

JAMAICA

Police Killings: Appeals Against Impunity

These appeals cases are published in conjunction with the report *JAMAICA: Killings and Violence by Police - How many more victims?* (April 2001).

Both have been produced as part of Amnesty International's worldwide Campaign Against Torture 2001.

For more information visit: <http://www.stoptorture.org> and Help To Stamp Out Torture.

This document can be found on the web at <http://web.amnesty.org/ai.nsf/Index/amr3800122001>

List of most common abbreviations used in this report:

CAU	Crime Management Unit
BSI	Bureau of Special Investigations
D/P	Director of Public Prosecutions
OPR	Office of Professional Responsibility
PACA	Police Public Complaints Authority

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A History of Impunity

In April 2001, Amnesty International launched a world-wide campaign to highlight the pattern of extra-judicial killings and other human rights abuses committed by members of the Jamaican security forces - the Jamaica Constabulary Force (JCF) and the Jamaica Defence Force (JDF), with the launch of its report, *JAMAICA: Killings and Violence by Police - How many more victims?*

The loss of life at the hands of the Jamaican Constabulary Force (JCF) borders on a human rights emergency. The rate of lethal police shootings in Jamaica is one of the highest *per capita* in the world. More than 1,400 people have been shot dead by police over the past 10 years in Jamaica; in a country whose population is only 2.6 million.

Since the 1980s, Amnesty International has been monitoring the cases of killings by Jamaica Constabulary Force officers. As a result, the organisation has identified a pattern of extra-judicial executions and excessive use of force committed by police officers. The cases featured in this Appeals Circular, published as part of Amnesty International's worldwide campaign against torture, are typical. Tragically, they represent only a fraction of the police executions that have occurred over the past decades. Nevertheless, in a country where the statistics on police killings are so high, the importance of seeing justice in individual cases must not be forgotten. Dismantling a culture of impunity can only start when those responsible for each and every individual violation are brought to account by the authorities.

In Amnesty International's view, all the cases of fatal shootings listed in this circular appear to constitute extra-judicial executions. In every case, information carefully assessed by the organisation included forensic and other evidence, witness and police accounts. The Jamaican police continue to kill individuals posing no physical threat. The most common explanation for such killings given by police is that they were "shoot-outs" - with the police returning fire from armed individuals. In many cases, compelling forensic and other evidence clearly indicates to the contrary.

Human rights violations are perpetrated by soldiers, as well as by police officers, as the case of Michael Gayle illustrates. Despite the increased use of the Jamaica Defence Force in civilian law enforcement operations, no independent mechanism exists in Jamaica to investigate abuses committed by soldiers. Gayle was beaten to death at a roadblock in August 1999, by police and Jamaica Defence Force soldiers working in a joint operation. Two years after his death, no-one has been disciplined or charged in connection with the killing.

One appeal focuses on human rights defenders. As civil society in Jamaica strengthens its demands for accountability for the security forces, its members increasingly face threats and intimidation in the course of their own work. Those in authority continue to make public comments attacking the work of human rights defenders. Amnesty International considers it imperative that the authorities make clear their support for the work of human rights activists, that they investigate every threat made against such activists and that they ensure that human rights defenders are protected in line with their own requirements. Failure to do this may threaten the right of such activists to carry out their legitimate activities unimpeded.

Jamaica has a sophisticated network of legal and administrative mechanisms designed to investigate alleged human rights abuses. A civilian oversight body (the Police Public Complaints Authority) is empowered to supervise police investigations, and undertake investigations independently. A Witness Protection Programme has been established by the government to protect those testifying in criminal trials who are subjected to threats and intimidation. An office of the Public Defender exists to undertake civil actions to obtain redress for victims who allege that their constitutional rights have been violated. Investigations into police shootings are undertaken by a police unit, the Bureau of Special Investigations (BSI). The Director for Public Prosecutions (DPP) is tasked with supervising these investigations.

Despite these measures, prosecutions for police killings are negligible and there remain severe shortcomings in both the framework and the implementation of the system to investigate abuses. The collective pattern of police killings in Jamaica, and the failure to investigate them in accordance with international standards, suggests that the Jamaican authorities lack the political will necessary to prosecute and punish offenders for violations -- and to prevent and challenge impunity.

An extrajudicial execution is an unlawful or deliberate killing carried out by order of a government or with its complicity or acquiescence. The authorities have repeatedly failed to ensure the protection of the internationally recognised fundamental right to life - and to take measures to prevent such killings. They have failed to carry out prompt, impartial, transparent and effective investigations into such deaths and to hold those responsible accountable before the law. Instead, investigations into police crimes take months or even years, and evidence is routinely contaminated or lost. Police officers remain on active duty pending investigations and witnesses and relatives are often targeted by police officers for intimidation. Information detailing the outcome of investigations is not made public. Police officers and soldiers are not routinely disciplined for committing serious crimes. These failures have contributed to the perception that law enforcement officers can act with impunity, which, in turn, has resulted in an erosion of public confidence in the justice system.

Recently, reforms have been introduced designed to revise police training and to encourage positive police-community relations. However these measures, whilst welcome, will be ineffective as long as those committing violations within the security forces are able to do so unchallenged, as the authorities consistently fail to acknowledge or tackle human rights violations.

Campaigning for justice in individual cases remains vital -- for victims, their families and communities, and most importantly to send the message that each and every victim of a human rights violation will be remembered. Every single case in this circular exemplifies the collective failure of the authorities in Jamaica to ensure accountability for human rights violations.

Changing the climate of impunity which encourages continuing police violence must be an immediate priority. This priority can be demonstrated through immediate action on the cases in this circular.

