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Совет по правам человека**Шестнадцатая сессия**

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Добавление

Миссия на Ямайку**Резюме*

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Специальный докладчик с удовлетворением воспринял тот факт, что с 1988 года не было приведено в исполнение ни одного смертного приговора, однако он по-прежнему обеспокоен ростом случаев гибели людей в результате применения полицией огнестрельного оружия, о котором нередко сообщается как о внесудебных убийствах, а также очевидным отсутствием расследований и безнаказанностью лиц, ответственных за совершение таких актов.

В свете вышесказанного Специальный докладчик рекомендует правительству Ямайки в полном объеме выполнять свои обязательства по международному праву в области прав человека. Он настоятельно призывает правительство ратифицировать Конвенцию против пыток и Факультативный протокол к ней. В частности, он также рекомендует обеспечивать проведение оперативных и обстоятельных расследований *ex officio* по всем заявлениям о жестоком обращении или о чрезмерном применении силы; ограничить сроки задержания в полиции до 48 часов, создать доступные и эффективные механизмы подачи жалоб; и принять меры к скорейшему началу работы Независимой комиссии по расследованиям. Следует перевести находящихся в конфликте с законом детей из мест заключения для взрослых и установить четкие руководящие принципы о мерах наказания. Он также рекомендует отменить смертную казнь.

Специальный докладчик рекомендует соответствующим органам системы Организации Объединенных Наций, правительствам стран-доноров и учреждениям по вопросам развития рассматривать отправление правосудия в качестве наиболее приоритетной проблемы, включая, в частности, проблемы борьбы с насильственными преступлениями, деятельности полиции и исправительной системы.

Annex

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, on his mission to Jamaica

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I. Introduction

1. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment undertook a visit to Jamaica from 12 to 21 February 2010, at the invitation of the Government. The purpose of the visit was to assess the situation of torture and ill-treatment in the country, including conditions of detention, and to initiate a process of cooperation with the Government aimed at eradicating torture and ill-treatment and reforming the administration of justice system.

2. The Special Rapporteur expresses his deep appreciation to the Government for extending an invitation to visit the country, which in itself is a sign of the Government's willingness to open up to independent and objective scrutiny. He also appreciated the full cooperation extended by the authorities during the visit, and thanks the Government for issuing authorization letters providing him with access to all detention facilities. During the visit, he was able to have unannounced access to places of detention, have private interviews with the detainees, and had access to documentation.

3. The Special Rapporteur held meetings with State officials, including the Deputy Prime Minister and Minister for Foreign Affairs and Foreign Trade, Kenneth Baugh; the Minister for National Security, Dwight Nelson; the Attorney General and Minister for Justice, Dorothy Lightbourne; the Minister of State, Ministry of Foreign Affairs and Foreign Trade, Marlene Malahoo Forte; the Permanent Secretary of the Ministry of Foreign Affairs and Foreign Trade, Evadne Coye; the Permanent Secretary of the Ministry of National Security, Richard B. Reese; the Under Secretary for Multilateral Affairs, Ministry of Foreign Affairs and Foreign Trade, Vilma McNish; the Commissioner of Corrections, June Spence-Jarrett; the Acting Commissioner of Police, Owen Ellington; the Solicitor General, Douglas Leys; the Public Defender, Earl Witter; the Children's Advocate, Mary Clarke; the Executive Director of the Bureau of Women's Affairs, Faith Webster; and the Chairperson of the Police Public Complaints Authority and former Chief Justice, Justice Lensley Wolfe.

4. Outside of Government, the Special Rapporteur met with a broad range of civil society organizations and lawyers. In addition, the Special Rapporteur held meetings with representatives of international organizations, including the United Nations country team, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, and the diplomatic community.

5. During his visit, the Special Rapporteur visited prisons, police stations and other facilities (see appendix).¹

6. The Special Rapporteur wishes to acknowledge with appreciation the excellent support provided by the United Nations Resident Coordinator, Minh Pham, and the entire United Nations team for its excellent assistance prior to and during the visit; the Office of the United Nations High Commissioner for Human Rights; Dr. Derrick Pounder, forensic

¹ St. Catherine Adult Correctional Centre, Tower Street Adult Correctional Centre, Fort Augusta Adult and Juvenile Correctional Centre, Horizon Adult and Juvenile Correctional Centre and Remand Centre (twice, denied entry on first visit), Diamond Crest Juvenile Correctional Centre for girls, St. Andrew Juvenile Remand Centre for boys; Hilltop Juvenile Correctional Centre for boys, Maxfield Park Children's Home, Windsor Children's Home, Alligator Pond Police Station, Constant Spring Police Station, Crossroads Police Station, Denham Town Police Station, Duhaney Park Police Station, Halfway Tree Police Station, Hunt's Bay Police Station, Kingston Central Police Station, May Pen Police Station, Montego Bay Police Station and Portmore Police Station (100 Man).

doctor; and Julia Kozma and Tiphonie Crittin of the Ludwig Boltzmann Institute of Human Rights.

7. While still in the country, the Special Rapporteur shared his preliminary findings with the Government, which responded with constructive comments. On 15 June 2010, a preliminary version of the present report was sent to the Government. The Government provided comments on 27 July 2010, which have been included in the report.

II. Legal framework

A. International level

8. Jamaica is party to most major United Nations human rights treaties, including the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child; the Convention on the Rights of Persons with Disabilities; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Jamaica is not yet party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or to the Optional Protocol thereto.

9. Jamaica had ratified the first Optional Protocol to the International Covenant on Civil and Political Rights, recognizing the competence of the Human Rights Committee to receive and consider individual complaints. However, on 23 October 1997, the Government of Jamaica notified the Secretary-General of its denunciation of the Protocol.

10. Jamaica is also party to the Geneva Conventions of 1949 and the Additional Protocols to the Conventions of 1977, but not to the Rome Statute of the International Criminal Court.

B. Regional level

11. With regard to relevant regional human rights treaties in the context of the Organization of American States, Jamaica is party to the American Convention on Human Rights, but does not recognize the competence of the Inter-American Court of Human Rights. Jamaica has also ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará). However, Jamaica is not party to the Inter-American Convention to Prevent and Punish Torture.

C. National level

1. Constitutional and legislative provisions criminalizing torture

12. The Jamaican Constitution (Order in Council 1962), in its chapter III, governs fundamental rights and freedoms. These include the protection of the right to life; protection from arbitrary arrest or detention; freedom of movement; protection from inhuman treatment; freedoms of conscience, expression, assembly and association; and protection from discrimination. Article 17(1) of the Constitution prohibits the use of torture or inhuman or degrading punishment or other treatment. However, article 17(2) provides that punishment prescribed by other laws shall not be held to be inconsistent with the

prohibition in section 17(1) as long as it concerns punishment that was legal at the time the Constitution was drafted.

13. There are several legislative provisions prohibiting the excessive use of force, although the only explicit prohibition of torture is found in the Constitution. For example, section 22 of the Offences against the Person Act (1864) criminalizes the infliction of serious bodily harm to another person.

14. Despite existing provisions prohibiting the excessive the use of force and inhuman treatment, there is no definition of torture as a crime in domestic legislation. This may be the reason why during the mission, the Special Rapporteur observed that the term “torture” is not part of the Jamaican lexicon. However, the absence of a crime of torture in the law does not mean that it does not exist in practice.

15. The Constabulary Force Act (1935) governs the general treatment of persons deprived of their personal liberty. This includes treating them with kindness and humanity² and not using harshness or unnecessary restraint towards them.³ Section 15 of the Corrections Act (1985) states that a correctional officer may only use force against inmates when preventing escape, preventing harm to another life or in self-defence. The resort to the use of force should be only if other means are not available, and the use of a firearm should, where possible, be accompanied by a warning, used under the instructions of a superior officer, and be used to disable and not kill.

16. With regard to procedural safeguards, the Constitution provides for the right to be informed of the reasons for arrest “as soon as reasonably practicable” (section 15(2)); the right to be brought before a court “without delay” (section 15(3)(b)); be tried within a “reasonable time” (section 15(3)(b)); and the right to have a case reviewed by an impartial tribunal after six months for persons detained during a period of public emergency (section 15(6)).

17. According to the Constabulary Force Act, a person may be detained “upon reasonable suspicion that he is in the course of committing or has committed or is about to commit an offence” (art. 50(B)). The Act also provides some safeguards that also apply for arrests based on warrants, including the right to be immediately informed of the reason for the arrest or detention and the right to be taken forthwith before a justice of the peace, who will determine whether there are reasonable grounds for arrest and detention (art. 50(F)(2)). According to section 50(G)(1) of the Constabulary Force Act, “forthwith” denotes within 12 hours. If the justice of the peace considers that the arrest or detention is required in the interest of justice, he can order that a person be remanded for 24 hours, after which the detainee is taken before a resident magistrate. A resident magistrate, however, never reviews the legality of an arrest per se.

18. For cases concerning detention when there is intent to hold an identification parade, section 63(A) of the Judicature (Resident Magistrates) Act applies. According to the Resident Magistrates Act, a magistrate is to make enquiries at least once a week into each person detained pending an identification parade. At that time, the magistrate may extend the remand period or order that the person be taken before a court within 24 hours. However, there are no limits in the legislation to the time either an adult or a juvenile may be held in custody pending an identification parade.

19. According to the Bail Act (2000), any detained individual has the right to bail immediately upon detention at a police station. If an individual is not charged within 24 hours, a determination on bail is made by the justice of the peace or a resident magistrate (section 3(2)). Where individuals are charged with murder, treason or treason-felony, bail

² Rule 156.

³ Rule 522.

may only be granted by the resident magistrate (section 3(4)). In most other cases, a police officer can decide on bail.

20. There are no provisions in the legislation concerning the use of confessions obtained through torture or other coercive means. However, this is prohibited by common law.

