



**Home Office**

BUILDING A SAFE, JUST  
AND TOLERANT SOCIETY

**COUNTRY OF ORIGIN INFORMATION REPORT**

# **JAMAICA**

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APRIL 2006

**RDS-IND**

COUNTRY OF ORIGIN INFORMATION SERVICE

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## **1. Scope of document**

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- 1.01 This Country of Origin Information Report (COI Report) has been produced by Country of Origin Information Service, Research Development and Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 10 March 2006.
- 1.02 The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- 1.03 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- 1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- 1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- 1.06 As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- 1.07 The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- 1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.
- 1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.
- 1.10 In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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#### **Advisory Panel on Country Information**

- 1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at [www.apci.org.uk](http://www.apci.org.uk).
- 1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be

taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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## 2. Geography

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2.01 As noted in the CIA World Factbook last updated 1 November 2005, Jamaica is an island in the Caribbean Sea and lies south of Cuba. Jamaica has an area of 10,991 sq km. Kingston is its capital and the island is divided into 14 parishes. In July 2005 the population was estimated at 2,731,832. The official language of Jamaica is English though patois English is also widely spoken. [4]

(See Annex B: [Maps](#))

2.02 Europa World Online, accessed 30 January 2006, noted:

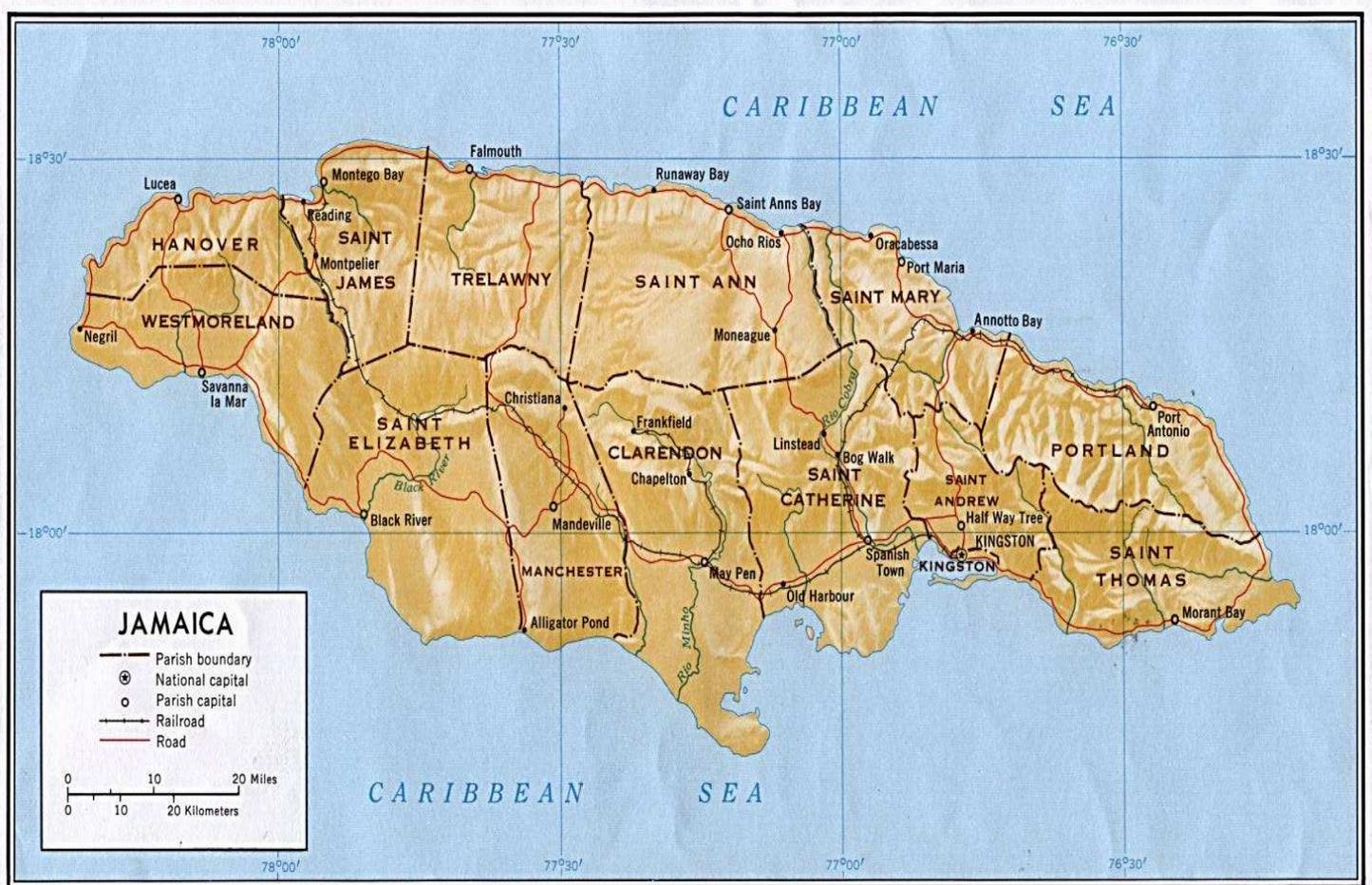
“There are more than 100 Christian denominations active in Jamaica. According to the 2001 census, the largest religious bodies were the Church of God (whose members represented 24% of the population), Seventh-day Adventists (11% of the population), Pentecostalist (10%), Baptists (7%) and Anglicans (4%). Other denominations include Jehovah’s Witnesses, the Methodist and Congregational Churches, United Church, the Church of the Brethren, the Ethiopian Orthodox Church, the Disciples of Christ, the Moravian Church, the Salvation Army and the Society of Friends (Quakers).” [5b]

### Jamaican diaspora

2.03 The Jamaican Diaspora Foundation website, accessed 30 January 2006, estimated that 2.6 million Jamaicans live overseas. The site noted “The Jamaican Diaspora is vast. It ranges from Africa to Latin America (with descendents in Panama, Costa Rica, Nicaragua) to of course North America and Europe. Migration to the United States began in 1920, and shortly after 1948, mass migration of Jamaicans to the United Kingdom began. The heyday of migration to Britain was between 1955 and 1965.” [33]

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### 3. Economy

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- 3.01 The Foreign and Commonwealth Office (FCO) Country Profile for Jamaica, last reviewed 2 December 2005, noted that the key sectors in Jamaica's economy are tourism, remittances and bauxite (alumina and bauxite account for over half of exports). Agriculture also plays an important role. Following a near economic crisis in the first half of 2003, the authorities worked hard to stabilise the economy and restore market confidence. Challenges remain, such as high interest rates and a growing internal debt, increased foreign competition and a growing trade deficit. In addition there is an urgent need for the sugar industry to diversify as well as to tackle rising crime and a "brain drain" to avoid constrained future growth. [6a] (p2)
- 3.02 The US Department of State (USSD) Background Note issued in February 2006 reported that the Jamaican Government's economic policies encourage foreign investment in areas that earn or save foreign exchange, generate employment, and use local raw materials. The Government provides a wide range of incentives to investors, including remittance facilities to assist them in the repatriation of funds to the country of origin; tax holidays, which defer taxes for a period of years; and duty free access for machinery and raw materials imported for approved enterprises. [8b] (p3-4)
- 3.03 As of 12 January 2006, Yahoo! Finance noted the exchange rate was \$64.540 Jamaican Dollars (JMD) to \$1 US. [18]
- 3.04 The *Jamaica Gleaner* reported on 17 June 2005 that poverty levels across the island improved slightly in 2003, shifting from 19.7 per cent in 2002 to 19.1 per cent, according to the latest edition of the Jamaica Survey of Living Conditions. But despite the slight economic improvement recorded over the 2003 period, the latest report noted a decline in the real national per capita consumption, or the average value of a single consumer's purchases, over the same period. [34ad]
- 3.05 On 18 January 2006, the *Jamaica Gleaner* reported "The new National Minimum Wage will move from \$2,400 to \$2,800 for a 40-hour work week as of January 30 [2005]. Labour and Social Security Minister, Horace Dalley, yesterday announced the increase in the House of Representatives. Industrial security guards will see their minimum wage increased to \$4,140 a week, up from \$3,600." [34ca]

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## 4. History

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- 4.01 The FCO Country Profile on Jamaica, dated 2 December 2005, noted that Jamaica was a British colony from 1655 until the country became a member of the Federation of the West Indies in 1958 and self-governing in its internal affairs in 1959. Jamaica gained its independence in 1962. [6a] (p1)
- 4.02 Europa World Online, accessed 12 January 2006, noted that the two dominant figures after the Second World War were the late Sir Alexander Bustamante, leader of the Jamaica Labour Party (JLP), who retired as Prime Minister in 1967, and Norman Manley, a former Premier and leader of the People's National Party (PNP) who died in 1969. The JLP and the PNP have been the two most dominant political parties forming successive governments since the country's independence. [5a]

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### RECENT HISTORY

- 4.03 The US State Department Report (USSD) 2005, published on 8 March 2006, noted that "Jamaica is a constitutional parliamentary democracy. . . In the generally free and fair 2002 elections, Prime Minister P J Patterson's People's National Party (PNP) won 34 of the 60 seats in the House of Representatives." [8a]
- 4.04 On the 27 February 2006, the *Jamaica Gleaner* reported on the election of Portia Simpson-Miller as the fourth and new president of the PNP [People's National Party]. The report noted that having gained 1,775 votes, Simpson-Miller will become the seventh and first female prime minister of Jamaica. Other presidential contenders included Minister of National Security, Dr Peter Phillips, who received 1,538 votes, Minister of Finance, Dr Omar Davies, receiving 283 votes, and former cabinet member, Dr Karl Blythe, who polled 204 votes. [34c]
- 4.05 Reporting on Portia Simpson-Miller's election, on the 26 February 2006 BBC News noted that "She will automatically become prime minister when the incumbent, PJ Patterson, steps down in the next few weeks after 14 years in the post." [21d]
- 4.06 An undated Jamaicans for Justice report, *Jamaica's Human Rights Situation*, accessed on 4 August 2004, noted that "Jamaica's socio-political background is a picture of the promise of independence marred by a culture of political tribalism. This culture of tribalism, which has seen the entrenchment of political power as the pinnacle of achievement, has resulted in the creation of an increasingly violent society in which human rights are honored on paper but not in practice...." [50a] (p1)
- 4.07 The same Jamaicans for Justice report noted that:
- "Jamaica today is a case study in tribalist politics typified by inner-city 'garrison' communities, that are entrenched in state-built housing, are politically homogenous, intolerant of dissenting views, and defended by guns and

bullets.... Out of structures created by political wars, 'community' youth gangs have emerged to fight over turf and account for 20-25 percent of homicides. Criminal gangs linked with US 'posses', UK 'yardies', and now, most lethally, with elements of the Colombian drugs trade menace the entire fabric of society." [50a] (p2)

4.08 The Freedom House Freedom in the World 2005 Report stated that the new Patterson Government confronted labour unrest and an increase in violent crime carried out largely by former politically organised gangs operating a lucrative drug trade only loosely tied to local party bosses. In 2000, Patterson promised to staunch Jamaica's "rampant criminality" by introducing new efforts to control guns, creating a new police strike force targeting organised crime, and reintroducing the death penalty. [60] (p1)

4.09 Europa World Online, accessed 12 January 2006, noted:

"In December 2002 the armed forces and police began a joint offensive on crime. The Government also revived a previously debated proposal to extend capital punishment to drugs-related crimes and to replace the Privy Council in London with a Caribbean Court of Justice (CCJ) as the final court of appeal, thereby removing the Privy Council's ability to commute death sentences to life imprisonment. More than 1,000 murders were reported in 2002 and extended use of capital punishment gained increasing popular support. Some units of the police force and human rights organizations, however, demanded the dismissal of Renato Adams, the head of the Crime Management Unit (CMU) amid allegations of human rights abuses by his staff. The CMU had been established in 2000 in response to the rising rate of violent crime; however, it was repeatedly criticized for its excessive use of force. In June 2003, following the shooting of four people during a police raid, Adams was suspended and the CMU disbanded and replaced by an Organised Crime Investigation Division. Nevertheless, the crime rate continued to increase. In 2003 the number of murders totalled 975, and in 2004 the rate reached a record 1,445 homicides [sic]; this rise was largely attributed to gang-related conflicts." [5a] (p6)

(See also Section 5.19: [Caribbean Court of Justice](#))

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## GENERAL ELECTION OF 16 OCTOBER 2002

4.10 Europa World Online, accessed 12 January 2006, noted that:

"Parliament was dissolved in September 2002, in advance of legislative elections scheduled for 16 October [2002]. Although the two main parties vowed to work together to halt the rise in violence, some 11 murders were committed during the months preceding the ballot. The PNP was re-elected for a fourth consecutive term, receiving 52.2% of votes cast, although its majority in the House of Representatives was reduced, by 14 seats, to 34. The JLP won the remaining 26 seats, with 47.2% of the votes cast. The rate of participation by voters was, at some, 51.2%, was [sic] particularly low. Voting was deemed to

have been fair and democratic by an international delegation, led by former US President Jimmy Carter, which oversaw the process.” [5a] (p5)

- 4.11 Europa World Online further noted “At his inauguration, on 23 October 2002, Patterson became the first Jamaican Prime Minister to swear allegiance to the people and Constitution of Jamaica, rather than to the British monarch, in accordance with new legislation introduced in August. He subsequently formed a new Cabinet, retaining most of the members of the previous administration.” [5a] (p5)
- 4.12 The Jamaica Election website, accessed on 12 January 2006, noted that the voter turnout then was 771,068, or 65.22 per cent of the 1,182,294 voters on the list. [35] (p3)
- 4.13 The USSD Background Note, dated February 2006, stated that groups and organisations such as the Citizens Action for Free and Fair Elections (CAFFE) and supplemented by The Carter Center helped reduce the violence that has tended to mar Jamaican elections. [8b] (p3)

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## POLITICAL VIOLENCE AND THE ELECTION CAMPAIGN

- 4.14 An article in *The Independent* (London) newspaper, dated 17 October 2002, reported that thousands of police and soldiers patrolled the streets in Jamaica on 16 October 2002 as voters streamed to the polls at the end of an election campaign overshadowed by a history of politically motivated gang violence. [53] A BBC report, dated 14 October 2002, stated that more than 50 people had died across the island in the last two weeks and many of the killings are thought to have been politically motivated. [21a]
- 4.15 A BBC news report, dated 14 October 2002, reported that “In the run up to this year’s [2002] elections, both Prime Minister Patterson and Edward Seaga have been preaching a message of peace and non violence amongst their supporters”. [21a] An article dated 12 June 2002 by *Reuters* stated that “Jamaica’s two main political leaders have signed a code of conduct they hope will ease violence and intimidation of party supporters as the Caribbean island heads toward elections by year’s end.” [16]
- 4.16 However, a report in *The Observer* (UK), dated 13 October 2002, stated that “Many of the areas of the capital, Kingston, are in a state of war as armed gangs loyal to the two rival political parties – the ruling People’s National Party and the opposition Jamaica Labour Party – launch attacks into each other’s territory and candidates. Motorcades led by both Prime Minister P.J.Patterson and opposition leader Edward Seaga were fired upon in recent days.” [20]
- 4.17 The same article reported that:
- “Although ostensibly political, much of the violence emanates from the ‘garrison communities’ known by their unofficial names which include Tel Aviv, Dunkirk and Southside in downtown Kingston, which are also home to the country’s

drug barons. And what is becoming clear is that many of the attacks are being funded by Yardie gangsters based in London. They are using money from the drug trade to disrupt elections and ensure their favoured candidates are brought to power.” [20]

- 4.18 An article featured in the [independent] *Jamaica Gleaner*, dated 15 February 2005, reported that:

“The Cabinet yesterday [14 February 2005] approved a recommendation of the Electoral Advisory Committee (EAC) that a system of electronic identification of voters by fingerprint be used in all future elections. Minister for Information Senator Burchell Whiteman told yesterday’s [14 February 2005] post cabinet press briefing that bills have been drafted to amend the Representation of the People Act, the Kingston and St Andrew Corporation (KSAC) Act and the Parish Council Act, to facilitate the move.” [36ap]

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### LOCAL ELECTIONS JUNE 2003

- 4.19 The Freedom House Freedom in the World Report 2005 noted that:

“In June [2003], the JLP won a landslide victory in bitterly contested local elections that appeared to be a referendum on the PNP’s fiscal policies. The JLP secured control of 11 of the 13 municipal councils contested; 23 percent of the candidates were women. Following the vote, 27 people, including two police officers, were killed during security force operations in western Kingston, and 16 others died in gun battles in the eastern part of the city, as gangs loyal to the country’s two major political parties battled.” [60] (p2)

- 4.20 An *Associated Press* article, dated 20 June 2003, noted that:

“Jamaica’s main opposition party scored an important victory Thursday [19 June 2003], winning control of 12 of 13 municipal councils in elections billed as a crucial popularity test for the government. With all ballots counted, the Jamaica Labor Party won 52 percent of the vote in races accompanied by isolated violence, electoral officials said. Thursday’s election was the first electoral victory for the Jamaica Labor Party, led by former Prime Minister Edward Seaga. Prime Minister P.J. Patterson’s People’s National Party won 48 percent of the votes.” [52b]

- 4.21 As reported in the Caribbean Media Corporation (CMC) news, dated 4 August 2003, “Following the 19 June [2003] local government elections, some 20 twenty [sic] people were killed during a flare-up of violence in lower Mountain View Avenue—one of the main thoroughfares connecting the capital with the Norman Manley International airport in the corporate area. Police were forced to introduce a curfew in sections of the community.” [44b]

- 4.22 An article in the CMC dated, 6 August 2003, mentioned that “Normal commercial activities resumed in the troubled community of lower Mountain View Avenue in eastern Kingston, following a heavy police presence and a two-week-old truce among warring factions. Following peace talks on Tuesday [5 August 2003] with representatives of the PMI [Peace Management Initiative] the residents said they

were confident that the latest peace talks would result in agreements to settle disputes without violence.” [44a]

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## 5. State structures

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### THE CONSTITUTION

- 5.01 Under Chapter 3 of the Jamaican Constitution (1962) the fundamental rights and freedoms are:
- a The right to life. This section provides that ‘no person shall intentionally be deprived of life save in execution of the sentence of a court in respect of a criminal offence of which he has been convicted.’ It also stipulates that a person shall not be regarded as having been deprived of his life in contravention of this section if he dies as a result of the use of force in protection from violence, defence of property, to effect a lawful arrest, to prevent escape from lawful detention, in suppression of a riot, insurrection or mutiny or in lawful prevention of a criminal offence.
  - b Protection from arbitrary arrest or detention
  - c Protection from inhuman treatment
  - d Freedom of movement
  - e Protection of property and privacy of home
  - f Provision to secure protection of law
  - g Freedom of conscience
  - h Freedom of expression
  - i Freedom of assembly and association. [2] (section 13)
- 5.02 Europa Regional Surveys of the World: South America, Central America and the Caribbean 2005 recorded that the Constitution came into force on 6 August 1962 when Jamaica gained independence. Amendments to the Constitution are enacted by Parliament but certain entrenched provisions require ratification by a two-thirds majority in both chambers of the legislature, and some (such as a change of the Head of State) require the additional approval of a national referendum. The Head of State is the British monarch, who is locally represented by the Governor-General, appointed by the British monarch and approved by the Jamaican Prime Minister in consultation with the Leader of the Opposition party. [1] (p563)
- 5.03 Europa 2005 also mentioned that the Constitution includes provisions in safeguarding the fundamental freedoms of the individual, irrespective of race, place of origin, political opinion, colour, creed or sex. [1] (p563)
- 5.04 The US Department of State Background Note on Jamaica, issued in February 2006, noted that “The judiciary also is modeled on the U.K. system. The Court of Appeals is the highest appellate court in Jamaica. Under certain circumstances, cases may be appealed to the Privy Council of the United Kingdom. Jamaica’s parishes have elected councils that exercise limited powers of local government.” [8b] (p2)
- (See Section 5.19: Caribbean Court of Justice)
- 5.05 On the 10 February 2006, the *Jamaica Gleaner* reported that the establishment of a Charter of Rights and Freedoms in the Constitution was close to conclusion. However, the report noted that Minister of Justice, Senator A.J. Nicholson, was at odds with opposition members who demanded the consideration of a late submission by the Lawyers Christian Fellowship. The law group had suggested

that the wording of a clause allowing the right to privacy of the individual could potentially allow homosexuality. The article noted that Mr Nicholson argued that the issue of homosexuality was addressed in buggery law. [34dj]

(See also section 6.149: [Lesbian, gay, bisexual and transgender persons](#))

- 5.06 *The Jamaica Observer* reported on the 15 February 2006 that the Charter has been under deliberation since 1991 and is aimed at amending the Jamaica Constitution to better ensure the protection of human rights and freedoms. [36av]

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## CITIZENSHIP AND NATIONALITY

- 5.07 Under Chapter 2 of the 1962 Constitution, any person who was born in Jamaica and was a citizen of the United Kingdom and Colonies prior to 5 August 1962, became a citizen of Jamaica on 6 August 1962. All persons born in Jamaica after independence would automatically gain Jamaican citizenship. Persons born outside Jamaica to Jamaican parents, who would have qualified for citizenship on 6 August 1962, can become Jamaican citizens. Any person who marries a Jamaican can be registered as a citizen of Jamaica. [2] (sections 3-12)
- 5.08 The Constitution also states that the Governor-General is empowered to deprive of Jamaica citizenship persons who have acquired legal rights or the citizenship of another country by registration, naturalisation or other voluntary and formal acts (other than marriage). [2] (section 8)

## POLITICAL SYSTEM

- 5.09 The US Department of State Background Note issued in February 2006 noted that Jamaica's political system is stable. However, the country's serious economic problems have exacerbated social problems and have become the subject of political debate. High unemployment, averaging 15.5 per cent, rampant underemployment, growing debt, and high interest rates are the most serious economic problems. [8b] (p2)
- 5.10 The Europa Regional Survey 2005 noted that the legislature is bicameral and comprises the upper chamber or the Senate and the lower chamber or the House of Representatives. The Senate consists of 21 Senators, 13 of whom are appointed by the Governor-General on the advice of the Prime Minister and eight by the Governor-General on the advice of the Leader of the Opposition. In the absence of an opposition leader, eight independent Senators may be appointed to the Senate. The House of Representatives consists of 60 elected members called Members of Parliament. [1] (p563)
- 5.11 The same source recorded that the Prime Minister is appointed from the House of Representatives by the Governor-General, and is the leader of the Party that holds the majority of seats in the House of Representatives. The leader of the party is voted in by members of that party. The Leader of the Opposition is voted in by members of the Opposition party. The Cabinet consists of no fewer than 11 other ministers, not more than 4 of whom may sit in the Senate. The members of

the Cabinet are appointed by the Governor-General on the advice of the Prime Minister. [1] (p563)

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## POLITICAL PARTIES

- 5.12 The USSD 2005 Country Report noted that “All citizens age 18 and over have the right to vote by secret ballot. However, in recent elections voters living in ‘garrison communities’ in inner-city areas dominated by one of the two major political parties often faced substantial influence and pressure from politically connected gangs and young men hired by political parties, which impeded the free exercise of their right to vote.” [8a] (Section 3)
- 5.13 A *Jamaica Gleaner* news article, dated 18 October 2002, reported that Jennifer McCoy, Carter Centre Director for the Latin American and Caribbean Programme, commenting on the 16 October 2002 election, said that “Garrisons are political constituencies fiercely loyal to either the People’s National Party [PNP] or the opposition Jamaica Labour Party [JLP].” Ms McCoy sought to explain the reasoning behind earlier comments by President Carter that garrison politics were a disgrace and a blot on Jamaica’s image. His comments, she said, referred to the impact of the so-called garrison-type political organisation and the right of voters to cast their ballots freely and fairly to make their choice. [34d]

(See also Annex C: [Political Organisations](#))

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## JUDICIARY

- 5.14 The USSD Country Report 2005 noted that “The law provides for an independent judiciary, and the government generally respected this provision in practice; however, the judicial system was overburdened and operated with inadequate resources.” [8a] (Section 1e)
- 5.15 The USSD report 2005 also mentioned that “The court system consists of justices of the peace at the lower end. Resident magistrate’s courts handle civil and criminal cases, while the Supreme Court has unlimited jurisdiction in civil and criminal matters. Defendants have the right to appeal a conviction in any of the three trial courts to the court of appeal, which is the highest court in the country. The Privy Council in the United Kingdom is the final court of appeal.” [8a] (Section 1e)
- 5.16 The same source reported “Most trials are public and use juries. Defendants are presumed innocent, have the right to counsel, and have the right to confront witnesses against them.” The report also noted “The public defender may bring cases for persons who have had their constitutional rights violated. Although the Public Defender’s Office contracted private attorneys to represent clients, funds

were insufficient to meet the demand, and such attorneys sometimes requested payment from clients.” [8a] (Section 1e)

- 5.17 A report in *The Jamaica Observer*, dated 18 September 2005, described how a new law to accommodate courtroom testimony using closed-circuit television would go before Parliament within three months. The article stated that “The new law will be in the form of an amendment to the Evidence Act, says attorney-general and justice minister Senator AJ Nicholson, to be tabled in the House ‘before Christmas’.” [36bk]
- 5.18 The same article noted “The revelation comes amidst increasing discussions within legal circles about the need for the laws to recognise advances in technology and its use in crime-fighting and the marshalling of court cases, for more transparency in the conduct of trials, and the need for alternatives to eyewitnesses who increasingly fear for their lives if they testify.” [36bk]

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## CARIBBEAN COURT OF JUSTICE

- 5.19 A *Latin America Press* report, dated 19 March 2001, noted that the Caribbean heads of Government signed a landmark agreement to establish the Caribbean Court of Justice (CCJ). However, in Jamaica several organisations, including the country’s bar association, oppose the regional judicial body. It is intended that the new court will replace the British Privy Council as the court of last resort for the region. [13a]
- 5.20 An article in *The Jamaica Observer*, dated 15 June 2004, noted that “The Privy Council effectively ruled on 14 June 2004 that the Jamaican Parliament could abolish appeals to the UK-based court without the need for further major constitutional amendments. This decision was interpreted by the government as removing a substantial hurdle to the island’s participation in the Caribbean Court of Justice (CCJ).” [36n]
- 5.21 The *Jamaica Gleaner*, dated 4 February 2005, reported that the Government is standing firm on its vow to establish the controversial Caribbean Court of Justice (CCJ) as the nation’s final court of appeal, despite the ruling on 3 February 2005 by the United Kingdom-based Privy Council that the Government’s handling of the process last year where the CCJ bills were passed in Parliament, was unconstitutional. Reacting to the ruling, Prime Minister P J Patterson said that the government’s legal team was completing its analysis of the judgement delivered by the British law lords, and that Cabinet would consider the matter fully on 7 February 2005. Mr Patterson stated that “The Jamaican Government remains committed to the establishment of the CCJ as our final appellate court.” [34bm]
- 5.22 *The Jamaica Observer*, dated 23 February 2005, noted that the PNP Vice-President Dr Karl Blythe had broken ranks with his party on the Government’s desire to replace the Privy Council with the Caribbean Court of Justice saying that the contentious issue should be decided by a referendum. [36ba]

- 5.23 *The Jamaica Observer*, dated 18 April 2005, reported that “The political Opposition and a leading Human Rights organisation in Jamaica on Saturday [16 April 2005] cautiously welcomed the historic inauguration of the Caribbean Court of Justice (CCJ) – ending for now – a bitter row that forced the Government to abandon plans [to] use it to replace the England-based Privy Council.” The CCJ bill was passed earlier that week by the House of Representatives. [36bb]
- 5.24 On 21 October 2005, *The Jamaica Observer* noted “. . . [that] the Opposition held fast to its demand for a referendum for Jamaicans to decide on whether they want the Caribbean Court of Justice as their court of final appeal.” [36b]

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## LEGAL RIGHTS AND DETENTION

- 5.25 Under Chapter 3 section 15 of the Jamaica Constitution 1962, the Constitution provides for the fundamental right to protection from arbitrary arrest and detention. [2] (section 15)
- 5.26 The USSD Country Report 2005 noted that “The law permits the arrest of persons ‘reasonably suspected’ of having committed a crime.” The report stated “Although the law requires police to present a detainee in court within a reasonable time period, in practice authorities continued to detain suspects for lengthy periods (often up to two or three years), which the government attributed to an overburdened court system. Magistrates were required to inquire at least once a week into the welfare of each person listed by the JCF as detained. [8a] (Section 1d)
- 5.27 The USSD Country Report 2005 also stated that:
- “The law requires detained suspects to be charged or released within 24 hours of arrest. The law also requires police to contact duty counsel (a private attorney who volunteers to represent detainees at police stations and until cases go to trial), if requested by the detainee, upon detention; however, the authorities continued to wait until after detainees had been identified in an identification lineup before contacting duty counsel for them. There was a functioning bail system. . . [and] detainees were provided with prompt access to family members.” [8a] (Section 1e)
- 5.28 The same report further noted “Although the constitution prohibits such actions, the revised Constabulary Force Act gives security personnel broad powers of search and seizure. This act allows search without a warrant of a person on board or disembarking from a ship or boat, if a police officer has good reason to be suspicious. In practice the police conducted searches without warrants. There were no allegations of unauthorized wiretapping by police.” [8a] (Section 1f)

