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Jamaica must act with full transparency on allegations of human rights violations

The recent declarations made by Minister of National Security, Peter Bunting, refusing to disclose information on an investigation into allegations of human rights violations by the Jamaican Constabulary Force, are a threat to Jamaica's international obligations on justice, truth, and reparation for human rights violations and send the wrong signal on ending impunity in Jamaica, Amnesty International says today.

On 15 July, Minister Bunting confirmed in the House of Representative that unidentified international partners have decided to withdraw some of their support and to reassess their collaboration with the Jamaica Constabulary Force (JCF), following allegations of human rights violations committed by its members, particularly during the 2010 state of emergency. The current investigation by the Independent Commission of Investigations (INDECOM) into allegations of the existence of a police "death squad" operating in Clarendon and carrying out extrajudicial executions was also presented as a reason for this decision.

The Minister's declarations came following the retirement on 2 July of the Commissioner of the JCF, Owen Ellington, presented by Jamaican media as a direct consequence of the decision taken by international partners. He was the head of the JCF since April 2010, including during the police and military operations carried out in May 2010 in West Kingston during the state of emergency which resulted in the death of at least 76 civilians. A Commission of Enquiry is supposed to start later this year to look into the events.

In the House of Representatives, using "national security" as the excuse, the Minister of National Security refused to give details regarding the allegations of human rights violations which motivated the decision of international partners to withdraw their support to some units of the JCF. He also insisted that, *"the Government of Jamaica does not disclose, on an item-by-item basis, the content of communication with our international [partners] on matters of defence and national security"*.

Amnesty International opposes this position and urges the Jamaican authorities to act with full transparency and to be accountable for any allegations of human rights violations committed by their security forces or by persons or groups acting with the authorization, support or acquiescence of the state. Every Jamaican is entitled to know the truth about human rights violations committed by security forces or by others with the consent or acquiescence of a public official.

Jamaica is required by international law to respect and ensure human rights, to thoroughly investigate every violation of those rights, and to bring those suspected of criminal responsibility to justice, no matter their incumbent or past official capacity. Victims of human rights violations have the right under international law to effective access to remedy and reparation. In addition, there is a collective and individual right to the justice and truth about violations.

This lack of transparency is particularly worrying in the context of the high rates of police killings recorded every year in Jamaica and the long-story of impunity for human rights violations committed by security forces. As the UN reminded in 2005, without "observance of the right to know and, by implication, the right to the truth, the right to justice and the right to reparation... there can be no effective remedy against the pernicious effects of impunity".ⁱ

Amnesty International calls on the Jamaican government to disclose any information related to allegations of human rights violations including, amongst others, the outcome of international

investigations into the actuation of the JCF; the nature of the human rights violations reported; the identity of the international partners and the recommendations they made; the actions to be considered by the authorities in order to thoroughly and independently investigate those allegations with the aim to bringing to justice those who could be found responsible and provide reparation to victims and their families; and the measures to be considered by the authorities to put an end to those abuses.

The need for transparency must also be the rule for Jamaica's international partners. Amnesty International urges them to make public the result of any investigation they may have carried out into allegations of human rights violations by the Jamaican security forces.

Furthermore, Amnesty International seeks clarification to the Jamaican government following the declarations made by Minister Bunting saying that once the Commission of Enquiry will be done and the findings and recommendations have been acted upon appropriately, *"the residual concerns regarding the West Kingston operations will be put to rest"*.

The organisation reminds that the Commission of Enquiry is not a substitute for an independent, impartial and properly resourced criminal justice process.

Background information

A Commission of Enquiry was appointed on 24 February 2014 by the Jamaican government, consisting of a three person panel formed of jurists from Jamaica, Barbados and Saint Kitts and Nevis. However, the Jamaican jurist, Velma Hylton stepped down from the panel reportedly following protests at comments she had made whilst serving on another commission of enquiry in 2002. She was replaced in May 2014 by Professor Anthony Harriott.

Investigations into the 2010 state of emergency have been beset by constant delays. The Office of Public Defender - a commission of the Jamaican Parliament which is mandated to protect and enforce the rights of citizens - was tasked with producing a report on the events just after they occurred. However, an interim report was only made public on 29 April 2013. Amnesty International believes that the Jamaican government should have provided the Office of the Public Defender with the necessary resources in order for it to complete its report in a timelier manner.

The Jamaican government published draft Terms of Reference for the Commission of Enquiry in June 2013 and invited comments from civil society and general public. Amnesty International wrote to the government with its comments.

The interim report of the Office of the Public Defender recorded 76 civilian deaths, of which 44 are alleged to be instances of extra-judicial executions. One soldier was also killed. It also pointed to four possible victims of enforced disappearance and allegations of hundreds of arbitrary detentions – among the approximately 1,000 people detained towards the beginning of the state of emergency.

INDECOM reported 210 homicides by police officers in 2011, 219 in 2012 and 258 in 2013. Despite a noticed decrease for the first half of 2014 compared with the same period last year, they reported 73 persons killed by the police between January-June 2014. This remains an incredible high level for a country of less than 3 million inhabitants.

Out of more than 2,220 fatal shooting by police recorded between 2000 and 2010, only two officers have been convicted.

Eleven police officers from Clarendon suspected of being part of this "death squad" were arrested and charged by INDECOM earlier this year.

ⁱ UN Doc.: E/CN.4/2005/102/Add.1, 8 February 2005, Updated set of principles for the protection and promotion of human rights through action to combat impunity. Preamble.