2. Complaints and investigations of acts of torture and ill-treatment

21. There are three different bodies in Jamaica mandated to receive and investigate complaints regarding police misconduct: the Police Public Complaints Authority, the Bureau of Special Investigations and the Office of Professional Responsibility. The Bureau of Special Investigations and the Office of Professional Responsibility are institutions within the Jamaican Constabulary Force, while the Police Public Complaints Authority is a State-funded independent body. The Authority and the Bureau of Special Investigations will be replaced by the Independent Commission of Investigation, created under the Independent Commission of Investigation Act (2009). However, there is no clear time frame for when the Commission will start its work.

22. The Police Public Complaints Authority is an independent, non-police agency tasked with investigating all allegations of misconduct by the Jamaican Constabulary Force. The investigative staff is made up solely of civilian personnel. The role of the Authority is to appraise the investigations and decide whether the police acted unlawfully. When the Authority considers that a criminal offence may have been committed, it reports the case to the Director of Public Prosecutions for further action.

23. According to the Independent Commission of Investigation Act, a person may submit a complaint to the Independent Commission of Investigation regarding the conduct of a member of the security forces or any specified official which (a) resulted in the death of or injury to any person or was intended or likely to result in such death or injury; (b) involved sexual assault; (c) involved assault or battery by the member or official; (d) resulted in damage to property or the taking of money or of other property; (e) although not falling within any of the preceding paragraphs, is in the opinion of the Commission of a grave or exceptional nature (section 11(1)). Section 12(1) of the Act also requires police officers to report any such incidents within 24 hours, and forthwith if the incident resulted in the death of or injury of a person.

24. The Office of the Public Defender was established in 1999 to replace the Office of the Ombudsman. The Public Defender may investigate and give recommendations concerning any complaints of injustice as a result of any action taken by an authority or an officer of member of such authority, or where any person has suffered, is suffering or is likely to suffer an infringement of their constitutional rights as a result.⁴ Unlike in the case of the Police Public Complaints Authority, the Public Defender is mandated to initiate *ex officio* investigations.

3. Death penalty

25. Sections 2 and 3 of the Offences against the Person Act state that the death penalty may be imposed for capital murder when the victim is a public official, witness or juror. It may also be imposed for murder in the course of robbery, burglary or sexual violence. A pregnant woman who is found to be guilty of these offences may not be put to death. In addition, juveniles may not be sentenced to death.⁵ The death penalty has not been carried out since 1988, pursuant to the 1993 Privy Council decision of *Pratt and Morgan v. Jamaica*. In the decision, the Privy Council stated that “in any case in which execution is to

⁴ Public Defender Act, section 13(1)(a).

⁵ Child Care and Protection Act, section 78(1).

take place more than five years after sentence, there will be strong grounds for believing that the delay is such as to constitute ‘inhuman or degrading punishment or other treatment’.”⁶ On 26 November 2008, parliament voted to keep the death penalty. At the time of the visit, six people remained on death row.

4. Juvenile justice

26. The Child Care and Protection Act (2004) establishes criminal responsibility at age 12 (section 63). Upon arrest, a child must be taken forthwith before a court. If this is not possible, the office of police in charge of the police station informs the Office of the Children’s Advocate, releases the child on bail or detains the child in a children’s remand centre until the child can be brought before a court (section 67). All matters dealing with charges against a child or in relation to a child in need of care or protection are heard by the Children’s Courts (section 72(1)) and the parents or legal guardians of the child are required to attend the court at all stages of the proceedings (section 69(1)).

27. The Child Care and Protection Act also states that children should be kept separate from adults at police stations and courts (sections 66(a) and (b)). However, if the court so decides, a juvenile may be committed to an adult correctional centre (section 68(b)). In certain circumstances, including murder or manslaughter, treason or infanticide, and if the court is of the opinion that no other methods are suitable, a juvenile may be sentenced to up to 25 years of imprisonment (section 75(8)).

28. Section 9 of the Child Care and Protection Act prohibits assaulting and physically or mentally ill-treating a child, punishable by fine or imprisonment with hard labour not exceeding five years. Additionally, a child in a place of safety or children’s home has the right to be free from corporal punishment (section 64(d)). In this regard, a children’s home may be visited at all reasonable times by any person authorized by the minister or by an officer of the Jamaican Constabulary Force, not below the rank of Deputy Superintendent, for the purpose of ensuring that the children receive adequate care and attention (section 54).

29. The Child Care and Protection Act also created the Office of the Children’s Advocate to protect and enforce children’s rights. The Children’s Advocate may conduct investigations into complaints of authorities infringing on a child’s rights.⁷ The Children’s Advocate may also bring non-criminal proceedings to court concerning the rights or best interests of children.⁸

30. Juveniles may be detained if they are in need of care and protection, if deemed uncontrollable or if in conflict with the law. With regard to an “uncontrollable child”, there is no clear definition or criteria for its identification in the legislation. The wide discretion currently allowed to the judiciary has led to a relatively large number of detentions of children under such orders. According to the Office of the Children’s Advocate, in 2008 alone, almost 20 per cent of children in detention facilities were there for uncontrollable behaviour.

5. Violence against women

31. The Domestic Violence Act of 1996 was amended in order to give women the possibility of applying through the court system for a protective order (section 3(1)). It also gives police officers the same possibility concerning children in situations of domestic

⁶ *Earl Pratt and Ivan Morgan v. The Attorney General for Jamaica et. al.*, Privy Council Appeal No. 10 of 1993, 2 November 1993.

⁷ Child Care and Protection Act, first schedule, section 13.

⁸ Child Care and Protection Act, first schedule, section 14(1).

violence (section 3(2)(b)(v)). The violation of a court-issued protection order is punishable by a fine and/or by a prison term of up to six months (section 5(1)). However, owing to additional gaps in the legislation, the Government has recently engaged with civil society to make the necessary amendments.

32. Regarding the protection of victims, women may receive renewable protection orders. However, their enforcement is not clear, because the law does not foresee patrolling, but a police officer may arrest a suspect who is believed to be in breach of a protection order.⁹ Existing shelters and crisis centres for women are operated by civil society, but they receive financial subsidies from the Government. In terms of implementation, the Government has carried out media campaigns and public education programmes to sensitize women on gender-based violence at the community level, including at churches and in civic groups. Education on gender-based violence is also offered at all school levels. Nevertheless, there is no national plan of action to combat domestic violence. When it enters into force, the Sexual Offences Act will provide greater protection to victims, including victims of marital rape.

33. The Trafficking in Persons Act, adopted in 2007, criminalizes the trafficking in persons and provides for victims' assistance. A national task force against trafficking in persons was established as an intergovernmental agency with the responsibility of providing advisory functions to the Government and coordinating national efforts at combating trafficking. The Bureau of Women's Affairs is mainly responsible for prevention, the Ministry of National Security and the Ministry of Justice for protection, and the police and the Office of the Director of Public Prosecution for prosecution in cases of trafficking.

III. Assessment of the situation

A. Prevailing violence in the country

34. The Special Rapporteur is aware of the difficult security situation faced in Jamaica and its escalating crime rate. The root causes of this high level of violence in the country are, among others, the drug trade and the trade in firearms, links of criminal gangs to political parties, corruption, poverty and other socio-economic disparities within the country and within cities themselves. The Special Rapporteur therefore considers it essential to address the root causes of this culture of violence, including through comprehensive policies that can help to bring this high crime rate down.

35. The Special Rapporteur is also concerned about the high number of murders committed each year, including the large number of people who are killed in police operations in circumstances that are not always clear. The Special Rapporteur heard accounts of murders as a result of excessive use of force by the Jamaican Constabulary Forces or the Jamaica Defence Forces, which in some cases may amount to extrajudicial executions. He was also concerned that many investigations are not prompt or effective, and that prosecutions in cases involving the security forces are rare.¹⁰

⁹ Domestic Violence Act, section 5(2).

¹⁰ The Government of Jamaica indicated that the Bureau of Special Investigations must undertake an investigation into all questionable police shootings. The domestic procedure may involve investigations by the Office of the Department of Public Prosecution and, if necessary, referral to the Coroner's Court to ensure the greatest degree of accuracy in rulings and the preservation of the credibility, probity and integrity of the investigation and judicial systems. The structure of the investigative system results in a lengthy period of

B. Acts of torture and ill-treatment in places of detention

36. On the basis of discussions with public officials, judges, lawyers and representatives of civil society, interviews with victims of violence and with persons deprived of their liberty (often supported by forensic medical evidence), the Special Rapporteur did not find that torture, in the classical sense of deliberately inflicting severe pain or suffering as a means of extracting a confession of information, was a major problem in Jamaica. This is due in part to the safeguard in the legislation providing for a lawyer or a justice of the peace to be present during all interrogations. He did, however, find many cases, corroborated by medical evidence, of people being subjected to different degrees of beatings for the purpose of punishment, which can also amount to torture. This was the case, for example, in the events which took place at Horizon Remand Centre on 8 February 2010 (see paragraphs 42-45 below).

C. Conditions of detention

37. The Special Rapporteur was particularly concerned at the conditions of detention in police stations, reflecting a complete disrespect for the human dignity of detainees and prisoners, made worse by a general atmosphere of violence and aggression from both the police and detainees. In correctional facilities, the conditions differed significantly between facilities, although they were generally better than in police stations. It was also evident during the interviews that detainees had no knowledge of or trust in any complaints mechanisms available to them. Additionally, the Special Rapporteur found a poor completion of complaint entries in the police registers.

1. Police stations

38. The conditions in police stations can generally be regarded as inhuman and the treatment arbitrary. The Special Rapporteur found detainees held in cells that were overcrowded, filthy and infested with rats, cockroaches and lice. In addition, many of the cells were in complete darkness, and had poor ventilation and an unbearable stench. Detainees were forced to stay in their cells for most of the day, with very limited time allowed out of their cells. As a result, they were dependent on police officers to allow them to use the toilet in the corridors. When the officers refused, they were forced to urinate and defecate in plastic bags, bottles and plates, in front of their cellmates. The majority of police stations did not have mattresses; detainees were therefore forced to sleep on concrete beds and, when the cells were overcrowded, on the floor. Visits were infrequent and only for a few minutes. In many instances, detainees could not see their families. When they

investigations. This does not render them ineffective, but is intended to provide prosecutors with enough evidence to proceed against persons who may have committed an offence. In addition, under section 94 of the Constitution, the Department is empowered to undertake criminal proceedings against any person where it considers it desirable. A decision not to prosecute by the Department does not amount to refusal or reluctance on frivolous grounds, but rather that it may be unable to prosecute the matter if there is not enough evidence to charge anyone. Persons alleging an incorrect decision by the Department not to prosecute have the right to seek judicial review in the Courts.