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## LEGAL AID

5.29 The USSD 2005 Country Report noted “[that] Legal Aid attorneys were available to defend the indigent, except those charged with certain offenses under the Money Laundering Act or Dangerous Drugs Act.” [8a] (Section 1e)

5.30 The human rights organisation Jamaicans for Justice stated in its Jamaica Human Rights Situation report, 2003, that:

“The Legal Aid Authority struggles with a budget that is less than one third of what it needs to effectively represent all those who need legal aid. They also have great difficulty getting the police either to inform citizens of their right to counsel or to call the duty counsel when needed. In addition the Ministry of Justice has itself acknowledged the need for a ‘Proper streamlining of the Legal Aid System’ and last year [2002] threatened to reduce the number of offences for which legal aid was available.” [50a] (p7)

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## DEATH PENALTY

5.31 As noted by the Italian NGO Hands off Cain, accessed 21 February 2006, which campaigns for an end to the death penalty worldwide:

“On the issue of capital punishment, the Jamaica Constitution states, ‘No person shall intentionally be deprived of his life save in execution of a sentence of a court in respect of a criminal offence of which he has been convicted’. Murder is a capital crime, except for pregnant women, persons over 70 years of age and those who committed crimes when under eighteen years old. The last hanging in Jamaica took place in 1988. Nathan Foster was executed at the St Catherine Adult Correctional Facility on February 18.” [17]

5.32 As noted by the same source, as of 7 July 2004 there were 60 prisoners on death row. The future of these prisoners is entwined with the ongoing debate on the introduction of the Caribbean Court of Justice as the final court of appeal instead of the UK Privy Council. [17]

(See Section 5.19: [Caribbean Court of Justice](#))

5.33 As reported by *Associated Press* on 12 August 2003, “Efforts to resume hanging have been blocked, however, by the London-based Privy Council-the highest court of appeals for several former British colonies. In 1993 the court ruled that keeping prisoners on death row for more than five years was inhumane and that their sentences should be commuted to life in prison.” [52a]

5.34 An article in the *Jamaica Gleaner*, dated 8 July 2004, noted that in July 2004 the UK Privy Council ruled that the mandatory death sentence was unconstitutional and unlawful, based on the 1992 amendment to the Offences Against the Person Act. [34af]

- 5.35 Another *Jamaica Gleaner* article of the same date reported that the 1992 amendment to the Act paved the way for two categories of murder: capital murder, which attracts the death penalty, and non-capital murder for which the sentence is life imprisonment. The Privy Council's ruling means that the sentence for capital murder is discretionary. This means that all 39 prisoners currently on death row must have their sentences reviewed by the Court of Appeal and they must be given the opportunity to challenge the sentence. [34ag]
- 5.36 *The Jamaica Observer*, dated 8 July 2004, reported that human rights activists welcomed the decision to abolish the automatic death penalty. The Government also conceded that the ruling by the law lords will reopen debate on the future of the death penalty. [36u]

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## INTERNAL SECURITY

- 5.37 The USSD Country Report 2005 noted that:
- “The JCF [Jamaica Constabulary Force] had primary responsibility for internal security and was assisted by the Island Special Constabulary Force. The JDF [Jamaica Defence Force] was charged with national defense, marine narcotics interdiction, and JCF support. The JDF had no mandate to maintain law and order and no powers of arrest (with the exception of the JDF Coast Guard in the maritime domain), unless so ordered by the prime minister. The Jamaica Regiment (JDF infantry forces) was detached as part of a joint internal security operation to assist the JCF in patrolling certain communities. The prime minister occasionally authorized the JDF to cordon and search with the JCF. The Ministry of National Security oversaw the JCF and the JDF.” [8a] (Section 1d)
- 5.38 The *Jamaica Gleaner*, dated 23 June 2005, reported that Deputy Commissioner Mark Shields said that both the Jamaica Defence Force coast guard and marine police are ill-equipped to monitor the country's coastline and stop the influx of illegal guns and ammunition into the island. He attributed the influx to the ganga/gun trade between Jamaica and Haiti. [34ct]
- 5.39 *The Jamaica Observer* reported on 3 January 2006, “With a record high of nearly 1,700 homicides last year [2005] and Jamaica's emergence at the top of the world rankings for per capita murders, homicide figures, long closely followed here, are under increasing scrutiny.” [36bm]

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## THE JAMAICA CONSTABULARY FORCE (JCF)

- 5.40 The Jamaica Constabulary Force (JCF) website, accessed on 2 February 2005, noted that the force is responsible for the maintenance of law and order, prevention and detection of crime, the protection of life and property, the

investigation of alleged crime, and the enforcement of all criminal laws. The Commissioner of Police is responsible to the Minister of National Security for the command and superintendence of the force. He administers this responsibility in accordance with a chain of command through which all communication and correspondence are normally channelled. Senior management groups are also formed to complement the Office of the Commissioner. Management groups are organised into activities described as the following portfolios: Administration and Support Services, Operations, Crime, and Special Projects. [37a] (p2)

5.41 The USSD Country Report 2005 noted that:

“The force maintains divisions focusing on community policing, special response, intelligence gathering, and internal affairs. Faced with a rapidly increasing rate of killings, the JCF generally was not effective. The country experienced the highest level of violent crime in its history and the perception of corruption and impunity within the force were serious problems that contributed to a lack of public confidence in the institution. Human rights groups identified systematically poor investigative procedures and weak oversight mechanisms.” [8a] (Section 1d)

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## Police resources

5.42 As reported in the *Jamaica Gleaner*, dated 3 February 2005:

“The Country’s fight against crime and violence is expected to get a much needed boost come March 1 [2005] when a senior British law enforcement agent will officially join the ranks of the Jamaica Constabulary Force (JCF). National Security Minister Dr. Peter Phillips made the disclosure yesterday [2 February 2005] at a press conference at his Oxford Road office in St. Andrew. ‘He will be acting in a supernumerary position,’ Dr. Peter Phillips said. ‘We believe this development will complement the expertise and capabilities in the JCF.’ For some time now, influential voices in the private sector have been calling on the government to seek overseas help in the fight against crime and violence.” [34bf]

5.43 A *Jamaica Gleaner* article, dated 11 February 2005, reported that “Chairman of the Police Service Commission, Noel Hylton, confirmed that senior Scotland Yard detective Mark Shields is the British police officer who will be seconded to the JCF, effective 1 March 2005.” [34cd]

5.44 On the 15 February 2006, the *Jamaica Gleaner* reported “Two more British policemen have signed contracts to join the Jamaica Constabulary Force (JCF) at the rank of assistant commissioner of police (ACP).” The report noted that “Metropolitan Police (New Scotland Yard) detective Paul Robinson will start on April 18 [2006] and Scottish officer John McLean on May 29 [2006]. They will be responsible for firearms standards and community policing, respectively.” [34ba]

5.45 A BBC News report on 1 October 2005 reported “Britain has announced it is giving an extra £750,000 to Jamaica to help the Caribbean nation’s fight against

crime.” The report noted that this is in addition to the £2.4 million committed for three years from 1 August 2005 by the Foreign Office (FCO) and Department for International Development (DFID). [21c]

5.46 A *Jamaica Gleaner* article dated 7 November 2005 reported on the proposal to Cabinet by the Minister of National Security, Dr Peter Phillips, to substantially increase the complement of the police force. Dr Phillips stated he wants to increase the 8,500 membership of the Jamaica Constabulary Force (JCF) to 10,000 officers in the next 18 months as well as moving 500 officers from desk to frontline duty. The report noted that following over 1,400 murders this year, with a 50 per cent increase in gang and drug related murders, the security forces would increase their intelligence-driven operations against crime ‘hot spots’. [34bd]

5.47 The same article noted “All shootings and murders are to be investigated by a new task force of experienced Homicide Unit and Divisional CIB officers, to be merged under Operation Kingfish.” [34bd]

(See also Section 5.74: [Operation Kingfish](#))

5.48 On the 25 January 2006, *The Jamaica Observer* reported on the opening of the first model community policing and multi-purpose community services facility in Grants Pen, St Andrew. The report noted “Speaking at the official opening, US ambassador Brenda LaGrange Johnson said five years ago the Grants Pen community was violent, and the police could only enter using combat tactics. However, she said today it was heartening to see policemen patrolling the streets.” [36z]

5.49 *The Jamaica Observer* also noted that the National Security Minister, Peter Phillips, said that USAID was scouting other Jamaican communities to establish similar facilities for community policing as the Grants Pen model needed to be replicated throughout Jamaica. [36z]

5.50 On 27 July 2005 another article in the *Jamaica Gleaner* reported that a new Automated Palm and Fingerprint Identification System (APFIS) would be introduced over the next ten months. The introduction of the new system is to include the conversion of the current paper-based palm and fingerprint data on to the APFIS database. The accompanying Fingerprints Act provides police with increased powers to fingerprint and photograph suspects in specific criminal matters without a court order. [34cu]

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## WITNESS PROTECTION PROGRAMME

5.51 The USSD Country Report 2005 noted:

“There was a general lack of confidence in the police’s witness protection program, which led to the dismissal of a number of cases involving killings. In a culture where it was widely believed that ‘informers will die,’ some criminal trials were dismissed because witnesses failed to come forward as a result of threats

and intimidation. Some of those who came forward qualified for the witness protection program, but many either refused protection or violated the conditions of the program.” [8a] (Section 1e)

- 5.52 The Witness Protection Programme is provided for by the Justice Protection Act (Act 23 of 2001). As stated in the Justice Protection Act, it is an “Act to Establish a programme or assistance to certain witnesses and other persons.” [56] (p3)
- 5.53 On 1 July 2005, the Jamaica Information Service reported on the country’s Witness Protection Programme, stating that it was “. . . a solid and effective one, where those who opt to go into the programme are assured of a standard of living similar to or in some instances better than that which they enjoyed prior to entering the programme.” The report went on to say how Assistant Commissioner of Police, George Williams, in charge of the Criminal Investigation Bureau (CIB), told JIS News “. . . that the programme is a credible one that is strongly recommended for persons who are witnesses in major cases and have come forward to give evidence on behalf of the State.” ACP Williams also stated “We have not had a witness who is on the programme and who remains on the programme, injured, killed or hurt in any way.” [24c]
- 5.54 In a letter dated 22 February 2006, the Foreign and Commonwealth Office listed the eligibility criteria for the Witness Protection Programme. The FCO stated that anyone who wants to testify in court and fears for his/her life is eligible for the programme. The witness is evaluated to make sure protection is needed and able to follow the rules of the programme. The FCO noted that a witness is required to remain in the programme until after the case is tried and it is deemed safe for that person to leave the programme. [6b]
- 5.55 The FCO further noted “[that] almost 400 people have participated in the programme since 1997, including over 120 primary witnesses and 270 dependants.” [6b]
- 5.56 However, an article in *The Jamaica Observer* reported on 4 September 2005 that “A deep seated fear of being slapped with the dreaded label ‘informer’ is keeping many Jamaican’s from stepping forward as witnesses to a crime and severely hurting the administration of justice. . .” The report also noted “Several programmes, such as Crime Stop, Operation Kingfish and the Witness Protection Programme, have been instituted to give potential witnesses some comfort in giving evidence, but with limited success. In the case of the most elaborate of them, the Witness Protection Programme, which might involve relocating witnesses overseas, individuals are known to reject the programme because they don’t want to sever family or community ties.” [36a]

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### Safety of witnesses outside the Witness Protection Programme

- 5.57 *The Jamaica Observer*, dated 15 August 2005, reported on the murder of Aston ‘Mikey’ Facey, who was shot and killed after being stigmatised as an ‘informer’. The report noted that Facey’s relatives were moving out of the family home, under the protection of the police, fearful that they may also be targeted. Quoting a police officer, the article noted “We are getting information that

persons were saying Facey gave information to the police that led to the fatal shooting of Omar Brewery some time ago. Nothing could be further from the truth.” Because of this, the police say Facey was labelled an informer. Cleon Richard Thomas, a man police describe as the most wanted criminal in the St Andrew North Division, was arrested in connection with Facey’s death. [36az]

- 5.58 On the 4 September 2005 *The Jamaica Observer* stated that “The fear that witnesses have of reprisals is not entirely unfounded, officials concede. Only last month [August 2005], the principal of a St Mary primary school was murdered and police theorised that he was killed because he was to be a witness in a murder case set for October [2005].” [36a]
- 5.59 The report also noted “A witness in the case of Joel Andem, who is in custody in connection with several alleged murders, told the courts that he had nothing to say, because he lived in the community frequented by Andem.” The report further noted “In yet another case involving Andem, a witness to the abduction and slaying of businesswoman Sylvia Edwards was murdered at Hagley Park Road bus stop nearly three years ago.” [36a]
- 5.60 The same report continued by stating that “Police investigators themselves are not immune to threat. Just last Wednesday [31 August 2005] a female cop, inspector Herfa Beckford, told the Corporate Area court that her life had been threatened in the case of the Avalanche murder, and that a witness in the case had been killed already.” [36a]
- 5.61 Referring to the alleged murdered witness, a report in *The Jamaica Observer* dated 1 September 2005 noted “Ten days ago [22 August 2005] Frederick Satchwell, a minibus conductor who the police say was a key witness in their case, was shot dead as he stepped out of the bus to let off passengers. . .” [36ax]
- 5.62 The *Jamaica Gleaner* reported on 25 October 2005 that “The main witness in the double murder case against well-known Matthews Lane resident 48 year old Donald ‘Zekes’ Phipps has received two death threats since he gave his statement to the police.” The report went on to say how the Senior Deputy Director of Public Prosecutions, Paula Llewellyn “. . . said the prosecution was opposing [Donald Phipps’s] bail and revealed that the main witness in the case had received death threats.” [34cf]

(See also Section 6.223: [Donald ‘Zekes’ Phipps – Matthews Lane area leader](#))

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### Crime-fighting initiatives

- 5.63 An article in the *Jamaica Gleaner*, on 2 January 2006, noted “With close to 1,700 people murdered last year, Jamaicans are anticipating Government’s plans to curb the nation’s crime wave.” The report noted “The murder toll pushed the country ahead of South Africa and Columbia this year to become

the world's murder capital. Sixty-three of every 100,000 Jamaicans were murdered in 2005, the highest number of murders per capita in the world." [34h]

- 5.64 The same *Jamaica Gleaner* article noted that despite Government efforts to solve the issue last year, the murder rate still climbed. [34h]
- 5.65 On 5 January 2006, the *Jamaica Gleaner* reported on the disclosure of the Jamaica Constabulary Force's (JCF) plans to reduce murder, to be developed by the end of the month (January 2006). Deputy Commissioner of Police (DCP) Mark Shields' objective is to be pursued through a specific Homicide Reduction Strategy. However, DCP Shields was careful to warn against expectations of a 50 per cent reduction in murders and stated "There's no such thing as a quick fix." [34ab]
- 5.66 Caribbean Net News reported on 3 February 2006 on Jamaica Commissioner of Police, Lucius Thomas's unveiling of an eight-point action plan designed to reduce the country's murder rate by five per cent by the end of 2006. To be included in the strategy was a 'crime hot spot secretariat' in the Jamaica Constabulary Force (JCF), to improve the management and analysis of information about serious crimes and ensure deployment of police where they are most needed; the establishment of a Major Investigation Taskforce (MIT) in Kingston and St Andrew, to improve the JCF's investigation of murders, shootings and other serious crimes, and; improvement of the use of forensic science by introducing new policies, technologies and procedures, including the new IBIS ballistic machine already on the island, and a new digital fingerprinting system. [57b]
- 5.67 The *Jamaica Gleaner*, dated 23 July 2005, noted that:
- "The Senate yesterday [22 July 2005] passed the Firearms Bill to establish a new centralised and independent Gun Licensing Authority that will grant and revoke gun licences, permits and certificates. Entitled an Act to Amend the Firearms Act 2005, the bill was passed with several amendments. The legislation also provides for the establishment of a Review Board to hear appeals following the refusal to grant or revocation of a gun licence, certificate or permit." [34cs]

#### THE NEW CRIME PLAN

- 5.68 Reporting on a new crime plan, on 20 October 2005, *The Jamaica Observer* noted Prime Minister Patterson's announcement for plans for a more co-ordinated attack on crime. Part of the plan would include the hiring of retired detectives to help boost the constabulary's investigative capacity. Mr Patterson was reported as saying "We are now better geared and ready to take action in the urban centres where extortion and the fight over turf have caused an escalation of violent crime." [36bc]
- 5.69 The report also noted that National Security Minister, Dr Peter Phillips's plan "was for immediate implementation, and would focus on 'increased and more effective police action in targeted areas'." [36bc]
- 5.70 Regarding the new crime plan, the *Jamaica Gleaner* noted on 20 October 2005 "A new community employment youth programme and increased police presence in troubled areas, form the Government's latest response to the

recent upsurge in crime and violence that the prime minister has called 'unforgivable levels of evil.'" [34cz]

- 5.71 The *Jamaica Gleaner* continued "More than 1,327 Jamaicans have been murdered since January. Deploring the recent killing of 'innocent women and children', Prime Minister P.J. Patterson last night announced yet another crime-fighting measure which he said National Security Minister Dr. Peter Phillips and his advisors have developed." [34cz]
- 5.72 On 23 October 2005, the *Jamaica Gleaner* reported "The JLP leader unveiled an alternative crime plan his party would embrace if it formed the next government, and chided the Government for lacking the political will to fight crime. . .Mr Golding pointed to the lack of police vehicles, dilapidated police stations, and defective communication apparatus." [34cw]
- 5.73 The same *Jamaica Gleaner* report continued "The JLP leader's crime plan also included a reduction of the size of the Jamaica Defence Force and the subsequent enlistment of as many as 2,500 in the Jamaica Constabulary Force (JCF)." [34cw]

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## OPERATION KINGFISH

- 5.74 The *Jamaica Gleaner* noted on 20 October 2004 that the Government on 19 October 2004 unveiled another crime-fighting initiative, "Operation Kingfish", just 24 hours after the Police High Command disclosed that 44 more persons had been killed the previous week. Up to the night of 19 October 2004, the number of persons murdered since the start of 2004 stood at 1,161, the most to have ever been recorded in the nation's history. Minister of National Security, Dr Peter Phillips, addressing key private sector leaders and reporters at the Hilton Kingston Hotel, in New Kingston, said the latest crime plan would target the leaders of an estimated 85 active criminal gangs, located across inner-city communities islandwide. He said "The main aim of the task force is to break up the organised and dangerous criminal gangs that are at the root of most of the gun violence." [34bg]
- 5.75 As reported in the *Jamaica Gleaner*, dated 22 October 2004, "Operation Kingfish will be supported in its operations by elements of other arms of the security forces such as the Special Anti-Crime Task Force (SACTF), Flying Squad, the Organised Crime investigation Division (OCID) and the JDF." [34bh]
- 5.76 On 5 November 2005, the Jamaica Information Service documented a national television and radio broadcast by the National Security Minister, Dr Peter Phillips. He was quoted as saying "Operation Kingfish' has arrested some 235 persons in relation to murders, firearms, drugs and ammunition and has apprehended 32 wanted persons." Referring to other achievements, Dr Phillips stated "We have dismantled or severely disrupted major criminal networks including the 'Gideon Warriors', the 'One Order' and 'Klansman' gangs in Spanish Town as well as other gangs operating in the Corporate Area and elsewhere. We have also confronted

and apprehended some of the so called 'untouchables', who in the past relied on their political affiliation for immunity." [24a]

- 5.77 The Jamaica Information Service also noted what Dr Phillips considered to be one of the most important achievements, that being the improved relationship between the police and community. This has resulted in around 1,000 telephone calls to Operation Kingfish over the past year with 800 of those being actionable. [24a]
- 5.78 On 31 October 2005, reporting on the reputed leader of the 'Clansman' gang, the *Jamaica Gleaner* noted "Jamaica's most wanted criminal, 43-year-old Donovan 'Bulbie' Bennett was shot and killed during a joint police military operation in Rock River, Clarendon, yesterday morning [30 October 2005]." Sergeant Steve Brown, public relations officer for Operation Kingfish, told reporters "When the police approached the house they were fired on and a shootout ensued and Mr. Bennett and a man known only as 'Nathan' were shot and killed." [34b]
- 5.79 On the 7 November 2005, the *Jamaica Gleaner* reported:

"Pointing to the unit's success to date, ACP Hinds said Kingfish was charged with the responsibility of dismantling major criminal gangs. Since January [2005] they have disrupted the 'Spanglers' gang by arresting Donald 'Zekes' Phipps on two counts of murder. Phipps' Havendale residence was searched and over \$18 million found inside a vault. The conviction of Kevin 'Richie Poo' Tyndale and the arrest of Joel Andem have also had an impact on the 'Gideon Warriors' gang." [34bk]

- 5.80 On 13 November 2005, *The Jamaica Observer* reported on Operation Kingfish's successes. Speaking to the *Sunday Observer*, Glenmore Hinds, the Assistant Commissioner of Police who heads the Operation Kingfish Task Force, stated "We are confident that we have dismantled the Gideon Warriors Gang, led by Joel Andem at some stage." Hinds was also quoted as saying "We have been able to confiscate 50-odd boats, 1,240 plus firearms, a third of which are rifles, more than 2,500 cartridges, 12 tonnes of cocaine, 4,300 pounds of compressed ganja and have arrested 235 persons for a range of offences, including murder, ammunition, firearms and drug possession." ..... [36bn]

(See also Section 6.195: [Gang violence](#); 6.216: [Gideon Warrior gang](#); 6.218: [Kevin 'Richie Poo' Tyndale](#); and 6.223: [Donald 'Zekes' Phipps – Matthews Lane area leader](#))

- 5.81 As noted in the *Jamaica Gleaner* on 13 December 2005, "Within the next four weeks, another crime-fighting unit is expected to hit the streets of Jamaica, searching for perpetrators of vicious crimes committed across the island. The new unit has been named the Major Investigation Team (MIT), and will comprise some of the finest and skilled detectives of the Jamaica Constabulary Force (JCF). The unit will operate under the umbrella of Operation Kingfish, headed by Assistant Commissioner Glenmore Hinds." [34bl]

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## PRISONS AND PRISON CONDITIONS

5.82 As noted by the USSD Country Report 2005:

“Prison conditions remained poor, primarily due to overcrowding and poor sanitary conditions. The Department of Correctional Services took measures during the year to improve catering services and medical care for inmates. A March 31 [2005] escape attempt at Kingston’s maximum security prison was foiled but resulted in the deaths of three inmates and one prison guard. The media labelled the event a riot. Men and women were incarcerated in separate facilities under similar conditions, except that women’s prisons were generally not overcrowded. Although the law prohibits the incarceration of children in adult prisons, some juveniles were held with adults, particularly when juvenile facilities were filled to capacity. The majority of pretrial detainees were held in police custody, either in police stations or in remand centers, generally separate from convicted prisoners. In general, the government allowed private groups, voluntary and religious organizations, local and international human rights organizations, and the media to visit prisons and monitor prison conditions, and such visits took place during the year.” [8a] (Section 1c)

5.83 Amnesty International noted in their Annual Report 2005 ‘Covering events from January-December 2004’ that:

“There were continuing reports of ill-treatment, possibly amounting to torture, in police custody. Conditions in prison and other places of detention were harsh and in many cases amounted to cruel, inhuman and degrading treatment. Conditions at the Tower Street Correctional Centre led to a hunger strike by prisoners. Inmates were reportedly held six to a cell of approximately 3m x 2m. There was a drop in violence between inmates, but numerous prisoners were killed during the year [2004].” [9e] (p2)

5.84 As stated in the USSD Country Report 2005 “During the year [2005], at least three detainees died while in police custody. . . There was no evidence of negligence.” [8a] (Section 1a)

5.85 The *Jamaica Gleaner*, dated 1 December 2004, noted that prison inmates were increasingly turning to drugs to cope with worsening conditions in the island’s overpopulated penal institutions. One government psychiatrist is calling for the government to take a serious look at building another prison to deal with the current overflow. “While I don’t have statistics with me, over the last year or so we have seen a significant portion of persons using drugs. We did an informal survey among the inmates and many say they are now using drugs because it helps them to serve the sentence,” said Emerson Banks, director of rehabilitation in the Department of Correctional Services. [34bp]

5.86 The *Jamaica Gleaner* reported on 6 July 2005 that:

“Several Corporate Area lock-ups have become so overcrowded that the police fear they may run out of room to house other persons who run foul of the law. ‘Up to last week, the lock-ups in Area Four were packed,’ said Superintendent Rosemarie McDonald-Barker of the Area Four police headquarters in down town Kingston. Supt. McDonald-Barker, who monitors the intake of detainees at the region’s lock-ups, told *The Gleaner* on Monday [4 July 2005] that she had spoken with the relevant authorities last week, requesting that some detainees be transferred to the Horizon Park Remand Centre on Spanish Town Road, St Andrew. ‘I don’t know if this process has begun,’ she noted. Head of the

Correctional Services, Major Richard Reese, said over the past two weeks, the Horizon Park Remand Centre had taken some detainees from the Area Four lock-ups, but at the moment, they are experiencing staff shortages, in addition to undergoing repairs on sections of the facility. 'We take in about 50 detainees at any one time,' said Commissioner Reese. According to him, the current population at the facility is under 700, while the maximum capacity is 1,036." [34i]

5.87 The *Jamaica Gleaner* reported on 14 August 2005 that:

"An unrelenting stream of delinquent young males into the custodial arm of the Department of Correctional Services has been forcing officials to channel the overspill into adult institutions such as the Horizon Remand Centre on St. Andrew. Esmie Gordon, acting superintendent of the only juvenile remand centre in Jamaica – the St. Andrew Juvenile Remand Centre in Stony Hill – explained that police officers called the centre every day seeking new spaces but most times it was already full to its capacity of 48 detainees. Strict occupancy rules prevent them from accepting more than that number. 'We are under pressure with the male juveniles. Right now we need a facility that will house 100 boys on remand. The police are calling us everyday,' said Superintendent Gordon." [34au]

5.88 On 23 October 2005, *The Jamaica Observer* reported on the rehabilitation programmes available to convicts in prison. According to prison boss Richard Reese, "The focus . . . is on general inmate development, and not the issue of guilt or innocence." The report went on to name some of the available programmes. "Rehabilitation Through Music (RTM) is one segment of a wider programme, from which, said Reese, there have been some positive results." *The Jamaica Observer* also noted "The prison runs an educational programme known as Students Expressing Truth (SET) which offers classes in mathematics, English, history, sociology and science, among other subjects." [36am]

5.89 On 24 October 2005, the *Jamaica Gleaner* noted that "The poor state of the island's penal system has been blamed on a lack of political will to allocate the necessary resources to overhaul and implement the changes to properly rehabilitate those incarcerated." The report went on to say that "According to the Rev. Hardy, [assistant chaplain in the Department of Correctional services] 'One of the reasons for overcrowding in our male institutions is that there are quite a number of men being incarcerated who do not deserve to be in prison. . . .' He said every effort must be made to change the current system if the rehabilitation programme at the prisons is to work." [34be]

5.90 The 2005 USSD report stated:

"Male inmates deemed by prison wardens to be homosexual are held in a separate facility for their protection. The method used for determining their sexual orientation is subjective and not regulated by the prison system, although inmates were said to admit their homosexuality for their own safety. There were numerous reports of violence against homosexual inmates, perpetrated both by the wardens and by other inmates, but few inmates sought recourse through the prison system." [8a] (Section 5)

(See also Section 6.156: [Violence against gay men](#))

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## MENTALLY CHALLENGED INMATES

- 5.91 An article in the *Jamaica Gleaner* dated 12 November 2005 noted that on the 11 November 2005, the Senate had passed legislation intended to provide better care and protection for prison inmates who are mentally ill. The report noted that Senator Kern Spencer, Parliamentary Secretary in the Ministry of National Security, said improvements were carried out in conjunction with the Ministry of Health and the implementation of a twenty-page proposal which included the relocation of mentally ill inmates from the St. Catherine and Tower Street correctional facilities to a secure area. [34bn]
- 5.92 The same report noted that “The legislation is expected to prevent the mentally ill, who are accused or convicted of a crime, from being lost in the legal shuffle through the courts and prison system.” However, whilst welcoming the new legislation, Nancy Anderson, a legal officer at the Independent Jamaica Council for Human Rights, told the *Jamaica Gleaner* that the implementation efforts were inadequate. She was quoted as saying “it is time to look at these people as people who are ill, instead of people who are criminals. It is time to look at diverting them without bringing them into the justice system.” [34bn]
- 5.93 On the 18 December 2005 *The Jamaica Observer* noted “Prison keepers are finalising a new plan to transform Tamarind Farm, a medium security correctional facility, into a psychiatric prison for the criminally insane and other mentally ill inmates. . .” The report noted “The new forensic psychiatric centre will facilitate both institutionalisation and treatment of the mentally ill who have either broken the law, or are already in the prison system and diagnosed as being a risk to themselves or to others.” [36ad]
- 5.94 In the same article, *The Jamaica Observer* noted that currently prisons refer patients to Bellevue Hospital, a stand-alone state-run mental institution which the government is scaling down following the announcement of plans to close the Hospital permanently. [36ad]

(See also Section 5.159: [Mental health care](#))

- 5.95 The *Jamaica Gleaner* noted on the 22 December 2005 that through the Canada Fund for Local Initiatives (CFLI) Jamaica, the Canadian Government has contributed J\$500,000 to the Independent Jamaica Council for Human Rights (IJCHR) to help with efforts to reduce the number of mentally ill persons in Jamaica’s prisons. The report noted that “The money will go towards the IJCHR’s Mentally Ill Persons in Prisons Project. The goal of the project is to:

Locate all persons who have been remanded in custody on the basis that they were unfit to plead, and assess their fitness to plead.