Prosecutions

The key to challenging impunity

To end impunity, accountability is a prerequisite. The role of prosecutorial agencies is therefore vital. Amnesty International is urging that the Office of the Director of Public Prosecutions adheres to relevant international human rights standards, formulated to assist in securing and promoting the effectiveness, impartiality and fairness of prosecutors in criminal and other proceedings. In addition to raising the individual cases mentioned in this circular with the Director of Public Prosecutions (D/P), please also mention some or all of the following points:

- ↪ Acknowledge the critical role played by prosecutors in preventing and challenging impunity for human rights violations, ensuring effective protection of citizens against human rights abuses and crime and urge that the Office of the Director of Public Prosecutions complies strictly with international human rights standards, including the *United Nations Guidelines on the Role of Prosecutors*.¹
- ↪ Note that the UN Guidelines stipulate that prosecutors must give due attention to the prosecution of crimes committed by public officials, including grave violations of human rights and other crimes recognized by international law and abuse of power.
- ↪ Urge that coroners inquests or criminal proceedings are held in every case involving a death at the hands of a law enforcement official. If findings in coroners inquests indicate the use of excessive force, criminal prosecution should follow. The results of all coroners inquests and criminal proceedings should be made public, as should information on disciplinary charges against officers arising out of these.
- ↪ Urge that the Office of the Director of Public Prosecutions performs an active role in criminal proceedings against state officials accused of human rights violations. This should include greater supervision in the institution of prosecution, in the investigation of incidents by the Bureau of Special Investigations (BSI) and other agencies charged with investigations, supervision over the legality of these investigations, supervision of the execution of court decisions and the exercise of other functions as representatives of the public interest.
- ↪ Prosecutors should ensure that no evidence obtained from suspects that is known or believed on reasonable grounds to have been obtained through torture or cruel, inhuman or degrading treatment or punishment, or other abuses of human rights, is used. All necessary steps to bring those responsible to justice must be taken.

Richard Williams

JAMAICA APPEALS CASE

Executed in front of witnesses, beaten in his mother's arms

¹ Adopted by the Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

Richard Williams, a boat-builder, was fatally shot by police on June 8 2001 in Spanish Town, near Kingston. Reports received by Amnesty International suggest that he was first beaten, then extra-judicially executed.

The reports allege that police arrived at Richard Williams' workplace, a boat-yard, and beat him for over an hour in front of his co-workers. He was then dragged outside, where police continued to beat him in the boatyard. His mother, who worked close by, arrived at her son's workplace after hearing screams. She alleges that police continued to beat her son after she tried to intervene; holding her son to shield him from the blows. Police reportedly beat and stamped on her too, leaving her with injuries to the head, hands and legs.

Richard Williams' colleagues stated that police then pushed him away from his mother and shot him in full view of all those present. Witnesses stated that another policeman then planted a gun on Richard Williams, by then dead. The police officer also allegedly fired a shot in between two women who had witnessed the killing, to scare them away.

The national human rights organisation Families Against State Terrorism (FAST) visited the scene of the killing shortly after it took place, and reportedly viewed bloodied pieces of wood which had been used to beat Williams, and the bloodied boat on which he had been beaten. One of the pieces of wood was allegedly broken by the force of the blows.

Amnesty International was informed by the Constabulary Communications Network in August 2001 that they were unaware of whether Richard Williams was wanted in connection with any criminal charges. The police report into the killing disputed witness accounts. It stated that, "...about 2:20 p.m. a team of police were conducting an operation. A group of men were seen acting suspiciously. One was accosted and a struggle ensued. He subsequently broke free and allegedly pulled a hand-gun and fired at a police officer. One of the lawmen returned the fire from his service pistol...."

Richard Williams' mother was denied access to view her son's body in the morgue for four days. Permission was eventually granted only following the intervention of FAST.

The killing is under investigation by police officers from the Bureau of Special Investigations, charged with investigations into all cases of shooting by police officers. Witnesses have reportedly provided testimony to the unit, including by identifying by name the officer who allegedly killed Williams.

Amnesty International is deeply concerned that the investigation into the incident is being undermined by attempts by police officers to intimidate and harass members of Richard Williams' family.

On 6 August 2001, two members of Richard Williams' family were arrested and detained at Hunts Bay police lock-up, Kingston, along with several other young men. Williams' nephew, Levan Linton, remains in custody and has reportedly been beaten. He is currently being held in incommunicado detention and Amnesty International is concerned for his safety. Williams' sister, Angella Dick, was also arrested when she came to the police station to find out why her son had been arrested and try to see him: police allegedly hit her with their rifle butts and threw her out. She required medical attention for injuries sustained to

her head and chest. Police refused to say why the men had been arrested. Lawyers and representatives from FAST, who arrived to provide legal assistance to the men, were also harassed and ill-treated (see Defenders, page 31). Police refused to inform them of the reasons for the men's detentions.

Please write:

- ⇒ Expressing concern at reports of the beating and killing of Richard Williams, in circumstances suggesting he may have been extra-judicially executed
- ⇒ Urging that Levan Linton be immediately released unless promptly charged with a recognizable criminal offence, and that he be granted immediate and full access to lawyers, family members and medical attention
- ⇒ Expressing concern at the arrest and detention of members of Richard William's family, and urging the arrests are investigated thoroughly and impartially, with the results made public
- ⇒ Requesting to be informed of the outcome of criminal and administrative investigations into the killing of Richard Williams and urging that the results are made public
- ⇒ Inquiring whether the police officers involved have been removed from active duty
- ⇒ Urging that all necessary measures are taken to protect members of Richard William's family and those who witnessed the killing from further incidences of harassment and intimidation
- ⇒ Urging that any officer found guilty of human rights violations in connection with the killing of Richard Williams be brought to justice.

PLEASE SEND APPEALS TO:

✉ Francis A. Forbes. CD. LLB
Commissioner of Police
Office of the Commissioner
101-105 Old Hope Road
Kingston 6
JAMAICA

✉ Owen K. Clunie
Deputy Commissioner
The Bureau of Special Investigations
5th Floor, Office Centre Boulevard
12 Ocean Boulevard
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JAMAICA

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

✉ Kent Pantry Q.C.
Director of Public Prosecutions (DPP)
Public Building West
King Street
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JAMAICA

JAMAICA APPEALS CASE

Remains in custody: Davian Williams

Juvenile: Neville Lynch (aged 16)

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

Detention without charge and ill-treatment

Amnesty International has received information alleging the ill-treatment, possibly amounting to torture, of 18 men and one child. They were detained without charge for over three weeks after being arrested with a total of around 200 people in Board Villa, Denham Town in a joint police and army operation on 7-8 July 2001. The area is a stronghold of the opposition Jamaican Labour Party (JLP). One of the men, Davian Williams, remains in detention. Amnesty International remains concerned for his safety. On July 25, a magistrate ordered that all those detained should be released or charged. All the others have now been released.