The Government also provided statistics from the Bureau of Special Investigations on fatal shooting incidents. For the period 2005 – 2009, there were 1,004 fatal incidents and 1,188 fatalities. Furthermore, 111 police officers were charged during the same period for offences ranging from shooting with intent to murder. Of these, 448 cases were forwarded to the Coroner's Court. The Department made 17 rulings for murder, and 34 police officers were charged.

were allowed, they had to speak through grills. Access to medical care also depended on the goodwill of the authorities.

39. Despite differences in the conditions of the police lock-ups visited, none complied with international standards with regard to the treatment of detainees. The worst conditions were found at May Pen, Denham Town, Kingston Central and Montego Bay police stations, while those in the stations at Alligator Pond and Duhaney Park for women were clearly better.

40. The sheer duration of police custody makes the problem of inhuman conditions more severe. Appalling conditions might be bearable for a maximum of 48 hours, but the fact that detainees remain there for several months or even years amounts to inhuman treatment. It is also inhuman for police officers to have to work under such conditions, such as those seen in May Pen and Montego Bay police stations. Police lock-ups in Jamaica are used as de facto remand centres, where persons awaiting trial can be held for several months or years, despite current practices worldwide of holding detainees at police lock-ups for up to 48 or maximum 72 hours. The Special Rapporteur interviewed one detainee who had been held for five years and four other detainees who had been held for more than four.

41. The solution to the problem at police lock-ups is not simply to renovate or alter existing facilities, as is currently being done at Hunt's Bay police station. Rather, the concept of police custody should be modified to short-term detention not exceeding a maximum of 48 hours. A person who is charged within 48 hours should then be either released on bail or transferred to a remand facility, under a different authority from the police. The Special Rapporteur was concerned that the current model of extremely long periods of police custody in unbearable conditions was intended to cause such personal distress as to force detainees to confess. If this is the explicit purpose of such prolonged police detention, it may even be qualified as torture.

2. Remand centres

42. The conditions found at the Horizon Remand Centre were better than in the police stations, but were still extremely harsh, despite the fact that remand detainees are supposed to be presumed innocent until found guilty. In addition, although Horizon was only at 58 per cent of its capacity, with 609 detainees, there were several human rights concerns, including a lack of water, sometimes for a number of days. Additionally, as in police stations, the Special Rapporteur received many allegations of arbitrary treatment of detainees by warders. Many of the detainees noted that the warders were able to take in mobile phones and marijuana, which they then sold to detainees.

43. On 8 February 2010, disturbances broke out at Horizon as a result of frustration with the conditions of detention and treatment by the warders. The Special Rapporteur visited the detention facility several days after the disturbances and was able to speak to both the detainees and the authorities regarding the events. However, the testimonies of the detainees differed greatly from the description provided by the authorities. According to the authorities, the disturbances had started when 24 detainees who were outside their cells managed to cut open all the locks and release the other detainees. In order to prevent a breakout, the warders called for police back-up, and the violence that ensued was only in self-defence. The detainees claimed that they had not had water for four days, so they started shaking the grills and throwing stones and other debris. They were warned by the warders to stop, and when they did not, the warders left the building and returned with police and military officers as back-up. The authorities then proceeded to suppress the detainees through excessive use of force by forcefully taking them out of their cells and beating them with iron bars and pipes.

44. As a result of the disturbances, more than 70 people were injured, including almost 60 detainees. All of the injured were taken to a doctor; 35 detainees were taken to the hospital, and 15 were admitted. No officers were hospitalized as they only suffered minor injuries. The medical evidence obtained indicated that the overall pattern of injuries was assaultive and indicative of the use of blunt force with a series of blows to the body. The medical evidence strongly corroborated the allegations of the detainees, who suffered broken limbs and other defensive-type injuries, some even requiring hospitalization. This led the Special Rapporteur to conclude that severe pain was intentionally inflicted for the purpose of punishment, amounting to torture.

45. At the time of the visit, both an internal and a police investigation were in progress. The Public Defender was also carrying out an investigation into the incident. The Special Rapporteur hopes that the results of the investigation will lead to appropriate administrative and, if applicable, criminal action against those responsible.

3. Correctional centres

46. The Special Rapporteur visited facilities that demonstrated a broad spectrum of conditions, ranging from fairly poor to those that could be considered best practices. St. Catherine and Tower Street Adult Correctional Centres, the two main prisons, are very old constructions originally built for “storing” people but are not suitable for modern correctional purposes, including rehabilitation and re-socialization. They were found to be overcrowded, lacking in sanitary facilities and offering limited opportunities for education, work and recreation. According to the testimonies of several detainees, opportunities for work were only available for those who already knew the different trades offered. In addition, as highlighted above (see paragraphs 39 to 45 above), basic services such as electricity, the use of toilets and access to medical attention depended on the goodwill of the warders. Detainees also reported that they could purchase marijuana and mobile phones from the warders.

47. Homosexuals detained at St. Catherine and Tower Street correctional centres were held in the “vulnerable persons unit” as a protective measure. However, their separation led to a loss of privileges of a punitive character, such as work and recreation, including the use of the library and playing field. In the security section in the Tower Street centre, detainees were locked up in dark, solitary cells without a toilet or water, and had nobody to call for help.

48. The prisoners in death row in the Gibraltar 1 section in the St. Catherine centre were held in isolation. They were allowed to go outside for one or two hours each day, but were not able to see any other prisoners. The cells had no toilets and the detainees complained about the presence of maggots and other insects in the cells.

49. The conditions at the detention facilities for children and women were generally better than those for adult males. Fort Augusta Adult and Juvenile Correctional Centre, the female prison, had much better conditions. However, the Special Rapporteur expressed concern at the fact that child detainees were not separated from the adults. The Diamond Crest Juvenile Correctional Centre had the best conditions among all those visited, and should serve as a best practice model for other correctional centres for both boys and girls.

D. Children

50. Children and juveniles in need of care and protection, uncontrollable juveniles and those in conflict with the law are often held together without distinction. The lack of separation makes it extremely difficult, if not impossible, to address the individual needs of children, be it in terms of protection or rehabilitation. Additionally, there should not be one

single model for all children in detention with regard to levels of security, access to education, recreation and family visits. Regarding uncontrollable children, the Special Rapporteur was greatly concerned at the lack of a clear definition or criteria for the identification of an uncontrollable child and the wide discretion afforded to the judiciary, which led to a relatively high number of detentions of uncontrollable children. He was further concerned by the fact that many children seemed to receive disproportionately long sentences for minor infractions.

51. The Special Rapporteur witnessed two opposite ends of the spectrum in the conditions of detention in the places visited. At Diamond Crest Juvenile Correctional Centre for girls, the Special Rapporteur could sense an overall positive atmosphere and the well-being of the girls. The openness of the facility and the genuine interest of the staff were very reassuring. The girls went to school, had the opportunity to practice sports and spend time outside and do other recreational activities. Perhaps more important was the fact that their dormitories did not have locks and the grills surrounding the veranda by the dormitories remained open most of the day.

52. The Hill Top Juvenile Correctional Centre for boys is a closed facility. The Special Rapporteur received complaints of ill-treatment, although the punishment cells were apparently not used very frequently. The boys also went to school and were allowed to play sports outdoors for several hours each day, although they were not allowed to go outside during the weekends.

53. By contrast, St. Andrew Juvenile Remand Centre for boys was governed by a system of repression and regular corporal punishment. Only the boys who had been sentenced were allowed to go outside for specific projects, while those on remand were never allowed to leave the buildings, thus deprived of any recreational activities in the open air. The Special Rapporteur also received numerous allegations of corporal punishment, including beatings on the buttocks with wooden boards and being forced to kneel for prolonged periods of time with their hands in the air. The acting overseers admitted that kneeling was used as punishment. They seemed to be aware of the use of corporal punishment by certain warders, and although they stated that an internal investigation was initiated when a boy presented a complaint, they did not give the impression of taking serious measures to deal with the situation. At the time of the visit, four persons were interdicted, but their investigations had been ongoing for almost four years, with no concluding date in sight.

54. Also worrying was the fact that the Fort Augusta Correctional Centre for Women and the Horizon Remand Centre for men are adult institutions that also hold children. At Fort Augusta, although the girls had separate dormitories, they were not segregated from the women, in contravention of international human rights standards. This was also the case at police stations, where the Special Rapporteur expressed concern that children were held together with adults, as was the case at Montego Bay police station. The current practice of confining children in institutions equipped and staffed for adults cannot meet their special needs. Children should be placed in adequate, specialized facilities.

Incident at the Armadale Juvenile Correctional Centre

55. The Special Rapporteur interviewed several girls who had witnessed the fire at the Armadale Juvenile Correctional Centre on 22 May 2009. In addition, he was provided with a copy of the report of the Armadale enquiry, although it has not yet been made public. The Commission of Enquiry was tasked with investigating the causes and consequences of the fire; the response of the management to the outbreak of the fire; the behaviour of the children detained at the institution before and during the fire; and the response of the emergency services and the effect these had on the origin, control and consequences of the fire.

56. According to the report, the Office dormitory, which was consumed by the fire, contained seven double-bunk beds with 14 mattresses, and measured 20 feet by 12 feet. The dormitory had been considered unfit for occupancy by the Property Manager for the Correctional Department since May 2007. Despite attempts to move some of the girls to other offices, 23 girls were held at the Office dormitory on 22 May.