Have all persons who are fit to plead placed before the court and their cases disposed of.

Secure accommodation and aftercare for those detainees/inmates released.

Have the cases of persons still unfit to plead, monitored by the court and disposed of once they have been assessed by a psychiatrist.” [34bo]

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## MILITARY SERVICE

- 5.96 The War Resisters’ International CONCODOC [Conscription and Conscientious Objection Documentation Project] 1998 report, issued on 5 April 1998, noted that “Conscription has never existed since independence was achieved in 1962. There is no legislation providing for conscription.” The report also states that “The legal enlistment age is between the ages of 18 and 24.” [27]

## CONSCIENTIOUS OBJECTION

- 5.97 The same publication noted that “There is no known legal provision for conscientious objection. In 1998 the government stated that, as military service is voluntary, ‘the question of Conscientious Objection status does not apply.’” [27]

## DRAFT EVASION AND DESERTION

- 5.98 The War Resisters’ International report 1998 also noted that “Desertion is punishable by up to two years’ imprisonment in peacetime. In wartime desertion is punishable by firing squad execution.” [27]

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## MEDICAL SERVICES

- 5.99 The Pan American Health Organization (PAHO), in its 2002 country profile of Jamaica, stated that “The health system offers primary, secondary and tertiary care .... Secondary and tertiary care are offered via 23 government hospitals and the teaching hospital of the University of the West Indies, with a combined capacity of 4,802 beds.” [42] (p5)

- 5.100 The same PAHO country profile stated that “Jamaica has a national formulary; a vital, essential, and necessary drug list, and policies relating to the use of generic drugs. Training programs have not been able to meet the demand for health personnel except in the area of medical doctors, dental nurses, and community health aides.” [42] (p5)

- 5.101 The Jamaica Information Service, Ministry of Health, accessed 19 January 2006, noted:

“Over the past three years, the Ministry has undertaken a comprehensive rationalisation/re-organisation of the health service. The management and delivery of health services have been de-centralised to four statutory regional

Health Authorities covering the island. Under the new status, the Ministry's two largest programmes: Primary, and Secondary and Tertiary Health Care have been integrated into a new programme – Health Service Delivery. It is expected that regional management will improve the quality of health care with more efficient use of resources and timely decision-making." [24d]

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## THE NATIONAL HEALTH INSURANCE PROGRAMME (NHIP)

5.102 The key features of the National Health Insurance Programme (NHIP) are:

- Universal Coverage – The National Health Insurance Programme will provide guaranteed access to the package of health services for all residents regardless of age or health condition;
- Service Package – The NHIP will cover a service benefit package – the Standard Benefit Package – consisting of inpatient care, laboratory and diagnostic tests and pharmaceuticals. Other services will be included in later years if deemed necessary and affordable;
- Mandatory Health Insurance – The NHIP will be mandatory, that is, everyone will be required to have (purchase) health insurance for the Standard Benefit Package. The government will be responsible for insuring the medically indigent; and uninsured persons will be required to meet the full cost of health care;
- Choice of Insurer – Health insurance for the Standard Benefit Package can be bought either from a public health insurance agency (to be established) or from competing health insurance carriers;
- Choice of Service Provider – Services in the Package will be available in public and private health facilities;
- Catastrophic Care – A Catastrophic Care Fund for very costly and sophisticated services will be established with resources coming from health insurance premiums and other sources;
- Management – The NHIP will be administered by a broadbased independent and non-profit body, the Health Insurance Commission, which will be subjected to clearly defined performance and accountability requirements. [46] (p1-2)

5.103 An undated National Health Insurance Plan Green Paper (NHIP Green paper) noted that:

"The National Health Insurance Plan (NHIP) is a contributory health financing plan aimed at covering all residents of Jamaica for a stipulated package of medically necessary services. It is designed to assist individuals and families in meeting the high costs of health care without suffering financial distress and to provide dedicated resources for enhancing the availability and quality of health services. It is a critical component of the overall Health Reform Programme currently being implemented to improve the delivery, management and financing of health services." [46] (p1-2)

5.104 As reported in the *Jamaica Gleaner* on 1 November 2004 "The Ministry of Health, through the National Health Fund (NHF), will be increasing the subsidies on pharmaceutical items that are covered under the fund, from 25 per cent to

between 35 and 50 per cent effective November 1 [2004]. In addition, the fund will also be adding more than 250 new pharmaceutical items, representing more than 70 drugs at a cost of \$23 million to \$30 million.” The Health Minister, John Junor, stated that “The expansion of the prescription items to over 800 and the increase in subsidy, which goes from 35 per cent to 50 per cent, mean that access to medical treatment will, in fact, be improved and patients and their doctors now have a greater choice.” [34br]

- 5.105 *The Jamaica Observer*, dated 9 March 2004, reported that on 8 March 2004 the University Hospital of the West Indies (UHWI) opened its newly refurbished \$4-million obstetrics and gynaecology ward. The Chief Executive Officer Stephannie Reid immediately announced plans to upgrade the accident and emergency department and build a new operating theatre and intensive care unit. [36o]
- 5.106 An article in the *Jamaica Gleaner*, dated 5 May 2004, stated that doctors are having to make decisions about the procedures they can do following the continuation of an acute shortage of supplies in the health sector. Hospitals reportedly are short of basic supplies such as gloves, bandages, alcohol and medication. The *Jamaica Gleaner* also reports that some of the hospitals in the southern part of the island have been experiencing a shortage of drugs, while hospitals in the Corporate Area are short of gloves and bandages. [34ax]
- 5.107 The *Jamaica Gleaner*, dated 19 October 2004, noted that two surgical machines had been donated to Port Antonio Hospital. One of the machines was an electro surgical machine designed for the operating theatre and is used for containing blood loss during surgery. The other machine was a diathermy X-ray processing machine, which would speed up X-ray scans, normally done manually. [34bs]
- 5.108 *The Jamaica Observer*, dated 7 June 2005, noted that:
- “A tonometer – eye equipment used in the diagnosis of glaucoma – is to be handed over to the eye clinic at the Princess Margaret Hospital in St Thomas. The equipment has been donated by two Canadian optometrists, Dr Victor Obasuyi and Dr Modupe Oladeji in Toronto, Canada, and handed over to the Canadian Friends of St Thomas Healthcare.... Many Jamaicans are stricken with glaucoma each year, a disease which slowly damages the optic nerve without warning and often without symptoms, leading to gradual loss of vision and total blindness, over time. Loss of vision from glaucoma is irreversible.” [36bd]
- 5.109 On 3 February 2005, the *Jamaica Gleaner* reported that the Spanish Town Hospital had received a major boost to its capacity to care for premature babies. Three incubators, medicines, gloves and other surgical items were donated to the Neonatal Unit. [34bt]
- 5.110 According to the website of the Bustamante Hospital for Children, accessed 7 August 2003, “Since its inception, Bustamante Hospital for Children remains the only specialist pediatric facility in the English-speaking Caribbean. As such, being a major referral institution committed to the care and well being of children from birth to twelve years old, our patient population is drawn from the entire island of Jamaica and occasionally other countries within the region.” [14] (p2-3)
- 5.111 The same Bustamante Hospital website noted that:

“Today, a comprehensive range of diagnostic, preventative, curative and rehabilitative services are offered in pediatric medical, surgical specialties and subspecialties. An Intensive Care Unit provides critical care service to critically ill patients. The Accident and Emergency Department operates on a twenty-four hour basis throughout the year. In addition, specialist clinics are held five days per week in the Outpatient Department. The hospital has a total bed compliment of two hundred and ninety-two (292), distributed in ten wards and the Intensive Care Unit.” [14] (p2-3)

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## HIV/AIDS

- 5.112 UNAIDS, accessed on 22 February 2006, reported that at the end of 2003, an estimated 22,000 adults and children were living with HIV in Jamaica, 10,000 of those being women. The report further noted that in 2003 there were 900 AIDS-related deaths. [55]
- 5.113 The National AIDS Committee (NAC), Jamaica, accessed on 22 February 2006, noted that the cumulative total AIDS cases as at June 2005 was 9,453. [45g]
- 5.114 The *Jamaica Gleaner* reported on 25 November 2005 that “Between January and March of this year [2005], 13 persons died of AIDS each week in Jamaica and, according to recent surveys, 45 per cent of all newly-reported HIV/AIDS cases in the island are among persons aged 25-39 years.” [34ac]
- 5.115 *The Jamaica Observer* noted on 3 December 2005 that 13 cases of AIDS in children under 10 years old were reported between January and March 2005, compared to 18 in 2004. The report noted that there were five paediatric AIDS deaths in 2005, compared to eight in 2004. The decrease has been attributed to the improvement in care and treatment for HIV-infected children and decrease in mother-to-child transmission of HIV. [36r]
- 5.116 The *Jamaica Gleaner* reported on 15 February 2006 that “Health Minister John Junor says if Jamaica is to achieve Universal Access in HIV/AIDS treatment, care and support by 2010, all sexually-active persons will have to be tested to determine their status. According to Mr. Junor, an estimated 20,000 people are living with HIV/AIDS, and of that total, approximately 15,000 are not aware that they are living with the disease.” [34db]
- 5.117 The Jamaica Information Service, last updated 5 March 2004, reported that the country’s Health Ministry has been trying to get a message of ‘protect yourself’ across to the population since the first case of AIDS was reported in the island in 1982. “The disease has now become the second leading cause of death in the country for men and women in the age group 30-39 years, with approximately 1.5 per cent of the adult population estimated to be HIV positive. In the year 2000, 12 persons were reported to have died of AIDS in Jamaica every week.” [24b] (p1-2)
- 5.118 From the same article the Jamaica Information Service noted that:
- “Statistics indicate that the disease is most prevalent in the heterosexual population, which accounts for about 61 per cent of all infections, 25 per cent of

transmission [sic] have not being [sic] determined, 6 per cent credited to the homosexual population, while there are no reports of transmission from intravenous drug use. Health workers have also found a high infection rate among commercial sex workers and persons with a history of sexually transmitted infections.” [24b] (p1-2)

- 5.119 The same article from the Jamaica Information Service noted that since 1995, new infections have been increasing sharply among adolescent females who have a three times higher infection rate than males of the same age group. Researchers claim that poverty, ignorance, early sexual experience with older men and embarrassment to seek advice on protection is responsible for the increase among adolescent females. [24b] (p1-2)
- 5.120 The Jamaica Information Service article also noted that the Government, from as early as 1988, had put a number of measures in place to stem the transmission of the disease, including the establishment of a National HIV/Sexual Transmitted Disease (STD) Prevention and Control Programme. This is a comprehensive integrated disease prevention, health promotion programme directed towards behaviour change in individuals. [24b] (p1-2)
- 5.121 The NAC website (accessed 5 March 2004) states that the NAC has four main functions:
- “To advise the Minister of Health in Jamaica on policy issues relevant to HIV/AIDS & STIs; to involve all sectors of the Jamaican Society in efforts to prevent and control HIV/AIDS & STIs; to act as a central body where ideas, experiences and questions about HIV/AIDS & STIs in Jamaica can be shared, discussed and addressed; to provide a sustainable means of supporting the initiatives of the NAC and member organizations by eliciting funds from fundraising activities, public and private sector participation.” [45c]
- 5.122 The NAC website, accessed 8 February 2005, noted that there are a number of local organisations working with AIDS and HIV. [45a] The NAC also noted that there are a number of international organisations based in Jamaica working with AIDS and HIV. [45d] The NAC has also provided a summary of organisations working with HIV/AIDS [45e] and a list of hospice services. [45f]
- 5.123 As noted on their website, accessed 8 February 2005, Jamaica AIDS Support was founded in 1991 and today is Jamaica’s oldest and largest AIDS, human rights, non-government organisation. They currently have three chapters – Kingston, Ocho Rios and Montego Bay – 33 members of staff, and over 300 volunteers. [43]
- 5.124 The National AIDS Committee website, accessed 15 October 2002, noted that the National AIDS Committee (NAC), is a private NGO established in 1998 by the Ministry of Health to co-ordinate the national multi-sectoral response to the AIDS epidemic in Jamaica. The NAC has strong links with the National HIV/STI Control Programme (NCHP), representatives from both private and public sector organisations, NGOs and community based organisations (CBOs). [45h]
- 5.125 As reported in the *Jamaica Gleaner* on 22 October 2004, the City of Kingston Co-operative Credit Union (COK) will be giving \$2 million over the next four years to an HIV/AIDS fund to help support organisations involved in prevention and care programmes. The President of the COK, Joscelyn Jolly, said that “Despite the alarming statistics in Jamaica and the Caribbean, we would dare hope that we

would one day not be known as the region outside of sub-Saharan Africa with the largest number of HIV/AIDS cases but that instead, we would be known as the region which successfully overcame one of the greatest challenges of the 21<sup>st</sup> century.” [34bu]

5.126 The *Jamaica Gleaner*, dated 25 June 2005, reported that:

“In the last year, more than £367 million has been spent on programmes to assist persons living with HIV/AIDS, Dr Yitades Gebre, executive director of the National HIV/AIDS/STI control and prevention programme, has said.... Dr Gabre said the funds have been used to boost treatment and care for persons living with HIV and AIDS, including HIV-fighting drugs and machines to test the level of the virus in the body for just over 1,300 persons. HIV prevention approaches were also developed to reach vulnerable groups such as sex workers and homosexuals, provide resource materials for persons living with HIV and develop and implement mass media campaigns on various topics. These include abstinence, delayed sex, condom use, voluntary testing and counselling as well as the importance of consistently taking HIV medication. The campaigns reached 700,000 people including 16,000 school children. In addition, more than 100 non-traditional condom outlets have been established islandwide, and several anti-stigma and anti-discrimination campaigns were launched, Dr Gabre said.” [34x]

5.127 The *Jamaica Gleaner*, dated 23 July 2005, also noted that the Centre for HIV/AIDS Research, Education, and Services (CHARES) is a not-for-profit organisation that has been providing for the needs of persons living with HIV/AIDS for more than 14 years. Over the years the organisation has been responsive to demands created by HIV/AIDS, one of which is the plight of children who are infected and affected by HIV/AIDS. [34z]

5.128 As reflected in the same *Jamaica Gleaner* article, dated 23 July 2005, the programme for children living with HIV/AIDS includes:

- Support Group of children infected and affected by HIV/AIDS.
- Home-based care training programmes conducted for professionals and volunteers involved in the provision of care for children infected by HIV.
- Parenting-skills training programme conducted with parents of affected and infected children.

The article also notes that the two groups of children targeted for intervention include:

- Children affected by HIV/AIDS who are living at home with parents who have the disease (HIV/AIDS) and have shown and expressed difficulties in coping with parents' sero-positive status or death.
- Many children born with HIV are now approaching pre-teens and teens and are desperately in need of psycho-social support. [34z]

5.129 *The Jamaica Observer* noted in an article dated 3 December 2005 “Matthew 25:40, home to 13 children living with HIV/AIDS is to receive a \$2-million boost from the Culture Heath Agriculture Sports and Education (CHASE) Fund . . .” The report noted that the home opened three years ago for children aged 18 months to six years old. Matthew 25:40 is run by the Mustard Seed Communities and is the second of two Mustard Seed homes that care for children with HIV/AIDS. The first

home, Dear to Care, is located in Spanish Town and houses 32 children. A third home, Martha'a House, is scheduled to open early next year [2006]. [36r]

- 5.130 On the 11 January 2006, the Jamaica Information Service reported "The Executive Director of the Global Fund to Fight AIDS, Tuberculosis and Malaria, Professor Richard Feachem has congratulated Jamaica for the programme of activities implemented by the government in the fight against AIDS." The report noted "[that] Jamaica has received US\$7.5 Million to fund various programmes of activities involved in the fight against the spread of the disease." [24e]

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### DISCRIMINATION AGAINST HIV/AIDS SUFFERERS

- 5.131 A Human Rights Watch report, dated 16 November 2004, reported that:

"Widespread violence and discrimination against gay men and people living with HIV/AIDS in Jamaica is undermining government measures to combat the country's fast-growing epidemic.... Gay men and people living with HIV/AIDS face serious violence, and are often forced to abandon their homes and communities. Health workers often provide them with inadequate healthcare or deny them treatment altogether." [59a] Reacting to the Human Rights Watch report, dated 16 November 2004, the *Jamaica Gleaner* dated 17 November 2004 reported that "Human rights organisations yesterday [16 November 2004] accused the government and the police force of turning a blind eye to the rampant abuse of homosexual males and persons living with HIV/AIDS." [34bw]

- 5.132 The USSD Country Report 2005 noted that "No laws protected persons living with HIV/AIDS from discrimination. Human rights NGOs reported severe stigma and discrimination against this group. Although health care facilities were prepared to handle patients with HIV/AIDS, health care workers often neglected such patients." [8a] (Section 5)

- 5.133 In an article dated 12 December 2005, the Jamaica Information Service noted:

"The Ministry of Health is continuing to scale up its responses to the HIV/AIDS epidemic in Jamaica, through expansion of its prevention programmes targeting high risk groups and the general population." The article noted "[that] a campaign in support of abstinence among young people is being developed as well as a special anti-stigma campaign built around profiling a number of persons living with HIV/AIDS. Currently, a programme to combat stigma in the work place is being aired in addition to a campaign promoting condom use among young adults." [24f]

- 5.134 *The Jamaica Observer*, dated 20 October 2004, reported that Jamaican employers are now restricted, by international code, from screening workers for HIV/AIDS, whether they are new recruits or persons already on the job. And for those employees known to have the virus, it now cannot be a cause of their dismissal. [36an]

- 5.135 As reported by the *Jamaica Gleaner*, dated 11 February 2005, in January 2005 two children were turned away from schools in St Mary and St Ann because they

were HIV-positive, Donna Marie Hamilton-Ross, chairperson of the St James Parish AIDS Action Committee, told *The Gleaner*. "This, she said was a direct contravention of policies and guidelines set out by the Ministries of Health and Education." She confirmed that her organisation has written to the Public Defender, Howard Hamilton, asking him to file a law suit against the two private preparatory schools. Mr Hamilton confirmed that his office had received the complaints from the AIDS Action Committee and said his office would be investigating the matter. Dr Peter Figuera, chief of Epidemiology and AIDS in the Ministry of Health, said "There is a written Government policy that applies to all schools and people need to abide by it." [34cc]

5.136 However, according to the *Jamaica Gleaner* dated 24 February 2005, the Ministry of Education made arrangements for one of the schools to take one of the children, the younger boy, aged eight years old, but not until September 2005. However, the school is saying that the other boy is two months too old and therefore they cannot take him. [34cn] As reported by the *Jamaica Gleaner* on 16 February 2005, the Ministry of Education issued a "strong warning" to schools on 15 February after media reports that two more students were excluded from school for being HIV-positive. [34ce]

5.137 The *Jamaica Gleaner*, dated 22 February 2005, reported that:

"The Health Ministry is taking steps to ensure that there is legislation or regulations which speak directly to discrimination based on HIV status. No legislation which directly addresses this type of discrimination now exists in Jamaica. 'From our side, the Ministry of Health's National AIDS Programme and the National AIDS Committee, have revised the existing laws and regulations where necessary, for the government to look into or enact new legislation,' Dr Yitades Gebre, executive director of the National HIV/AIDS Prevention and Control programme, told the Jamaica Information Service (JIS) recently. He said that this information has been provided to the Attorney-General's Department and that the Ministry is now awaiting directives as to whether new legislation would be introduced or existing laws would be strengthened." [34ck]

5.138 *The Jamaica Observer*, dated 19 August 2005, reported that:

"With a quarter of Jamaica's estimated 64,000 workplaces having employees living with HIV/AIDS, the island's health authorities yesterday [18 August 2005] launched a campaign aimed at ending on-the-job discrimination and stigma against infected workers. There is as yet no hard data on the account of workplace discrimination suffered by HIV/AIDS-infected persons, in cases where the information on the infection is available. But what is known is that the majority of Jamaicans remain uncomfortable about associating with HIV/AIDS, although the situation has improved over the last five years." [36bf]

5.139 As noted in *The Jamaica Observer* on 30 November 2005, "People living with HIV/AIDS in Jamaica, who feel that they have been discriminated against and are seeking legal redress, can now access legal services free of cost from members of the legal fraternity." One signatory of the declaration, Arlene Harrison-Henry, President of the Jamaica Bar Association, stated "There should be no hesitation to bring test cases to vindicate the right of persons who have been treated unfairly based on HIV status. It is important that we also do our best to aggressively remove stigma and discrimination in relation to HIV/AIDS." [36b]

- 5.140 *The Jamaica Observer* noted on 16 November 2005 that Health Minister John Junor had noted that there has been an increase in the number of people being tested for HIV/AIDS and said this was a positive sign, arguing that it may be an indication that the stigma associated with the disease was waning. [36e]

(See also Section 6.169: [Death of HIV/AIDS activist Steve Harvey](#))

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### AVAILABILITY OF ANTI-RETROVIRALS (ARVs)

- 5.141 According to the National Aids Committee website, accessed 8 February 2005, a large amount of medication is available in Jamaica for treatment of HIV/AIDS. [45b] (See source [45b] for more information on treatment for HIV/AIDS)
- 5.142 The Jamaica Information Service reported on 1 November 2005 on the opening of an Immunology Centre at the National Public Health Laboratory in Kingston. The Centre has the facilities to offer Viral Load testing, Polymerase Chain Reaction (PCR) technology and CD4 count testing for HIV patients. These services will be available to HIV-infected persons both in the public and private sector. [24g]
- 5.143 On 3 November 2005, an article in *The Jamaica Observer* reported that people living with HIV and AIDS should now find it easier to access antiretroviral drugs provided by the National HIV/Sexually Transmitted Infections (STI) Control Programme. The report noted "This has been made possible through a National Health Fund [NHF]/Antiretroviral (ARV) tracking system implemented by the government . . ." The article further noted "Health Minister John Junor pointed out that under this system, all Jamaicans with HIV and AIDS attending any of the treatment sites as well as visiting participating private physicians, are required to obtain a Taxpayer Registration Number (TRN) and register with the NHF through the clinic or physician they visit." This registration would indicate the co-payment or exemption from regular fees. [36d]
- 5.144 The same article noted that between October 2004 and August 2005, 1,246 adults and 141 children were started on ARVs. The Health Minister noted that systems were also in place to ensure that those accessing the treatment comply and adhere to it through 16 treatment sites. [36d]
- 5.145 *The Jamaica Observer* noted on 16 November 2005 that according to Health Minister John Junor, come 2006, an additional 2,300 Jamaicans living with HIV/AIDS will be provided with antiretroviral drugs under the National HIV/STI Control Programme. The report noted that the aim was to provide ARVs to every Jamaican in need across the country within a three-to-four-year period. [36e]
- 5.146 Caribbean Net News reported on 12 January 2006:

"The Jamaican Ministry of Health is encouraging persons living with HIV/AIDS (PLWHA) to take advantage of the antiretroviral drugs that are available in the public health sector at significantly subsidized rates and in some cases, free of cost. 'We are inviting PLWHA to come in and access the drugs. HIV/AIDS is no longer a death sentence. You can now live long and happy even with the

disease,' said Dr. Kevin Harvey of the National HIV/AIDS/STI Programme. He said that since the drugs became available in the public sector in October last year, some 1,500 persons have so far benefited." [57a]

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## Sickle Cell

- 5.147 The Haemoglobinopathy Association of Counsellors (known as STAC), accessed on 15 February 2006, reported on a Jamaican Sickle Cell Awareness Week, organised by the Sickle Cell Trust Jamaica, which took place between 25 September and 1 October 2004. Detailing the background of how the week evolved, the report noted:

"The Sickle Cell Trust Jamaica (SCT) is a registered charity formed in 1986 whose objectives included fundraising and provision of educational material to complement the scientific programmes of the MRC Laboratories. The Sickle Cell Support Club was founded in 1992 by patients for patients. They peruse [sic] a variety of self help initiatives including social support, supplementary teaching, hospital visiting and activities to promote confidence and self esteem. From the support club there are local branches with similar objectives. One of their early initiative [sic] was sickle cell awareness week. This is in collaboration with the SCT, which involves a series of talks, poster presentations and distribution of information to the public and other professionals." [54]

- 5.148 On the 24 November 2004, *The Jamaica Observer* reported that Chairman of the Sickle Cell Trust, Professor Graham Serjeant, noted that there are networks of clinics across Jamaica where people can obtain information and assistance on sickle cell disease, namely St Ann's Bay, Annotto Bay, Mandeville, Black River and Montego Bay. [36ak]

## Diabetes

- 5.149 The Diabetic Association of Jamaica (DAJ) stated on 1 February 2006 that the treatment for people living with diabetes in Jamaica is easily available and accessible. The DAJ and Jamaican Government provide diabetes care to the public through clinics, outreach screening and educational activities. More recently a programme developed by the Ministry of Health managed by an Executive Body, the National Health Fund has made diabetes medication available to the general public at a significantly low cost as well as testing supplies. The DAJ stated that medication and testing kits are available through Government-subsidised pharmacies, and participating private pharmacies. Other services are offered island-wide through Government clinics and Diabetes Association Branches. [29]

- 5.150 On the 22 November 2005, the Jamaica Information Service noted:

"Diabetics, who are beneficiaries of the National Health Fund (NHF), are now able to test their blood sugar levels by using glucometers, which are being made available to NHF cardholders free of cost. In a recent interview with JIS News, Public Relations Officer at the NHF, Rosemarie Lee disclosed that

beneficiaries have been receiving glucometers upon making requests to either their physicians or pharmacists. A glucometer is a small, portable machine that can be used to check blood glucose concentrations. After pricking the skin with a lancet or needle, a drop of blood is placed on a test strip in the machine. The meter (or monitor) then displays the blood glucose concentration as a number on the meter's digital display.” [24k]

- 5.151 The Jamaica Information Service also noted “Local distributors of glucometers in the island include, H.D. Hopwood Limited, LASCO Distributors, Cari-Med Limited, Inter Commercial Distributors, and Qualcare Limited.” [24k]
- 5.152 On the 17 February 2006, *The Jamaica Observer* reported on the launch of the HOPIE Fund, a non-profit organisation that seeks to provide people needing dialysis treatment with easier access to machines close to where they live and at reduced rates. The report noted that Sandra Bromwell-Riley of HOPIE said the long-term goal was to increase the number of dialysis machines available across Jamaica, particularly in rural areas. Bromwell-Riley stated “We are going to have mobile clinics to visit these people in St Thomas, St Elizabeth and other parishes where there is limited access to the kind of treatment that is required.” [36bj]

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## CARDIAC DISEASE AND TREATMENT

- 5.153 As noted by the Jamaica Foundation for Cardiac Disease (JFCD), “In Jamaica the number of those suffering from chronic as well as congenital cardiac disease is rising rapidly. If they are not treated soon after diagnosis, persons with heart disease may be deprived of a normal and healthy life. Treatment and tests include echocardiograms, cardiac catheterization, valve replacements and coronary bypass surgery.” [49]
- 5.154 Their website, accessed on 3 August 2004, noted that the JFCD is a voluntary non-profit, non-governmental organisation founded in 1994. It assists persons with cardiac surgery treatment including children. It assists adults and children with cardiac studies and tests. It assists patients with the purchase of pacemakers, valves, drugs and other materials. [49] According to a Global Information Network article dated 3 March 1999, the JFCD has developed a good reputation for facilitating subsidised and free heart surgery, particularly for children. [15]