The arrests followed disturbances which were triggered when members of the specialist Crime Management Unit raided Tivoli Gardens; an inner-city "garrison" community dominated by the opposition Jamaica Labour Party (JLP) on 7 July 2001. The raid was reportedly to search for arms. Although not currently in a position to assess the veracity of these accounts, Amnesty International has received many reports alleging that, over the course of the following three days, police and army personnel fired indiscriminately into crowds and houses, including from helicopters above the area, and targeted unarmed civilians. The disturbances spread to the surrounding areas and over the course of the following three days an estimated 27 people - including four police officers - were killed. Shortly afterwards, the Prime Minister established a Commission of Inquiry. Its wide mandate includes probing the behaviour of the security forces during the disturbances. At the time of writing, the Commission had not yet commenced its work.

The 19 men listed above remained in detention for over three weeks in Portmore police lock-up and the Gun Court Remand Facility. After lawyers acting for the men filed writs of *habeus corpus* on their behalf, police claimed they were wanted to take part in identification parades. Police failed, however, to explain to the court why these were necessary. Shortly after their arrest, the youths reported to their lawyers that they had been illegally videotaped by members of the Crime Management Unit whilst in custody. The head of the CMU denied these allegations in a media interview.

Before and during their detention, the youths were reportedly beaten. The men alleged that upon arrest they were kicked, slapped in the face and stamped on. Delroy and Alphonso Kennedy were reportedly forced to lie shirtless on a concrete pavement in the sun for three hours. The two allegedly suffered burns to their bodies. The men also claimed that they were taken by police to Hannah Town, an area dominated by the ruling People's National Party (PNP), where residents were encouraged to beat them.

One of those arrested was a child aged 16, Neville Lynch. He was allegedly beaten by police, to force him to say that he was 18. He was also detained alongside adults, in further violation of international standards.

The Jamaica Constabulary Force act permits the arrest of persons “reasonably suspected of having committed a crime.” Magistrates are granted powers to ensure that adequate steps are taken to hold identification parades promptly, and to order release or court appearance. In 2000, a “duty counsel” system was introduced following legal aid reforms, to enable all those arrested to have legal representation. The police are now obliged to inform those whom they arrest of their right to legal assistance, and to make efforts to contact lawyers if necessary on their behalf.

Despite these measures, Amnesty International remains concerned that the practice of unlawfully arresting and detaining individuals or groups for long periods without charge continues, usually on the pretext of undertaking an identification parade. Such practices have been criticized by international bodies. The UN Human Rights Committee has ruled that, in the case of Jamaica, a delay of one week from time of arrest before the detainee was brought before a judge was incompatible with the International Covenant on Civil and Political Rights (ICCPR), to which Jamaica is a state party.² The Inter-American Commission on Human Rights has stated that the detention of individuals in prison for over a week without being brought before a judicial authority is an excessively prolonged period.

² *McLawrence v Jamaica*, UN Doc. CCPR/C/60/D/702/1996, 29 September 1997, para. 5.6.

Please write:

- ⇒ Calling for the immediate release of Davian Williams, unless charged promptly with a recognizably criminal offence; asking for him to be granted immediate access to legal aid, family and medical assistance and urging the authorities to ensure that he is not further tortured or ill-treated
- ⇒ Expressing concern about reports that those named above were arrested and detained without charge for over three weeks, and were reportedly beaten and ill-treated during their arrest and while in custody
- ⇒ Expressing concern about reports that 16-year-old Neville Lynch was detained alongside adults without charge, beaten and ill-treated, in violation of Jamaica's international obligations under the UN Convention on the Rights of the Child, despite legal reforms introduced 2000 to ameliorate the treatment of children in custody and provide for their immediate removal from detention with adults to a place of safety
- ⇒ Calling for an independent and impartial investigation to be carried out into the allegations of torture and ill-treatment, with the results made public and those responsible brought to justice. Reparations should be provided to those found to have been ill-treated.

PLEASE SEND APPEALS TO:

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Commissioner of Police
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✉ Mariorie Tavor
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The Old Oceana Complex
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✉ The Hon. K.D. Knight
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Mutual Life Building
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✉ Kent Pantry Q.C.
Director of Public Prosecutions (DPP)
Public Building West
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Kimani St. Aubyn Davis

**Kimrod Tyrone
Davis**

JAMAICA APPEALS CASE

Shot in their beds

Two brothers - Kimani St. Aubyn Davis, aged 24, and Kimrod Tyrone Davis, aged 25, were shot by police in their bedroom on 10 March 2001. The manner in which they were killed suggests extra-judicial execution. Police reportedly forced entry to their house in Barbican Way, Kingston and immediately started shooting. They did not identify themselves as police officers or present arrest warrants.

Kimrod Davis is alleged to have been shot at close range in the upper body and leg, as he hid under his bed. Relatives who viewed his body in the morgue reported the presence of burn marks on his chest, suggesting close contact gun shot wounds. Kimrod was taken from the house alive.

Kimani Davis is alleged to have been shot in the back of the head, as well as the neck, chest, stomach and right thigh. When an Amnesty International researcher visited the property, blood stains were visible at the top of the mattress on the right hand side of the room. One of the bullets exiting from his body injured his sister, with whom he was sharing a bed. Police removed Kimani Davis' body from the house, ruining possibilities for adequate forensic investigation.

Their mother was reportedly informed by a representative of a morgue that police had given instructions for the bodies to be withheld from view from relatives 'until they were fixed up.' She was unable to gain access to view her children's bodies there for three days, until 13 March 2001. Relatives were subsequently reportedly denied permission to witness autopsies on both men.