57. In addition to the overcrowding, the girls had been in lockdown since 7 May. Lockdown was used as a form of collective punishment, in contravention of international human rights standards. The recurrent use of lockdown deprived the girls of all outdoor activities for extended periods. All meals were served in the dormitory, and no knives, forks or spoons were provided. The use of the bathroom was restricted to one hour in the mornings. Additionally, most classes were cancelled during lockdown. According to the report, new arrivals were placed in lockdown for two weeks at Armadale.

58. On the day of the fire, six girls attempted to break out by removing the grills covering the windows. The girls threw faeces, urine, water and other articles at the officers, who hit the girls with sticks to keep them inside. The supervising correctional officer then summoned assistance, and two police officers arrived at Armadale. One of the officers threw a teargas canister into the dormitory, which fell onto a bed and started the fire upon contact with a foam mattress. A second fire started when the smoke from the teargas combined with an accelerant found in the dormitory. The door of the dormitory was never opened, so the girls had to jump out through the front and rear windows. One of the correctional officers continued hitting the girls to ensure they stayed inside, despite the fact that the dormitory was on fire. Seven girls died as a result of the fire, and many others were injured.

59. The report concludes that the use of teargas was an unlawful use of force by the police officer, and that the dormitory door should have been promptly unlocked. In addition, most of the fire extinguishers were not recharged, despite continuous requests addressed to the Department of Correctional Services. The report recommends that lockdown be discontinued and that the Commissioner of Corrections and the Children's Court be made aware when a facility reaches its maximum capacity so that no additional child is sent there. It also recommends that a board of visiting judges be appointed to conduct regular visits and review the facilities at juvenile correctional centres. Lastly, it recommends that the statements and evidence obtained by the enquiry and the final report be submitted to the Director of Public Prosecutions for consideration on whether any criminal acts were committed.

60. On 2 March 2010, the Prime Minister addressed parliament on the report of the Armadale enquiry. He stated that, although resource constraints imposed a heavy burden on officers working in juvenile detention facilities, they "cannot explain or excuse negligence or inertia".¹¹ He also noted that the Correctional Services should not be responsible for juvenile correctional and remand facilities, because they are trained to deal with adult criminal offenders and not with children in conflict with the law. In this regard, he outlined several measures under way to address some of the problems concerning children in correctional facilities, including placing juvenile correctional and remand facilities under the Child Development Agency. Additional measures include renovating certain buildings and transferring certain children to ensure that children in remand are held in separate facilities from those under correctional orders.

61. Taking into account the conclusions of the report, as well as the interviews held with the girls and one official who was at Armadale on the day of the fire, the Special

¹¹ Statement to Parliament by the Hon. Bruce Golding, Prime Minister on the Report of the Armadale Enquiry, March 2010, available at the website of the Jamaican Information Service (www.jis.gov.jm).

Rapporteur considers that the deaths and the physical and psychological suffering of the girls could have been prevented. The frequent use of lockdown, made particularly worse by the overcrowding and unhygienic conditions, was not conducive to the rehabilitation of the girls, as it created a climate of tension and frustration. Most of the girls were also not receiving appropriate medical and psychiatric treatment, furthering their anxiety. In addition, the girls were not classified according to their cause of detention; some girls in the Office dormitory were there under court orders, while others were there only because they were in need of care and protection from the State. The Special Rapporteur expects that those responsible be brought to justice and held accountable.

E. Women

62. Detention facilities for women were generally more open and offered better conditions than those for men. There was a strict separation of male and female detainees. Duhaney Park Police Station for female detainees should serve as an example of professional and humane police lock-ups.

63. At the Fort Augusta Correctional Centre, the Special Rapporteur received credible allegations of excessive use of force by the authorities. Despite the fact that some of the cases were well known to the authorities, they did not feel responsible for initiating ex officio investigations or taking any other action. They justified their inaction on the grounds that no formal complaints had been lodged; thus, no officials were sanctioned for their acts.

F. Persons with mental disabilities

64. Persons with mental disabilities deprived of their liberty are not held in a separate psychiatric institution, but detained in a special wing of different correctional centres. In the case of the Fort Augusta Correctional Centre, female detainees with mental health problems were scattered amidst the other detainees. At police stations, they were held together with other detainees. In the St. Catherine Correctional Centre, most of the detainees with psychiatric illnesses interviewed were forced to sleep on a concrete floor. The lack of adequate medical attention and the conditions of their detention are damaging to the physical and mental health of these particularly vulnerable persons. Persons with mental disabilities, and particularly those suffering from a severe mental illness, should be placed in specialized, secure psychiatric institutions.

IV. Capital and corporal punishment

65. No death sentence has been executed since 1988, following the judgement in the *Pratt and Morgan v. Jamaica* case. People are nonetheless sentenced to death; the sentences are then commuted to life imprisonment after several years. However, the Special Rapporteur was concerned about the increase in fatal shootings by the police, often allegedly amounting to extrajudicial executions. He was also concerned by the apparent lack of investigation and accountability for those responsible. During the mission, some of the Special Rapporteur's interlocutors insinuated that legal executions, now de facto abolished, had been replaced by extrajudicial executions, carried out by the police who took the law into their own hands.

66. The Special Rapporteur was informed that there were several ministerial orders banning corporal punishment, including in schools, which he took as a positive sign. While the Child Care and Protection Act prohibits the application of corporal punishment in State-run facilities, which the Special Rapporteur notes as a positive development, it does not

include any provisions banning corporal punishment in the domestic sphere. The Special Rapporteur was concerned that the use of corporal punishment appears to be deeply entrenched in Jamaican society. The Special Rapporteur witnessed as much at the St. Andrews Juvenile Remand Centre, where the use of corporal punishment on boys was rather frequent, as well as in detention facilities for adults.

V. Conclusions and recommendations

A. Conclusions

67. The Special Rapporteur expresses his gratitude to the Government of Jamaica for the excellent cooperation extended by the authorities during the course of the visit, which he interprets as a sign of the Government's willingness to open up to independent and objective scrutiny. He also appreciates the challenges faced by the Government in dealing with the very high level of crime, violence and insecurity in the country.

68. On the basis of his discussions with public officials, judges, lawyers and representatives of civil society, interviews with victims of violence and with persons deprived of their liberty, often supported by forensic medical evidence, the Special Rapporteur found only isolated instances of torture in the classical sense of deliberately inflicting severe pain or suffering as a means of extracting a confession of information. However, he found a considerable number of cases where persons were subjected to different degrees of beatings as a form of punishment, which could amount to torture. In addition, the Special Rapporteur found that detainees had no knowledge of or trust in any complaints mechanisms available to them.

69. During the mission, the Special Rapporteur observed that the term "torture" is not part of the Jamaican lexicon. This may be due to the fact that, despite existing provisions prohibiting the excessive use of force and inhuman treatment, there is no definition of torture as a crime in domestic legislation. In addition, Jamaica is not party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, the absence of a crime of torture in the law does not mean that it does not exist in practice.

70. The overall conditions in police stations reflected a complete disregard for the dignity of detainees. Police lock-ups are designed for only very short time of detention, but in practice, these cells are used as pre-trial detention facilities, holding detainees suspected of crimes for up to four or five years in absolutely appalling conditions. Detention for several weeks or even months in these conditions amounts to inhuman and degrading treatment.

71. Although the conditions in correctional facilities were better, they still varied and were generally overcrowded, lacked water and sanitary facilities, as well as meaningful opportunities for education, work and recreation, necessary for the rehabilitation and re-socialization of detainees. Consistent allegations of routine corporal punishment were also received from facilities for adults and children. The conditions for women were generally better, and there was a strict separation between male and female detainees. The situation for persons with mental disabilities, held together with other detainees rather than in separate psychiatric institutions where they could receive adequate medical attention, was a concern.

72. With regard to children, the Special Rapporteur expressed concern over the fact that children in need of care and protection by the State, those deemed

uncontrollable and those in conflict with the law were held together in detention facilities without distinction. Equally disturbing was the lack of a clear definition or criteria for the identification of an uncontrollable child, and the wide discretion afforded to the judiciary to make this decision. Another concern was the fact that children were held together with adults in police stations, as was the case in the Horizon Adult and Juvenile Correctional and Remand Centre, where boys and girls were held in the same facility as adults, albeit in separate sections, and in the Fort Augusta Adult and Juvenile Correctional Centre, where the girls were not segregated from the women.

73. The Special Rapporteur was encouraged by the fact that no death sentences have been executed since 1988. However, he expressed concern at the increasing number of fatal shootings by the police, often allegedly amounting to extrajudicial executions, as well as the apparent lack of investigation and accountability in a large number of these cases.

74. The Special Rapporteur was concerned about the narrow scope of offences to be investigated by the Independent Commission of Investigation. Only allegations of misconduct of a “grave and exceptional nature” are investigated by the Commission, leaving victims vulnerable to a subjective and discretionary interpretation of these terms. He therefore recommends that the Commission be equipped with sufficient powers and resources to investigate any form of police misconduct, including threats, intimidation or discrimination by the police, as well as allegations of extrajudicial killings, torture and other ill-treatment. In particular, all individual cases of torture and ill-treatment described in the appendix to the present report should be investigated without further delay, and the perpetrators brought to justice.

75. In recent years, the Government has undertaken several initiatives to address domestic and gender-based violence. However, the effectiveness of the enforcement mechanisms remains unclear. The Special Rapporteur looks forward to the adoption of the necessary amendments to the Domestic Violence Act and the entry into force of the Sexual Offences Act as preventive tools.

B. Recommendations

76. In the spirit of cooperation and partnership, the Special Rapporteur makes the recommendations below to the Government, aimed at preventing torture and ill-treatment and improving conditions of detention. He is assured that every effort will be taken to implement his recommendations and stands ready to offer his full cooperation and assistance in this regard.