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## PEOPLE WITH DISABILITIES

- 5.155 As reported in the USSD Country Report 2005:

“There were no laws prohibiting discrimination against persons with disabilities, nor any laws mandating accessibility for persons with disabilities, and such persons encountered discrimination in employment and denial of access to

schools. Health care and other state services were reported to be universally available. Several government agencies and NGOs provided services and employment to various groups of persons with disabilities, but there was no government agency specifically charged with assisting persons with disabilities.” [8a] (Section 5)

5.156 *The Jamaica Observer*, dated 19 July 2005, noted that “Citing high levels of unemployed disabled persons living in Jamaica, labour officials are calling on the private sector to employ more persons with disabilities. Presently, there are approximately 250,000 disabled persons living in Jamaica, less than one per cent of whom are gainfully employed. The majority of those with jobs work in the public sector.” [36bh]

5.157 On 2 November 2005, the Jamaica Information Service reported on the launch of Skills For a Life, an HIV/AIDS and sexual education programme for young people with learning disabilities. The programme is geared towards providing information on HIV/AIDS, relationships, sex and sexuality, safer sex choices and decision making. [24h]

(See also Section 5.112: [HIV/AIDS](#))

5.158 The *Jamaica Gleaner* reported on 23 December 2005 the long-awaited legislation to protect the rights of the disabled was to be drafted in 2006. Ransford Wright, Executive Director of the Jamaica Council for Persons with Disabilities said that the legislation would not solve all the problems but there would be some recourse in place for people who felt they were being discriminated against. [34bq]

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## MENTAL HEALTH CARE

5.159 The World Health Organization (WHO) Mental Health Atlas 2005 Country Profile on Jamaica noted that “Jamaica has a Mental Health Act. Under the new Mental Health Bill [1997], provisions have been made for the admission of patients, whether voluntary or involuntary, and the designation of psychiatric facilities for the mentally ill.” The components of the Mental Health Policy are advocacy, promotion, prevention, treatment and rehabilitation as well as integration of mental health into primary healthcare. [48] According to the Pan American Health Organization, Country Health Profile 2002: Jamaica, “In 2000 schizophrenia accounted for 49 percent of patients seen at mental health clinics in Jamaica.” [42] (p4)

5.160 The Jamaica Information Service, Ministry of Health, noted that:

“The mental health services are delivered through a three-pronged system consisting of:

- A residential hospital – Bellevue Hospital
- Out-patient community mental health services at primary health care facilities islandwide

- Residential out-patient rehabilitation units – Ken Royes Rehabilitation Centre.” [24d]

5.161 A *Jamaica Gleaner* article, dated 8 February 2005, mentioned that in Jamaica, this approach to caring for the mentally ill is fully endorsed by the Government, at least on paper. In less than three years, the Government expects to make a full policy shift from institutionalised-state care to community-based care for the nation’s mentally ill. The budget for Bellevue was significantly cut to \$380 million in 2004/2005 from \$499.5 million the previous year. The argument is that more people could be helped from the limited funds than the Government has to spend. [34bz]

5.162 As mentioned in the WHO Country Profile Jamaica 2005, the following therapeutic drugs are available in Jamaica: Carbamazepine, Phenobarbital, Phenyltoinsodium, Sodium Valproate, Amitriptyline, Chlorpromazine, Diazepam, Fluphenazine, Haloperidol and Lithium. [48]

5.163 The *Jamaica Gleaner*, dated 24 October 2005, reported that the Bellevue Hospital for the mentally ill is to remain open for now despite plans to scale down its services. This is due to the lack of alternative care for its 800 inpatients and scores of outpatients. The senior medical officer, Dr Maureen Irons-Morgan, was quoted as saying “We are having more patients being treated in general wards in the main hospitals but we still need to have dedicated psychiatric beds so patients (who need to be) are admitted.” Dr Irons-Morgan stated “There are 21 beds at UHWI (University Hospital of the West Indies) and 30 beds at the Cornwall Regional Hospital. This needs to be addressed.” [34bv]

5.164 The same article noted that Director of Mental Health Services at the Health Ministry, Dr Earl Wright, said that proposals have been developed to create inpatient acute emergency units at the Mandeville Regional, Spanish Town, St. Ann’s Bay and Kingston Public hospitals. He said the Cornwall Regional Hospital has a unit but “plans are to have a 20-bed unit at the Mandeville, Spanish Town and St. Ann’s Bay hospitals and a 40-bed unit at KPH [Kingston Public Hospital]”. [34bv]

(See also Section 5.91: [Mentally challenged inmates](#))

5.165 On 27 October 2005, the *Jamaica Gleaner* noted “The University of the West Indies Department of Community Health and Psychiatry will be setting up a new multimillion dollar mental health institute that, among other things, will be geared towards reducing the country’s staggering crime rate.” The report noted that the institute will be called the Caribbean Institute of Mental Health and Substance Abuse (CARIMENSA), offering “. . . cultural therapy to turn the creative energy of mental health patients into continuous entrepreneurial activity.” [34bx]

5.166 The article further noted that CARIMENSA would not be competing with local clinics as they would not be providing medication. “The role of that institution is to bring a different kind of mental health care to the people. . .” stated Professor Frederick Hickling, the head of the department. [34bx]

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## EDUCATIONAL SYSTEM

- 5.167 The Europa Regional Survey 2005 noted that primary education was compulsory in certain districts, and free education was ensured. The education system consists of a primary cycle of six years, followed by secondary cycles of three and four years, respectively. [1] (p571)
- 5.168 The USSD 2005 Country Report on Jamaica noted:
- “The Government was committed to improving children's welfare. The Ministry of Education, Youth, and Culture was responsible for implementation of the Government's programs for children. Public primary education was free, universal, and compulsory for students between the ages of 6 and 11, and the Ministry of Education reported that 99 percent of children in that age group were enrolled in school. However, economic circumstances obliged thousands of children to stay home to help with housework and avoid school fees. As a result, attendance rates at primary schools averaged 78 percent, although some rural areas reported attendance as low as 50 percent. More than 70 percent of children between the ages of 12 and 16 had access to secondary school, and the UN Children's Fund reported that most children completed secondary education. A National Task Force on Education continued its review of the educational system and at year's end was working on suggested methods for improvement.” [8a] (Section 5)
- 5.169 The Task Force on Educational Reform report 2004 on Jamaica, entitled ‘A Transformed Education System’, noted that “The education system caters to approximately 800,000 students in public and private institutions at the early childhood, primary, secondary and tertiary levels. Over 22,000 teachers are employed in 1,000 public institutions. Only 20% of teachers are trained university graduates. The Government currently spends over \$30 billion on education, with households estimated to spend an additional \$19 billion.” [19] (p9)
- 5.170 The same 2004 Task Force report stated that “Despite high enrolment rates, significant curriculum reform and other efforts, performance at all levels of the system has been well below target as measured by student scores on national and regional assessments and performance in relation to the critical minimum targets set out in the White Paper of February 2001.” [19] (p10)
- 5.171 The 2004 Task Force report also stated that “The Caribbean Examinations Council (CXC) is the major examining body in the region in respect of secondary school leaving examination. It has developed 50 syllabuses; 19 at the basic proficiency level, 33 at the general proficiency level and 3 at the technical proficiency level. The Council offers examinations in all syllabuses at the May/June administration. Since 1998, grade 3 has been accepted as a passing grade for matriculation to tertiary level institutions.” According to the report “There are marked differences in the performance of boys and girls throughout the education system, with girls ‘outperforming’ boys consistently except in CSEC Mathematics.” [19] (p56)
- 5.172 As recorded in Europa Regional Survey 2005, UNESCO estimated that in 2001, 87.3 per cent (males 83.4 per cent and women 91.0 per cent) were literate. [Source:UN Development Programme, Human Development Report]. [1] (p563)

5.173 *The Jamaica Observer*, dated 13 July 2005, noted that “Government will this September [2005] pay 50 per cent of the tuition fees for all secondary school students for the 2005/6 academic year. The payout will cost the State about \$1 billion and will benefit 231,249 students. Parents will only have to pay 50 percent of the amount they paid in 2002/3.” [36be]

5.174 The *Jamaica Gleaner* reported on 10 November 2005 how Dr Donald Rhodd, Minister of State in the Ministry of Education, Youth and Culture, outlined stark statistics regarding the state of Jamaica's school population. Extracted from the National Youth Policy, the statistics showed the high levels of violence and anti-social behaviour displayed by students, including:

- 15 per cent of students aged 10 to 18 carry weapons to school.
- 14 per cent of boys have been stabbed or shot in a fight.
- 15 per cent of girls have been stabbed or shot in a fight.
- One in six adolescents belonged to a gang at some point in their youth.
- One in 10 youths is sexually abused.
- Youths are arrested, jailed and murdered at twice the rate of the general population. [34by]

5.175 The article also noted the figures on drug usage as being:

- 29 per cent of students use alcohol
- 11 per cent use ganja
- 10 per cent use inhalants
- Five per cent use tobacco [34by]

5.176 The *Jamaica Gleaner*, dated 29 January 2006, noted that following a sharp increase in violence in Jamaica's schools, the Government is considering installing surveillance cameras. The report noted:

“Just last week, classes were suspended at the Cedric Titus High School in Trelawny due to growing tension among residents of Clark's Town and Falmouth since the stabbing death of an eleventh grade student. The following day, teachers and students at the Eltham Basic School in St. Catherine were traumatised by a daring daylight robbery at the institution. Then, teachers at the Boscobel Primary School in St. Mary demanded tighter security following death threats against two of their colleagues.” [34dc]

5.177 The Jamaica Information Service reported on 1 November 2005 that approval was given to the Early Childhood Regulations, Resolutions 2005, on 28 October 2005, by parliament's Upper House. The report noted “Recommendations came from both sides of the Upper House on how best to make the Regulations more comprehensive to recognise disabled children, as well as to give an extension on the stipulated time for pupil teachers to gain their requisite certification.” [24i]

5.178 The same source stated that Government Senator Floyd Morris proposed that both parents and operators of early childhood institutions should strive to ensure that disabled children received proper exposure to education. The report noted that Senator Morris stated “[that] the best scenario for children with disabilities would be for their integration with ‘what you would regard as normal children in the education system’.” [24i]

(See also Section 5.155: [People with disabilities](#); and 6.131: [Children](#))

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## 6. Human rights

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### 6A. HUMAN RIGHTS ISSUES

#### GENERAL

6.01 The United States Department of State 2005 Country Report on Jamaica noted:

“While the government generally respected the human rights of its citizens, there were serious problems in some areas:

- unlawful killings committed by members of the security forces
- mob violence against and vigilante killings of those suspected of breaking the law
- abuse of detainees and prisoners by police and prison guards
- poor prison and jail conditions
- continued impunity for police who commit crimes
- an overburdened judicial system and frequent lengthy delays in trials
- violence and discrimination against women
- trafficking in persons
- violence against suspected or known homosexuals.” [8a]

6.02 In its 2005 annual report on Jamaica, covering events from January-December 2004, Amnesty International (AI) noted that “Investigations into alleged extrajudicial executions remained inadequate. Police officers often failed to protect crime scenes, allowing forensic evidence to be destroyed, lost or damaged. Statements from officers involved in fatal shootings were often taken after long delays. A government pledge to strengthen investigations into police killings failed to materialise.” [9e] (p1)

6.03 *The Jamaica Observer*, dated 24 February 2005, reported that:

“A United Nations High Commission for Human Rights representative has commended Jamaica’s international human rights record while challenging the country to ensure that the safeguards translate into real protection. Maarit Kohonen observed Tuesday [22 February 2005] that Jamaica had signed on to a number of key international human rights instruments. ‘This means that Jamaica has undertaken a significant responsibility to protect and promote a wide range of human rights, civil, political, economic, social and cultural for all in Jamaica,’ she told a human rights conference in Mandeville.” [36aw]

6.04 The Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, published on 26 September 2003, referring to the mission of 17-27 February 2003, stated that:

“With regard to its legal observations under international human rights law, Jamaica is a State party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child and the Optional

Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.” [12] (p8)

- 6.05 The Special Rapporteur continued “Jamaica has also signed but not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. In 1998 Jamaica withdrew from the Optional Protocol to the International Covenant on Civil and Political Rights. In addition, within the context of the Organization of American States, Jamaica is a State party to the American Convention on Human Rights.” [12] (p8)
- 6.06 The Caribbean Media Corporation (CMC) reported on 17 November 2005 that figures released by police on 16 November 2005 showed a 13 per cent increase in murders for 2005. The report noted “For the period 1 January [2005] to 10 November [2005], there were 1,448 persons killed, with near one-sixth of those murders taking place in the St Andrew South Police Division in the Corporate Area. The Police Division includes the tough inner city communities of Olympic Gardens, Waterhouse and Seaview Gardens.” [44c]
- 6.07 The CMC article also noted:
- “Since the start of the year the St Andrew South police have recorded 240 murders. This is 11% more than the corresponding period last year. The old capital of Spanish Town in the central parish of St Catherine has recorded 204 killings - three% [sic] more than last year. The western parish of St James comes next with 120 murders. However the eastern parish of Portland has been the parish with the lowest murder figure, with eight persons killed so far this year.” [44c]
- 6.08 The *Jamaica Gleaner* reported on 15 September 2005 “[that] the number of persons murdered in Clarendon since the start of 2005 stands at 61.” [34m]
- 6.09 As reflected in a *Jamaica Gleaner* article, dated 27 June 2005, Commissioner of Police Lucius Thomas said that migrating criminals, displaced by intense police pressure in urban centres, are influencing the high levels of criminality in parish capitals and townships across the country. He said that “In previous years, a high percentage of the murders and violent crimes in Jamaica were committed in the Kingston Metropolitan Area, Spanish Town and St. James, mostly in informal and challenged communities. To underscore this point, I must report that since the start of this year [2005], the rural parishes have seen an increase of 30 reported murders.” [34ae]
- 6.10 As noted by the USSD report 2005 “There were no reports of political detainees.” [8a] (Section 1d)

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## TORTURE AND ILL-TREATMENT OF SUSPECTS IN CUSTODY

- 6.11 Reporting on torture and other cruel, inhuman, or degrading treatment or punishment, the USSD 2005 report noted that:

“Although the law prohibits such practices, reports of physical abuse of prisoners by guards continued, despite efforts by the government to remove abusive guards and improve procedures. On August 9 [2005], the Department of Correctional Services announced that it had discharged 16 correctional officers for misconduct. At year’s end, the department, in conjunction with the police, was investigating alleged criminal activities of the fired correctional officers, including trafficking of contraband, abuse of inmates, missing ammunition, and assisting with prison escapes.” [8a] (Section 1c)

- 6.12 An Amnesty International report, AMR 38/009/2004, UA 174/04 *Police death threats and brutality/incommunicado detention*, published on 17 May 2004, indicated that two men were being detained without charge in Spanish Town Police Station and at risk of ill-treatment and torture. Amnesty International expressed concern for their safety. Police had detained them after killing another resident of the Morgan’s Lane district in an alleged extrajudicial execution, and have threatened to kill people living in Morgan’s Lane. One of the detainees reportedly had been severely beaten in police custody. [9b]

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## ARBITRARY ARREST

- 6.13 The USSD report 2005 noted that the law prohibits arbitrary arrest. However, the report stated:

“There were reports of arbitrary arrest during the year, and the authorities continued their ‘cordon and search’ policy in neighborhoods where it was believed certain suspects may be present. During these operations, conducted by the JCF sometimes in conjunction with the JDF, authorities detained groups of people and took them to a police station or other safe area where they were processed and held until it could be determined whether they were the suspect the police were looking for. By law, unless special permission is granted by a Justice of the Peace or a Resident Magistrate, persons must be released within 24 hours if they have not been charged with a crime. . . Arrests normally require warrants signed by a police officer of the rank of station sergeant or higher; however, arrests may be made without warrants.” [8a] (Section 1d)

## DISAPPEARANCES

- 6.14 The USSD report 2005 noted that “There were no reports of politically motivated disappearances.” [8a] (Section 1b)

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**CRIME AND LAW AND ORDER**

6.15 The *Jamaica Gleaner* reported on 1 February 2006:

“News that murders plummeted nearly 23 per cent in January [2006], compared to the same period in 2005, has bolstered the police force’s confidence in light of plans announced yesterday [31 January 2006] to reduce the homicide rate by five per cent in 2006. So far there have been at least 113 murders in January [2006], down by 33, when compared to the corresponding period last year [2005]. Major crimes also fell by 11 per cent over the comparative period, according to statistics revealed by the Police High Command. . .” [34i]

6.16 As reported by the *Jamaica Gleaner* on 13 February 2006, police crime statistics indicate that youths, some as young as 12, are the main perpetrators of criminal activity in recent years. Deputy Commissioner of Police (DCP) Jevene Bent said that the figures show that 350 persons arrested for murder in 2005 are between 12 and 25 years old. Seven of those arrested in 2004 were between 12 and 15 years old. [34df]

6.17 *The Jamaica Observer* reported on 16 October 2005 that “Homicides continue to spiral towards a new record, but there are known areas of confrontations – the battle zones – where blood is either often spilled, such as Maxfield Avenue, or where the police and the community have an uneasy relationship, such as Tivoli Gardens.” The report noted “These are areas that often require battalions of security forces to maintain order, to take in the criminals and the guns.” [36f]

(See also Section 6.195: [Gang violence](#))

6.18 The *Jamaica Gleaner* reported on 15 September 2005 that “The month of September [2005] is shaping up to be one of the bloodiest on record with 12 persons being killed in a 24 hour period. At least 29 persons have been killed since Saturday [10 September 2005], according to police reports.” The report noted “According to police records, someone is murdered in this country every six hours, and as the murder figures steamroll towards a record number this year [2005], solutions are proving to be elusive.” [34m]

6.19 The same *Jamaica Gleaner* article noted that despite Government attempts to tackle rising crime, police have made arrests for only 26 per cent of the murders committed in 2005 so far. The report also noted that “The violence has even spread to rural parts of the island with no tradition of gun violence.” [34m]

6.20 On 6 October 2005, the *Jamaica Gleaner* reported on the fire-bombing of a house in St. Andrew, killing a 10 year old girl, her grandparents and her aunt. The report noted that neighbours who attempted to rescue the family were fired at by heavily armed gunmen who were responsible for the fire-bombing of the property. The *Jamaica Gleaner* stated that “Head of the West Kingston Police Division, Deputy Superintendent Delroy Hewitt, has linked the fire-bombing and death of the four family members to an ongoing gang feud in the community.” [34v]

6.21 The *Jamaica Gleaner* reported on 4 November 2005 on the murder of at least eight persons in what they described as “a bloody morning spree”. After detailing the victims’ tragic deaths, the report noted that “According to police records,

among the victims murdered this year are 137 women, 17 children, 16 taxi operators, 15 security guards, 12 policemen, three members of the Jamaica Defence Force and three inmates.” The *Jamaica Gleaner* continued “The gun was used to kill 1,062 persons, while the knife was used in 149 of the cases, the machete 42 and other weapons, 137 persons.” [34aa]

- 6.22 As reported by the *Jamaica Gleaner* on 6 November 2005, Security Minister Dr Peter Phillips vowed that security forces would continue to target ‘dons’ for preying on society and instilling fear in residents. The report noted “A resolute Dr. Peter Phillips said political affiliation will not be considered, in wake of last Sunday’s killing of [PNP supporter] Donovan ‘Bulbie’ Bennett by Operation Kingfish.” [34ar]

(See also Section 5.74: [Operation Kingfish](#))

- 6.23 The same report noted that Dr Phillips believes he has the backing of the PNP hierarchy and the entire party membership. He was quoted as saying “I think all of the party and the Government realise there can be no protection, politically or otherwise, for criminals who destroy the livelihood of this country and prey on Jamaican citizens.” [34ar]

- 6.24 On 12 December 2005, the *Jamaica Gleaner* noted “Executive Director of the Dispute Resolution Foundation, Donna Parchment is hopeful that there will be a reduction of crime and violence in Spanish Town, St. Catherine with the addition of 49 mediators.” The report noted that the mediators, including policemen, were trained in conflict management, conflict resolution skills, rapport building, self-esteem building, motivation and anger management. Speaking to the *Jamaica Gleaner*, Donna Parchment stated “We’re hoping to utilise the skills of these newly trained mediators in enhancing out-reach activities in their various communities and using them on a panel of mediators to help resolve conflict in the communities and possibly in the courts, creating the first civil centre for resolution.” [34as]

- 6.25 As reported by the *Jamaica Gleaner* on 3 January 2006, “Despite there being two murders in as many days in St. James, commanding officer for the parish, Superintendent Warren Clarke, is still quite optimistic that the city’s crime rate will decrease in 2006.” The report noted “The superintendent said he was optimistic of a decrease in the crime rate, arguing that except for last year, during the previous five years murders and serious crimes increased by an average of 20 per cent. But last year, he pointed out, violent crimes grew by only five per cent over 2004. Murders in particular, rose from 132 to 139; total crimes in the parish was 856 for 2005 and 860 in 2004.” [34dd]

- 6.26 However, on the 10 February 2006, the *Jamaica Gleaner* reported on a triple murder in Montego Bay, St James. The report noted “[that] the bullet-riddled bodies of two men and a woman were found in an unfinished three-storey house in the Felicity Crescent area of Montego Bay. The area is popularly known as Blood Lane.” [34de]

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## EXTRAJUDICIAL KILLINGS

- 6.27 The Report of the U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, dated 26 September 2003, stated that:

“During the visit Ms Jahangir met with government ministers and officials, including representatives of the police, the security forces and the judiciary. She also met with a number of civil society organizations and community representatives. She had the opportunity to visit a number of neighbourhoods in central Kingston – the so-called ‘inner cities’ – and the St Catherine prison in Spanish Town. She also visited Montego Bay. On a number of occasions she met with individual witnesses and family members of persons who had allegedly been extrajudicially executed.” [12] (p2)

6.28 The Special Rapporteur report also stated that:

“Following her mission, it was the Special Rapporteur’s distinct impression that extrajudicial executions by the police, and possibly in a very few cases also Jamaican Defence Forces, had in fact taken place. She stresses that she is not mandated to pronounce any clear-cut judgement as to the guilt or innocence of any individual; this eventually has to be determined through a due process of law. She also notes that the criminal justice system in Jamaica currently does not have the appropriate capacity to deal with these cases.” [12] (p2)

6.29 The Special Rapporteur report further noted that “The Special Rapporteur recognizes the challenge faced by the security forces in controlling crime and violence, but underlines that a high crime rate is not an excuse for the excessive use of force on the part of State authorities. She appreciates that senior policy makers and security officials in Jamaica have recognised the need for better accountability on the part of the security forces.” [12] (p2)

6.30 The report continued:

“The Special Rapporteur fully comprehends the challenge faced by the security forces in controlling crime and violence. They face a difficult task which is compounded by the fact that they lack tactical training in the use of non-lethal force and thereby end up using disproportionately high levels of force. Such methods are habit-forming and expose both the security forces and the public to undue risks. There was a tendency across the board to cover up suspected cases of extrajudicial killings.” [12] (p22)

6.31 The 2005 Amnesty International report on Jamaica noted that “The authorities gave differing figures on the number of people killed by the police. National human rights groups believed the figure of 130 to be accurate. Many of these killings may have been unlawful. For the fifth consecutive year, no police officers were brought to justice for their involvement in cases of unlawful killing, although some were under investigation.” [9e] (p1)

(See also Section 6.69: [Crawle \(Kraal\) trial](#))

6.32 The USSD report 2005 noted that “While the government or its agents did not commit any politically motivated killings, security forces committed some unlawful or unwarranted killings during the year [2005].” [8a] (Section 1a)

6.33 An article in *The Jamaica Observer* dated 18 January 2006 noted that “Local human rights group Jamaicans For Justice (JFJ) said information supplied by the police’s Bureau of Special Investigations showed that 167 citizens were

killed by the police last year, which, it said is the highest in 14 years. Another 110 citizens, JFJ said, were shot and injured by the police last year.” [36aa]

6.34 The report noted:

“[that] the rights group has called for substantive efforts to be taken to reduce the number of fatal shootings by the police. ‘Jamaicans For Justice is appalled at this untenable level of police shootings, which should make it clear to all concerned that killing suspected ‘criminals’ is counter-productive to reducing the murder rate,’ the group said in a statement. ‘What is needed, as we search for solutions to our escalating murder rate, is the scrupulous observance of law by all.’” [36aa]

6.35 An article in the *Jamaica Gleaner*, dated 16 November 2005, noted “The Bureau of Special Investigation (BSI) has turned the searchlight on at least eight members of the police force who have reportedly fled the island, following a ruling by Director of Public Prosecutions (DPP), Kent Pantry, for them to be charged criminally.” Acting Assistant Commissioner of the BSI, Granville Cause, told the *Jamaica Gleaner* “We have about 15 outstanding warrants for these policemen, ranging from murder to wounding.” [34at]

6.36 Listing the accused, the *Jamaica Gleaner* noted:

“Among the policemen on the list are Constable Robert Cole, formerly of the Hunts Bay Police Station. He is wanted on warrants for murder and felonious wounding, arising out of an incident in Seaview Gardens, St. Andrew, on October 24, 2001, where three men were shot, one fatally. District Constable Clement Rose Green, of the St. James division, has been implicated in the August 9, 2000 murder of Everton Stewart. Sergeant Derrick Bailey is wanted for the murder of Richard Williams, who was killed on Spanish Town Road, St. Andrew, on June 8, 2002.” [34at]

6.37 The article continued:

“There is the case of 10-year-old Renee Lyons, who was killed by a policeman's bullet on July 25, 2003, in the Hunts Bay area. Constable Walter Spike, who was ruled charged [sic] with murder, has since been on the run. Another controversial incident was the case of taxi driver, Kemar Bryan, who was killed by the police on September 9, 2001 in the busy Half-Way Tree area. Constable Winston Graham, who was implicated, is now being sought. Constable Murphy Levy is being sought for the October 17, 2000 murder of his wife, Tara Johnson-Levy. Sergeant Dalton Brown, also on the run, was charged for breaches of the Corruption and Prevention Act, following an incident on December 29, 1999, involving a firearm.” [34at]

6.38 The *Jamaica Gleaner* further noted that “Corporal Edward Stewart is also on the run for the January 2004 shooting of Viola Barrett, in St. Elizabeth. Ms. Barrett, who was recently awarded over \$17 million from the courts, was paralysed as a result of the incident. The BSI said it has since implemented measures preventing police personnel under investigation from running away before the DPP has ruled on their cases.” [34at]

- 6.39 On the 21 January 2006, the *Jamaica Gleaner* reported on the killing by police of Kingston resident Marcus Davis, age 23. The report noted that the killing took place during a joint police/military operation carried out at about 5.45 on the morning of 20 January 2006. The *Jamaica Gleaner* noted "When members of the joint police/military team approached a house in the community, Davies reportedly ran out of the building with a firearm and fired at them. The fire was returned and Davis was killed." However, the article reported that according to residents, the lawmen entered the premises, kicking down the door and took Davis to another house where he was shot and killed. [34dg]
- 6.40 The report also noted "According to the police, a 9mm pistol with serial number erased was taken from the dead man. During the incident a member of the security team and a woman were also said to have been shot and injured." [34dg]

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### USE OF EXCESSIVE FORCE BY THE POLICE

- 6.41 The USSD report 2005 noted that "The police frequently employed lethal force in apprehending criminal suspects, which resulted in 180 deaths (including 13 police officers) compared with 119 deaths (including 11 police officers) in 2004. While allegations of 'police murder' remained frequent, the validity of some of the allegations was suspect." [8a] (Section 1a)
- 6.42 The same report noted that:
- "The JCF continued an initiative of community policing to address the problem of long-standing antipathy between the security forces and many poor inner-city neighborhoods. The police academy includes training for policemen on citizens' rights and human rights." [8a] (Section 1d)
- 6.43 On 4 June 2005, the *Jamaica Gleaner* reported "Five members of the Jamaica Constabulary Force have been taken off front-line duties following Thursday's [2 June 2005] fatal shooting of 19-year-old Leon Johnson of Warrendar Place in Hermitage, St. Andrew." The report noted that "According to police reports, about 5.15pm, Thursday [2 June 2005], members of a police party were on patrol in the August Town area when on reaching Escarpment Road they were allegedly fired on by a group of gunmen." However, the *Jamaica Gleaner* noted that residents of the Hermitage community disputed the police's version of the incident and are claiming that no shoot out took place. [34ap]
- 6.44 On 5 October 2005, the *Jamaica Gleaner* noted:
- "More than 40 persons, including Tivoli Gardens' community leader Christopher 'Dudus' Coke, were detained yesterday, in a massive swoop by the security forces involving hundreds of police and soldiers, armoured carriers and helicopter support. The police said the operation, touted as one of the largest ever spearheaded, was an attempt to capture gunmen involved in the murder of three policemen in May. But in a chaotic scene, where there was sporadic gunfire for several hours, two women, Nicola Johnson and Carol Woodley, were shot in the presence of Opposition Leader Bruce Golding, who was standing

near the Denham Town Primary School, on North Street. Both women are in stable condition. There were further reports that a third woman was shot and injured, inside Tivoli Gardens.” [34av]