Please write:

- ⇒ Noting Amnesty International's previous requests for information on the killing of Kimani and Kimrod Davis
- ⇒ Expressing concern at the killings, which appear to have amounted to extra-judicial executions
- ⇒ Expressing concern at reported contamination of evidence, including through the removal of the body
- ⇒ Expressing concern that relatives were reportedly withheld permission from viewing the bodies and were denied the right to witness autopsies on both men
- ⇒ Requesting to be informed of the outcome of criminal and administrative investigations into the shooting
- ⇒ Requesting that the officers involved in the killing are immediately removed from active duty, pending the outcome of such investigations
- ⇒ Urging that any officer found guilty of human rights violations in connection with the killings be brought to justice.

PLEASE SEND APPEALS TO:

✉ Francis A. Forbes, CD, LL.B.
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William Richards JAMAICA APPEALS CASE

3 year old son witnesses father's execution

In the early morning of 19 September 2000, William Richards was shot dead in his house in West Kingston. Amnesty International researchers visited the property three hours later. Amnesty International believes that there is compelling evidence to suggest that the killing amounted to an extra-judicial execution.

The killing was one of a number of suspected extra-judicial executions that have been carried out by a special unit within the Jamaica Constabulary Force, the Crime Management Unit. The unit was formed in September 2000 by the Prime Minister, in response to demands for action on crime. Since its formation, Amnesty International has also received credible reports of torture by members of the unit, following unlawful detention.

The organisation received a response to a letter to the authorities raising concern at the killing from the Minister of Foreign Affairs in January 2001. The letter stated that, “the allegations contained in the report on the killing of William Richards are cause for grave concern and utter condemnation. The actions described are in total contravention of procedures and regulations under which our law enforcement officers are expected to carry out their duties... The completed report will be provided as soon as possible.”

Police officers allegedly shot William Richards in his bedroom, in front of his three year old son, having forced his head into a drawer. In his letter to Amnesty International, the Minister for Foreign Affairs stated that William Richards’ son would be provided with trauma counselling.

When Amnesty International researchers visited the property, brain matter and blood were clearly visible on the walls and ceiling of the bedroom. Police reports however claimed that Richards was shot outside his house, after he started firing at the police.

Forensic and other evidence at the house appeared to have been systematically contaminated. Richards’ body had been removed by the time the delegation arrived and the house had been ransacked. However, the scene had not been sealed from the public to preserve it for forensic investigation. Williams Richards’ girlfriend was reportedly locked in a bathroom, where police threatened her and attempted to force her to disclose information about firearms they alleged were in the house. She was subsequently arrested, detained and charged with wounding with intent.

Ten months after Richards’ death, no decision has yet been made as to whether



police officers are to be criminally charged in connection with the shooting, despite commitments given to Amnesty International by the government that the investigation would be completed promptly. All the police officers present at the shooting are understood to have remained on active duty. Amnesty International was informed by the Commissioner of Police in April 2001 that investigations had been completed, but the file had not yet been forwarded to the Director of Public Prosecutions (DPP) for a ruling. Further requests for an update

on the case since that time have not been answered.

Please write:

- ⇒ Noting Amnesty International's previous requests for information on the case
- ⇒ Noting the statement of January 2001 of the Minister of Foreign Affairs to Amnesty International, condemning the killing of William Richards and assuring Amnesty International that investigations would be completed as soon as possible
- ⇒ Expressing concern that the investigation into the case has not been completed, 9 months after the shooting took place, in contravention of international standards which state that investigations into incidents involving the use of deadly force by law enforcement officers must be prompt
- ⇒ Requesting to be informed of the outcome of the investigation, and urging that any officers found to have committed violations be criminally prosecuted or disciplined
- ⇒ Urging that the activities of the Crime Management Unit be immediately suspended, pending an immediate, thorough investigation into its operations, including into all allegations of extra-judicial execution and torture.

PLEASE SEND APPEALS TO:

✉ The Hon Paul Robertson
Minister for Foreign Affairs
Ministry for Foreign Affairs and
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21 Dominica Drive
PO Box 624
Kingston
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✉ Owen K. Clunie
Deputy Commissioner
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Sean Robinson

JAMAICA APPEALS CASE

Shot in a cupboard

Twenty-one year-old Sean Robinson was killed on 4 July 2000 as he hid in a cupboard, after at least 10 police officers forced entry to his house, holding members of his family, including two young children, at gunpoint in the hall. Three days before he was killed, he had received an anonymous death threat by telephone. The caller stated that Robinson would be killed in connection with his escape from police custody in 1999. Official police reports stated that two arrest warrants had been served on Robinson, including one for the murder of a police officer. However, none of the police officers at the house ever produced or made reference to a warrant, despite requests.

Police denied Sean Robinson access to medical attention, and forcibly prevented his mother and girlfriend, who was three months pregnant at the time, from accompanying him as he was driven away alive. Family members were denied access to view his body at the morgue for three days.

Police accounts of the shooting were inconsistent. Police initially claimed that Sean Robinson was killed in a shoot-out on a road, after firing at police. A subsequent news release however alleged that he had died in a shoot-out inside his home. When Amnesty International visited the property in August 2000, gun shots were clearly visible inside the house - on the door of the cupboard and the clothes inside it.

Amnesty International was informed in January 2001 that Sean Robinson's case file had been submitted to the Director of Public Prosecutions, upon completion of both criminal and administrative investigations. No further developments have been reported since then.

Please write:

- ⇒ Expressing concern at the killing of Sean Robinson, in circumstances suggesting he may have been extra-judicially executed
- ⇒ Noting Amnesty International's previous requests for information on the case, and requesting to be informed of any disciplinary or other action which has been taken against any of the officers involved
- ⇒ Expressing concern that, one year after the shooting, the investigation into the incident has not been completed
- ⇒ Urging that thorough, independent and impartial investigations be expedited for completion as soon as possible
- ⇒ Urging that those officers involved in the shooting be removed from active duty, pending the outcome of investigations.

PLEASE SEND APPEALS TO:

✉ Kent Pantry Q.C.
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Patrick Genius JAMAICA APPEALS CASE

Shot in the back of the head with his hands in the air

Eye witnesses claimed that Patrick Genius was shot with his hands up in the air after police, travelling in an unmarked case, detained him on 13 December 1999 in August Town,

Kingston. Patrick Genius, a 33 year-old welder, stall-holder and father of three children, was shot by police at close range in the head.

