

# JAMAICA: GANG AND POLICE VIOLENCE IN THE INNER CITIES

“If a policeman comes within my community he sees every person as a gunman, a thief, always doing something wrong. There is nowhere in Jamaica other than in the inner-city that a police come and kick in your door... but you can't barge in like that trying to police. If you do, who is going to police the good law abiding citizens in the community?”

WOMAN FROM INNER-CITY KINGSTON, OCTOBER 2007



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Jamaica faces a public security crisis. Those most affected are people living in poverty in inner-city neighbourhoods largely abandoned by the state. Genuine security depends on respect for human rights. It involves protecting people from violence in all its forms. The Jamaican authorities have a long way to go to fulfil their responsibility to ensure the protection and safety of their citizens.

Boys peer at a police officer from behind a wall used earlier as cover by gunmen during a clash between rival gangs, Kingston, December 2005.



**“The crime that is happening in Jamaica is somehow being approached in a manner that is hypocritical because you can’t be taking branches from the crime tree, taking leaves from the crime tree, taking stems from the crime tree but you are watering the crime root, is going bear... fruit that is going to be bitter in the belly of the nation”.**

Bunny Wailer, reggae artist from Bob Marley and The Wailers, October 2007

Jamaica has one of the highest rates of homicide in the world. The main body responsible for policing in Jamaica, the Jamaican Constabulary Force (JCF), has one of the highest rates of police killings in the Americas. Amnesty International has found that many of these killings appear to be extrajudicial executions.

The great majority of victims live in disadvantaged inner-city areas. Trapped between the criminal violence and violent policing methods, people living in these communities are denied access to effective state protection of their rights to life and security.

Many of those living in poverty in socially excluded inner-city communities experience disproportionately high levels of endemic unemployment, limited water supply and limited access to electricity.

Years of state neglect have left a vacuum in these communities which has been filled by organized gangs. The state’s failure to address chronic unemployment and a lack of basic infrastructure has created the

conditions in which criminal gangs have thrived. People living in these communities have little option but to turn to the gangs for access to jobs, education and medical care.

*“Because the government is not socially intervening in these communities, community leaders who deal with petty crime in their area also deal with school problems of all children, they provide for the little old lady to make sure she gets food, they distribute legal and illegal jobs, etc. They take the role of the state at a basic level.”*

Monsignor Richard Albert, St Catherine, Episcopal Vicar, St Catherine, Jamaica, and Chair of the Crime Prevention Committee in Spanish Town, October 2007.

Political leaders acknowledge that consecutive governments actively helped create the environment in which gang violence could flourish. Gang control is at its most pervasive in communities entirely under the control of one or other of the political parties (“garrison communities”).



Mural at the Eastern Peace Centre in the community of Burgher in east Kingston, 14 October 2007.

## POLICING WITH PREJUDICE

*“Abusive behaviour and the use of excessive force by members of the police and the military... have contributed to a growing sense of alienation among some persons in the society who feel they are being denied justice. As a result, parallel systems of ‘justice’ have evolved with the assent of the ‘dons’ and informal ‘area leaders’, as well as vigilante justice and arbitrary community enforcement.”*

Government of Jamaica, *National Security Policy for Jamaica: Towards a Secure & Prosperous Nation*, May 2006, Chapter 2.2

Although the core members of criminal gangs make up just a minority of those living in inner-city neighbourhoods, the stigma of criminality or potential criminality is not confined to them. Entire communities are the victims of generalized prejudice in society which is reflected in the way in which they are policed.

Many people describe how some police officers treat every person in the inner city as a criminal. Almost everyone describes experiences of persistent police abuses and violence and a general lack of respect for their communities.

There are persistent reports of discrimination and killings by the security forces. In many cases, these killings may have resulted from the legitimate use of force. However, in those cases where there was strong evidence that they were fatal shootings, even extrajudicial executions, the victims’ families



**Armoured vehicle patrolling a neighbourhood in Kingston, July 2001.**

have encountered sometimes insurmountable obstacles in accessing justice.

Flawed investigations, corruption and a failing justice system guarantee impunity for the officers involved. They also ensure that many of those responsible for violent crime are not brought to justice. The number of murders investigated and solved by the police is extremely low. Prosecution and conviction rates are also extremely poor.