6.45 The same article noted:

“Mr. Golding, who spoke with reporters after the raid, said one of the injured women was standing to his immediate right, while the other was just a short distance away on his left, at the time of the shooting. According to the Opposition Leader, members of the security forces fired indiscriminately at the crowd. A report from the Constabulary Communication Network (CCN), said any report of excessive force by security personnel would be swiftly and thoroughly investigated and the public advised of the outcome. The Bureau of Special Investigation (BSI) has already begun a probe.” [34av]

6.46 Reporting on the incident at Tivoli, *The Jamaica Observer* noted on 7 October 2005 that “The police and military have come under heavy criticism from the Opposition JLP [Jamaica Labour Party] and human rights groups for the shooting and injury fo [sic] four people and the way others in the community were rounded up during the operation.” However, the report noted that Police Chief Lucius Thomas insisted that the police maintained a right to go into any community to hunt for criminals. *The Jamaica Observer* noted that “Commissioner Thomas dismissed as ‘unfortunate and completely false’, the picture that was painted that the security forces had launched ‘a calculated assault’ on the citizens of Tivoli Gardens.” [36ao]

6.47 *The Jamaica Observer* reported on 6 January 2006 on the police shooting of St. Elizabeth resident, Roger Banton, 23, on the 5 January 2006. The report noted “Police say when they knocked on the door of the room in which Banton was staying in an unfinished house at about 5.00am, he opened the door and pointed a gun at them. They opened fire hitting him. The police say they took a Larcin pistol and magazine with three live rounds from Banton who was wanted for a murder in the neighbouring district of Vineyard in June last year [2005].” [36p]

6.48 However, *The Jamaica Observer* noted that grieving residents rejected the polices version of events, saying that Banton never owned a gun and had never been seen with one. The neighbours also stated the shooting happened at 4.30am, half an hour earlier than the time given by police. The report noted that “Eyewitnesses say people threw stones at the police after discovering that Banton was dead and the police fired tear gas canisters and gunshots. Twenty-five year-old mother of four, Barbara Barrett – apparently the victim of a stray bullet – was shot in the right breast and right arm.” [36p]

6.49 *The Jamaica Observer* reported on 22 January 2006 that “Stung by continuing criticisms over questionable police shootings, the Jamaica Constabulary Force (JCF) is turning to firearm training to put a dent in the high rate of such incidents, and at the same time sharpen awareness of the legal and moral responsibility of the police in the use of firearms.” The report noted that “Senior Superintendent Charles Simpson of the Mobile Reserve, believed the training to be paramount in bringing a higher level of professionalism in the use of the firearm and hopefully reduce the levels of controversial shootings.” [36s]

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## PROSECUTION OF STATE OFFICIALS ACCUSED OF ILL-TREATMENT

6.50 The USSD Country Report 2005 noted that:

“The JCF conducted both administrative and criminal investigations into all incidents involving fatal shootings by the police. The JCF’s BSI [Bureau of Special Investigations], which employed 21 investigators, specifically addresses police shootings. The BSI completed investigations of 521 shooting incidents during the year and sent them to the DPP. The DPP ruled on 333 cases and sent 21 to criminal courts. No officer was found criminally liable during the year. The BSI supplemented the JCF Office of Professional Responsibility, which investigated police corruption and other misconduct, and the civilian Police Public Complaints Authority [PPCA], which oversaw investigations of the other two bodies and could initiate its own investigations.” [8a] (Section 1d)

6.51 In a press release dated 23 February 2006, Amnesty International (AI) welcomed the conviction of a police officer from the Jamaican Constabulary Force for the murder of a 25 year-old man in November 2000, the first conviction of a Jamaican police officer for murder committed while on duty since October 1999. However, AI expressed concern that there continues to be insufficient will on the part of the security and justice systems in Jamaica to effectively tackle impunity for police killings. The report noted “While this is a positive development in the fight against impunity for police killings, this is just the tip of the iceberg, and is not enough to restore the public’s faith in the Jamaican judicial system,” said Susan Lee, Director of Amnesty International’s America Programme.” [9g]

6.52 The same source noted that:

“Constable Glenroy McDermoth was sentenced yesterday to life imprisonment for the killing of Michael Dorsett, who he shot in the back on 9 November 2000 while on patrol with other police officers. Constable McDermoth had stated that the victim and another man had opened fire on the police patrol and he had returned fire to protect himself and his colleagues. Scientific evidence presented by the prosecution, however, showed that no gunpowder residue was found on the deceased’s hands.” [9g]

6.53 On 17 November 2005 the *Jamaica Gleaner* noted:

“Minister of National Security Dr. Peter Phillips on Tuesday revealed that the Bureau of Special Investigations (BSI) has completed investigations into just over half the cases of police shootings brought to its attention in the last six years. Dr. Phillips said that, of the 2,109 cases of police shooting investigated by the BSI since its inception in 1999, 1,175 have been completed and sent to the Director of Public Prosecution (DPP) for a ruling. But according to the National Security Minister, the DPI has since forwarded just over 500 cases to the courts with only four convictions.” [34n]

- 6.54 The same *Jamaica Gleaner* article noted Dr Phillips's response to the request for information regarding the efficiency of the BSI "What I can say is that 525 cases were referred to the courts by the DPP,' Dr Phillips said. 'No doubt there are a number of those cases in the process within the courts. I am unable at this point to say how many of those cases are within the courts but I can also say that, of the files referred over the period, only four were referred back by the DPP for additional information to be forthcoming.'" [34n]
- 6.55 In the same article, Dr Phillips was noted as saying that more advanced technology would be introduced to improve the investigative capacity of the BSI. The report continued "The Bureau was established on July 1, 1999 to investigate all cases of shooting by the police. Currently, according to the National Security Minister, 23 investigators are permanently assigned to the body. They are required to respond to and initiate all investigations within 48 hours after the police discharge a firearm." [34n]
- 6.56 The *Jamaica Gleaner* also reported on 17 November 2005 that "The trial of the three policemen charged with the murder of 15-year-old Jason Kemar Smith . . . will continue in the Home Circuit Court today. On trial are Corporal Rudolph Rhoden, Constable Dwight Roberts and Special Constable Linton Pascoe. The Crown is alleging at the trial . . . that Smith was murdered on July 9, 2002." [34aw]
- 6.57 *The Jamaica Observer* reported on the 22 January 2006 that over the past two years more than 45 policemen have faced criminal charges of murder and shooting with intent. The charges have arisen from controversial shootings that led to the Director of Public Prosecution (DPP) ordering the arrest of the shooters. [36s]
- 6.58 On the 24 January 2006, the *Jamaica Gleaner* reported "A policeman who robbed a business place in Clarendon five years ago and fatally shot a customer has been ordered by the Court of Appeal to serve his sentence of life imprisonment. Carl Graham, 35, will have to serve 20 years before he will be eligible for parole." The report noted that Graham, who pleaded guilty to the offence and was sentenced on the 3 December 2004, had appealed against his sentence on the grounds that it was manifestly excessive. However, the Court of Appeal dismissed his appeal and ordered that his sentence begin on 17 March 2005. [34cr]
- 6.59 As reported by the *Jamaica Gleaner* on 16 February 2006, "A police man who shot and injured an unarmed man has been ordered by the Court of Appeal to serve his seven-year prison sentence. He is 33-year-old Corporal Courtney Carridice who had appealed against his conviction for wounding with intent. A jury had convicted him in the Home Circuit Court in July last year [2005]." [34dm]

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## CASES OF POLICE IMPUNITY

- 6.60 The Amnesty International (AI) 2005 Annual Report on Jamaica noted:

“In March [2004], the prosecution of a police officer charged with the murder in 2000 of 13-year-old Janice Allen collapsed after the state failed to present any evidence and the prosecution told the court that a police officer whose testimony was vital was not in the country; this later transpired to be untrue and the officer was available to give evidence. The family of Janice Allen unsuccessfully appealed against the officer’s acquittal.” [9e]

6.61 The AI report continued “In December, two police officers were acquitted of the murder of seven-year-old Romaine Edwards who died after the officers shot into the yard where he was standing, allegedly at a wanted criminal. Romaine Edwards’ parents denied that any armed men were present when he was shot.” [9e]

6.62 The same source noted:

“In April, the Prime Minister announced that the Police Public Complaints Authority would be relocated and its staffing increased. The office was relocated but no significant increase in personnel was reported to have occurred. There was an increase in the number of officers charged with unlawful killings committed while on duty. They included six police officers charged in April with the murder of four people in Crawl in May 2003, and three police officers charged in May with the murder of Jason Smith in 2002. The trial of six officers in connection with the murder of seven young men in Braeton in March 2001 was scheduled to begin in January 2005.” [9e]

(See also Section 6.69: [Crawl \(Kraal\) trial](#))

6.63 According to an undated report on Jamaica’s investigation and prosecution of deaths at the hands of agents of the state, *Pattern of Impunity*, which was presented to the Inter-American Commission on Human Rights by Jamaicans for Justice, accessed 1 February 2005:

“Jamaica has one of the highest per capita rates of lethal police shootings in the world on average 140 people per year have been shot and killed by the police in the last decade, in a country whose population is only 2.6 million. Compounding this problem is the fact that almost all investigations and prosecutions of fatal police shootings are perfunctory, inadequate and unsatisfactory and do not meet international standards....The Government of Jamaica has failed to properly investigate police shootings on several systemic levels, including: A failure to preserve the crime scene and collect forensic evidence; A failure to protect witnesses of police shootings against intimidation and harassment, (at times the Police themselves are the perpetrators of the harassment and intimidation); and a failure to grant legislative support and resources to an independent investigative body to oversee the investigation of police shootings. Furthermore, there has been a failure on the part of the Government of Jamaica to provide: A speedy and efficient remedy to victims’ families in terms of both the investigation (including adequate autopsy and post-mortem procedures) and the judicial proceedings. This failure includes a failure to prosecute police officials for the killing of civilians, despite overwhelming evidence.” [50b] (p4)

6.64 The same Jamaicans for Justice report stated that:

“In Jamaica there is a clear pattern of police impunity for killings of civilians due to a combination of factors including: systematically poor investigative procedures; weaknesses of oversight bodies and mechanisms; failure to protect witnesses; delays and weaknesses in the processes of the courts; weaknesses and lack of will in the office of the Director of Public Prosecutions; and lack of political will to correct the problem. By improperly investigating and prosecuting fatal police shootings Jamaican authorities are not only undermining the trust relationship that exists between a government and its people but also the internationally guaranteed fundamental right to life.” [50b] (p3)

6.65 The *Jamaica Gleaner*, dated 3 November 2004, reported that:

“The Government has agreed to pay \$2.7 million to Janine Cameron, the mother of Michael Gayle, the mentally-ill man who died as a result of injuries he received when he was beaten by soldiers and police at a curfew barricade in Olympic Gardens on August 21, 1999.... Cameron filed a suit in the Supreme Court seeking damages for assault, false imprisonment and breach of her son's constitutional rights. Last year [2003] Michael Hylton, Q.C., recommended that there should be an out of court settlement. A Coroner's jury had ruled in December 1999 that all the military and police personnel at the curfew barricade should be charged. Director of Public Prosecutions, Kent Pantry, Q.C. reviewed the depositions and ruled in March 2000 that no one should be charged.” [34cq]

6.66 As noted in the *Jamaica Gleaner*, dated 12 February 2005, the six policemen were freed of murder charges for the killing of seven men in a house in Braeton. Paula Llewellyn, Senior Deputy Director of Public Prosecutions, conceded that there was no evidence against Corporal Devon Bernard because there was nothing to suggest he had been at the scene of the crime. Mr Justice Donald McIntosh upheld the no-case submission in respect of the other five accused. The judge directed the 12-member jury to return a formal verdict of not guilty. Paula Llewellyn insisted that there was sufficient evidence to prove that they were aiders and abettors in the commission of the crime and should be called upon to answer to the charges. The Judge remarked that the crown witness Delroy Ledley who the Crown was relying on to prove its case did not identify any of the policemen. [34cb]

6.67 *The Jamaica Observer* reported on 25 September 2005 “In the past decade, some 1,500 persons have been killed by the police, but in none of these cases has a cop been convicted of murder or manslaughter. Local human rights activists Jamaicans For Justice (JFJ) wants to know why, and has reported the matter to the Inter-American Commission on Human Rights (IACHR) in hopes of prompting an investigation.” [36w]

6.68 The report noted “JFJ has in the past taken controversial cases to IACHR for its intervention, notably the Michael Gayle and Janice Allen cases. Gayle was beaten to death by the security forces and Allen, 13, was shot in the back, allegedly by a cop.” Quoting JFJ's executive director, Carolyn Gomes, the article noted “We have subsequently used the system of hearings to bring to the commission a report of our own called 'Pattern of Impunity', which brings together what we have learnt from our own work over the six years of the systematic impediments that lead to a pattern of impunity...” [36w]

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## CRAWLE (KRAAL) TRIAL

- 6.69 An article in *The Jamaica Observer*, dated 1 November 2005, reported on the commencement of the “much-anticipated trial” of Senior Superintendent [SSP] Reneto Adams and five members of the now defunct Crime Management Unit (CMU), on 31 October 2005. All six defendants pleaded not guilty to four counts of murder. The report noted that “DPP [Director of Public Prosecutions] Kent Pantry, in presenting the crown’s case, said the prosecution will prove that the six accused took a decision to kill the persons inside the house and that they were not shot in self-defence. He said after killing the occupants the police attempted a cover-up.” [36c]
- 6.70 The *Jamaica Gleaner*, dated 1 November 2005, named the other policemen on trial as Corporal Patrick Coke, Constables Devon Bernard, Shane Lyons, Roderick Collier and Leford Gordon. The report noted “The Crown is alleging that on May 7, 2003, a police party led by SSP Adams . . . went to Kraal in search of Bashington Douglas, otherwise known as ‘Chen Chen’. The policemen went to a house in the district where they allegedly killed Lewena Thompson, Angella Richards, Kirk Gordon and Matthew James.” [34e]
- 6.71 On the 11 November 2005, *The Jamaica Observer* reported that on the 10 November 2005, the original Dictaphone recording of a radio transmission between Senior Superintendent Reneto Adams and police control on May 7, 2003 was played for the 12 member jury hearing the murder case in the Home Circuit Court, Kingston. The report noted “On the recording, Adams is heard saying he and members of his unit were fired on by 10 gunmen from a house at Pennants, Clarendon and that the police were returning the fire.” [36g]
- 6.72 *The Jamaica Observer* reported on 15 November 2005 that Police Constable Tyrone Brown testified in court that he witnessed two colleagues collect a gun from an east Kingston office which was later planted at the Crawle murder scene by SSP Reneto Adams on 7 May 2003. The report stated that although Brown conceded he did not make this claim in initial statements to the police, he denied the suggestion that he made a deal to escape an investigation into a US visa racket. [36x]
- 6.73 On the 24 November 2005, the *Jamaica Gleaner* reported that “A forensic pathologist from Northern Ireland testified yesterday [23 November 2005] that it was his opinion that the injuries sustained by the four civilians at Kraal, Clarendon on May 7, 2003 were not typical of the injuries one would expect to find during a ‘so called’ shoot-out.” The report noted “Professor Jack Crane said the injuries, in his opinion, were more consistent with the deceased having been shot in a controlled way.” However, Professor Crane admitted his testimony was based on second hand evidence and that had he been present at the autopsies, his conclusion may or may not be different. [34b]
- 6.74 The *Jamaica Gleaner* reported on 13 December 2005 that “Three of the six policemen charged with murder of four civilians at Kraal, Clarendon, on May 7, 2003, were freed yesterday after Chief Justice Lensley Wolfe ruled there was no case in law against them.” The report noted that the Chief Justice directed the jury

to return a formal verdict of not guilty in respect of Constables Devon Bernard, Leford Gordon and Roderick Collier. [34g]

6.75 *The Jamaica Observer* noted on the 15 December 2005 that defence lawyer Oswest Senior Smith, representing Corporal Shane Lyons in the Crawle murder trial, told the court that his client fired his gun in self-defence and expressed regret at the killing of the four civilians by the police. Senior Smith also attacked the prosecution, pointing out that there was no evidence that SSP Reneto Adams had fired his gun. The article noted that “Senior Smith said there was evidence to suggest that the police were fired at as 10 of the 12 bullet holes found in the front door of the house were shots aimed at the police. He pointed to the other holes that were made by high-calibre weapons, which policemen cannot legally carry.” The report also noted that Senior Smith argued that the two guns found in the house by police demonstrated that the police had come under attack and had to defend themselves. [36y]

6.76 As reported by the *Jamaica Gleaner* on 21 December 2005:

“The flamboyant Senior Superintendent of Police Reneto Adams and two other policemen were yesterday [20 December 2005] freed of charges in the Kraal case, which SSP Adams had previously branded ‘the mother of all trials’. A 12-member jury, comprising seven women and five men, deliberated for a little over five and a half hours and returned to find SSP Adams, Corporal Lenford Coke and Constable Shane Lyons not guilty of the murder of four persons in Kraal, Clarendon, on May 7, 2003.” [34ah]

6.77 The *Jamaica Gleaner* reported on 11 January 2006 that:

The six policemen recently acquitted of murder in the controversial Kraal case have been reinstated in the Jamaica Constabulary Force, police spokesperson Karl Angell said yesterday [10 January 2006]. However, Mr Angell said the men . . . will not be reassigned to beat duties until their psychological evaluations are completed by police chaplain, the Rev. Vivian Panton, and the force’s clinical psychologist, George Leveridge.” [34dh]

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## FREEDOM OF SPEECH AND THE MEDIA

6.78 The USSD Country Report 2005 noted that:

“The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or the internet. The independent media were active and expressed a wide variety of views without restriction. However, some local media professionals expressed concern that the country’s libel law limited their freedom of expression. Specifically, news outlets reported the need to self-censor investigative reports because of the potential for courts to award high damages in cases of defamation. On June 22 [2005], the attorney general threatened legal action against an AI official for comments the researcher made about an ongoing trial. The attorney general argued that the comments, made

by e-mail to a news reporter, constituted contempt of court. The government had not pursued any legal action by the year's end." [8a] (Section 2a)

- 6.79 The International Press Institute's World Press Freedom Review 2004, reported on Jamaica that:

"Although under its own constitution, and the international human rights treaties that it has ratified, Jamaica is committed to upholding press freedom and other human rights, there were nonetheless some issues of concern in 2004. One such concern was the People's National Party (PNP) government's plan to introduce anti-terrorism legislation that critics say could prohibit the publication of official documents and target anyone who threatens public stability. At a public meeting in Kingston, in late January, Lloyd D'Aguilar, a member of the Campaign for Global Justice, said the draft Terrorism Prevention Bill 2003 was designed to 'stifle political dissent' and 'clamp down on the possibility of protest.'" [7]

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## Journalists

- 6.80 On 12 August 2005, the *Jamaican Gleaner* reported that:

"President of the Press Association of Jamaica (PAJ), Desmond Richards, has declared that the media will not be pressured into abandoning their responsibility to report news accurately, regardless of whose interest is affected. 'I want to issue a warning to those persons who are holding public offices,' said Mr Richards, while speaking at Wednesday's [10 August 2005] official opening of the *Western Mirror's* new building and 25<sup>th</sup> anniversary celebrations, in Montego Bay. 'I want them to understand that the press is the watchdog on behalf of the public and we are going to stand up and do our duty,' he added. Over the past three weeks, several [sic] public officials have questioned the media's handling of stories related to them. Prime Minister Patterson, Kingston Mayor Desmond McKenzie and Finance Minister Dr. Omar Davies are among those whose comments have grabbed public attention." [34ai]

- 6.81 The *Jamaica Gleaner*, dated 15 February 2006, noted "Journalists region-wide are still facing great challenges from the governments and agents of the states in doing their jobs. In the year 2005, more than 10 violations of freedom of expression were committed against Jamaican and Trinidadian media practitioners, as they carried out their journalistic duties." [34di]

- 6.82 Citing rights of freedom of expression, the article highlighted Section three of the Jamaican Constitution and Article 13 of the American Convention on Human Rights. The report noted:

"[that] Members of the Jamaica Constabulary force violated principle nine of Article 13 in the Freedom of Expression Act, when they roughed up Television Jamaica's (TVJ) cameraman, Eldorado Mullings, while he was videotaping a police operation in downtown Kingston in August 2005. Members of the police force objected to Mr. Mullings' filming their removing unauthorised street vendors and in a struggle took away his camera. The camera was later returned to the television station without a written apology." [34di]

6.83 The same *Jamaica Gleaner* article noted:

“In Jamaica, there were violations associated with principle four of Article 13 which speaks of the right to access to information held by the State. Last year, weekly update [sic] of the murder statistics from the Constabulary Communications Network (CCN) were inaccessible to journalists. These statistics, which were once released on a weekly basis, were stopped for some time under the pretext that the one officer in the police statistics unit was ill and had gone on leave. The statistics are now released quarterly, thus altering the timely flow of information. Some journalists felt the police did this because they did not want to alarm the population of the high crime figures. Thankfully, closer to the end of January 2006, the CCN made these weekly statistics available to journalists once more.” [34di]

6.84 The report further noted that:

“The *Gleaner's* Enterprise Editor Phyllis Thomas felt her rights were violated last year when she encountered difficulties trying to access information. She said ever since the publication of a number of revealing articles, including the travel pattern and expenses of Prime Minister P. J. Patterson published in September, the Government offices have denied her and her team access to information. ‘The powerful feet of the authorities have slammed the brake,’ said Ms. Thomas. ‘Getting results is now tediously slow.’” [34di]

6.85 Concluding the article, the *Jamaica Gleaner* reported that “The Inter-American Commission on Human Rights (IACHR) has reminded Caribbean journalists that they have the right to file petitions when they feel their rights have been breached or violated. The IACHR is persuaded that the right to freedom of expression is essential for the development of knowledge and understanding among people.” [34di]

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## FREEDOM OF RELIGION

6.86 The US State Department International Religious Freedom Report 2005 stated that, “The Constitution provides for freedom of religion, and the Government generally respects this right in practice. There was no change in the status of respect for religious freedom during the period covered by this report, and government policy continued to contribute to the generally free practice of religion.” [8c] (p1)

6.87 The US State Department Report on Religious Freedom also stated that:

“The Government recognizes Rastafarianism as a religion. Members of the Rastafarian community continued to complain that law enforcement officials unfairly target them; however, it is not clear whether the police actions reflect religious discrimination or are due to the group’s illegal use of marijuana, which is an element of Rastafarian religious practice. In 2003, the Parliamentary Joint Select Committee on marijuana recommended decriminalization of possession

of small quantities for adult personal use in private. At the end of the period covered by this report, the committee's recommendations had not been considered by the full Parliament." [8c] (Section II)

- 6.88 The same USSD Report on Religious Freedom noted that "There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report." [8c] (Section II)
- 6.89 The USSD Report on Religious Freedom 2005 noted that "The generally amicable relationship among religions in society contributed to religious freedom." [8c] (Section III)

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## FREEDOM OF ASSEMBLY AND ASSOCIATION

- 6.90 The USSD Country Report 2005 noted that "The law provides for freedom of assembly and association, and the government generally respected this right in practice." [8a] (Section 2b)

## EMPLOYMENT RIGHTS

- 6.91 The CIA World Factbook, updated 28 July 2005, noted that according to an estimate carried out in 2004 the unemployment rate was 15 per cent. [4] (p5)
- 6.92 The USSD report 2005 noted that "The law provides for the right to form or join a trade union and unions functioned freely and independently of the government. Approximately 20 percent of the work force of 1.2 million was unionized. Some union workers charged that private sector employers laid them off and then rehired them as contractors with reduced pay and benefits; a practice that was legal as long as workers received severance pay." [8a] (Section 6a)
- 6.93 The same source noted:
- "The law neither authorizes nor prohibits the right to strike, and strikes did occur: of 129 disputes reported to the Ministry of Labor, 16 resulted in strikes. Striking workers could interrupt work without criminal liability but could not be assured of keeping their jobs, although there were no reports of any workers losing their jobs over a strike action during the year. Workers in 10 broad categories of 'essential services' are prohibited from striking, a provision the ILO repeatedly criticized as overly broad." [8a] (Section 6b)
- 6.94 The USSD report 2005 also noted that:
- "The Government sets the minimum wage, after receiving recommendations from the National Minimum Wage Advisory Commission. During the year [2005] the minimum wage was changed to \$40 (J\$2,400) per week and \$1.50 (J\$90) per hour for private security guards. The minimum wage did not provide a decent standard of living for a worker and family. Most workers were paid more than the legal minimum, except in the tourism industry. The Ministry of Labor

administered and enforced the minimum wage. . .The law provides for a standard 40-hour workweek and mandates at least one rest day per week. Work in excess of 40 hours per week or 8 hours per day must be compensated at overtime rates, a provision that was observed widely, except by some security guard companies.” [8a] (Section 6e)

6.95 *Jamaica Newsweekly* for week ending 20 January 2006 reported that:

“Horace Dailey, Labour and Social Security Minister, announced an increase in the national minimum wage yesterday [17 January 2006]. As of January 30 [2006], the new wage will increase from \$2400 to \$2800 for a 40-hour work week. The increase comes after discussions stemmed from recommendations by the National Minimum Wage advisory Committee. The increased minimum wage is higher than the expected inflation rate for calendar year 2005. In addition, industrial security guards will receive an increase in their minimum wages and benefits.” [47]

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## PEOPLE TRAFFICKING

6.96 The USSD Country Report 2005 stated that:

“Although the law does not prohibit specifically trafficking in adults, there are laws against assault and fraud, and other laws establish various immigration and customs regulations that could be used against this practice. Trafficking in children was a problem; and there were reports that persons were trafficked primarily within the country. The Child Care and Protection Act passed in 2004 specifically prohibits sale or trafficking of minors and provides that violators receive the maximum penalty under the law. The law subjected convicted traffickers to a fine or imprisonment with hard labour for a term not exceeding 10 years, or both. It also provides that no person under the age of 18 years may be employed in a night club. Although authorities raided some night clubs, police tended to arrest victims of trafficking rather than owners of the clubs. There were few if any convictions under this law. Authorities reported that very few children had been found to be trafficking victims.” [8a] (Section 5)

6.97 The same report noted that “Child prostitution and trafficking for the purposes of sexual exploitation were problems.” [8a] (Section 5)

6.98 The USSD Trafficking in Persons Report on Jamaica, issued on 3 June 2005, noted that:

“Jamaica is a source country for children trafficked internally for the purpose of sexual exploitation. A 2001 ILO [International Labour Organisation] report cited that more than 100 minors, both boys and girls, are involved in Jamaica’s sex trade. Precise numbers of trafficking victims are difficult to establish due to the underground and under-acknowledged nature of trafficking in the country. Victims often travel from rural areas to urban and tourist centers where they are

trafficked into prostitution sometimes with the encouragement or complicity of their families. Jamaica is a transit country for illegal migrants moving to the U.S. and Canada; some may be trafficking victims. Jamaicans are also trafficked into forced labor in the United States.” [8d]

6.99 The above-mentioned report further states that:

“The Government of Jamaica does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Jamaican officials failed to undertake any significant efforts to arrest and prosecute traffickers who target children. The government in March 2004 passed the Child Care and Protection Act and has conducted an associated nationwide campaign related to some aspects of the law. However, some of the Act’s provisions have not yet been implemented. Additionally, there was no discernable action taken against traffickers who sexually exploit children. Jamaica’s law enforcement efforts during the reporting period were weak and did not target traffickers.” [8d]

6.100 The same report also states that:

“The government’s efforts to protect victims of trafficking during the last year [2004] remained ad hoc, and there is no formal policy for protecting child trafficking victims. Social services provide care to the needy and vulnerable, including children removed from trafficking situations. The government’s Child Development Agency, which oversees facilities for at-risk children, and the Bureau of Women’s Affairs each maintain a network of shelters that may be used for trafficking victims. The government also helps to negotiate funding for NGOs that support children who are vulnerable to trafficking.” [8d]

6.101 The *Jamaica Gleaner* reported on 31 August 2005 that:

“Government is seeking to give human trafficking a knockout punch by reviewing the country’s work permit system, as well as clamping down on facilities where the trade is suspected of being conducted. The authorities are also receiving \$10 million in aid from the Inter-American Development Bank (IDB) to help make Jamaicans aware of the scourge. The moves come after the United States Government earlier this year [2005] planned to impose financial and other sanctions against Jamaica if it did not implement measures to reduce or eliminate human trafficking here.” [34cx]