Autopsy findings showed two gunshot wounds to the leg and three shots to the head -- two to the back of the head. An internationally renowned pathologist who reviewed the autopsy report concluded that the killing bore the classic hallmarks of execution; its pattern suggesting incapacitation followed by killing.

On 29 May 2001, a Coroner's inquest jury returned a verdict that the police involved in the death of Patrick Genius should be held criminally responsible. At the inquest, evidence was adduced from a pathologist that Patrick Genius had been unarmed when shot. A lack of gunpowder residue on the back of his hand indicated that he had not fired a weapon. The pathologist interpreted the autopsy report to show that none of the shots he received could have been fired from in front of him, as the police account had suggested. The inquest finding was reached despite the inadequacies which marred the investigation into Genius' death, including a delay of several months before BSI officers visited the scene of the killing; inadequate forensic evidence, and the failure to inform Genius' relatives of the status of the investigation.

Under Jamaican law, the Director of Public Prosecutions (DPP) decides whether criminal charges should be initiated, following inquest verdicts. At the time of writing, the DPP had not made a decision on whether the officers responsible for the killing of Patrick Genius should face criminal charges. They remain on active duty.

Please write:

- ⇒ Expressing concern at the killing of Patrick Genius
- ⇒ Noting the Coroner's Inquest verdict into the killing of Patrick Genius that the persons involved should be held criminally responsible
- ⇒ Urging that steps be taken to bring those officers involved to justice
- ⇒ Inquiring what disciplinary action has been taken against the officers
- ⇒ Asking to be kept informed of the progress of the case, and urging that relatives be kept fully informed.

PLEASE SEND APPEALS TO:

✉ Kent Pantry Q.C.
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Delroy Lewis

JAMAICA APPEALS CASE

Cornered and killed while unarmed

Delroy Lewis, aged 29, was shot dead in August Town, St Andrew, on 2 September 1999.

Reports suggest that he was shot in the head and chest several times at point blank range whilst posing no physical threat, after being cornered by around 7 plain-clothed officers and one officer wearing the badge of an inspector. He had reportedly put his hands up in the air, and had also been seen being searched by police for firearms. The findings of an autopsy performed by an independent pathologist were consistent with the account of the shooting given by witnesses. The report indicated that Delroy Lewis had been shot at close range in his right temple, in the chest and right and left shoulders.

Police alleged that he formed part of a group of three gunmen, who opened fire on police officers, that a semi-automatic pistol was taken from him and that the two other gunmen escaped. Investigating police officers did not arrive at the house until a week after the shooting. During their tour of the house, they reportedly failed to inspect the yard where the shooting took place.

A coroners inquest opened on 9 April 2001, but was suspended. Previous inquest starting dates were cancelled after witnesses failed to appear. Since Delroy Lewis' death, Amnesty International has been informed that members of his family have received several anonymous death threats. Amnesty International is concerned that witnesses may be subject to intimidation, to prevent them from testifying in any judicial or other proceedings. The inquest is now scheduled to start again on 12 September.

Please write:

- ⇒ Expressing concern at reports of the killing of Delroy Lewis, in circumstances which suggest he may have been extra-judicially executed, and urging that anyone found responsible of having committed human rights violations in connection with the killing is brought to justice
- ⇒ Noting Amnesty International's previous requests for information on his case
- ⇒ Urging the authorities to take steps to protect members of his family from further threats and intimidation, and urging that an investigation into threats they received be undertaken, with those found responsible brought to justice
- ⇒ Urging that steps be taken in any inquest or other judicial or other proceeding to protect witnesses and family members from possible threats and retaliation
- ⇒ Urging that the police officers involved be removed from active duty, pending the outcome of investigations into the case, and requesting to be informed of any disciplinary action taken against any of the officers involved.

APPEALS TO:

✉ Kent Pantrv Q.C.
Director of Public Prosecutions (DPP)
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JAMAICA

✉ Francis A. Forbes, CD, LL.B.
Commissioner of Police
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JAMAICA

The Hon. K.D. Knight
Minister for National Security and Justice

Mutual Life Building
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Kingston 5
JAMAICA

Autho Matthew Mullins

JAMAICA APPEALS CASE

Rastafarian shot in hills

On 27 July 2000, Autho Matthew Mullins was shot and killed in a remote, hilly area outside Kingston by members of the Mobile Reserve and the Anti-Crime Task Force. 25-year old Matthew had recently converted to Rastafarianism, and was living with a Rastafarian community in the area.

According to eyewitnesses, Autho Matthew Mullins was detained by police and deliberately shot and killed, although he was posing no physical threat and was just a bystander at the arrest of a criminal suspect who was allegedly hiding in the area. In an account sent to a respected radio journalist, the suspect stated that he and Matthew Mullins had been detained and forced to lie on the ground. Matthew Mullins was then shot at point blank range in the chest, despite the fact that the suspect protested to police that Matthew Mullins was unknown to him. Relatives told Amnesty International that a state pathologist had indicated that Matthew Mullins was shot at close range in the chest and legs.

Police stated that they had returned fire after three men, including Mullins, had shot at them.

Please write:

- ⇒ Expressing concern at the killing of Matthew Mullins, in circumstances which suggest that he was extra-judicially executed
- ⇒ Noting Amnesty International's previous requests for information on Matthew Mullins' case
- ⇒ Expressing concern that, one year after the killing, the investigation into the killing appears to be on-going, in violation of international standards which state that investigations into incidents involving the use of lethal force by law enforcement officers must be prompt
- ⇒ Requesting to be informed of the outcome of investigations into the case, including whether any disciplinary or criminal charges resulted, and whether the police officers involved were removed from duty.