Impunity

77. The Special Rapporteur recommends that the Government:

(a) Issue, by the highest authorities, a public condemnation of torture and ill-treatment, including excessive use of police force;

(b) Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto, providing for regular preventive visits to all places of detention by an independent domestic monitoring body; a declaration should be made with respect to article 22 of the Convention, recognizing the competence of the Committee against Torture to receive and consider communications from individuals who claim to be victims of a violation of the provisions of the Convention;

(c) Re-accede to the First Optional Protocol to the International Covenant on Civil and Political Rights, providing for the right to lodge individual complaints to the Human Rights Committee;

(d) Pay adequate compensation to all successful complainants who lodged an individual communication under the First Optional Protocol to the International Covenant on Civil and Political Rights, in accordance with the final views of the Human Rights Committee, including to Michael Freemantle;

(e) Amend domestic penal law to include the crime of torture in full accordance with article 1 of the Convention against Torture, and to ensure that it is subject to adequate penalties;

(f) Ensure prompt and thorough ex officio investigations for all allegations of ill-treatment or excessive use of police force by an authority that is independent from the investigation and prosecution. Any officer known to be abusive should be removed from custody duties. Heads of police stations and detention facilities should be made aware of their supervisory responsibility. In particular, the allegations documented in the appendix to the report should be thoroughly investigated and the perpetrators of torture and ill-treatment brought to justice. The forensic examinations conducted during the mission should be used as evidence in criminal trials against the perpetrators;

Safeguards and prevention

(g) Reduce, as a matter of urgent priority, the period of police custody to a time limit in line with international standards (maximum 48 hours); after this period, detainees should be either released or transferred to a remand facility under a different authority;

(h) Establish accessible and effective complaints mechanisms in all places of detention; complaints by detainees should be followed up by independent and thorough investigations, and complainants must be protected from reprisals;

(i) Ensure that justices of the peace and resident magistrates conduct regular visits to all police lock-ups;

(j) Rapidly bring into force the Independent Commission of Investigation, equipped with sufficient powers and resources to investigate all forms of police misconduct, including allegations of extrajudicial killings, torture and ill-treatment;

(k) Break the cycle of violence by addressing the root causes of violent crime, including, inter alia, drug trade, trade in firearms, links of criminal gangs to political parties, corruption, poverty and other socio-economic disparities;

Conditions of detention

(l) Ensure that persons deprived of their liberty are confined in facilities where the conditions comply with international minimum sanitary and hygienic standards and that detainees are provided with basic necessities, such as adequate floor space, bedding, food and health care; convicted prisoners should be provided with opportunities for work, education, recreation and rehabilitation activities;

(m) Place persons with mental disabilities, and particularly those suffering from severe mental illnesses, in a specialized psychiatric institution;

(n) Immediately close down the police lockups at May Pen and Montego Bay police stations;

Children

(o) Remove all children in conflict with the law from adult detention facilities, and ensure that children in need of care and protection from the State are not held with those in conflict with the law;

(p) Transfer the responsibility of places of detention for juveniles to the Child Development Agency;

(q) Establish clear guidelines concerning punishments at children's homes, places of safety and correctional facilities, and ensure that its use is recorded in the register;

Death penalty

(r) Abolish the death penalty.

78. The Special Rapporteur also recommends that the relevant United Nations bodies, donor Governments and development agencies consider the administration of justice as the highest priority, in particular the fight against violent crime, policing and the penitentiary system.

Appendix

Places of detention visited and interviews conducted

Introduction

1. The Special Rapporteur conducted unannounced visits to detention facilities and was able to hold private interviews with detainees in all facilities he visited. If detainees did not wish that their interviews are recorded, the information provided is only reflected in the general findings of the report. Some detainees only agreed to an anonymous publication of their interviews.

Denham Town Police Station, Kingston Visited on 12 February 2010

General Information

2. The Special Rapporteur was received by Superintendent Arthur Brown and Superintendent Hugh Bish. At the time of the visit, 25 persons were in custody, including one convicted person.

3. The police station was equipped with two cells, one small and one large. The smaller cell was completely dark and the larger one had a light in the corridor. Both cells were extremely dirty and the air was hot and stale. Detainees could meet their lawyers in the entrance area of the lock-up. They could receive visits on Sundays and Wednesdays, but they had to speak with their visitors from behind two grills and the entrance area. Thus, the detainees could only communicate with their families by shouting. According to the detainees, wards used pepper spray within the cells very often, up to several times per week. The officers reported that they used pepper spray if the detainees got “boisterous” or if there were fights. The last time batons were used had been, according to the officers, months ago.

4. One of the detainees had been there since 31 July 2008. Remand facilities could allegedly not accommodate them, so they had to stay at the police station. Identification (ID) parades could in principle be done within 48 hours, but often took much longer. Detainees were taken before a judge only after the ID parade.

Individual cases

5. **Antonio Andersen**, (left cell) aged 25, had been arrested on 17 March 2009 at 3:45 p.m. on the street in Kingston. Although he did not resist the arrest, the officers used heavy force and beat him on the head. He was taken to Kingston Rockforth Police Station where he was again beaten on the head and on other parts of the body. He spent the afternoon at that police station, before being transferred to Denham Town Police Station. At the latter, he was handcuffed and hit on the chest and on the head with a large book, in order to make him confess. Approximately three months later, an ID parade was organised. On 3 June 2009 he was taken to court for the first time, where he was charged with kidnapping and raping his girlfriend. At Denham Town Police Station, the officers regularly used pepper spray, which they sprayed indiscriminately through the bars and into the cell. This occurred sometimes as often as three times per week. The police provided the detainees with food, but the food was raw and awful. The water provided made him sick. On Wednesdays and Sundays, the families could visit and bring food. However, the detainees could not talk to

them. Only some nice officers allowed the detainees to talk with their visitors through the grills of two locked doors. The air in the cells was always stale and it smelled badly, because the toilet was also inside the cell. Sometimes they were up to 20 detainees in the cell. The whole place was very messy and infested with cockroaches and other insects. He did not see a doctor and could not afford a lawyer. The lawyer appointed by the judge did not come to visit him. He had been beaten a week before the visit of the Special Rapporteur. The officers, and in particular Officers Gilbert and Arthur Brown, often beat detainees with batons. The Special Rapporteur recommends that these allegations be fully investigated by an independent monitoring body.

6. **Paulo Mills**, (right cell) aged 25, had been detained in Denham Town Police Station for 21 months. In the corridor attached to the small cells, the light was switched on for 24 hours per day. The detainees were locked into the small cells from 11 p.m. to 6 a.m. At night, they had to urinate into a bottle, since there was no toilet in their cell. The officers often used pepper spray on the detainees.

Horizon Adult and Juvenile Correctional Centre and Remand Centre Visited on 12 February 2010

General Information

7. The Special Rapporteur was received by Superintendent Hector Smith and Director of Security Clifton Rogers. The Remand Centre had a capacity of approximately 1,000 detainees. 605 persons were in custody at the time of the visit, including 40 convicted prisoners, 562 remandees and 3 women, of which two were minors.

8. On 8 February 2009, detainees had started protesting against the lack of water and the conditions in general. According to the Superintendent, 58 detainees were injured in the following unrest, three of whom were still in hospital. 17 guards were reportedly injured, two of them severely.

9. Access to the UN Special Rapporteur was denied.

Halfway Tree Police Station, Kingston Visited on 13 February 2010

General information

10. The Special Rapporteur was received by Inspector Winston Brown, Custody Officer and Inspector Lorna Foller-Burchell (Ms). At the time of the visit 81 detainees were held in 18 cells, with a maximum capacity of 90.

11. The police station had been cleaned up recently. The lock-up was comparably better lit and more spacious. However, the cells had no toilets or water inside. Toilets outside the cells lacked flushing water. The authorities indicated that there was a court adjoined to the police station, and that Resident Magistrates ordered the remand of detainees from this court. They furthermore stated that because of the drought in the country, the detainees did not get enough water, especially on the second floor.

Individual cases

12. **Roger Nandoo**, aged 22, had to use bottles in order to urinate as he was often denied access to the toilet. He had been beaten in September 2009 with a hockey stick in the chest and was still under medication for that reason. The beatings stopped ever since

Mr. Brown became the new custody officer. The officer who had beaten him had been transferred to another facility.

13. **Delmor Johnson**, aged 46. He indicated that the police had taken off his clothes and shoes, and that he had been forced to stay without clothes for one month.

14. **Kevin Aard**, aged 21, had been at the police station since 15 January. He had been at court on 12 February. He had been beaten by members of a private security company, because they thought that he had robbed the girl he had been with. The security officers called the police who took him to the station. He had signed a paper and has pleaded guilty with explanation. The other detainees beat him, but the police officers tried to separate them.

15. **Cell 1**. There were five persons in the cell. **Marlon Morrison** indicated that although he had already been convicted, he was still being held at the police station. He had been sentenced to two years hard labour and was awaiting transfer to Richmond Farm Prison. He complained that he had no lawyer. The other detainees noted that legal aid lawyers were a guarantee that detainees went to prison.

16. **Cell 3**. There were five persons in the cells, and they complained about lice in the cells.

17. **Cell 4**. There were three persons in the cell. They complained about the concrete beds, the lack of and the quality of the food, as well as the lack of water. They had all been held there between two to three weeks without seeing a judge.

18. **Dale Staurus, Mr. Rambaram, Mr. Calvin and Walter Mitchell, cell 6**. There were five people in the cell, and they noted that they had not received food that day. They also complained about the bad medical situation and the lack of medication. One of the detainees was an asthma patient, who indicated that he was not always given his medication. There were lice under the beds, although the detainees indicated that the station had been “done up recently”, including fumigation and cleaning. They could receive visitors three times per week, but they could only see them once per week, and they had to talk through the grills. One of the detainees had been there for five weeks without seeing a judge. The detainees did not complain about physical abuse, but noted that they are not always allowed to use the bathroom, forcing them to urinate in plastic bottles. Mr. Rambaram had not been assaulted, but he had seen other people being beaten. He indicated that the cell had been severely overcrowded, but that some detainees were removed the prior week. In addition, the cells were fumigated and the bathroom cleaned. They had not had any water for two or three days. If he behaved well, he would receive good treatment from the officers.