6.102 On 1 September 2005, The Jamaica Information Service reported on a public forum held on 30 August 2005 on human trafficking, which was geared towards increasing public awareness of the grave threats human trafficking presented to Jamaicans, especially woman and children. Speaking at the forum, National Security Minister, Dr Peter Phillips, stated “Jamaica has pledged to protect its citizens against such practices. We made this commitment when we signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Transitional Organized Crime.” [24i]

6.103 The *Jamaica Gleaner* reported on 23 September 2005 “The United States Department of State has lifted Jamaica’s Tier-Three ranking on human trafficking, removing the threat of sanctions. Jamaica is now back on the Tier-Two watch list, the position the country held before it was downgraded in June

this year [2005], in a report published by the U.S. State Department.” The *Jamaica Gleaner* article noted that since the USSD Report was issued, the Jamaican Government has implemented a number of initiatives including a review of the existing work permit system and closer scrutiny of establishments that are involved in the sex industry to ensure that they are not being used as a cover for the exploitation of women and children. [34aj]

- 6.104 The same *Jamaica Gleaner* article noted “A special trafficking in persons unit, which was set up within the Jamaica Constabulary Force shortly after the report was released, has to date arrested close to 70 persons for human trafficking violations. Of that number, eight persons were taken before the courts and convicted for various offences.” [34aj]

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## FREEDOM OF MOVEMENT

- 6.105 Reporting on freedom of movement within the country, foreign travel, emigration, and repatriation, the USSD Country Report 2005 noted that “The law provides for these rights, and the government generally respected them in practice. The law prohibits forced exile, and there were no reports that it occurred.” [8a] (Section 2d)
- 6.106 *The Jamaica Observer* reported in an article, dated 23 August 2004, that Jamaica’s immigration authorities will start testing their new computerised passport and immigration tracking system on 23 August 2004. Officials say it will enhance the country’s borders. The new system will have computer screens and electronic data reading mechanisms, which will provide immigration officers with real-time information on an individual’s travel history. It is expected that the system would record and store visitors’ arrival and departure information enabling immigration officers to better track the movement of criminals as well as visitors who may have overstayed their time in the island. Jamaica is keen to enhance its border controls to fight international drug trafficking. The island is a major transshipment point for cocaine bound for North America and Europe. [36ab]

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## TREATMENT OF FOREIGNERS SEEKING ASYLUM IN JAMAICA

- 6.107 The USSD Report on Human Rights Practices 2005 reported that:

“The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, but the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where they feared persecution, and handled refugee or asylum cases administratively. The Government

cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The authorities granted political asylum to 17 Haitian nationals during the year [2005].” [8a] (Section 2d)

6.108 The same report also stated that:

“The Government provided temporary protection to 402 individuals who did not qualify as refugees under the UN treaties. Over 135 individuals were voluntarily repatriated, and 434 individuals were involuntarily repatriated. The government, with the assistance of UNCHR, provided nine Haitians with temporary protection and resettlement. Immigration officers interviewed all Haitians who arrived during the year and determined that none qualified for refugee status. All Haitians who arrived during the year were repatriated, except one family that was allowed to remain to seek medical care. Of the Haitians denied refugee status in 2004, 28 appeals were pending, and trials were being scheduled at year’s end.” [8a] (Section 2d)

6.109 The *Jamaica Gleaner* reported on 18 August 2005 that:

“The Government of Jamaica repatriated 78 Haitian nationals via chartered flight to their homeland early yesterday [17 August 2005] afternoon at the Sangster International Airport in Montego Bay. The Haitians’ bid for asylum in Jamaica was reportedly turned down by a United Nations *ad hoc* committee headed by Jamaican jurist, Justice Lloyd Ellis. Four of those repatriated had been arrested by law enforcement officials for illegal entry into Jamaica and were never a part of those who had entered the country during the Haitian political crisis. According to the Ministry of National Security, another 40 Haitians are expected to be repatriated in the coming weeks.” [34bi]

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## 6.B HUMAN RIGHTS-SPECIFIC GROUPS

6.110 The USSD Country Report 2005 stated that “The law prohibits discrimination on grounds of race, gender, place of origin, political opinions, color, or creed. The government generally enforced these prohibitions in practice, although there continued to be widespread discrimination on the basis of political opinion in the distribution of scarce governmental benefits, including employment, particularly in the garrison communities.” [8a] (Section 5)

## ETHNIC GROUPS

- 6.111 The CIA World Factbook, updated 1 November 2005, noted that Jamaica is made up ethnically of Black 90.9 per cent; East Indian 1.3 per cent; White 0.2 per cent; Chinese 0.2 per cent; Mixed 7.3 per cent; and other 0.1 per cent. [4] (p3)

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## WOMEN

- 6.112 The USSD Country Report on Human Rights Practices 2005 noted that:

“Although the law prohibits prostitution, it was widespread, particularly in tourist areas. . . Although the law accords women full legal equality including equal pay for work, in practice women suffered from discrimination in the workplace and often earned less than their male counterparts. The Bureau of Women’s Affairs, reporting to the Minister of Development, oversaw programs to protect the legal rights of women. These programs had limited effect but raised the awareness of problems affecting women.... There was an active community of women’s rights groups, including Women’s Media Watch, the Women’s Political Caucus, the St Peter Claver Women’s Housing Cooperative, the Women’s Construction Collective, the Sistren Theatre Collective, Woman Inc., and the Centre for Gender and Development Studies at the University of the West Indies. Among the major concerns of these groups were the protection of victims of sexual abuse, participation of women in the political process, and legislative reforms affecting women.” [8a] (Section 5)

(See Section 6.115: [Violence against women](#); and 6.126: [Support for abused women](#))

- 6.113 The USSD report 2005 also noted that “There is no legislation that addressed sexual harassment, and it was a problem. There were reports of sexual harassment of women by the police, but some observers believed that women did not often report such incidents because there was no legal remedy. Parliament had not yet passed legislation relating to sexual harassment called for by the convention on violence against women.” [8a] (section 5)
- 6.114 As reported by Caribbean Media Corporation on 17 November 2005, “Since the start of this year, 160 women have been murdered. This is 34 more than the number killed for the corresponding period last year [2004] and almost double the 81 women murdered for the similar period in 2003. It is a similar story for the children, with 19 killed so far this year [2004]. For the corresponding period last year 15 children had been killed moving from six in 2003.” [44c]

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## VIOLENCE AGAINST WOMEN

6.115 The USSD Country Report 2005 noted that:

“The law provides remedies for domestic violence, including restraining orders and other noncustodial sentencing. Breaching a restraining order is punishable by a fine of up to approximately \$166 (J\$10 thousand) and six months' imprisonment. Social and cultural traditions perpetuate violence against women, including spousal abuse. Violence against women was widespread, but many women were reluctant to acknowledge or report abusive behavior, leading to wide variations in estimates of its extent. There was a general reluctance by the police to become involved in domestic issues, which may not be pursued vigorously when reported. The government's Bureau of Women's Affairs operated crisis hot lines and shelters and managed a public education campaign to raise the profile of domestic violence.” [8a] (Section 5)

6.116 The same report noted that:

“Rape, including spousal rape, was illegal and carried a penalty of up to 25 years' imprisonment with hard labor. During the year [2005], 735 incidents of rape were reported (not including statutory rape), a decrease of 15 percent, but NVOs stressed that the vast majority of rapes were not reported. Moreover, these statistics may be misleading because often a significant decrease may be due to decreased reporting indicative of a lack of confidence in the police. The JCF rape investigative and juvenile unit, which was headed by a female deputy superintendent, handled sex crimes. . . . Several women's groups, including Women's Media Watch, applauded the December ratification by parliament of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women.” [8a] (Section 5)

6.117 The 2001 Women of the World report on Jamaica further mentioned that:

“The law relating to rape is governed by the Offences Against Persons Act. Pursuant to this legislation, rape is punishable by life imprisonment. While the crime of rape is not defined in the Offences Against Persons Act, it is clear from recent attempts to reform the act that only vaginal intercourse is considered rape. An attempt to commit rape is punishable by 7 years' imprisonment, but if a weapon is used in the attempt, the sentence is a maximum of ten years' imprisonment. The act also prescribed sentences for other sexual offences, such as indecent assault, and offences against minors, such as carnal abuse, which is defined as sexual intercourse with a girl under 16 years of age. There is currently a draft bill to amend the Offences Against Person's Act, which seeks to change the law. The amendment would make the offence of rape gender-neutral; prohibit the publication of a rape complainant's identity; and specify that rape includes penetration of the vagina or anus by any object or part of a person's body.” [3] (p139)

6.118 The same Women of the World report also noted that:

“There are two statutes that protect spouses from domestic violence, the Domestic Violence Act and the Matrimonial Causes Act. Pursuant to these statutes, abused spouses may apply to the court for orders to exclude an abuser from the home in which both parties had been living or from going to or near to the workplace, school, or any other specified location where the abused spouse or child may be found. The Domestic Violence Act applies equally to persons in marital and nonmarital relationships. Applications under the

Matrimonial Causes Act, however, which are brought in the Supreme Court, may only be brought by married persons.” [3] (p139)

6.119 The Independent Jamaica Council for Human Rights (1998) Limited (IJCHR) website noted that the following are criminal offences:

- To assault, injure or wound a spouse or partner.
- To threaten and put a person in fear.
- To rape and force a woman to have sexual relations against her will.
- To destroy property.

There also exists a number of institutions in Jamaica with responsibility for ensuring the equal rights of men and women. [31b]

6.120 On 13 July 2005 *The Jamaica Observer* reported that:

“Women Incorporated yesterday [12 July 2005] began a three-day ‘domestic violence intervention training programme’ for 20 of the more than 70 law enforcement officers to be assigned to the model police station under construction in Grants Pen, St. Andrew. Joyce Hewett, Woman Inc.’s coordinator of public education said that in the past, lack of knowledge about domestic violence has resulted in police officers disregarding complaints from victims. The training sessions, Hewett told *The Observer*, have the potential to turn that situation around.” [36bg]

6.121 The *Jamaica Gleaner* reported on 30 October 2005 that according to statistics from the Police Commissioner’s office, one woman is raped every twelve hours in Jamaica. The statistics show that up to 23 October 2005, there were 606 reported cases of rape. [34a]

6.122 The Jamaica Information Service noted on 29 November 2005 that “Development Minister, Dr. Paul Robertson, has said that the Government was seeking to strengthen and implement appropriate legislation to reduce and eliminate gender-based violence.” Speaking at a public forum on the 25 November 2005, Dr Robertson said that high on the Government’s strategies was the recent ratification of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belem do Para). [24j]

6.123 The same report noted that at the forum, Bertrand Bainvel of UNICEF cited statistics up to September 2005 of 835 reported cases of sexual crimes against Jamaican women, of which 557 involved girls, with 291 being raped, 258 carnally abused and eight being victims of incest. [24j]

6.124 On 8 January 2006, the *Jamaica Gleaner* reported “Several women’s organisations have lauded the Jamaican Government for ratifying a convention which will aim to eliminate the incidence of violence against women. Jamaica ratified the ‘Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, Convention of Belem do Para’ last December [2004].” The report noted that Candis Hamilton, a consultant with the Inter-American Commission on Human Rights, said that Jamaica’s ratification of the convention was significant as it will give women the opportunity to defend their rights if they have been violated. [34ak]

6.125 The *Jamaica Gleaner* also reported on 8 January 2006 that following Jamaica's ratification of the 'Convention of Belem do Para', "Public and private employers in Jamaica representing more than 800,000 workers and all educational institutions can be held responsible for all incidents of sexual harassment perpetrated against women." The report noted that:

"According to Article 2b of the convention, 'Violence against women shall be understood to include physical, sexual and psychological violence that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place.'" [34a]

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### Support for abused women

6.126 On December 7 [2004], Parliament passed the Domestic Violence (Amendment) Act 2004. The bill provides for the widening of the categories of persons who may apply for a protection order, to include any person who resides in the respondent's household or who is in a visiting relationship with the respondent. The bill also provides for applications for protection orders to be made by a constable or a person who is given leave to apply by the Court on behalf of a spouse, or other member of the respondent's household or a person who is in a visiting relationship with the respondent, upon the written consent of that person. The bill also provides for maintenance orders to be made in conjunction with protection and occupation orders. [62] A copy of the Domestic Violence Act (1995) is annexed as source [61].

6.127 *The Jamaica Observer* reported on 5 October 2005 on Woman Inc's launching of a \$1.9 million project to extend the organisation's reach into communities across Jamaica to assist and support abused women. Funded by the Canadian Gender Equity Fund and due to run until February 2006, the so-called 'Woman Inc Crisis Centre and the Community in Action' initiatives include:

- the provision of community-based counselling for women in need;
- the establishment of a support group for the survivors of rape, incest, and domestic violence;
- the upgrade of their hotline counselling service through the introduction of volunteers to new counselling techniques; and
- the organisation of seminars through churches and other non-government organisations in St Catherine and the Kingston Metropolitan Area. [36a]

6.128 *The Jamaica Observer* also noted that other services provided by Woman Inc include a crisis shelter, a 24-hour hotline, a public education programme and a legal reform committee that lobbies for legislative change. [36a]

6.129 On the 8 January 2006, the *Jamaica Gleaner* noted:

“The Jamaican Government will be forced to build shelters for battered women in 2006, following the signing of an International Convention in December to protect women's rights. Under Article Eight of The Convention on the Prevention of Punishment and Eradication of Violence Against Women (or the Convention of Belem do Para), Government will be obliged to provide these services. Currently, there are no Government-owned shelters in Jamaica for battered women, and women's groups have consistently criticised the Government for the lack of these facilities.” [34am]

6.130 The same article noted that:

“Woman Incorporated (Woman Inc.), a non-governmental organisation (NGO), is the only established shelter in the island for battered women. In September, public education coordinator of that NGO, Joyce Hewett, told *The Gleaner*, despite promises from the Government to build shelters in every parish, none has been erected. The promise was then made under the Convention on the Elimination of all Forms of Discrimination Against Women and Violence Against Women (CEDAW) in 1988.” [34am]

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## CHILDREN

6.131 The USSD 2005 Country Report on Human Rights Practices in Jamaica noted:

“There was no societal pattern of abuse of children; however, there were numerous reports of rape and incest, particularly in inner cities. NGOs reported that inner city gang leaders and sometimes even fathers initiated sex with young girls as a ‘right’. There were 333 cases of carnal reported, a 19 percent decrease over the same period in 2004. The government expressed concern about child abuse and acknowledged that incidents were underreported. The Child Development Agency (CDA) held training sessions to familiarize police officers with the rights of children and to prepare them to enforce the Child Care and Protection Act.” [8a] (Section 5)

6.132 An article in the *Jamaica Gleaner*, dated 24 February 2005, noted that:

“HIV/AIDS, violence and poverty are the three ills identified by UNICEF as robbing Jamaican children of their childhood. Bertrand Bainvel, a representative of UNICEF, made the disclosure yesterday [23 February 2005] while giving an overview of the situation of children in Jamaica. His review showed rising numbers of children estimated to have been orphaned by HIV/AIDS or murdered, as well as a decline in immunisation rates.... Meanwhile, 119 children were reported to have been murdered in 2004, 430 were shot and more than 900 were said to be victims of sexual abuse, including rape. ... He said immunisation rates were about 90 per cent in 2000 but this declined to approximately 80 per cent in 2003 with preliminary figures up to October in 2004 showing further slippage. The UNICEF representative called for parliamentarians to quickly review the National HIV/AIDS Policy and for relevant ministries to increase access to treatment for people living with HIV/AIDS. He

said there was need to significantly expand the prevention activities and education among teenagers and to support legislation that would prohibit any form of discrimination.” [34co]

(See also Section 5.112: [HIV/AIDS](#))

6.133 The *Jamaica Gleaner*, dated 27 February 2005, noted that:

“Many Jamaicans are ignorant of the existence of the Child Care and Protection Act (CCPA), which facilitates the prosecution of parents who deliberately neglect their children. The act reaffirms that children are the subjects of rights and that collectively, individuals, families, communities, institutions and the government are duty-bound to ensure that these rights are promoted, protected and upheld. Under the act, it is mandatory that persons with information of neglect or abuse of children report such situations to the relevant authorities. It also places a duty on every person responsible for the maintenance of a child to provide the child with adequate food, clothing, lodging and health care appropriate to the age and needs of the child. Section 28 of the act states that ‘Every person having the custody, charge or care of a child between the ages of four and 16 years shall take such steps as are necessary to ensure that the child is enrolled at, and attends, school’. ...If a person is financially unable to provide for a child, the law states that the person can apply to the Minister (of Education) for assistance. However, ignorance is never an acceptable excuse for breaching the law. Still, upon being enlightened about some of the core clauses in the CCPA, many persons with whom *The Sunday Gleaner* spoke expressed reservation in contacting the authorities if they were aware of a case where a breach of the CCPA was occurring.” [34bb]

6.134 On 16 October 2005, the *Jamaica Gleaner* reported that Allison Anderson of the Child Development Agency (CDA) noted that 60,000 persons had approached the CDA, part of the Ministry of Health, for various forms of assistance. St Catherine, with 15,000 cases, leads the 14 parishes with the number of complaints. Although Kingston and St Andrew are the epicentre of violence in Jamaica, the CDA reports that rural parishes such as St Thomas, St Catherine, Trelawny, St James and Hanover, also have high levels of crime against children. [34bc]

6.135 The *Jamaica Gleaner* reported on 24 January 2006 that “A national policy for street children is soon to be developed, according to newly-appointed Children’s Advocate Mary Clarke. Mrs Clarke said yesterday [23 January 2006] that the policy is aimed at guiding Government on how to address the issues that are affecting street children and ultimately remove them from the streets.” [34an]

6.136 The same article noted “Last November [2005], Superintendent Newton Amos announced that he would be clamping down on street children. At least eight parents were placed before the courts last year for neglecting their children. [34an]

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**PROTECTION AND ALTERNATIVE CHILD CARE**

6.137 As mentioned in a letter from the Ministry of Health, Children Services Division, Kingston, dated 17 February 2003, there are child-care institutions owned and operated by the state while others are owned by private individuals/ organisations. The institutions are licensed by the Children's Services Division, Ministry of Health and are subject to regular monitoring by the state. There are 52 such institutions in Jamaica and there is need for others specifically catering to children with special needs – mentally and physically challenged or displaying extreme behaviour difficulties. Childcare institutions provide care for children from birth to eighteen years of age. However, there are some children who have attained age eighteen years and must remain in the facility due to their specific needs/circumstances. [40]

6.138 The Jamaicans for Justice website's undated Report on Abuse in Children's Homes and Places of Safety, accessed on 22 February 2005, noted that:

"Children's Homes are established for the accommodation and maintenance of children for period up to 18 years. The Place of Safety is intended to accommodate the juvenile on a temporary basis. Children's Homes may be provided by voluntary organizations or by the government and administered by the Children's Services/Child Development Agency. A valid licence has to be granted by the responsible Minister before a Children's Home can be established or maintained. The licence may contain such terms and conditions as the responsible Minister, now the Minister of Health, at his discretion, thinks fit." [50c] (p14)

6.139 The same report also stated that:

"Data presented by the Ministry of Health states as at March 2003, there are 57 children's homes/places of safety in Jamaica. This number includes twelve (12) places of safety and forty-five (45) homes. Four (4) of the places of safety are privately run and eight (8) are operated by the State. There are forty (40) private children's homes and five (5) operated by the State. There are an estimated 2,402 children in children's homes and places of safety. Forty-two (42) of these homes completed survey instruments sent out to them during this Review. Of these forty-two (42), thirty-three (33) are children's homes and eight (8) are places of safety. One home in this sample was opened in 1,880 [sic] and the newest home was opened in 2002." [50c] (p54-55)

6.140 The letter dated 17 February 2003 from the Ministry of Health also stated that:

"If a child has to be returned to Jamaica efforts would be made to identify relatives who would be willing and able to care for him. If there were no relatives, and the child has to be returned to Jamaica, this Division [Child Services Division] would meet him/her at the airport and arrange for reception in care of the State. The case would be referred to the Juvenile/Family Court for an order (Fit Person Order) to allow for alternate placement. The child would automatically gain entrance into an Educational Institution/School on their return." [40]

6.141 The above-mentioned Jamaicans for Justice website's undated Report on Abuse in Children's Homes and Places of Safety, accessed on 22 February 2005, also noted that:

“The number of Care and Support staff varies significantly primarily as a result of the size and numbers of children in each home. There is no consistent relationship to establish whether a standard ratio of caregiver to children has been established. One home employs up to 91 persons on the care staff, of which 56 are full time workers, at the other end of the spectrum one has 2 persons employed on a full-time basis. The home employ an average of 7 full-time support staff, although the number for each home varies significantly, with one home having up to 36 support workers and three homes having three (3) support workers.” [50c] (p57)

6.142 The *Jamaica Gleaner* reported on 1 July 2005 that:

“The Government has taken steps to address deficiencies in the care provided by state-run children’s homes. This, according to Dr. Donald Rhodd, state minister for education, youth and culture, who was speaking during open day at the Maxfield Park Children’s Home, yesterday [30 June 2005]. Problems in state-run children’s homes were highlighted in 2003, prompting government to set up a committee led by former Permanent Secretary Sadie Keating, to investigate allegations of sexual and other forms of abuse. As a consequence of the committee’s findings, charges were recently brought against two employees of two children’s homes.” [34aq]

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## CHILD LABOUR

6.143 The USSD Country Report 2005 stated that:

“The Child Care and Protection Act provides that children under the age of 12 shall not be employed except by parents or guardians, and that such employment may be only in domestic, agricultural, or horticultural work. It also prohibits children under the age of 15 from industrial employment. The police are mandated with conducting child labor inspections, and the CDA is charged with finding places of safety for children. However, according to CDA officials, resources to investigate exploitative child labor were insufficient. Children under the age of 12 peddled goods and services or begged on city streets. There were also reports that underage children were employed illegally in fishing communities and in prostitution.” [8a] (Section 6d)

6.144 The same report also noted that “The Constitution does not specifically prohibit forced or compulsory labor, including by children, but other than child prostitution, there were no reports that such practices occurred.” [8a] (Section 6c)

6.145 A January 2004 report by the International Labour Office mentioned that Jamaica is an International Programme on the elimination of child labour (IPEC) participating country. [11] (p21) The report stated that:

“A rapid assessment on [commercial sexual exploitation] CSEC in Jamaica showed that children in prostitution were far from a homogenous group. Nine different profiles involving girls and boys were identified. It was discovered that social conditions, taboos and prevalent biases often make some groups involved in commercial sex – e.g. young children and boys engaged in

homosexual prostitution – less visible than others. Given the varying ages, work contexts and reasons for working attributed to these groups of girls and boys, it was clear that different sets of interventions were needed.” [11] (p33)

- 6.146 The same report stated that the Status of Statistical Information and Monitoring Programme on Child Labour (SIMPOC) Report 2002-2003, on Jamaica is still to be finalised or yet to be published. [11] (p113)

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## Adoption

- 6.147 In a guide to international adoption, the US Department of State Bureau of Consular Affairs noted on Jamaica that:

“The government office responsible for adoptions in Jamaica is the Jamaican Adoption Board. Single individuals or married couples may adopt children in Jamaica. Those persons not related to the potential adopted child must be age 25 years or older. If the child is a brother, sister, niece or nephew of the prospective adoptive parent(s), the age limit is 18. The Adoption Board does not have any specified medical ineligibilities, but evaluates each potential adoption on a case-by-case basis. A medical condition of the adoptive parents may factor into this evaluation.” [8e]

- 6.148 The guide noted that “There are two types of adoption in Jamaica: Adoption Orders and Adoption Licenses. Adoption Orders provide for the orphan to be adopted in Jamaica. Adoption Licenses allow for a Jamaican citizen orphan to be taken to a ‘scheduled country’ and adopted there.” [8e] The Department of Health’s guide to adoption in Jamaica noted that the United States, Sweden, Denmark and all Commonwealth countries are ‘scheduled countries’. [30]

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## LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

- 6.149 The Jamaica Forum for Lesbians, All-Sexual and Gays (J-Flag) website, accessed on 21 February 2005 states:

“J-Flag is actively lobbying for legal reform. Our Parliamentary Submission to amend the non-discrimination clause within the Constitution to include sexual orientation was reviewed by the Joint Select Committee on the Charter of Rights Bill. In December 2001, the Committee made its recommendations to Parliament. It declined to support our proposed amendment but did recommend that the House consider repealing the Buggery Law. We [J-FLAG] are now strengthening our efforts to ensure the successful passage of this bill through

parliament, and will continue to push for the amendment to the constitution.”  
[26a]

6.150 The J-Flag website also stated that:

“Contrary to popular belief, it is not actually illegal to be homosexual in Jamaica. Being a homosexual does not contravene any of the existing laws; however, the law makes certain ‘homosexual acts’ illegal, and these laws are used to persecute gay men. They state that ‘acts of gross indecency’ and buggery [anal sex] are illegal. Although buggery refers to anal sex between a man and another man, a woman or an animal, in practice the law is predominately enforced against two men. Lesbians are also discriminated against in the wider society, however no laws target lesbians or lesbian conduct.” [26c]

6.151 The J-Flag website further noted that “The Offences Against Persons Act prohibits ‘acts of gross indecency’ between men, in public or in private. (This is a very general term which can be interpreted to mean any kind of physical intimacy).” Under:

- Article 76 (Unnatural Crime); ‘Whosoever shall be convicted of the abominable crime of buggery [anal intercourse] committed either with mankind or with any animal, shall be liable to be imprisoned and kept to hard labour for a term not exceeding ten years.’
- Article 77 (Attempt); ‘Whosoever shall attempt to commit the said abominable crime, or shall be guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for a term not exceeding seven years, with or without hard labour.’
- Article 78 (Proof of Carnal Knowledge); ‘Whenever upon the trial of any offence punishable under this Act, it may be necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon proof of penetration only.’
- Article 79 (Outrages on Decency); ‘Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for a term not exceeding 2 years, with or without hard labour.’ [26c]

6.152 The J-Flag website also gave details on *Your Rights, Duties and Responsibilities as a Jamaican Citizen* – one of them being that “As a Jamaican citizen you also have through the Constitution, the right to have your privacy respected within your home and family.” [26c]

6.153 The J-Flag website stated that J-Flag, among other things, does significant personal development and community building in the gay community. It offers counselling and referral services to gay people and their families. It consults and collaborates with noted local and international figures and human rights/health/political interest groups. J-Flag are currently in the process of working for constitutional and other legislative changes and has made written submissions to the Joint Select Committee of the Houses of Parliament for the inclusion of ‘Sexual Orientation’ as a basis on which the Constitution of Jamaica prohibits

discrimination. It maintains a library and archive of resource for academic research. [26b]

- 6.154 On the 16 February 2006, the *Jamaica Gleaner* noted “The Government said yesterday that it has no intention of decriminalising homosexuality in Jamaica. . .” The report noted “In a statement signed by Justice Minister Senator A.J. Nicholson yesterday [15 February 2006], the administration said there would be no reversal of the law that makes homosexual behaviour illegal.” Senator Nicholson was quoted as saying “There is no intention whatsoever on the part of the Government or the Joint Select Committee of Parliament that any door should be opened by provisions in the proposed Charter of Rights and Freedoms, or otherwise, to decriminalise homosexuality or to pave the way for same-sex marriages.” [34dk]
- 6.155 The *Jamaica Gleaner* reported on the 19 February 2006 “[that] While same-sex marriages are illegal in the country, homosexuals can form legal partnerships that give one surviving partner full rights to the other’s assets when he or she is dead.” [34u]

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### Violence against gay men

- 6.156 The USSD Country Report 2005 noted that:

“The Jamaica Forum for Lesbians, All Sexuals, and Gays (J-FLAG) continued to report allegations of human rights abuses, including police harassment, arbitrary detention, mob attacks, stabbings, harassment of homosexual patients by hospital and prison staff, and targeted shootings of homosexuals. Police often did not investigate such incidents. J-FLAG documented a number of instances of homophobic violence during the year, some of which resulted in charges brought to court, while others were never reported to authorities by reason of fear.” [8a] (Section 5)

- 6.157 In November 2004, a Human Rights Watch report, entitled *Hated to Death: Homophobia, Violence and Jamaica’s HIV/AIDS Epidemic* noted that:

“Violent acts against men who have sex with men are commonplace in Jamaica. Verbal and physical violence, ranging from beatings to brutal armed attacks to murder, are widespread. For many, there is no sanctuary from such abuse. Men who have sex with men and women who have sex with women reported being driven from their homes and their towns by neighbors who threatened to kill them if they remained, forcing them to abandon their possessions and leaving many homeless. The testimony of Vincent G., twenty-two, is typical of the accounts documented by Human Rights Watch: ‘I don’t live anywhere now.... Some guys in the area threatened me. Battyman, you have to leave. If you don’t leave, we’ll kill you.’ [59b] (p2)