APPEALS TO:

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Owen K. Clunie
Deputy Commissioner
The Bureau of Special Investigations
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12 Ocean Boulevard
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JAMAICA

Howard Hamilton
Public Defender
78 Harbour Street
Kingston
JAMAICA

Kent Pantry Q.C.
Director of Public Prosecutions (DPP)
Public Building West
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JAMAICA

Janice Allen JAMAICA APPEALS CASE

13 year-old girl shot and killed in Trench Town

Thirteen-year-old Janice Allen was shot and killed in Trench town, Kingston, in April 2000. In April 2001, a warrant for murder was issued for the police officer implicated in the killing, following a ruling from the Director of Public Prosecutions. A preliminary hearing has been postponed twice and is now scheduled to take place on 17 September 2001.

Eye witness accounts alleged that a police officer aimed and fired directly at Janice Allen. She had reportedly crouched behind a lamp post with her sister to escape shots, as

police started firing at a man on the other side of the street. Police disputed this account, alleging that she died after being hit in crossfire, during a shoot-out between police and armed gunmen. Police failed to administer her medical attention. She died while being driven to a hospital by members of the local community.

Janice Allen's mother was publicly criticized by the Deputy Commissioner of Police and Head of the BSI (who investigate police shootings), for refusing to allow the autopsy to take place until she could have an independent doctor present.

On 15 May 2001, police officers made death threats against Janice Allen's family. An officer from Denham Town Police Station told the family that *"the whole of uno fi' dead"* ("you are all going to die"). At the same time, Janice Allen's brother, Andre Lindo, was arrested and detained, and held for over 12 hours without charge in incommunicado detention. He was released following the intervention of a local human rights group. On 15 May 2001 Janice Allen's sister was threatened again when she went to Hunts Bay Police Station in an attempt to locate her brother. Police officers reportedly chased her out of the station and threatened to 'break her head in.' Since then, the family have received numerous further death threats. Amnesty International is concerned that these threats are intended to intimidate Janice Allen's family and to stop them from pursuing their quest for justice.

Despite the existence of a Witness Protection Programme, Amnesty International is furthermore concerned that the state is failing to provide adequate protection to witnesses testifying against the police in criminal or other proceedings. Law enforcement officers have harassed and intimidated victims, relatives of victims, lawyers and witnesses, in an attempt to prevent them making official complaints or testifying at inquiries.

In another recent example, in June 2000 eyewitnesses reportedly received death threats from police officers following the fatal shootings of Quwame Pickering and Danville Patterson in Craig Town.

In September 2000, personal information on a individual in the Witness Protection Programme was reportedly leaked to police officers under investigation for drug offences. A police officer reportedly visited the individual's house and that of his relatives and made death threats. The programme's ability to protect those testifying against the security forces is further undermined by the fact that it is administered by the police.

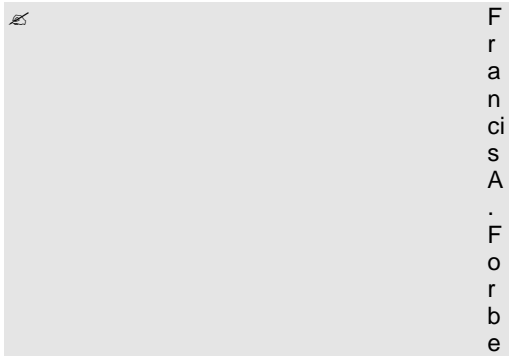
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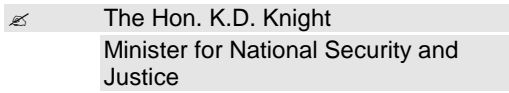
- ⇒ Calling for immediate steps to be taken to guarantee the effective protection of the family of Janice Allen, including in respect of forthcoming criminal proceedings
- ⇒ Calling for a prompt, thorough and impartial inquiry into all threats received by the family and the arrest and detention of Aundre Lindo, for the results to be made public, and for those responsible to be brought to justice
- ⇒ Requesting to be updated as to the outcome of the criminal trial, and on whether any police officer has been or is to be disciplined in connection with the case
- ⇒ Requesting to be informed whether any of the officers involved have been removed from active duty.

APPEALS TO:

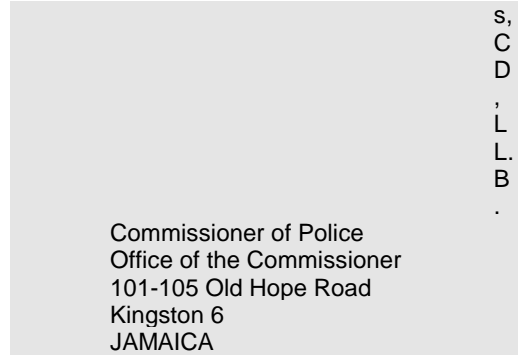
✉ Kent Pantry Q.C.
Director of Public Prosecutions (DPP)
Public Building West

King Street
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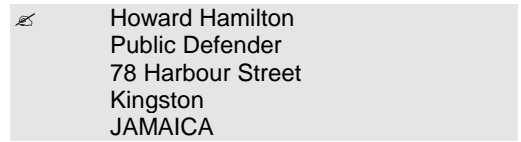
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 The Hon. K.D. Knight
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Michael Gayle

JAMAICA APPEALS CASE

Mentally-ill man beaten to death

Michael Gayle, a young mentally ill man, was beaten to the point of death by at least 14 members of the security forces -- soldiers and police -- on 21 August 1999. He was detained at a road-block in Kingston following the imposition of a curfew in the neighbourhood of Olympic Gardens. Nearly two years later, the authorities have yet to charge or discipline anyone in connection with the killing.

Michael Gayle's account of the incident, given before he died two days later, stated that police and army officers had attacked him, kicking him in the back and hitting him with batons and gun butts, after he was refused permission to cross the security barrier.

An inquest jury in December 1999 returned a verdict of manslaughter, finding that Gayle was "excessively beaten by joint security forces" and recommending that all army and police personnel manning the roadblock that night be charged.