**Between 2000 and 2007, 1,422 people were killed by police and a further 1,115 were injured.**

Bureau of Special Investigations

**In 2005, 1,674 people were the victims of homicide – a record high.**

Jamaica Constabulary Force

## ANDRÉ THOMAS



“On 29 September 2007, around 1am I heard four gunshots that woke me up. So I got up. Some guys from the other side of the street fired shots at me and shout ‘... we will kill you all’. I was not hurt by the gunmen and they left. I told to my 19 year-old son André, who was with friends in a corner shop, to come back home because it was dangerous. Any time men fire shots, the same type of police show up. I don’t know if they work with the gunmen, but the same corrupt police show up. André said he didn’t do anything so he didn’t have to get up. I

walked away and heard my son screaming ‘why are you beating me?’ I ran in his direction and I heard a woman [say] ‘Lord, look how the police killed the little boy’. André was lying in a pool of blood and four police were standing next to him. He was conscious. I carried him into the police jeep and told them to take him to the hospital. There was a gunshot in his leg and another in his hand. The police told me I couldn’t come in the jeep with him because I had blood on me and there was no space. When I got to Public Hospital, André was dead. The doctor told me he had wounds all over his body: in his leg, on his belly, one in the centre of his stomach and one in his back. When I left him he only had two wounds. I know they murdered him. What really hurt me is that they took him and placed him in the jeep and pumped a hole right in his stomach.”

Mr Thomas, Grants Pen, Kingston, October 2007



**Inner-city community of Majesty Gardens, Kingston, 2 October 2007. Many homes in inner-city communities lack basic facilities such as running drinking water and a sewage system.**

Jamaica is party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). This creates international obligations for the Jamaican state to respect, protect and fulfil the right to life, integrity, security and dignity of the person. The ICESCR sets out the right of everyone to an adequate standard of living for themselves and their families, including adequate food, clothing and housing (Article 11); the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (Article 12); and the right of everyone to education (Article 13). The rights to life, liberty, security of the person and the protection of the law are also protected in the Jamaican Constitution.



## THE REALITY OF GANG RULE

*“If you have a gun you are not safe because bad men attack men who they know have a gun. If you don’t have a gun you are still not safe, because anyone can come and kill you, including the police. And even if you didn’t do anything you are not safe, because if someone close to you did something to the gangs and they cannot find him they will come and find you.”*

Woman from a garrison community, Kingston

The worst violence was reported during clashes between rival gangs for control of communities and territory. During these confrontations, the entire population is held hostage, literally shut in by barricades.

The violence disrupts education as schools are either closed or children are so traumatized that they are too frightened to leave home. It disrupts work as people cannot travel out of the community to get to their jobs because transport is shut down. Even getting access to basic services such as health care or drinking water can be difficult.

*“When the ‘war’ was happening we couldn’t drink clean water because we needed to go to the next community to pick up the clean water from the tanks, but we couldn’t cross to that section because it was too dangerous, the gang there saw anyone coming from this community as a threat to them... At night we had to sleep on the floor, all of us, the children the granma, all of us; covered by the mattress because sometimes the shots can go through the house and kill us.”*

Woman from inner-city community, Kingston, October 2007



Hand-painted sign on a street in an inner-city community in Kingston, 4 October 2007.

Young men and boys are at greatest risk of violence. Boys as young as 12 are targeted by gang members trying to recruit them. They are asked to carry out small tasks which they cannot refuse for fear of reprisals against themselves or their families.

Women in these communities also experience high levels of violence. Many women told Amnesty International that if a gang member wanted to have sex with a woman she had no choice as refusal could result in punishment for herself and her entire family. Many women described how they had to raise their children alone since the fathers were on the run or had been killed in gang violence.

Residents who report gang abuses to the police risk reprisal attacks. One of the “rules” consistently reported to Amnesty International by people in every community was that police informers, if found out, will be killed by gang members.

**One woman told Amnesty International that her neighbour’s 12-year-old son was sent by a gang to another community, carrying a gun. The boy was robbed on his way there and he knew he was going to be killed if he came back without the gun and without the money, so he ran away. The mother was killed the following morning.**

## POLICE VIOLENCE AND IMPUNITY

Amnesty International's research over the years has revealed numerous cases where the evidence overwhelmingly indicates that police carried out unlawful killings. In many of these cases, there is a persistent pattern in the way in which deadly force is used, the attempts to cover up evidence, the "code of silence" among the security forces, and the absence of prompt, thorough and effective investigations.

When killings by police take place in disputed circumstances, the authorities may acknowledge that law enforcement officials carried out the killings, but insist that they were justified. In almost every case where someone is killed by police, the official explanation follows a similar pattern. Typically, this states that a police patrol came across men acting suspiciously who, when challenged, produced firearms and opened fire on the officers. Police then returned fire, killing one or more of the men, while others escaped.