- 6.158 The November 2004 HRW report also stated that “Victims of violence are often too scared to appeal to the police for protection. In some cases the police themselves harass and attack men they perceived to be homosexual. Police also

actively support homophobic violence, fail to investigate complaints of abuse, and arrest and detain them based on their alleged homosexual conduct. In some cases, homophobic police violence is a catalyst for violence and serious – sometimes lethal – abuse by others.” [59b] (p2)

6.159 The November 2004 HRW report further mentioned that:

“Jamaican health officials acknowledge that Jamaica’s sodomy laws make it difficult for them to work directly with men who have sex with men. As one high-level health official told Human Rights Watch: ‘We don’t promote direct programs or services to MSM [men who have sex with men] as a group because the existing laws impede this work [and] because [of] the high-level of stigma and discrimination, they’re not open to getting services through the public sector.’ The police, however, actively impede government-supported peer HIV prevention efforts among men who have sex with men and also among sex workers. AIDS outreach workers reported that the very possession of condoms – a key tool in HIV prevention – triggers police harassment, and in some cases, arrest and criminal charges.” [59b] (p4)

6.160 Responding to the above-mentioned November 2004 HRW report, the *Jamaica Gleaner*, dated 18 November 2004, reported that the:

“Government yesterday [17 November 2004] dismissed claims by the international body, Human Rights Watch, that the authorities have been soft on police abuses on homosexual males and persons affected by HIV/AIDS. ‘We find the approach of this organisation unacceptably insensitive,’ Information Minister Burchell Whiteman said in a statement issued to the media yesterday [17 November 2004]. ‘We also as the duly elected representatives of the people feel that it is the people who must set our agenda in respect of the legislation which we pass or the repeal of any existing laws. We are currently not about to respond to any organisation, external to this country, which may want to dictate to us how and when to deal with the laws of our land,’ said Senator Whiteman.... The international body also criticised the Government’s stance on legislation (the buggery law) on homosexuality, which they say is a ‘discriminatory legislation’.” [34cg]

6.161 The *Jamaica Gleaner*, dated 19 November 2004, also noted that the Police Federation also condemned the findings published in the November 2004 HRW report and called on the Minister of Justice to slap sedition charges on the body and local groups, which they say were slandering both the government and the police force. [34ch] The *Jamaica Gleaner*, dated 29 November 2004, noted that “While careful to point out that they were not advocating violence against gays, panellists at Saturday’s [27 November 2004] ‘Men on a Mission’ conference in Montego Bay denounced homosexuality as a moral defect, saying it should not be sanctioned by the Church.” [34ci]

6.162 A Human Rights Watch document, dated 30 November 2004, stated that:

“Jamaican authorities should reject a police demand to press criminal charges against local human rights defenders who have criticized police abuses against gay men and people living with HIV/AIDS, Human Rights Watch said today [30 November 2004] in a letter to the Jamaican prime minister.... Five Jamaican human rights organizations – Families Against State Terrorism, the Independent Jamaica Council for Human Rights, Jamaica AIDS Support,

Jamaicans for Justice, and Jamaican Forum for Lesbians, All-Sexuals, and Gays – all joined Human Rights in the launch of the report. The report led to furious denials by Jamaican government officials, who claimed that police abuse doesn't take place. Officials also defended Jamaica's sodomy laws, Victorian-era legislation introduced by Britain when it was the colonial power, as basic to the country's sovereignty and culture. However, Jamaica is party to the International Covenant on Civil and Political Rights, a treaty that prohibits discrimination on the basis of sexual orientation.... In an open letter to Prime Minister P.J. Patterson, Human Rights Watch responded in detail to criticism by Jamaica's commissioner of police and by the head of the National AIDS Program. The Jamaican police should investigate allegations of homophobic abuse submitted to it months before, Human Rights Watch said." [59c]

6.163 *The Jamaica Observer* reported on 31 July 2005 that:

"In a radical shift of position, the government is now prepared to hear arguments for, and against, the legalisation of homosexuality and prostitution – a move that is likely to ignite new controversy in a country with strong anti-gay sentiments. Prior to last week [pre 24 July 2005], any calls for the Patterson administration to engage in a debate on the issue and for it to repeal the law against buggery had been granted with a flat 'no'. But last week, the parliamentary committee on Human Resources and Social development, chaired by junior education minister Donald Rhodd, proposed a debate on the issue as a matter of public health. The issue was raised in the committee report on its deliberations on HIV/AIDS, as Jamaica moves to strengthen its response to the pandemic and end discrimination and stigma against people living with the disease." [36bi]

6.164 The *Los Angeles Times* reported on 17 November 2005 "A call by Deputy Education Minister Donald Rhodd to discuss the possible repeal of Victorian-era laws criminalizing homosexuality has provoked predictable outrage among conservative Jamaicans." The report noted "Criticized by Human Rights Watch a year ago for fostering a climate of violent homophobia, Jamaica lately has joined other Caribbean countries in taking steps toward acknowledging that discrimination and denial have proved counterproductive in efforts to curb the spread of HIV/AIDS." The same article further stated that "Although those leading the fight against HIV/AIDS applaud the government's push to discuss decriminalization, they say the effort must be undertaken slowly to avoid alienating a public still deeply opposed to any notion of gay rights." [10]

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## DEATH OF GAY RIGHTS ACTIVIST BRIAN WILLIAMSON

6.165 The USSD Country Report 2005 reported that "In June 2004 Brian Williamson, a prominent homosexual rights activist and founding member of J-FLAG, was found stabbed to death at his home in Kingston. Human rights groups believed that the brutality of Williamson's death indicated a hate crime, but the JCF maintained that

the crime was a robbery. A suspect was remanded in custody at year's end awaiting trial." [8a] (Section 5)

- 6.166 An AI Press Release – AMR 38/010/2004, dated 10 June 2004 – ‘Amnesty International mourns loss of leading human rights defender’ stated that:

“Amnesty International today [10 June 2004] mourns the loss of Brian Williamson, brutally murdered on 9 June 2004, and urges that a thorough investigation be conducted into his death.... The police have concluded that the motive for the murder was robbery due to the reported removal of a safe. Amnesty International urges the investigating authorities to keep an open mind as to the motive behind this killing.... There remains a strong possibility that Brian Williamson's profile as a gay man and advocate of homosexual rights made him a target for those with homophobic views. The taking of money or other items may have been an afterthought by the perpetrators of the killing with the primary motivation for the murder being hatred to homosexuals.” [9d]

- 6.167 In a release by the International Gay and Lesbian Human Rights Commission (IGLHRC), dated 14 June 2004, it was stated that “The International Gay and Lesbian Human Rights commission (IGLHRC) mourns the death of long-time friend and colleague, Brian Williamson, a gay activist from Jamaica found murdered in his home in Kingston last week. Brian was a founding member of Jamaica Forum for Lesbians, All-Sexuals and Gays (J-FLAG) and one of the country's most visible and outspoken activists.” [41]

- 6.168 A *Jamaica Gleaner* news report, dated 10 June 2004, stated that:

“The death of Brian Williamson, outspoken gay rights activist and founding member of the Jamaica Forum for Lesbians, All-Sexuals and Gays (J-FLAG), sent shockwaves throughout the local gay community yesterday [9 June 2004]. According to police reports, the 59-year-old Williamson was found with multiple chop wounds in his apartment at 11:15 a.m. Investigators suspect robbery to be the main motive for the killing as a safe with valuables was missing, and the apartment had been ransacked. However, while the police suspect robbery as the main motive, the gay rights advocacy group J-FLAG was quick to label Williamson's death as a ‘hate crime’.” [34ao]

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## DEATH OF HIV/AIDS ACTIVIST STEVE HARVEY

- 6.169 Mourning his death on the eve of World AIDS Day (30 November 2005), Human Rights Watch reported on 1 December 2005 on the murder of leading HIV/AIDS activist, Steve Harvey, who worked to defend the health and human rights of people living with and at high risk of HIV/AIDS. The report noted:

“Harvey, 30, was found dead early in the morning of November 30. According to Jamaican police, at least four assailants forced their way into Harvey's home when he returned from work around 1 a.m. They tied up Harvey and two people staying with him, stole a number of their possessions, and abducted Harvey in

the company car. Harvey was found with gunshot wounds in his back and head in a rural area miles from his home. For more than a decade, Harvey was a leader in the struggle to defend the health and human rights of people living with and at high risk of HIV/AIDS. He worked with Jamaica AIDS Support since 1997, and represented the interests of marginalized people and people living with HIV/AIDS in Jamaica and throughout the region.” [59d]

- 6.170 Reporting on Steve Harvey’s death, a Christian Aid news article noted on 1 December 2005:

“He [Harvey] ran a programme providing support to gay men and sex workers. Three men, armed with guns, broke into Mr Harvey’s house and demanded money. They then forced him to carry valuables into the JASL car parked outside. One of the gun men was reported to have said to Mr Harvey and his two house-mates: ‘We hear that you are gay’. Two of the men denied it. They were tied up and left in the house. Steve was forced into the car which then sped away. Two hours later, he was found, shot dead.” [38]

- 6.171 The 2005 USSD Country Report noted:

“[that] At year’s end the police had a number of suspects under investigation. A senior JCF official familiar with the Harvey killing reported that the suspects were also linked to other similar robbery-murders whose victims were apparently heterosexual, and he cautioned against categorizing Harvey’s death as a hate crime pending further evidence. The JCF appointed political ombudsman Bishop Herro Blair as an independent civilian monitor to oversee the investigation.” [8a] (Section 5)

- 6.172 On the 9 December 2005, *The Jamaica Observer* reported “In an apparent first for Jamaica, the police are to appoint an independent monitor of their investigation of the murder of AIDS and gay rights activist Steven Harvey, and could do the same in future investigations of gay men believed to have been killed because of their sexual preferences, according to deputy police commissioner Mark Shields.” The report also noted “Shields is in charge of the crime portfolio. His decision to have a civilian review of how the police handle the Harvey case is a response to claims by Jamaican and international gay rights activists that the police have not been aggressive enough, not only in this investigation, but those involving crimes against gay men generally.” [36af]

- 6.173 The same article in *The Jamaica Observer* noted:

“[that] the United Nations body UNAIDS, in praising Harvey’s work on HIV/AIDS awareness, claimed confidence that the government would investigate his murder ‘to ensure that those who committed this hideous crime are brought to justice. UNAIDS reiterates its support for the strengthening of efforts by the Jamaican government to address homophobia and other causes of stigma and discrimination, which are fuelling the spread of AIDS, not only in Jamaica, but across the Caribbean,’ the agency said.” [36af]

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LESBIANS

6.174 The J-Flag website states that:

“Contrary to popular belief, it is not actually illegal to be homosexual in Jamaica. Being a homosexual does not contravene any of the existing laws; however, the law makes certain ‘homosexual acts’ illegal, and these laws are used to persecute gay men. They state that ‘acts of gross indecency’ and buggery [anal sex] are illegal. Although buggery refers to anal sex between a man and another man, a woman or an animal, in practice the law is predominately enforced against two men. Lesbians are also discriminated against in the wider society, however no laws target lesbians or lesbian conduct.” [26c]

6.175 The *Jamaica Gleaner*, dated 1 February 2005, reported that:

“A lesbian couple in Kingston is seeking to formalise their relationship, hoping to give each partner the rights and privileges usually offered to spouses and to long term partners in heterosexual relationships. However, Bert Samuels, an attorney at law says that any legal arrangements made by these women may not be recognised under law because homosexuality is illegal in Jamaica.... The couple, who have been together for two and a half years, is currently looking at wedding rings and said they will be having a formal ceremony – with an ordained minister, but not in a church, to mark their commitment to each other in April.” [34c]

6.176 On the 3 September 2005, Women’s e News reported that local activists in Jamaica were noted as saying “[that] women who step outside social norms-by dressing ‘too manly’ or having few male visitors, for example-risk threats of verbal and physical abuse. Women have reportedly been raped, beaten, murdered and forced out of their homes or jobs simply for being lesbians.” [25]

6.177 The report stated that Michael Heflin, director of Amnesty International's OUTfront program on lesbian, gay, bisexual and transgender human rights, claimed that attacks on lesbians were less visible than attacks on gay men. He was quoted as saying “Violence against lesbian and bisexual women happens more often in a more private sphere. It's what we've seen in other countries as well, although particularly acute in Jamaica.” The report further noted that “Men often get attacked in a more public way with crowds present and even participating while women are more likely to suffer assaults in their homes or neighborhoods.” [25]

6.178 The same article noted that Karlene, co-chair of J-FLAG, recounted the story of a woman who was murdered in the community where she was born by people she'd known all her life after they discovered her sexuality. She stated "The guys decided the lesbian can't stay here. They worried she was going to infect the young people and the ladies around her. After they raped her, they murdered her." [25]

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## 6.C HUMAN RIGHTS-OTHER ISSUES

### ORGANISED CRIME AND CORRUPTION

6.179 On 3 May 2005 the *Jamaica Gleaner* reported that:

“Police Commissioner Lucius Thomas has imposed a new strategy aimed at arresting corrupt members of the Jamaica Constabulary Force (JCF) less than 24 hours after a report has been made against him.... In his first address as a commissioner of police on February 4 [2005], Mr Thomas told journalists that the Professional Services Branch (PSB) will play a key role in the implementation of the anti-corruption strategy. Speaking with *The Gleaner* yesterday [2 May 2005], a senior officer at the PSB disclosed that since January [2005] they have received eight reported cases of alleged corruption involving members of the JCF.... Commenting on the review of the backlog of case files concerning disciplinary proceedings in the JCF, Commissioner Thomas said he is in the process of eliminating some of the files because of none [sic] appearance of witnesses.” [34cp]

6.180 The *Jamaica Gleaner*, dated 8 May 2005, reported that:

“Deputy Commissioner of Police Mark Shields has called on Members of Parliament to lead the way in flushing out criminals from their constituencies. According to DCP shields, their support is critical to fighting crime in Jamaica. ‘Community leaders have their part to play and who better to lead by example than Members of Parliament. They are elected officials so by default they have integrity which means they have a duty to assist in the fight against crime,’ said Mr. Shields. ‘If they can identify people in their communities who are involved in organised crime, they should say so.’” [34cy]

6.181 According to another article in the *Jamaica Gleaner*, dated 2 June 2005, “Police Commissioner Lucius Thomas yesterday [1 June 2005] painted a damning picture of the Jamaica Constabulary Force (JCF), accusing some colleagues of consistently supplying criminals with bullets and other vital police operational information.” [34cv]

6.182 The *Jamaica Gleaner* reported on 16 October 2005:

“Assistant Commissioner of Police Leon Rose, is sparing no words. Criminal kingpins, boasting squeaky-clean police records, continue to camouflage as community leaders, giving orders to kill and create mayhem in several war-torn communities across the island, the ACP charges. He said that the ‘area leaders’ appear to be doers of good but are the evil forces masterminding even the child-killing atrocities that have rocked the nation. Leon Rose is the assistant commissioner of police in charge of community relations. He told *The Sunday Gleaner* that there is a stark difference between a community leader and a don but many ‘dons’ have successfully hidden behind the mask of an uncontaminated and upstanding community leader.” [34o]

- 6.183 On the 11 December 2005, *The Jamaica Observer* reported that despite the deaths of gang leaders in the area, the St Catherine capital Spanish Town is still a haven for gang members who extort money from informal sellers and formal businesses, to finance their criminal networks and rich lifestyles. The report noted that sellers in the town say they each pay up to \$500 a week to the gangs. Local businesses are said to pay out hundreds of thousands of dollars to the collectors on a weekly basis for 'protection'. *The Jamaica Observer* noted that taxi operators are also forced to pay over a portion of their daily earnings. [36i]
- 6.184 The same article noted that local police chief, Superintendent Kenneth Wade, could not confirm that the extortion racket was going on as no one had come forward with such information. [36j]
- 6.185 *The Jamaica Observer*, dated 27 January 2006, reported on the destruction of an illegal airstrip at Braes River, St Elizabeth, by members of Operation Kingfish and the Jamaica Defence Force, which was allegedly being used to smuggle "ganja" out of the island. A Kingfish spokesman was quoted as saying "In the last six months, the police force have targeted ganja fields in St Elizabeth, where the trade and export of ganja have been escalating." [36ay]
- 6.186 The same article noted that "Kingfish boss, Assistant Commissioner of Police Glenmore Hinds, said that the operation fell within its mandate of dismantling organised crime networks." The report also noted "Over the past few months, the police destroyed at least three other illegal airstrips in Lilliput, St James; Hector's River, Portland; and Four Paths, Clarendon." [36ay]
- (For more information on organised crime, see Section 5.74: [Operation Kingfish](#); and 6.195: [Gang violence](#))
- 6.187 Transparency International's Corruption Perceptions Index (CPI) 2005 recorded Jamaica's CPI score as 3.6. [28]
- 6.188 The *Jamaica Gleaner* reported on 9 December 2005 that "Government Senator Trevor Munroe yesterday said corruption is the most serious impediment to good governance in Jamaica. During a panel discussion organised by the Cabinet Office, yesterday, at Jamaica House, dubbed, 'Good Governance: Perception versus Reality', Professor Munroe admitted that Jamaica had not done well in eliminating corruption from the public sector." [34w]
- 6.189 An article in the *Jamaica Gleaner* dated 27 October 2005 reported on a newly formed anti-corruption unit of the Jamaica Constabulary Force, launched on 26 October 2005, which will fall under the Professional Standards Branch (PSB). Assistant Commissioner Novelette Grant gave an overview of the JCF's Anti Corruption Strategy. "The new Anti-Corruption Strategy allows the use of disciplinary codes to dismiss any member from the force for serious cases of unethical and inappropriate behaviour, breaches of discipline and codes of conduct that harm the image of the force, and where it is in the public's interest to do so." [34k]
- 6.190 The same report went on to say ". . . [that] since June [2005] 25 police personnel have been arrested and charged for theft, conspiracy and breaches of the Corruption Prevention Act." The *Jamaica Gleaner* continued "Police Commissioner Lucius Thomas praised the strategy for the protection it affords

'whistleblowers', thereby providing avenues for police officers to report the misconduct of their own colleagues." [34k]

6.191 On 6 January 2006, the *Jamaica Gleaner* reported:

"Following through on his commitment to rid the Jamaica Constabulary Force (JCF) of corrupt policemen, Commissioner of Police Lucius Thomas has requested that three additional cops be retired in the interest of the public. Reports are that the commissioner has asked the Police Services Commission (PSC), a civilian oversight body, to relieve three narcotics policemen of their duties. This action brings to 11, the total number of policemen being asked to be relieved of their duties." [34y]

6.192 As reported in *The Jamaica Observer* on 15 January 2006:

"Lucius Thomas completes his first year as police commissioner this Thursday itching to continue an internal anti-corruption drive that, he said, has so far rid the constabulary of at least 50 cops since January 2005. At the same time, Thomas is pushing his officers on a relentless drive to win back public trust ruined by years of police abuse and killings of citizens that, in most instances, are alleged to be extra-judicial." [36aq]

(See also Section 6.27: [Extrajudicial killings](#)).....

6.193 *The Jamaica Observer* article also reported on an advertising campaign being run by the JCF informing citizens how they can help the constabulary tackle corruption, warning of the legal consequences of trying to bribe police officers. [36aq]

6.194 On 2 February 2006, *The Jamaica Observer* reported that two police officers from Clarendon were under investigation for allegedly taking a \$500,000 bribe from two offenders, to drop a charge of illegal possession of firearms. Superintendent Daton Henry of the Professional Standards Branch (PSB) confirmed the investigation, stating that the two accused were in custody and due to appear in court next month (March 2006). [36ar]

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## GANG VIOLENCE

6.195 An undated report by Jamaicans for Justice, accessed on 4 August 2004, *Jamaica's Human Rights Situation*, noted that "Jamaica's socio-political background is a picture of the promise of independence marred by a culture of political tribalism. This culture of tribalism, which has seen the entrenchment of political power as the pinnacle of achievement, has resulted in the creation of an increasingly violent society in which human rights are honored on paper but not in practice...." [50a] (p1)

6.196 The same Jamaicans for Justice report noted that:

“Jamaica today is a case study in tribalist politics typified by inner-city ‘garrison’ communities, that are entrenched in state-built housing, are politically homogenous, intolerant of dissenting views, and defended by guns and bullets.... Out of structures created by political wars, ‘community’ youth gangs have emerged to fight over turf and account for 20-25 percent of homicides. Criminal gangs linked with US ‘posses’, UK ‘yardies’, and now, most lethally, with elements of the Colombian drugs trade menace the entire fabric of society.” [50a] (p2)

6.197 The USSD Country Report 2005 noted “[that] Well-armed gangs that trafficked in narcotics and guns controlled many inner-city communities. The gangs were often better equipped than the police force and conducted coordinated ambushes of joint security patrols.” [8a] (Section 1a)

6.198 The Freedom House Freedom in the World 2005 Report on Jamaica noted that much of the violence in Jamaica is the result of warfare between drug gangs. The report stated that “Jamaican-born criminal deportees from the United States and a growing illegal weapons trade are major causes of the violence. Mobs have been responsible for numerous vigilante killings of suspected criminals.” The same report went on to say that:

“Jamaican officials complain that the United States was flagrantly applying a double standard by demanding a full effort by Jamaica to help stop the flow of drugs into the United States, while at the same time failing to stem the flow of guns into Jamaica. On a positive note, in February 2004, Jamaica and the United States signed a new accord that increased U.S. authority to pursue suspected drug smugglers in the island’s water and airspace.” [60] (p4)

6.199 *The Jamaica Observer* reported on 16 October 2005 on the so-called ‘battle zones’ in some of Jamaica’s parishes and towns, namely St Catherine, St Andrew and Kingston. On St Catherine the report noted:

“Last week an attempt at a truce between warring factions in Spanish Town turned ugly when a car transporting Member of Parliament Olivia ‘Babsy’ Grange was shot up. Fighting for control of the old capital, the One Order gang with connections to the JLP [Jamaica Labour Party] and Klansman gang with PNP [People’s National Party] sympathisers, have been having a turf war in the town for more than two years. With Tawes Pen at the western end as the hub of the One Order gang’s operations, and Bus Stop and its environs the haunt of Klansman at the other end, Spanish Town proper has become a battlefield. Earlier in the year, gunmen from Tawes Pen and Ellerslie Pen clashed, leaving at least three dead and scores wounded. The flare up was blamed on differences over who should succeed One Order gang leader Oliver ‘Bubba’ Smith. Smith was killed in 2004.” [36f]

6.200 Reporting on recent troubles in the parish of St Andrew, *The Jamaica Observer* noted “Now experiencing a lull in violent activity, August Town exploded earlier this year in what was described as a feud between men from Judgment Yard and others from Jungle 12. In March the police uncovered 13 high powered guns at Judgment Yard, the most guns founds in any one place at any one time, the police said at the time.” [36f]

6.201 The report continued:

“The hot spot along Red Hills Road stretches from Black Ants Lane to the north to 100 Lane to the south. Factions from Park Lane - a JLP enclave - have been at odds, intermittently, with the PNP-affiliated 100 Lane gang over a protracted period. In August [2005], Park Lane residents blocked Red Hills Road in protest over the shooting death of one of their own. The 100 Lane gunmen were blamed for the killing. Earlier in the month a 100 Lane youth was gunned down and a four year old child injured. Alleged Red Hills Road area leader Cleveland 'Cassie' Downer is facing charges in court for illegal possession of firearm and ammunition and shooting with intent. He is out on bail to reappear in court November 23 [2005].” [36f]

6.202 The *Jamaica Gleaner* reported on the 1 January 2006 that police have reported that there have been as many as 48 murders in the constituency of St Andrew since September 2005. The report noted that the violence in south St Andrew has accounted for most of the 130 or more deaths recorded in the division in 2005. [34d]

6.203 Reporting on gang violence in Kingston, *The Jamaica Observer* dated 16 October 2005 noted:

“Tivoli has been in the spotlight since three policemen were killed on a bloody night in May [2005] this year, allegedly by gunmen from the community. Last week four persons were shot during a raid by the security forces on the community in search of the men said wanted for the murder of the policemen. Area leader Lloyd 'Dudus' Coke, in a separate raid on his uptown home, was arrested and charged for possession of ganja on the day of the last raid.” [36f]

6.204 The same article noted:

“A People's National Party stronghold, Arnett Gardens came into existence in the early 1970s. There has been an upsurge of infighting in the community over what is described as a power struggle. A splintering of factions from sections such as Angola, Havana and Zimbabwe has seen a continuation of shootings over the past two months leaving numerous people injured. Two weeks ago, a 13-year-old Charlie Smith High schoolgirl was shot and killed while another 13-year-old, a student of Trench Town High School was dragged away and raped in the community.” [36f]

6.205 *The Jamaica Observer* further noted:

“The troubled spots in the Maxfield Avenue area now centres around Barnes Road, Raphael Road and environs. The community straddling Portia Simpson's South West St Andrew constituency and Dr Omar Davies' South St Andrew has seen the highest number of killings in the capital over recent weeks. At least nine residents have been killed including the Brown family who were executed with a fire-bomb, while one policeman has been shot and injured in the area, leading to a sustained presence by the security forces in the troubled community. Police reports have not given a definite reason for the escalation of killings, but said it might be linked to feuding gangs operating on Ramsay Road and Sunlight Street. Police figures have the St Andrew South division with the

highest level of murders for the year [2005] at 231, so far. Last year [2004], the division had 193 homicides.” [36f]

6.206 *The Jamaica Observer* reported on 1 November 2005:

“Rioting members and supporters of the notorious Clansman gang yesterday locked down Spanish Town as they protested against Sunday’s [30 October 2005] police killing of their leader, Donovan ‘Bulbie’ Bennett. Businesses remained closed, schools were unable to hold classes and most taxi and bus operators stayed away from the old capital as rampaging gangsters fired at the police and set fire to roadblocks mounted around the town.” [36ag]

6.207 The article noted that “Superintendent [Kenneth] Wade said ‘Bulbie’ was responsible for almost 100 murders over the last two years. ‘This was not an ordinary man,’ Wade said. Members of the Clansman gang, who support the ruling People’s National Party (PNP), started to set up roadblocks in the town from as early as Sunday [30 October 2005] night as they protested against the slaying of their leader.” [36ag]

6.208 On the 29 January 2006, the *Jamaica Gleaner* noted that:

“The elimination of reputed gang leader Donovan ‘Bulbie’ Bennett has yielded significant benefits in reducing the incidence of crime, including murder, in Spanish Town, according to the police. Assistant Commissioner of Police Glenmore Hinds, who heads the highly-touted Operation Kingfish, is in no doubt that the removal of Bennett is largely responsible for the reduction. ‘Bennett was killed at the end of October, and when you look at the comparative analysis for November 1 to December 31, 2004, there were 37 murders in Spanish Town, and this went down to 20 for the corresponding period last year,’ he said. Similarly, ACP Hinds noted, over the comparative periods, shootings in Spanish Town went down from 46 in 2004 to 20 last year ‘and the trend is continuing as a reflection of the inroads we have made.’” [34p]

6.209 The report further noted “As for ‘One Order’, the other major gang in Spanish Town, the Kingfish boss believes this organisation is ‘gradually disintegrating’ following the arrest of several members in mid-2005, and the consequent migration of others outside of the parish, with some even going abroad. ‘They are no longer as cohesive a unit as they once were,’ Hinds confidently asserted.” [34p]

6.210 The *Jamaica Gleaner*, dated 9 February 2006, reported that “An all-out riot broke out in Spanish Town, St. Catherine, yesterday [8 February 2006], after the reputed leader of one of the most notorious criminal gangs in the country was shot and killed in the Old Capital. Andrew ‘Bun Man’ Hope, who was allegedly the head of the ‘One Order’ gang, was shot and killed along Ellis Street, near to the Spanish Town High School about 2:30 in the afternoon.” The article noted “The killing set off an immediate chain reaction. Within minutes, angry residents of Tawes Pen and Eilerslie Pen flocked Ellis Street and swarmed the Honda motor car in which Hope had been shot.” [34da]

6.211 Reporting on the above riot, *The Jamaica Observer* noted on 9 February 2006 “[that] The police last night moved swiftly and imposed a curfew on the town to avoid a repeat of last year’s mayhem when gangsters overran the trouble town

to protest against the killing of Clansman gang leader Donovan ‘Bulbie’ Bennett.” The report further noted “The gang leader [Andrew Hope], the police said, was shot in the mid-afternoon by unknown assailants dressed in khaki clothes. Residents claimed, however, that a member of the police force was responsible for Hope’s death and proceeded to block roads in several sections of the town in protest.” [36t]