On 14 March 2000, the Director of Public Prosecutions announced that he did not intend to file charges against any of the security officers present at the roadblock on the grounds that, based on the available evidence, he was unable to identify or bring a charge against those individuals who caused the death. At the inquest, evidence was adduced to show that the personnel on duty had failed to wear identification and had failed to co-operate with investigations. The investigation was subsequently reopened after a request from the Minister for National Security and Justice to the Commissioner of Police. In a statement to parliament on 14 March 2000 the Minister stated that: "whatever the legal niceties are, the public dissatisfaction is real". The DPP was unable to give Amnesty International an estimate of when the investigations would be completed. Amnesty International was informed that by the DPP that those heading the reopened police inquiry recommended case closure, due to lack of evidence.

Reports of human rights abuses committed by Jamaica Defence Force soldiers have been increasing since the Prime Minister ordered the deployment of the army in joint civilian law enforcement operations in 1999, on grounds of maintaining national security. Soldiers were previously granted joint powers of arrest in operations with the police, during the existence of the Suppression of Crimes Act; introduced via emergency legislation in 1974 and renewed every year until its repeal in 1994. In July 1999, the government established "Operation Intrepid" - authorising measures including cordons, curfews and roadblocks to be imposed by police and soldiers in 15 areas of Kingston. Despite the increase in reports of abuses committed by Jamaica Defence Force soldiers, no independent mechanism exists through which complaints of abuses against soldiers can be investigated. Neither the civilian oversight body, the Police Public Complaints Authority, nor the police investigation unit, the Bureau of Special Investigations, are empowered to deal with these.

Please write:

- ⇒ Expressing concern that no-one has yet been brought to justice for the killing of Michael Gayle two years after his death, despite a coroner's inquest verdict that all police and army officers involved should face manslaughter charges
- ⇒ Urging that the authorities undertake necessary measures to ensure that those involved in the killing are held accountable, including through the reopening of investigations in his case
- ⇒ Requesting to be informed whether the officers involved have subsequently faced disciplinary action. In particular, you may wish to draw attention to the fact that Jamaica Defence Force and Jamaica Constabulary Force officers are obliged to report human rights abuses under national law
- ⇒ Requesting to be informed what measures have been taken to deal with police or army officers' "code of silence", resulting in non-cooperation with inquiries
- ⇒ Expressing concern about the lack of any independent investigative mechanism through which members of the public can report complaints regarding alleged abuses committed by soldiers.

APPEALS TO:

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Rasheed Williams

JAMAICA APPEALS CASE

Mentally ill man shot on bridge

On 12 October 1999, Rasheed Williams, a 23 year old mentally ill man, was fatally shot by police in Grants Pen, Kingston. The killing appears to have been deliberate.

Initial police accounts given to the media alleged that Williams formed part of a group of gunmen who fired upon police officer, "in the vicinity of the Grants Pen gully. The fire was returned and Williams was hit." However, witnesses alleged that police had been attempting to arrest and detain an unidentified man who ran away and starting shooting. A police officer was shot in the leg. Another policeman grabbed hold of Rasheed Williams' foot about a minute after the shooting stopped, asked him whether he was going to run away and then shot him in the chest. The police officer allegedly carried on shooting another two or three times after Rasheed Williams had fallen on his left side.

Official forensic and ballistics investigation into the death was inadequate, but the findings of an independent pathologist who observed the state autopsy appear to confirm that Rasheed Williams was shot and killed deliberately. The pathologist recorded bullet entries to the abdomen, back and head. The bullet wound to the right side of the head was noted at a position of "half way between the right eye and right ear..." The pathologist also noted critical failings in the state autopsy. The cranium had not been fully opened and clothing was not examined.

Shortly after the shooting, police officers reportedly threw Rasheed Williams' body into the boot of an unmarked car and drove away. Police were also reportedly seen picking up a number of shells from the ground, and, despite police claims of a shoot-out, the only ballistics evidence reportedly presented at the Coroner's Inquiry was one fragment of a bullet. Police officers' guns were reportedly handed in for forensic analysis only after several days. Analysis reportedly revealed that not every gun was fired.

One of the eye witnesses to the killing subsequently refused to testify at the coroner's hearing which began on 13 February 2001. The witness had reportedly been visited on a number of occasions by police officers.

Amnesty International received allegations that, the week before the inquest into Rasheed Williams' death started, police officers visited the house of a key witness several times in an attempt to intimidate them. At the inquest, one policeman initially testified that after Rasheed Williams was shot, he was arrested and charged with illegal possession of a firearm and shooting with intent. However, the statement was later retracted during further cross-examination. Further evidence was adduced to show that police officers failed to hand in their weapons immediately after the killing, in violation of force policy. The inquest jury found that the cause of death was by "persons unknown." No disciplinary action was taken against any of the police officers involved, and all remain on active duty.

Please write:

- ⇒ Using case details as you see fit, urge the Director of Public Prosecutions to reopen the investigation into the death of Rasheed Williams, and to investigate subsequent threats received by witnesses to the killing
- ⇒ Ask to be informed why no disciplinary action has been taken against any of the officers involved
- ⇒ Note Amnesty International's previous requests for information on the case
- ⇒ Request to be kept updated with the status of the case.

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Defenders at risk

JAMAICA APPEALS CASE

Those who defend the rights of victims of alleged abuses are increasingly targeted for threats and intimidation.

In addition, those in authority continue to make public statements in which they have attacked those involved in defending human rights. The Minister for National Security and Justice has made a number of public comments in which he has appeared to criticise the work of human rights activists, suggesting that they work in tandem with criminals. He has also insinuated a tacit approval for police killings. In July 2001, at the funeral of a police officer killed on 7 July 2001 following a police raid on Tivoli Gardens, he reportedly criticized the absence of human rights activists at the funeral, stating "They will tell you about the human rights of every single criminal. Didn't Mark Henry have human rights?"

In May 2000, the Chairman of the Police Federation suggested that human rights organizations were "human rights wimps" who cared little for officers killed in the line of duty. He labelled human rights groups as "suspicious" and stated that the Federation would monitor their actions closely. The comments received front page attention from newspapers.

Amnesty International is concerned that such comments are conducive to a climate of disrespect for human rights and may further encourage harassment of human rights defenders and undermine the right to defend human rights.