The credibility of these accounts is undermined by their remarkable uniformity and the many cases in which they are disputed by eyewitnesses.

The fact that such a high percentage of police shootings result in fatalities raises further doubts about the credibility of official explanations. In many cases forensic evidence also contradicts assertions that the person died in a shoot-out.

The two institutions in charge of investigating police shootings in Jamaica are the Bureau of Special Investigations (BSI) and the Police Public Complaints Authority (PPCA). Human rights organizations in Jamaica have documented many irregularities in the investigations by the BSI and the PPCA. 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.

Successful prosecutions of police officers and soldiers involved in human rights violations are rare, despite the fact that every year hundreds of successful civil actions result in compensation being paid to families. The Director of Public Prosecutions has absolute discretion to decide whether or not to prosecute a case and has shown some reluctance to prosecute police officers. Only one police officer has been found guilty of murder in the last seven years.

**"The youths hide from police, because they will say 'don't run from police if you have nothing to hide'; but when you do that, you will sit and die."**

Community peace-maker, inner-city West Kingston, October 2007



Roadblock set up by gang members in a community in Trench Town, Kingston, 14 October 2007.

## HUMAN SECURITY

The Jamaican state has an obligation to respect, protect and fulfil the human rights to life, integrity, security and dignity of all the people living under its jurisdiction. International human rights law requires that the authorities not abuse their powers and actively protect people's rights.

*"Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, prima facie, failing to discharge its obligations under the Covenant."*

UN Committee on Economic, Social and Cultural Rights, General Comment 3, para.10

People living in socially excluded communities riven by violence and poverty have been denied human security by the state. The Jamaican authorities have failed to exercise due diligence in dealing with violence by armed gangs on the one hand, and to hold to account law enforcement officials who commit human rights violations on the other. Above all, Jamaica lacks a long-term comprehensive and effective public security policy. Widespread impunity for these abuses creates a situation which facilitates human rights violations. All of these factors have contributed to the present crisis in public security.

Widespread corruption in the JCF and other institutions continues to undermine the state's ability to provide security for all its citizens. Jamaica's political leadership has recognized its own responsibility in

this crisis, through the creation and perpetuation of a political system that relies on gang leaders to gain electoral support, corruption and tolerance of organized crime. They need to be held to account. Victims experiencing human rights violations in Jamaica's inner cities cannot wait any longer.



Burned out truck in inner city community, Kingston, October 2007.

International human rights law sets out standards on how police powers can be used legitimately. These recognize that police perform an important social function, sometimes in dangerous situations.

The UN Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials are the main standards covering the use of force and firearms by police, many of which have been integrated into the JCF's internal regulations. International standards state that firearms are to be used only when less extreme measures are insufficient and only when strictly unavoidable in order to protect human life. Officers should be guided at all times by the principles of necessity and proportionality when using force. Every effort should be made to apprehend rather than kill and lethal force must never be used as an alternative to arrest.



Mural in August Town, Kingston, 3 October 2007.

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## RECOMMENDATIONS

**Amnesty International calls on the Jamaican government to create a comprehensive public security plan for the protection of human rights, which prioritizes:**

- the immediate reduction of homicides and police killings in inner cities;
- reforms to the JCF to create a police force that is representative, responsive and accountable to all the community and respects and protects human rights;

- implementation without further delay of the recommendations of the Task Force on The Reform of the Justice System;

- introduction of a fully independent oversight body to monitor police misconduct and reports of human rights violations;

- combating corruption.

**Amnesty International also calls on other governments to support and promote the creation and implementation of the public security plan**

## TAKE ACTION NOW

Write to the Jamaican authorities, calling on them to:

create a comprehensive public security plan for the protection of human rights, which prioritizes the immediate reduction of homicides and police killings in inner cities.

### PLEASE SEND APPEALS TO:

The Rt Hon Bruce Golding  
Prime Minister  
Office of the Prime Minister  
Jamaica House  
1 Devon Road  
Kingston 6, Jamaica

Fax: +1 876 929 0005

For more information, see Amnesty International's report, *"Let them kill each other" – Public security in Jamaica's inner cities* (AMR 38/001/2008), on which this summary is based.

**Amnesty International** is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. We research, campaign, advocate and mobilize to end abuses of human rights. Amnesty International is independent of any government, political ideology, economic interest or religion.

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