6.212 The same article in *The Jamaica Observer* noted “In the midst of the chaos, the Police High Command responded by deploying numerous members of the security forces throughout the town. They immediately began clearing away road blocks and taking strategic positions within the town. In a statement last night [8 February 2006], the police urged people with information on Hope’s killing to come forward.” [36t]

6.213 The same source added “The One Order is one of two gangs operating in Spanish Town. The other, the Clansman, is loyal to the ruling People’s National Party. Both have fought bloody street battles for control of a lucrative extortion racket in the town.” [36t]

(See also Section 5.74: [Operation Kingfish](#))

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### Garrison communities

6.214 The Bertelsmann Transformation Index (BTI), a global ranking that analyses and evaluates development and transformation in 119 different countries, noted in their 2006 report that:

“The state’s monopoly on the use of force in Jamaica is widely secured, but it is still limited in some urban residential areas and constituencies. There are some communities, particularly in Kingston, that are under much less political control than in the past and are dominated by criminal gangs and clientele-istic networks. Since the 1960s, and especially in the 1980s, these garrison communities have been centers of political violence, consciously used by politicians of both major parties. This phenomenon, known as political tribalism, declined significantly in the 1990s, but some of these garrison communities still constitute a kind of ‘state within the state’ where drug trafficking also plays an increasingly relevant role. During the time covered in this report, 12 out of 60 of Jamaica’s constituencies were classified as garrison communities to varying degrees. Local party leaders, many of whom are alleged to have connections with criminal gangs and the drug trade, rule these garrisons.” [39] (p4)

6.215 The same source noted that although garrison constituencies were estimated at 12 out of 60 constituencies, only four of those stood out in the media coverage of the 2002 elections. [39] (p11)

(See also section 4.14: [Political violence and the election campaign](#))

### GIDEON WARRIOR GANG

6.216 *The Jamaica Observer* reported on 17 December 2005 on Operation Kingfish's announcement that it had dismantled the Gideon Warriors, a notorious gang whose members have been accused of various crimes including murders, shootings, robberies, kidnappings and extortion. The article noted that this statement by Operation Kingfish followed the recent capture of a senior member of the gang, whose name is currently being withheld prior to identification parades and interrogation. [36q]

(See also Section 5.74: [Operation Kingfish](#))

6.217 On the 10 November 2005, *The Jamaica Observer* reported on the conviction and sentencing of former Gideon Warrior gang leader Joel Andem. The report noted "Andem received 20 years for the two counts of shooting and 10 years for illegal possession of a firearm and ammunition, but will spend only 20 years behind bars as the sentences will run concurrently." The report noted that Andem is still to face trial for the abduction and murder of Sylvia Edwards in 2000. [36j]

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### Kevin 'Richie Poo' Tyndale

6.218 A report in *The Jamaica Observer* on 21 September 2005 stated:

"Kevin Tyndale, the Gideon Warriors gangster, who the police dramatically captured in a rural St James Village in February [2005], was yesterday [20 September 2005] sentenced to a total of 90 years on gun-related, wounding and robbery charges. But because the sentences on the three counts for which he was convicted are to run concurrently, Tyndale, also known as 'Richie Poo', will serve only 30 years, unless he gets time off on parole." [36k]

6.219 *The Jamaica Observer* also noted that the reported jail sentences were not the end of the court cases for Tyndale and that he was in court that day [21 September 2005] to face charges that he shot a policeman in January [2004] and was also due to be tried on 26 September 2005 for the murder of Jervis Lobban in August 2003. [36k]

6.220 On 4 October 2005, the *Jamaica Gleaner* reported "Kevin Tyndale. . . has filed an appeal against his convictions and sentence." The *Gleaner* noted that "Tyndale is contending that the judge failed to recognise or to treat properly the weakness in the evidence relating to his identification. He is also complaining that his sentence is manifestly excessive." [34q]

6.221 On the 31 January 2006, *The Jamaica Observer* reported that Kevin 'Richie Poo' Tyndale, the alleged leader of the Gideon Warriors gang following the capture of former leader Joel Andem, was on the 30 January 2006 found guilty of the August 2003 murder of Jervis Lobban. Tyndale's accomplice, Brenton Fletcher, was also found guilty of the crime. The pair are due to be sentenced on Thursday, 2 February 2006. [36l]

6.222 The *Jamaica Gleaner* reported on 4 February 2006 that following the guilty of murder verdict on Kevin Tyndale and Brenton Fletcher, sentences of life imprisonment were imposed upon them both. The report noted that “The judge recommended that Tyndale, who fired the fatal shot, should serve 35 years before he was eligible for parole. Fletcher, who had exchanged his firearm with Tyndale immediately before Tyndale fired the shot, must serve 20 years before he will be eligible for parole.” [34t]

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### DONALD ‘ZEKES’ PHIPPS – ‘MATTHEWS LANE AREA LEADER’

6.223 The *Jamaica Gleaner* reported on 19 May 2005 that:

“Matthews Lane strongman, Donald ‘Zekes’ Phipps, was yesterday [18 May 2005] detained by police who have linked him to the death of two men in west Kingston over a month ago. As news of Zekes’ detention spread, police and military moved into sections of west Kingston to ensure calm in Matthews Lane and neighbouring communities which have shown almost fanatic loyalty to the area leader. Deputy Commissioner of Police, Mark Shields and Assistant Commissioner of Police, George Williams, led the security detail that conducted searches of premises in Matthews Lane at around 12:30 p.m. As they did, a curious crowd gathered at the entrance to Matthews Lane. DCP Shields told *The Gleaner* that ‘Zekes’ was arrested as he left the Half Way Tree resident Magistrate’s Court. ‘Mr Phipps has been arrested under suspicion for the murder of Leroy Farquharson. He has been brought to these premises in Matthews Lane which have been searched,’ said DCP Shields.” [34c]

6.224 The *Jamaica Gleaner*, dated 31 May 2005, stated that “After 12-days of questioning, Operation Kingfish has finally charged Matthew’s Lane strongman, Donald ‘Zekes’ Phipps, with murder. He has been charged with the April 15 [2005] double killing of Rodney Farquharson and Deighton Williams, whose burnt bodies were discovered in an open lot on Rose Lane, West Kingston.” [34cm]

6.225 On the 22 September 2005, the *Jamaica Gleaner* reported “Well-known Matthews Lane resident, 48-year-old Donald ‘Zekes’ Phipps, will have to remain in custody until his double murder case has been disposed of. He was denied bail yesterday when he appeared in the Home Circuit Court. Phipps’ co-accused, 33 year old Garfield Williams . . . was offered bail in the sum of \$1 million with a surety and the trial date of both men has been set for October 24.” [34r]

6.226 The *Jamaica Gleaner*, dated 3 November 2005, reported on gunshots being fired near the Home Circuit Court in Kingston on the 2 November 2005, following another bail application by Donald ‘Zekes’ Phipps. The report noted “The shots were fired a few yards from the police barrier at Tower Street and King Street where Phipps’ supporters had gathered in large numbers.” The same article went on to say that Phipps was denied bail and was remanded in custody with a trial date set for 5 December 2005. [34s]

6.227 As reported by *The Jamaica Observer* on 17 November 2005, “The prosecution’s case against downtown don Donald ‘Zeeks’ Phipps is showing early signs of

trouble, as a key witness for the Crown has signalled an unwillingness to testify.” The report noted that “. . . senior deputy Director of Public Prosecution (DPP) Paula Lewellyn told the court that a key witness to the Crown’s case ‘had certain fears’ and was unwilling to testify.” [36ac]

- 6.228 The article also noted that “Using guarded language, and careful not to disclose the name of the witness, or even his or her connection to the case, Lewellyn said she too was fearful that the Crown would not be able to proceed on December 5 [2005] if the matter was not settled.” [36ac]

(See also Section 5.57: [Safety of witnesses outside the protection programme](#))

- 6.229 On the 17 January 2006, *The Jamaica Observer* reported that the trial of Donald ‘Zekes’ Phipps, which was due to start on the 16 January 2006, was to be delayed following a postponement application made by the defence counsel, setting a start date of 6 March 2006. The delay was due to two witnesses, vital to the defense, being off the island and unavailable for the next two weeks. [36ae]

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## TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

- 6.230 Correspondence, dated 19 April 2005, from the Foreign and Commonwealth Office noted that the British High Commission in Kingston have confirmed that deportees (including failed asylum seekers) are interviewed by police on their return but there are no penalties imposed for immigration or other offences committed solely in the UK. [6c]
- 6.231 On the 5 December 2005, BBC News reported on the murder of a Jamaican man after he was deported back to Jamaica from the UK following a failed asylum application. The report noted that Delroy Edwards, 43, had gone into hiding on his return to Jamaica and, according to his British fiancée, was killed the first time he left the house. Mr Edwards had insisted that he would be persecuted by Jamaican gangsters if he was returned to his homeland. [21b]
- 6.232 On the 3 February 2006, *The Jamaica Observer* noted “Despite a drop in the number of persons deported to Jamaica last year [2005], deportees still have significant influence on the levels of serious crimes committed in Jamaica, Deputy Police Commissioner Mark Shields has said.” The report noted “[that] while many were deported for non-violent offences and are not considered serious threats, others, by their very physical presence, can cause crime rates in a community to skyrocket, Shields said.” [36au]
- 6.233 *The Jamaica Observer* article noted that currently, the Jamaica police keep tabs on deportees through the National Intelligence Bureau. The newly formed Crime Hotspot Secretariat also focuses on their movements. [36au]

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## TREATMENT OF NON-GOVERNMENTAL ORGANISATIONS

6.234 The USSD Country Report 2005 stated that:

“A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Independent Jamaica Council for Human Rights was the country’s only formal organization concerned with all aspects of human rights. The nongovernmental organization (NGO) Jamaicans for Justice (JFJ) focused on the issues of police impunity, extrajudicial killings and excessive use of force by the police and wrote a weekly newspaper column. JFJ reported that undercover police regularly attended its meetings. Some members of the police and the DPP were outspoken in their criticism of the organization. The group sits on the board of the Ministry of Justice’s Justice Consultative Committee; however, that committee reportedly has not met since April 2004. JFJ resigned its seat on the Ministry of National Security’s committee to oversee the recommendations of the National Committee on Crime and Violence, since the group did not feel the work of that committee was moving forward.” [8a] (Section 4)

6.235 Amnesty International [AI] in its report entitled, ‘Essential actors of our time’, published on 10 November 2003, stated that:

“Amnesty International wrote to the Jamaican government three times during the period 2000 to 2003 regarding repeated statements by top government and public officials portraying human rights workers as ‘enemies of the police force’ and insinuating defenders are in league with criminal gangs. In July 2002, the organisation requested the Minister for National Security to clarify whether it was official government policy to regard human rights groups as sanctioning criminality, following comments by the Head of the Crime Management Unit that ‘criminals have infiltrated civil rights groups.’ Amnesty International received no reply.” [9a] (p10)

6.236 As mentioned on their website, accessed on 8 September 2003, the Independent Jamaica Council for Human Rights (1998) Limited (IJCHR) is based in Kingston and formed in 1968. It is the oldest human rights NGO in the Caribbean. The Council is non-partisan and non-sectarian. Its membership is open to all persons who subscribe to the Universal Declaration of Human Rights and support the aims and objectives of the IJCHR. The Council pursues the protection and promotion of human rights through advocacy, public education and legal aid and assistance. The Council is dedicated to achieving respect for human rights, greater mutual tolerance and less abuse of the vulnerable in society. [31a]

6.237 AI, in a Press Release dated 26 November 2004 entitled ‘Jamaica: Protecting the right to defend human rights’, noted that:

“The Government of Jamaica should publicly reiterate its commitment to protecting and promoting the legitimate work of human rights defenders in

Jamaica, said Amnesty International today [26 November 2004], following a call by a member of Jamaica's Police Federation that international and national human rights organisations should be charged with sedition, and recent threats to human rights defenders. In a letter published on 25 November 2004 in *The Jamaica Observer*, Sergeant David White, the Police Federation's Public Relations Officer, accused international and domestic human rights groups of harassing the state. He alleged that they 'spread lies and deliberately malign and slander the police force and the government.' He also stated that their activities amount to 'illegal interference', but did not specify which laws had been violated." [9f]

6.238 The AI Press Release, dated 26 November 2004, also noted that:

"Not only do such comments constitute an unacceptable attack on freedom of expression – a cornerstone of human rights protection – but they may also encourage and even incite acts of violence or intimidation against human rights defenders," said Amnesty International. The background to such comments are recent threats and intimidation against local human rights organisation JFLAG, the Jamaican Forum of Lesbians, All-sexuals and Gays. The organisation has received several death threats in recent weeks.... 'Amnesty International insists that the Jamaican authorities must ensure that those who defend human rights can continue their legitimate work without fear, by explicitly stating their support for such activities, guaranteeing the required protection and by ensuring that those who threaten human rights defenders are held accountable.'" [9f]

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## HUMANITARIAN AID/INTERNATIONAL ASSISTANCE

6.239 As noted in the Foreign and Commonwealth Office Country Profile on Jamaica, last updated 1 July 2005:

"Poverty reduction is the main focus of Britain's assistance in Jamaica. The Department for International Development (DFID) have an aid programme for Jamaica worth in the region of £2.5 million a year. In addition, the UK also waives approximately £5-6m of Jamaican debt annually. Major projects include assistance to the programme to reform the Jamaican police force; assistance to the private sector to enhance the competitiveness of Jamaican export; support for the Government's public sector reform programme and other programmes related to social development and giving disadvantaged groups of Jamaican society a stronger voice in the development of policy by the Government." [6a] (p3)

6.240 The USSD Background Note, dated February 2006, mentioned that:

"The United States maintains close and productive relations with the Government of Jamaica.... The United States is Jamaica's most important trading partner: bilateral trade in goods in 2000 was almost \$2 billion. Jamaica is a popular destination for American tourists; more than 800,000 Americans visited in 2000. In addition, some 10,000 American citizens, including many dual-nationals born on the island, permanently reside in Jamaica." [8b] (p4)

6.241 The same USSD Background Note further noted that:

“The Government of Jamaica also seeks to attract U.S. investment and supports efforts to create a Free Trade Area of the Americas (FTAA). More than 80 U.S. firms have operations in Jamaica, and total U.S. investment is estimated at more than \$1 billion.... U.S. Agency for International Development (USAID) assistance to Jamaica since its independence in 1962 has contributed to reducing the population growth rate, the attainment of higher standards in a number of critical health indicators, and the diversification and expansion of Jamaica’s export base.... In fiscal year 2002, the USAID mission in Jamaica operated a program totalling more than \$13 million in development assistance.”  
[8b] (p4)

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## Annex A: Chronology of Major Events

- 1655** Britain captured Jamaica.
- 1670** Jamaica formally ceded to Britain.
- 1838** Slavery abolished.  
Norman Manley founded the People's National Party (PNP).
- 1944** Universal adult suffrage introduced; new constitution providing for a popularly-elected House of Representatives promulgated.
- 1962** Jamaica became independent within the Commonwealth with Alexander Bustamante of the Jamaica Labour Party (JLP) as Prime Minister.
- 1972** The PNP won the general election and Michael Manley becomes Prime Minister.
- 1976** The PNP won another election.
- 1980** The JLP won the general election and Edward Seaga is elected Prime Minister. Seaga proceeded to privatise state enterprises.
- 1989** Michael Manley was elected Prime Minister after PNP ousts the JLP in elections.
- 1992** Michael Manley retired on health grounds and is succeeded by Percival Patterson as the Prime Minister and the leader of the PNP.
- 1993** The PNP returned to office with an increased majority.
- 1998** The PNP won a third term in office amid increasing crime and deteriorating economy.
- 1999** In **April** violent protests took place against a 30 per cent increase in fuel prices. In **July** the Government ordered the army to patrol the streets of Kingston following a massive increase in crime.
- 2001** In **July** troops backed by helicopter gunships, tanks and armoured vehicles moved in to restore order in capital, Kingston, after three days of unrest left at least 27 people dead.
- 2002** In **January**, the authorities announced that more than 1,100 people were murdered in Jamaica in 2001. This showed an increase of 30 per cent over the previous 12 months, and the highest ever recorded in a single year. In **March**, Britain's Privy Council, decided to halt executions in a number of Caribbean countries where capital punishment has widespread support as a deterrent to rising violent crime. Prime Minister P. J. Patterson criticised the move.  
**16 October:** the People's National Party was re-elected for the fourth term in the general election. This was the third consecutive election victory for Prime Minister Patterson.
- 2003** **January:** UK introduced visa regime for Jamaicans entering the UK; London says the move is intended to tackle illegal immigration.

- 2004 March**, Ousted former Haitian president Jean-Bertrand Aristide arrived in Jamaica, prompting angry response from new Haitian government.
- 2004 September**: Hurricane Ivan described as the biggest in living memory pounded the island, destroying thousands of homes.
- 2004 End**: Gang rivalry, drugs trade contribute to high murder rate. 1,145 murders in 2004.
- 2005 September**: Prime Minister PJ Patterson says he will step down by April 2006. Opposition leads a day of protest over price increases for utilities and public transport.
- 2005 End**: More than 1,600 murders in 2005
- [58]
- 2006 February**: Portia Simpson-Miller elected president of PNP [34c]

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## Annex B: Maps

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Map of Jamaica

<http://www.reliefweb.int/rw/rwb.nsf/db900SID/SKAR-64GDWU?OpenDocument>

Map of the Caribbean

<http://www.infoplease.com/atlas/caribbean.html>

Detailed map of Jamaica

<http://www.caribbean-on-line.com/islands/jm/jmmap.shtml>

Map of Kingston

<http://www.caribbean-on-line.com/islands/jm/kgmap.shtml>

Map of Montego Bay

<http://www.caribbean-on-line.com/islands/jm/mbmap.shtml>

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## **Annex C: Political Organisations**

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### **People's National Party (PNP)**

Founded in 1938; Socialist principles; affiliated with the National Workers' Union; Leader-Percival J Patterson; General Secretary-Burchell Whiteman; First Vice Presidents-Peter Phillips and Portia Simpson Miller [5c] On 27 February 2006, Portia Simpson-Miller was elected as the new president of the PNP. [34c]

### **Jamaica Labour Party (JLP)**

Founded in 1943. Supports free enterprise in a mixed economy and close co-operation with the USA. Leader-Bruce Golding; Chair-Robert Pickersgill; General Secretary-Karl Samuda [5c]

### **National Democratic Movement (NDM)**

Founded in 1995; advocates a clear separation of powers between the central executive and elected representatives; supports private investment and a market economy. Member of the New Jamaica Alliance. General Secretary-Michael Williams; Chair-Peter Townsend (acting). [5c]

### **Jamaica Alliance Movement (JAM)**

Founded 2001; Kingston based; Rastafarian. President-Astor Black. [5c]

### **Jamaica Alliance for National Unity (JANU)**

Founded in 2002. Member of the New Jamaica Alliance. Chair-Rev. Al Miller. [5c]

### **United People's Party**

Founded in 2001. President-Antoinette Haughton Cardenas; General Secretary-Horace Matthews. [1] (p565)

### **Republican Party of Jamaica (RPJ)**

Kingston based; Member of the New Jamaica Alliance. Leader-Denzil Taylor. [5c]

### **Natural Law Party**

Founded 1996; Leader-Dr Leo Campbell. [5c]

### **Imperial Ethiopian World Federation Party (I.E.W.F. Inc).**

Launched on 16 July 1997 and first entered the Jamaican political arena in the 1997 General Election with five candidates. It was launched to represent the Rastafarian community in the Jamaican Parliament and the Grassroot people. [51]

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## **Annex D: Prominent people**

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### **Kenneth Baugh**

In January 2005 Dr Kenneth Baugh was officially named temporary Opposition leader by the Governor-General. Dr Baugh has been a surgeon for over 30 years. He unsuccessfully contested the West Central St Catherine seat for the JLP in the general election of 1997 and two years later he was appointed General Secretary, a post he held for four years. [34az]

### **Bruce Golding**

The JLP's defeat in the 1993 election led to increased in-fighting among senior members and criticism of Seaga's leadership, with the result that in 1995 Bruce Golding left the party to lead a new organisation the National Democratic Movement (NDM). [1] (p554) Bruce Golding named as the official leader of the JLP on 21 February 2005. [34ai]

### **Antoinette Haughton**

The leader of United People's Party. [13b]

### **Michael Manley**

Became Prime Minister in 1972 following an impressive victory by the PNP in the general elections. [58]

### **Portia Simpson-Miller**

New president of PNP as of 27 February 2006. [34c]

### **Percival J Patterson**

Assumed office as Prime Minister in 1992. [6a] (p1) He led the PNP to election victories in 1993 and 1997. [5a]

### **Edward Seaga**

Ex-leader of the JLP. Mr Seaga's resignation took effect on 19 January 2005. Mr Seaga assumed a senior post in the Department of Government at the University of the West Indies. [34ay]

### **Hilaire Sobers**

Is a human rights activist and lawyer and writes a weekly column on human rights for *The Jamaica Observer*. He is an outspoken critic of the government's human rights record. He has been highly critical of the authorities' failure to prevent extrajudicial executions by the security forces and other abuses. [9c]

### **Barry Wade**

In April 2002, Barry Wade, Al Miller and a group of church leaders launched a new political party, which called for a government of national unity and challenged Jamaicans to become more politically involved. The Jamaica Alliance for National Unity (JANU) hoped to break the virtual stranglehold of the ruling People's National Party (PNP) and opposition Jamaica Labor Party (JLP), which have dominated politics since the island nation won independence in 1962. [13c]

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## **Annex E: List of Abbreviations**

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<b>AI</b>	Amnesty International
<b>BSI</b>	Bureau of Special Investigations
<b>CEDAW</b>	Committee on the Elimination of All Forms of Discrimination Against Women
<b>CMC</b>	Caribbean Media Corporation
<b>CMU</b>	Crime Management Unit
<b>CPJ</b>	Committee to Protect Journalists
<b>DPP</b>	Department of Public Prosecutions
<b>EU</b>	European Union
<b>FCO</b>	Foreign and Commonwealth Office (UK)
<b>FH</b>	Freedom House
<b>GDP</b>	Gross Domestic Product
<b>HIV/AIDS</b>	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
<b>HRW</b>	Human Rights Watch
<b>IAG</b>	Illegal Armed Group
<b>ICG</b>	International Crisis Group
<b>ICRC</b>	International Committee for Red Cross
<b>IDP</b>	Internally Displaced Person
<b>IFRC</b>	International Federation of Red Cross and Red Crescent Societies
<b>IMF</b>	International Monetary Fund
<b>IOM</b>	International Organisation for Migration
<b>JCF</b>	Jamaican Constabulary Force
<b>JDF</b>	Jamaican Defence Force
<b>JFCD</b>	Jamaica Foundation for Cardiac Disease
<b>JFJ</b>	Jamaicans for Justice
<b>J-FLAG</b>	Jamaican Forum for Lesbian, All-sexual and Gays
<b>JLP</b>	Jamaican Labour Party
<b>MSF</b>	Médecins sans Frontières
<b>NA</b>	Northern Alliance
<b>NAC</b>	National AIDS Committee Jamaica
<b>NATO</b>	North Atlantic Treaty Organisation
<b>NGO</b>	Non Governmental Organization
<b>NHF</b>	National Health Fund
<b>NHIP</b>	National Health Insurance Programme
<b>OCHA</b>	Office for the Coordination of Humanitarian Affairs
<b>OCID</b>	Organised Crime Investigation Division
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights
<b>ODPR</b>	Office for Displaced Persons and Refugees
<b>OECD</b>	Organization of Economic Cooperation and Development
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OSCE</b>	Organisation for Security and Cooperation in Europe
<b>PNP</b>	People's National Party
<b>PSOJ</b>	Private Sector Organisation of Jamaica
<b>STC</b>	Save the Children
<b>STD</b>	Sexually Transmitted Disease
<b>TB</b>	Tuberculosis
<b>TI</b>	Transparency International
<b>UN</b>	United Nations
<b>UNAIDS</b>	Joint United Nations Programme on HIV/AIDS
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNHCHR</b>	United Nations High Commissioner for Human Rights

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<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>USAID</b>	United States Agency for International Development
<b>USSD</b>	United States State Department
<b>WFP</b>	World Food Programme
<b>WHO</b>	World Health Organization

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The Home Office is not responsible for the content of external websites.

## **Annex F: List of Source Material**

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- [1] **Europa Regional Surveys of the World: South America, Central America and the Caribbean 2005 – 13<sup>th</sup> Edition, Jamaica, pp. 552-572**
- [2] **Jamaica (Constitution) Order in Council, 1962, chapters 2 and 3, ([www.ziplaw.com/constitu/chap\\_3.htm](http://www.ziplaw.com/constitu/chap_3.htm))**
- [3] **The Centre for Reproductive Law and Policy-Women of the World-January 2001**
- [4] **CIA-The World Factbook – Jamaica, [www.cia.gov](http://www.cia.gov) , last updated 1 November 2005, accessed 02/08/05**
- [5] **Europa World Online**
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- [6] **Foreign and Commonwealth Office (FCO)**
  - a Country Profile Jamaica – 02/12/05 – accessed 12.01.06 [www.fco.gov.uk](http://www.fco.gov.uk)
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- i Murders plunge – Homocides drop 23% in January 01.02.06
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- k Cash to curb cops – Gov't to source funding for new anti-corruption unit 27.10.05
- l Kingston lock-ups overcrowded 6 July 2005
- m 12 Killed in a day – 29 murdered since Saturday 15.09.05
- n BSI makes headway in cop shooting cases 17.11.05
- o Talk away murder 16.10.05
- p SP Town Rebirth? Crime down, gangs under pressure – Foreign based gangster wants control 29.01.06
- q 'Richie Poo' appeals 30 year sentence 04.10.05
- r 'Zekes' to remain in custody 22.09.05
- s Guns bark near court – Lawyer shot in office, residents protest for 'Zekes' 03.11.05
- t 'Richie Poo', accomplice sentenced to life 04.02.06
- u Charter of Rights debate – Gays want a say too 19.02.06
- v Thugs torch family of four – 10-year-old's wail dies in blaze 06.10.05
- w Government in decline – Monroe says corruption a serious obstacle 09.12.05
- x \$367 million spent to fight HIV last year 25 June 2005
- y Thomas requests three more cops be relieved of duties 06.01.06
- z Children infected or affected by HIV/AIDS 23 July 2005
- aa Eight murdered in 24 hours – Homocides hurtle to record figure 04.11.05
- ab Plan to cut murder in Jamaica 05.01.06
- ac Lobby to discontinue HIV/AIDS screening 25.11.05
- ad Standard of living up in Ja – 17 June 2005
- ae Displaced criminals moving to rural areas 27 June 2005
- af Death penalty not automatic 08/07/04
- ag Amendment that led to ruling 08/07/04
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- ao Gay rights activist killed 10/06/04

- ap Five cops removed from front-line duty – Police bureau probing fatal shooting of 19-y-0 man 04.06.05
- aq Government moves to tackle deficiencies in children's homes 1 July 2005
- ar Politics doesn't count, we're gonna get you! 06.11.05
- as Mediators trained to deal with crime, violence in Spanish Town 12.12.05
- at Cops on the run – BSI hunts policemen on murder, other charges 16.11.05
- au Juveniles a burden on Correctional Services 14 August 2005
- av Tivoli assault – 'Dudus' detained – women shot nearby Golding 05.10.05
- aw Witnesses saw cops drive off with teen 17.11.05
- ax Health sector in trouble – Hospitals short of basic supplies – Senior medical officer denies report 05/05/04
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- az Dr Kenneth Baugh, new leader of the Opposition – 'Change was imminent' 23/01/05
- ba Two more Brits join Jamaican police force 15.02.06
- bb Ignorance, fear mum residents 27/02/05
- bc Crying for our children 16.10.05
- bd Bigger police force – Phillips proposes membership increase 07.11.05
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- bg All out assault – 'Operation Kingfish' to target dons, gangs 20/10/04
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- cj Lesbians seek marriage rights 01/02/05
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- cq Government settles Gayle case 03/11/04
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- cw Golding's 1-3-6 approach 23.10.05
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- cz New crime plan 20.10.05
- da Spanish Town revolt – Slaying of 'One Order' gang leader sparks riot 09.02.06
- db Junor:15,000 have HIV but don't know – Health Minister backs universal testing 15.02.06
- dc Surveillance camaras for schools – Gov't responds to increase in violence 29.01.06
- dd Montego Bay cops optimistic about decrease in 2006 murder rate 03.01.06
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- f Flash Points of Crime 16.10.05
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- j Andem to serve 20 years for shooting, gun possession 10.11.05
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- m Patterson supports Chief Justice - Says nothing suggests Wolfe unfit to serve 05/02/04
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- aa Human rights group calls for reduction in fatal police shootings 18.01.06
- ab New border control system starts today 23/08/04
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- ad Jamaica to establish psychiatric prison for criminally insane 18.12.05
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