

PUBLIC

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Ill-treatment/torture

20 December 2002

JAMAICA Andre West (m), aged 16

Sixteen year old Andre West, has been detained without charge since 8 December. He is being held in Constant Spring Police Station, Kingston in conditions amounting to cruel, inhuman and degrading treatment.

Andre West was detained at his home in Grants Pen, Kingston by members of the Crime Management Unit (CMU), during an arrest and curfew operation. He was placed in a truck, with 33 other young men, at the corner of Grant's Pen Road and Shortwood Road. The men remained in the closely packed truck from 8 am till 1.32pm without food or water. According to reports some of the young men were also beaten. All have now been released except Andre.

On December 9, police officers at Constant Spring Police Station refused Andre West's mother access to her son. She was also told that he was "wanted" and refused to give her any information about the reasons for his detention unless she admitted that his name was "Dane". She was later informed that Andre was to be charged with murder, but after human rights representatives asked whether he had been given access to a lawyer, an inspector told the family that Andre was being held on suspicion of murder and had not been charged.

Police informed the family that Andre West would have to wait for an identification parade before being charged. ID parades are commonly used as a means to prolong indefinite detention without charge. Two identification (ID) parades were held on 13 December and 18 December; both in the presence of a lawyer. At neither parade was Andre West identified. Police informed the mother that a third ID parade would be held on 19 December. This has not yet taken place.

The police told the family that there was no space in juvenile facilities for Andre, so he remains in police custody. He is currently being held in a passageway in the cell block and not in an actual cell.

BACKGROUND INFORMATION

Since the beginning of December 2002, many areas of Jamaica have been held under constant curfew. The government has stated that these moves are intended to deal with Jamaica's severe violent crime.

In 1999, following the release of a Human Rights Watch report documenting the torture, including systematic rape, of children in police custody in Jamaica, the government committed itself to ensuring that no children would henceforth be detained in police custody. Since then, Amnesty International has received reports that children have continued to be detained with adults in police cells.

The organization has long-standing concerns regarding human rights violations committed by the security forces in Jamaica. These include extra-judicial executions, excessive use of force, arbitrary arrest and detention as well as torture and ill-treatment.

Under the UN Convention on the Rights of the Child, the detention of children with adults is prohibited. International law also provides that anyone arrested and detained must be promptly charged with a recognizable criminal offence or released. The UN Human Rights Committee ruled that a delay of one week from time of arrest before the detainee was brought before a judge was incompatible with article 9(3) of the International Covenant on Civil and Political Rights (ICCPR), to which Jamaica is a state party.

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

- expressing concern that 16-year-old Andre West has been detained without charge since 8 December, prohibited from having contact with his family and is being held in conditions amounting to cruel, inhuman and degrading treatment;
- urging the authorities to ensure that Andre West is not further tortured or ill-treated;
- expressing concern that Andre West is being detained with adults, calling for his immediate release or, if charged immediately with a recognizably criminal offence, transfer to a place of safety;
- asking for Andre West to be granted immediate access to family and medical assistance, and for access to legal aid to continue;
- expressing concern that 33 men were reportedly beaten during a police operation in Grants Pen by the Crime Management Unit on 8 December;
- calling for an independent and impartial investigation to be carried out into the allegations of ill-treatment, with the results made public and those responsible brought to justice.

APPEALS TO:

Francis A. Forbes, CD, LL.B.
Commissioner of Police
Office of the Commissioner
101-105 Old Hope Road
Kingston 6, JAMAICA

Telegrams: Francis Forbes, Commissioner of Police, 101-105 Old Hope Road, Kingston, Jamaica
Fax: + 1 876 927 7516
Salutation: Dear Commissioner

The Hon. Dr. Peter Philipps
Minister for National Security
Mutual Life Building
North Tower
2 Oxford Road
PO Box 472
Kingston 5, JAMAICA

Telegrams: The Hon. Dr. Peter Philipps, Minister for National Security, 2 Oxford Road, Kingston, Jamaica
Fax: + 1 876 906 1713
Salutation: Dear Minister

The Hon. Delroy Chuck, M.P.
Shadow Minister of Justice and MP for Grants Pen
37 East Street
Kingston, JAMAICA

Telegrams: The Hon. Delroy Chuck, Shadow Minister of Justice and MP for Grants Pen, 37 East Street, Kingston, Jamaica
Fax: + 1 876 967 1590
Salutation: Dear Mr Chuck

COPIES TO:

Howard Hamilton Q.C.
Public Defender
78 Harbour Street
Kingston, JAMAICA

Fax: + 1 876 922 9830

and to diplomatic representatives of JAMAICA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 January 2003.