Constant Spring Police Station Visited on 13 February 2010

General information

19. The Special Rapporteur was received by Superintendent Altimoth Campbell and Inspector Miller. At the time of the visit there were 30 persons in custody; the capacity of the lock-up was 20.

20. The conditions of detention were extremely bad and the cells were overcrowded. One of the cells, which had been previously used as a punishment cell, but which was now used as an ordinary cell due to the overcrowding, was in complete darkness. There were no toilets or water in the cells. The detention registers were not properly kept; according to the register, women and children had been detained in the police station. Some detainees had

already been convicted but were sent back to the police station by the judge. For the police officers it seemed to be too cumbersome to take a detainee from the remand centre to court, so they were kept in police lock-ups, which were closer to the courts. If somebody complained of abuse, the officers reportedly advised them of their rights and took them to the doctor. However, according to the officers, there had been no complaints within the last two months.

Individual cases

21. **Aldy Cameron**, aged 35, had been detained on 9 December 2009. At 3:45 a.m., he had heard a shot fired outside his home. Approximately 30 police officers kicked open the door and proceeded to detain him. His girlfriend had also been detained, but had since been released. Upon arrest, he was shackled and beaten. His girlfriend was also beaten and had a miscarriage as a result. Upon arrival at the mobile reserve police post, his clothes were removed. He was beaten with a baton; a cattle-prod was used on his testicles, stomach and neck; and water was thrown at him. This took place for about 45 minutes, as the officers questioned him about a past robbery and possible future robberies. He was held there for eight hours, and then transferred to Constant Spring Police Station, where he had not been interrogated or beaten. Upon arrival at Constant Spring, he complained to the officer in charge about the ill-treatment, but was not taken to the hospital. He had not been presented before a judge, as he was waiting for an ID parade. With regard to the conditions of detention, he noted that there were seven persons in his cell, that it was hot, that there was only proper drinking water at certain times, and that he had to ask an officer to use the toilet. He indicated that the detainees had been told that “some people were coming”, and thus the cells were much cleaner than usual. Concerning the guards, he stated that they were police officers and that no one was beaten. He had been visited by a lawyer, but they met in an office with a police officer present. Finally, he complained about the lack of fresh air, and the fact that they had to spend most of their time inside the cells.

22. **Fitzroy Matthias**, aged 30, had been arrested on 28 December 2009, was taken to Spanish Town and later to Constant Spring. At the time of the arrest, 12 jeeps stopped his car, and several officers threatened to kill him, but the superintendent stopped them. He was handcuffed, but not shackled. He added that his lawyer had been present during the interrogation, but complained that he could not see his family when they visited him. Remandees were normally forced to sign their statements. He had been before a judge on two occasions. He complained about the lack of electricity in his cell, which was the smallest at the station, and the fact that he had to call an officer to go to the bathroom. He was examined by a doctor upon a judge’s order, but the examination took place in the presence of a police inspector. He had been first arrested in 1998, and had spent two years in remand custody. At the time, he was beaten by a police officer at Spanish Town in order to obtain the name of the person who had committed the crime. He had been arrested several times afterwards, but did not remember any other beatings.

23. **Leon Edith**, aged 30, had been arrested in August 2009 by a sergeant and brought to Constant Spring. Upon his arrest, the police tried to make him run away to shoot him but he did not leave. He had been handcuffed to a bar in a room and interrogated by four officers (among which one was from the Murder Investigation Team (MIT)) who beat him on the ears with their hands, and on the body with batons. He was punched in the stomach and on the chest by an officer with a small baton as he refused to sign a paper. One officer took pictures. After he had been on ID parade he was again forced to sign a paper, but he refused. He was harassed two more times for that purpose and beaten on the ears. He did not complain to the judge when he met him in September, since the police would deny it. He also thought there was no reason to talk to the Public Defender. At the tribunal, the main witness was also the police officer who arrested him. He was going to go to court again the following Monday. Concerning the conditions, he complained that the inmates only had 20

to 30 minutes to shower. There were seven people in his cell, but at times there were up to nine. They could not use the toilets often enough, and their requests were often ignored.

24. **Hughlande Graham**, aged 29, had spent the last 24 hours handcuffed to a bar, after being arrested for allegedly robbery, and was waiting for an ID parade. He had wounded on the right hand that reached his bone and was in urgent need of medical care, but had not seen any doctor yet.

25. **Oswald Walters**, aged 35, had worked for a truck company and slept on the premises because it was too dangerous to travel back to his neighbourhood due to a gang war. On 9 December 2009, he voluntarily went to Constant Spring Police Station to give a testimony but was locked up instead. He also saw his employer give money to the police two weeks later and was told by the police that he had allegedly stolen a truck. He was remanded by the judge but had no lawyer or legal aid because he thought they were useless. He suffered from a hernia and was operated on in the hospital during his detention at the police station. Medication was prescribed to him but he had not received it yet. He had been beaten on his ribs, abdomen, toes and knee when he resisted going into the cell. On another occasion, he had been beaten with batons by two officers. There were five people in his cell, and the police wanted to transfer him to Tavern Police Station due to the overcrowding. However, he would have had to sleep on the floor, which was bad for his asthma, and so he refused. When his family brought food, he could not see them or talk to them, and the police would take some of it.

Horizon Adult and Juvenile Correctional Centre and Remand Centre Visited on 14 February 2010

General information

26. The Special Rapporteur was received by Superintendent Hector Smith. The Remand Centre has a capacity of approximately 1,000 detainees. 609 persons were in custody at the time of the visit, including 40 convicted prisoners, 566 remandees and 3 women, of which two were minors.

27. Although the conditions of detention were better than in police custody, they were still quite harsh. The management seemed to be unable to deal with the detainees. Beatings by prison guards and police were reported to be routine practice. There were no recreational facilities, and the remand detainees and convicted prisoners spent most of the time in their cells, i.e. on concrete bunks without mattresses, sheets or blankets. The cells were equipped with a steel toilet and running water, which only worked occasionally. There was a general feeling of arbitrariness from the side of the guards, and detainees complained generally that the rules were not known to them, and that they often changed. Each building had 4 Security Posts (SP) per floor. Each SP had 6 cells of 8 detainees each.

Disturbances on 8 February 2010

28. As a result of the unrest, 70 people had been injured; all of them had seen a doctor. 35 of them had been taken to the Kingston Public Hospital; 15 were admitted and 20 were treated and sent back to Horizon. However, no officers had been hospitalized since none were seriously injured. There was an ongoing police investigation. The Superintendent informed the Special Rapporteur that nine posts had been damaged and that the damaged section had not yet been repaired. There were two blocks for adults and one for females and juveniles. According to Superintendent Smith, the unrest had started when 24 detainees, who were outside their cells, released the other detainees in SP18. The Special Rapporteur interviewed both correctional officers and detainees who were injured during the disturbances, some of them in the Medical Wing of Horizon Remand Centre and others in

the Hospital of Tower Street Correctional Institution (see below). He strongly urges the Government of Jamaica to conduct a thorough investigation into all complaints documented in this report and to bring the perpetrators to justice.

Individual cases

Correctional officers

29. **Damian Lawrence**, aged 23, correctional officer injured during the riot. He was a member of the patrol team, so when the riot started he was outside when he heard the whistle blowing. He saw the fire, numerous officers and most of the inmates out of their cells. The firemen arrived and since he had a shield and a baton he went inside with them. An inmate threw a security camera at him from the second floor. He fell down and had a blackout. The inmates were also throwing liquids and other objects. In the front, there were too many officers and the fire was too strong for inmates to escape, so they had to exit from the back, still throwing improvised weapons. He hit quite a few inmates and went to the top floor, where inmates were trying to access the roof to escape, but when he was hit by a piece of concrete on his knee, he decided to leave and go to the doctor. In SP 18, where the unrest started, a lot of contraband (marijuana, knives, cell phones, etc.) was circulating. Incidents of this type were very rare. He thought that the water shortage might have led to the riot. The inmates complained that they were not getting enough water for the showers. The water was brought by trucks and was used both for showers and drinking, but the trucks were not as frequent and the only water left was for drinking.

30. **Mickloth Hutchinson**, correctional officer, had been working in the section concerned on the day of the unrest. He had been hit on the back once by an unidentified object and fell, but was able to get up again immediately. He felt pain and had received painkillers. The doctor who came to the remand centre after the unrest was very busy with all the other severely injured persons. He had suffered a minor scratch on the back, which he did not want to show to the forensic expert. He was back at work the next day. He did not know what hit him in the back, or who threw the object. He was not aware of any investigations and wanted to leave this to the responsible authorities. The unrest was triggered by newly-applied tighter security rules that were in force for approximately one month. According to these rules, the supply of marijuana and the use of cell phones were strictly prohibited. After some of the detainees had started to riot, he had gone downstairs to get his riot shield and headgear. Additionally, the Jamaica Defence Force was called in for support. 12 police officers and 10 soldiers were deployed inside the cell area; others guarded the outside area. Detainees had to be restrained through the use of shields and batons. The unrest lasted for 30 to 45 minutes. The detainees had lit a fire, which was extinguished by fire fighters. No teargas or pepper spray had been used. When he reached the scene, some of the detainees had apparently been injured by other detainees because they had refused to participate in the unrest. One of his colleagues had received a blow to his eye and was on sick leave for 14 days.

Medical wing

31. Those detainees who had serious injuries had been transferred to the Kingston Public Hospital or to the two prison hospitals at St. Catherine and Tower Street prisons. Adults and juveniles were held together in the Medical Wing, but not women.

