ruled yesterday that no-one should be held criminally responsible for the deaths of seven young men at the hands of police officers in Braeton on 14 March 2001.

"The Director of Public Prosecutions should immediately instigate criminal proceedings against the police officers involved. For justice to be done and seen to be done, there must be an independent, thorough and impartial investigation to determine responsibility for these deaths," Amnesty International said, pointing to the serious inconsistencies between the initial police account of events and their eventual statements as but one reason why there is a case to answer for what happened in Braeton.

"The inquest proceedings appear to have been conducted without the impartiality required under international law for investigations into alleged extrajudicial executions," Amnesty International. The organization sent an observer to the proceedings twice and monitored them on a continual basis.

"There appear to be manifest examples of bias on the part of the Coroner, leading to the police version of events being consistently favoured," Amnesty International said.

Examples include:

- A statement by the Coroner, on 8 April 2002, that: "Nothing is wrong with a propensity to shoot. Law Lords said, Shoot first and ask questions after. Police have a right to shoot".
- The Coroner allowed eight police officers who fired their guns inside the house not to give any evidence at the inquest.
- Failure by the Coroner to mention, in her summing up, the strong possibility of contamination of tests which purported to demonstrate the presence of gunpowder residue on some of the victims' hands, despite the presentation of extensive evidence on this issue.

"Once again, Jamaican law enforcement agents alleged to have killed unlawfully, are allowed to walk free and escape justice. The Braeton inquest is but the latest addition to a litany of cases -- including Green Bay, Montego Bay, Agana Barrett, Michael Gayle, the St Catherine's Prison Beatings, West Kingston, Patrick Genius, Sean Robinson -- highlighting the

lack of political will on the part of the authorities to ensure justice and accountability," Amnesty International said.

Background

The verdict was reached with a 6-4 majority. Section 19(7) of the Coroner's Act 1900 provides that in certain cases where the jury fail to agree by a certain majority on a verdict, the Coroner has the discretion to discharge the jury and issue a warrant for summoning another jury. Such discretion would apply as in this case, where the jury comprised "seven or more persons" and the minority consisted of "more than two" people. The Coroner may thus instigate an entirely new inquest.

The Director of Public Prosecutions (DPP) has the power to review the depositions to see if any charges should arise from the Braeton deaths. Yesterday an assistant deputy DPP reportedly stated: "If and when it is referred to the office of the DPP by the resident magistrate, the DPP will review the files and may rule that notwithstanding the verdict, he may still go ahead and lay charges if the evidence supports the charges. Or, he may agree with the majority decision."

The DPP has a history of failing to institute proceedings against police officers alleged to have killed unlawfully. No charges were instigated following the inquest ruling that all police and soldiers involved in the death of Michael Gayle, beaten to death at a roadblock in August 2000, should be held criminally responsible. No charges were instigated following the inquest ruling that police officers should be held criminally responsible for the death of Patrick Genius.

On 14 March 2001, the police killed seven young men at a house in Braeton, Kingston. The police claimed the men fired upon them after some 60 officers arrived at the house and requested them to give themselves up. According to the police, all seven were killed when the gun fire was returned. However, residents in the area claim they heard the men pleading for officers to spare their lives before the police took the men back inside the house one at a time and apparently executed them. A pathologist, sent by Amnesty International, observed the autopsies and noted that six of the seven youths had been shot in the head, with at least one shot fired at close range, and concluded that it was "highly unlikely" that the shooting occurred in the manner suggested by the police and that the pattern of gunshot wounds was "more consistent" with the theory that the men were shot from inside the house.

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