Jamaicans for Justice

The national human rights organization Jamaicans for Justice reported receiving a number of death threats following the killing of seven men in Braeton on 14 March 2001. One of the most disturbing came on 23 March during a demonstration that JfJ had organized against the killings. The office secretary took a call in which a man said he was going to get his gun and come to the office and kill everyone, then he was going to kill Carolyn Gomes, the director of JfJ. Previously, over three days in June 2000, Carolyn Gomes had received death threats by phone, also apparently in connection with her work against security force brutality. Following the killing of Sylvester Wint in 2000, high-ranking police officers allegedly criticised Jamaicans for Justice in a press conference, accusing them of politically motivated involvement in the shooting.

Families Against State Terrorism (FAST)

Two members of the human rights organisation FAST were harassed and ill-treated on 7 August 2001. The members had gone to Hunts Bay Police station to provide legal representation, along with a local lawyer, to several people detained there, including relatives of Richard Williams (see page 6).

Police refused to confirm the reason for the individual's arrest and detention, or to grant them access to talk to the detainees in private. A FAST member was arrested after

criticising the police officer who had refused to give any information on the individuals. A police officer grabbed her, put her under arrest and charged her with using abusive language and obstructing an officer. She was released a few minutes later on the orders of a senior officer. Police threatened to hit another FAST member and then threw him out of the police station.

Hilaire Sobers

The lawyer and journalist, Hilaire Sobers, was also abused by police officers in the station on the same occasion. The following day, he received a written death threat. The letter contained a picture of a gunman raping and shooting Hilaire Sobers with an M16 rifle. It referred to Hilaire Sobers's work and said, "*When we ready wi a go shoot all a oonu like Perkins, Wignal and all oonu lawyer in a oonu rass hole... Fire in a yu batty.*" (When we are ready we are going to shoot all of you like Perkins [a renowned radio journalist], Wignal [a journalist working for the *Jamaica Observer*] and all of you lawyers in the arsehole... Fire in your arse).

It also made explicit reference to Amnesty International: "*Help! Amnesty. Help Goat Face Gomes. Wan gunman a dig out mi batty hole wid him M16. Wey de insane Sane deh.*" (Help! Amnesty. Help Goat Face Gomes [Carolyn Gomes, Director of Jamaicans for Justice, a human rights non-governmental organisation]. Gunmen want to shoot me in the arse with an M16...Where's the insane Mr. Sané? (Former Amnesty International Secretary General Pierre Sané visited Jamaica in September 2000 and April 2001.) Hilaire Sobers reported the letter to the police that day. The writer of the letter appeared to be a supporter of the ruling People's National Party (PNP), and suggested that Mr Sobers was working in tandem with the opposition JLP party.

Hilaire Sobers, who is also a human rights activist and lawyer, writes a weekly column on human rights for the *Jamaica Observer*. He has been highly critical of the authorities' failure to prevent extrajudicial executions by the security forces and other abuses.

Please write:

- ✍ Urging the government to ensure that human rights defenders are able to undertake their work without facing threats or harassment, in line with the Jamaican government's obligations outlined in the principles of the UN Declaration on Defenders (see below). Thorough criminal investigations should be undertaken into threats against human rights defenders and those responsible should be brought to justice. Security measures should be taken to assist human rights activists with immediate safety issues, in line with their own requests.
- ✍ Urging all state officials, including law enforcement officers, to refrain from making unsubstantiated allegations about human rights defenders and to recognise the legitimacy of their work.
- ✍ Requesting that state officials at all levels of government explicitly commit themselves to the protection of human rights defenders; fully cooperating with and facilitating the work of human rights activists. Security force agents should be educated on the right of human rights defenders to carry out legitimate activities.
- ✍ Reminding the government that the right to defend human rights has been internationally recognized and established in the principles of the United Nations Declaration on Defenders (Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms), of 9 December 1998, and in three resolutions by the General Assembly of the Organization of American States (AG/RES. 1671 (XXIX-O/99) of 7 June 1999, AG/RES. 1711 (XXX-O/00) of 5 June 2000 and AG/RES. 1818 (XXXI-O/01) of 5 June 2001).

PLEASE SEND APPEALS TO:

- ✍ Francis A. Forbes, CD. LL.B.
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- ✍ The Hon. K.D. Knight
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Amnesty International's 10-point Human Rights Action Plan Against Torture and Extra-judicial Killings in Jamaica

- ☞ Law enforcement officials should not use lethal force except when strictly unavoidable in order to protect life. They should be aware of their right and duty to refuse to obey any order to participate in an extrajudicial execution or act of torture.

- ☞ Jamaica's highest authorities should demonstrate their absolute opposition to extrajudicial executions, torture and ill-treatment committed by the security forces.
- ☞ All allegations of human rights violations by members of the security forces should be investigated fully, promptly, impartially.
- ☞ The Jamaican government should ensure that those responsible for extrajudicial executions, torture and other human rights abuses are brought to justice
- ☞ The Jamaican government should ensure the effective protection, from death threats and other forms of intimidation, of all those involved in investigations or other proceedings against those alleged to have committed human rights violations, including victims, their relatives, witnesses, police officers or soldiers, lawyers and human rights defenders.
- ☞ Autopsy reports should conform to international standards, including those where the manner of death was by shooting. They should be detailed, clear, comprehensible and objective. Relatives, or doctors appointed by relatives, should be granted full access to observe autopsies.
- ☞ The practice of incommunicado detention should be ended. Accurate information on the arrest or detention of any detainee must be made immediately available to families, lawyers and the courts. All detainees must be informed of their rights and given access to legal representation. No interrogations should take place without the presence of a lawyer.
- ☞ Children in police custody should be provided with adequate safeguards in accordance with international standards. Children should be separated from adults.
- ☞ It should be made clear during the training of all officials that deliberate and unlawful killings and torture are criminal acts. Training for both soldiers and police should conform with international standards and be strictly enforced.
- ☞ The government should ratify without reservations international treaties containing safeguards against torture, including the Convention Against Torture and Other, Cruel, Inhuman and Degrading Treatment or Punishment. It should comply with all relevant rulings of international bodies, including Special Rapporteurs and treaty bodies.