32. **Raymond Morgan**, aged 51, had already been detained in the medical wing when the disturbances happened and described them as an outsider. He had been arrested on 20 June 2009 and held in Kingston Central Police Station until 13 August 2009, when he was moved to Horizon. He had not been subjected to any physical abuse. He described the general conditions at Horizon as continually deteriorating and the Superintendent as

incompetent for a managerial post (“he was a tailor before and has no education for this job”). Three weeks before the disturbances he had written a long letter of complaint to the Superintendent but had not received any answer. The main problems were disrespect for the detainees and arbitrary actions by prison warders. The rules of the prison were not clear and their application was arbitrary; corruption was also a problem, including the running of the tuck shop. Drugs were brought in by the prison staff. The detainees could receive one visit per week for only two to three minutes. Since 13 August 2009, he had only been outside the building twice. Detainees were not provided with anything to read or any recreational activities. Three weeks earlier, some juveniles had been beaten. Because more and more searches were conducted by the wards in the last weeks, the situation had become tense. During the last weeks there had been a genuine food and water crisis which led to the disturbances.

33. **Denver Pink**, aged 36, had been arrested on 5 June 2009 and held at Constant Spring Police Station until the end of July, where he had been beaten. The warders had flooded the cells and used tear gas against the detainees. In August 2009 he had been transferred to the Portmore (100 Man) Police Station, where conditions were worse than at Constant Spring, because there was no toilet or water in the cells. At the end of August or beginning of September 2009, he had been transferred to Horizon, which he described as the worst place. The decision whether or not to move a detainee to the remand centre was made by the police and involved corruption. Detainees were regularly beaten and received no proper medical treatment. Since he had become sick with a hernia and gall bladder problems, he received a ticket for a special diet, but he did not receive proper food. The hygienic conditions were terrible: lice and cockroaches infested the cells, detainees could not flush the toilet and had to urinate in bottles; they could not wash the dishes, which were covered with bugs; and the dirt and smell were unbearable. Because of the water shortage, there had been no water at all on Sunday or on Monday morning. When the water arrived at 4 p.m., many detainees were let out of their cells to fetch water, and it became clear that there would not be enough water for all. He had been in his locked cell at SP 21 (top floor), one floor above the fire. The police came into the cell, dragged him out and beat him with iron bars on his legs, head and nose. His nose had been fractured. While he tried to run away, he heard a gunshot being fired. He had been further beaten and had lost consciousness. He woke up at the hospital at 8 p.m. The findings of the forensic expert of the Special Rapporteur corroborated his allegations of ill-treatment.

34. **Norval Cunnings**, aged 25, indicated that on the day of the riot the detainees had been without water for four days. They started shaking the grills and the guards said that they would discipline them. He had been beaten by six guards with a baton in his cell. Although another detainee had broken the lock to his cell, he had stayed inside and told his cellmates to stay inside; otherwise the warders would restrain them. Several soldiers and police approached his cell and told him to come outside. When he refused, he was beaten with guns and iron pipes. He tried to hold on to the leg table with his left hand while protecting his head with his right arm, but was dragged outside while the police continued beating him. Once dragged outside his cell, he tried to run away but was once again beaten, including by a warder known as “Busthead”. He was beaten with an iron pipe on his hips, back, ribcage and his legs were held apart while another guard beat him once on his testicles. In addition, he was beaten on his chest with a flat metal bar. He was also threatened and told that “he must die”. He noted that he heard shots, but did not see who had fired them or if someone had been hurt. He was taken to the medical center by other inmates, and later to the hospital, where he was informed that he had a broken arm and two broken ribs. He was also given pain medication for his testicles. He had several other injuries on his body, including stitches on his head, an open wound on his leg and several marks on his head, neck and chest. One of the warders, Officer Sterling, saw him at the medical unit and pretended to be surprised that he was still alive. Two days later, he went

back to check on him, and threatened him once more. Officer Sterling usually assaulted the detainees once they were back from court and during searches. He had not been informed about the possibility of lodging a complaint for ill-treatment. With regard to the conditions of detention, he noted that the food was not prepared properly and that there were cockroaches in it sometimes. The findings of the forensic expert of the Special Rapporteur strongly corroborated the allegations of ill-treatment.

35. **Marvin Wilson**, aged 25, had been a jailer and was outside his cell getting water when the unrest started. The detainees began throwing stones and other debris, so he went back to his cell. The warders tried to calm down the detainees, and left when they realized they could not. A short while after, approximately 100 people came in, including the warders, soldiers and police with iron pipes and guns. He did not see anyone being shot, but heard shots being fired. During the disturbance, the officers warned the detainees that if they caught someone with a “jammer” they would kill them. The police came into his cell and used the iron pipes to beat him all over his body. He was beaten on the face with a baton by an officer called “Busthead”. He fell on his back and tried to shield himself with his arms and legs. He pretended to be dead when the beating was severe, but he was taken out of his cell by the police, where they continued to beat him. He lost consciousness and woke up outside the medical wing later that night. The doctor indicated to him that he had to go to the hospital. He was taken to the hospital, where he was told that his finger and arm were broken. He also received stitches on his elbow. A few days after the riot, he was interviewed by two women who were carrying out an investigation on behalf of the Commissioner of Corrections. Apart from the riot, he had not been beaten nor had any trouble in the ten months that he had been detained at Horizon Remand Centre. The findings of the forensic expert of the Special Rapporteur corroborated the allegations of ill-treatment.

36. **S.H.**, aged 30, suffered fits since he had been beaten on the head by a police officer on 25 October 2009. He was driving as a passenger in a car, when a police vehicle stopped them. A police officer ordered the three persons in the car to get out and made them lie on the ground facing the police car. He searched their car and claimed that he had found a gun inside. S.H. was taken to the Guanaboa Vale Police Station, where four police officers beat him. The officers hit him on the head with batons and a hard book. One officer grabbed and pressed his throat in order to stop the airflow. Eventually, he fainted. During the beating his hands were tightly cuffed on the back. He had marks from the handcuffs and bruises from falling on the floor. He was then taken to the hospital in Spanish Town, where he received stitches on the right eyebrow. The doctor told him that he was suffering from brain damage which caused fits. He had never had any fits before the beating. He underwent a number of tests and was given five different pills. Ever since, he had problems remembering things. After being released from the hospital he was taken back to the police station, where he fell on three occasions and had fits. He was taken to court for the first time the week before the visit of the Special Rapporteur. Afterwards he was transferred to the remand centre, where he once again suffered from fits and lost consciousness. He was hospitalized once again for three days. He had chest pains due to the medication, and could not sleep, so he was given sleeping pills. He felt that the authorities had been hiding him from the judge. When he was at court, the same officer who had hit him on the head was also present. The officer threatened him not to tell the judge that he had beaten him, otherwise he would get in trouble. He did not have a chance to speak to the judge and had not seen a lawyer. Since his arrival in the remand centre he had been in the medical unit. Although the officers did not beat the detainees in the medical unit, they often ignored his requests for assistance. He was not seen by a doctor at the remand centre and was still taking the medication he had received at Spanish Town Hospital.

37. **Dennis Beagle**, aged 39, heard gunshots in the remand centre on Monday morning, 8 February 2010. He witnessed police officers and soldiers running around on the second

floor of SP 19 with guns, bars, riot shields and batons in their hands. Some of the detainees had been outside of their cells in order to get water. They were making a lot of noise because of the lack of water and the food. In the days before the disturbance, the detainees had received only one bucket of water for each cell. There was no water that day, and the stench from the toilets had become unbearable. The food, which should be distributed three times per day, came once at 4 p.m. The detainees who were outside their cells started shouting and cursing at the warders, and refused to get back to their cells. The warders then started to beat them. The warders and soldiers forced open the locks on the cells and ordered the rest of the detainees out, but he refused to come out. Officers Darkins, Facey and an officer called "Busthead" came into his cell and hit him and two cellmates with iron water pipes, long sticks and batons, while the soldiers stood outside of the cells pointing guns at them. However, they still refused to leave their cells. He was beaten for approximately one minute on the right shoulder, the left elbow and the left knee. The object he was hit with on the knee was a tall, round, hollow iron pipe. The iron pipe had caused a hole in his knee. When he fell to his knees, he was beaten on the arm and shoulder with a long, round wooden stick, with a diameter of approximately 7 cm. and over one meter in length. Officer Facey hit him on the head with an iron pipe and he fainted. He woke up in the public hospital at night with a nosebleed. There was a lot of blood on him. Since there were so many injured detainees at hospital, he was not properly treated and was sent back the very same evening. He received stitches on his knee and on his head. All of his belongings were destroyed and his clothes were soaked with blood and water. Officer Darkins came to the medical unit at Horizon, and asked if he was dead yet. He reported Officer Darkins to the Commissioner of Corrections, who removed him from the medical unit. Some people came to question the detainees the day before the visit of the Special Rapporteur and asked them why they had smashed the place. They did not explain who they were and talked to the detainees individually. He was certain that the warders would continue to abuse the detainees, as they had been beaten often before the unrest. He had been beaten three times since he came to the remand centre in early 2004. Sometimes he was taken to court, and although he had a legal aid lawyer, he did not see him often. Detainees had no access to telephones. Sometimes he could see his family through a glass. His family brought him food and other things, which were often stolen. The warders sold marijuana and mobile phones to the detainees. He had not seen the Public Defender. All the warders who were involved in the beatings during the unrest were still on duty.

Women's Section

38. There were two girls downstairs in the women's sector for being "uncontrollable", and a British woman at the first floor awaiting deportation. The facilities were fairly spacious and had a door leading to the open air with some space to walk or do exercise outside.

39. In the section for boys, 28 boys were held in eight cells. The boys stated that they could go out of their cells into the main area from 8:30 a.m. to 12:00 p.m. and from 1:00 to 3:30 p.m. In addition, they were sometimes allowed to play football outside.

40. **T. M.**, aged 15, was arrested on the street in February 2007 after running away from the children's home, and had spent three days at a police station in Kingston. She had received a three-year sentence for "uncontrollable" behaviour by the Family Court, which she had to complete at Horizon. The last time she had been beaten was on 25 October 2009. She was normally beaten when she refused to go back to her cell. She could mix with adult women, but not with men or boys. Her father was dead and her mother had left for England, although her aunt and grandmother visited her every Saturday. She could only see them for about five minutes. At the time of the visit of the Special Rapporteur she and P.F. were locked down and could not leave their cells or go outside to the fresh air. They watched TV all day and night, with the volume fully on.

41. **P.F.**, aged 17, had no family and had spent most of her life in children's homes and places of safety. In May 2006, she arrived at Horizon and should have been released in May 2009, but nobody wanted to take her. She hoped to find a foster family or someone else to take her before she reached the age of 18, at which age she would have to be released and would end up on the streets. She was used to living alone and preferred that to sharing a cell with T.M. She had been beaten with iron sticks and belts. She felt like a dog. She had been previously detained at Armadale, where the conditions were better than at Horizon.

42. A **detainee**, aged 37, British citizen, had been arrested at the airport for smuggling drugs. She had been serving her sentence at Fort Augusta between 12 June 2009 and 23 January 2010, and had been transferred to Horizon to await her deportation to the United Kingdom. She complained about the quality of the food and the lack of activities. She had to spend 20 hours a day in her cell which was equipped with a toilet and water. She was not allowed to do exercise outside in the fresh air. She complained that the TV was on all the time, with loud volume, but that there was no remote to stop it.

Juveniles Section (boys)

43. **J.W.**, aged 17, had been detained at the remand centre for approximately one year. He had been arrested on 3 December 2008 and was taken to Half Way Tree Police Station, where he was detained for approximately five months. He had been forced to rob somebody by three men at gunpoint. He was caught by private security officers, who had hit him on the back. The police then took him to Half Way Tree Police Station. On the way to the station the police officers said that they would kill him and throw his body away. At the police station, he tried to explain that he had been forced to rob the person, but the police officers punched, kicked and hit him with batons in order to make him confess. He received two electric shocks with a device that looked like a pistol emitting electricity. He was sitting with his hands cuffed behind his back and his feet tied to the chair and could feel the electricity throughout his body. He saw twinkling stars, just like when receiving a blow. A police officer hit him in the face and told him not to faint. His hand was placed on the horizontal part of the grill and an officer slammed down an iron bar on it. The name of one of the police officers was Officer Rose. The warders at the remand centre also beat the inmates. When the warders were in a bad mood, they took it out on the detainees and abused them. He had been beaten a number of times by different warders. In January 2009, he had been beaten on the head by Officer Shango for not hurrying up when leaving the washing facilities; he bore a 5-6 cm. long scar on his scalp. The second scar on his head (3 cm.) was caused by Officer "Busthead". On his right arm he was hit by Officer Hutchinson with a baton, which left a scar of 5 x 3 cm. In addition, he had a scar on his knee from falling on the floor when a warder swung his baton at him. After the unrest, the warders let out their anger on the juvenile detainees. Last time he had been beaten was the day of the disturbance. The warders tried to get the detainees out of the cells; if the detainees refused to come out, the warders would go in. Everybody at the remand centre got beaten from time to time. One could in principle complain to the Superintendent but would later be punished by the warders for complaining. He was afraid that he would also be punished by the warders for speaking to the Special Rapporteur on Torture. He did not receive any visits, and his father only came to the court hearings. No classes were held for the juveniles. He also complained that the food was infested with cockroaches. Every Thursday, the juveniles could go out and play football. A psychologist came to see him and gave him medication, but he did not take it. Often he felt like hanging himself.

Maximum security sections

44. SP 7 and SP 11 were under the control of the Jamaican Defense Force. The Superintendent had no authority over these sections. The military officers in charge seemed

to be more professional and better trained than the correctional officers. All prisoners were in solitary confinement. The corridor and the cells of SP 7 were fairly clean.

45. **SP 7** housed four high level convicted prisoners, including a member of the military.

46. **Kevin Tindale**, aged 34, was arrested on 12 February 2005 in Montego Bay by officers of the Kingfish Unit. He was held for about one month at Hunts Bay Police Station in Kingston, where he was subjected to beatings and put on an ID Parade. He was convicted on various counts and sentenced to 30 years imprisonment. Since March 2005, he had been held at Horizon SP 7. The detainees could receive visitors once a week, were confined to single cells, could take a daily 10-minute shower and had no TV in their cells. He complained about the quality of the food, the lack of rehabilitation measures and beatings by the soldiers.

47. **Donald “Zeeks” Phipps**, aged around 50, was a very well-known former gang leader and Matthews Lane strongman. He had no particular complaints about the conditions at Horizon.

48. **Eldon Calvert**, aged 25, had been arrested on 21 January 2008 during a joint operation and was scheduled to attend Court in April 2010. He explained that the conditions in SP7 and SP11 under the Jamaican Defense Force were very harsh. The detainees underwent searches several times per night, sometimes every two hours, where they were completely naked, with bright lights on. They could receive visits on Thursdays, but the military was always present and listened to their conversations. They were in complete isolation and could not talk to the other detainees in the section. They did not have TVs or games and were locked down 23 hours a day.

49. **SP 11** was less clean because the three detainees had protested against their conditions by destroying their mattresses and throwing them out in the corridor together with other items. There were three high level convicted prisoners.

50. **Jeff Campbell Yunadale**, aged 28, had been detained in a solitary cell at Horizon since June 2005; he was awaiting release in 2013. He had been convicted in 2007. The inmates of the two high-security sectors were allowed to play football once a week. There had been a water shortage, so he could not shower every day. His visits had been suspended for one month in January, without any apparent reason. He was allowed to receive 2,000 Jamaican dollars every month to buy products in the shop.

51. **Oraine Baldie**, aged 34, had been detained in the remand centre for two years. He was moved by the soldiers from one cell to another every night in order to harass him. Each night, the soldiers turned on the lights in his cell and woke him up. The soldiers regularly searched his cell, including at night, and beat and kicked him around. Three weeks before the interview, a soldier had claimed that he could smell marijuana. Four soldiers searched into his cell and kicked him through so that he hit his thigh on the concrete. He displayed a large bruise on his thigh. The soldiers had batons but did not use them. In fact, the soldiers sold marijuana and cell phones within the detention facilities. On 7 February 2010, he did not receive any food. The next day, he got food, but then again no food was provided. On 10 February a sergeant told him that the boss had ordered that the high security detainees should not get any food or water. He only received food again on the 13th. In protest over the lack of water and food the three detainees in the wing had started to throw rubbish and faeces into the corridor. The whole cell was infested with cockroaches that crawled into his ears while he was sleeping. About one year before, he had been assaulted by a soldier who beat him simultaneously with both hands on the ears. He still did not receive any drinking water and his bible was taken away from him. He could go out of his cell once a day for five minutes in order to take a shower.

52. **Joel Andam** was serving two 20 year sentences and would be eligible for parole after 20 years. He had been in a single cell at Horizon since 26 May 2004. He was locked up all day, except for a daily ten-minute shower. He added that he had only been outside on a few occasions. He had been in the same cell since August 2009, and he complained that it was too hot because it was right underneath the roof. His cell was infested with cockroaches. He showed a document to the Special Rapporteur indicating that he had been beaten. The detainees in his floor had been protesting against the 23-hour lockup since 7 February. On 10 and 11 February, they were not given food or water, and they were not allowed to shower because they refused to clean up the trash and faeces they had thrown on the corridor as a sign of protest. They were given water on 12 February, and were given food and allowed to shower on the 13th. He complained that there were no fixed rules and that the treatment depended on the mood of the staff. He could receive visits on Thursdays for 15 minutes. In the past, it was possible to buy food from the tuck shop, but recently he could only do so three times per week. He was able to communicate with other prisoners because the corridor in front of his cell opened onto the cells below.

Crossroads Police Station Visited on 15 February 2010

General information

53. The Special Rapporteur was received by Sergeant Lascelles Faulder. According to the officer on duty, the lock-up at the police station had been closed since 2007. There was only one chair with handcuffs at the reception area, where detainees were held until they were transferred to Halfway Tree Police Station. In addition, there were handcuffs attached to the handrail of the outside staircase. The Special Rapporteur assumed that persons were also kept sitting on the stairs while being handcuffed to the handrail. There were two cells in the back yard, which according to the officer were no longer used because they were not suitable for detainees, mainly due to poor ventilation. The police station was not on the list of lock-ups provided to the Special Rapporteur on Torture by the Ministry of National Security. A man who had been working for many years at the police station told the Special Rapporteur that sometimes the police still kept detainees in the lock-ups for short periods. The last time somebody had been detained was around Christmas 2009. The Special Rapporteur could smell recent urine in one of the cells although there was a well-functioning toilet just next to the lock-up. The Special Rapporteur concluded that the cells were still used sometimes, though illegally. There were no custody records available.

Kingston Central Police Station Visited on 15 February 2010

General information

54. The Special Rapporteur was received by Superintendent Cornel Messam, Inspector Juliette Row, Sub-Officer in Charge, Inspector Francis and Inspector H. Cummings. At the time of the visit, 159 male detainees, including 3 juveniles, were held in cells on two levels. The police station had a capacity of 176 inmates.

55. The juveniles were held downstairs in four cells, separate from the main building. The detainees upstairs were held for minor misdemeanours, while those downstairs were persons suspected of more serious crimes. None of the cells had light and the ventilation was poor. The conditions of detention were worse on the ground floor. There was a punishment or "dom" cell on each floor. There were showers and toilets outside the cells on both floors. Detainees told the Special Rapporteur that the lock-up was cleaned just before

the visit. However, the Special Rapporteur still witnessed rats and other vermin within the lock-up.

Individual cases

56. A **detainee** had been arrested one month before the visit of the Special Rapporteur. He had been locked in the cell and had no legal assistance. He complained about being in the cell all day. He was only allowed outside once per day to shower, and had to be taken to the toilet by an officer. He also complained about the quality of the food. His father visited him, but they could not touch each other. He did not report any beatings.

57. **Marlon Clarke**, aged 28. On 8 January 2010, he was walking in the streets when he heard an explosion and noticed he could no longer feel his foot. He did not know who shot him, but was sure it had not been the police. He was taken to the hospital by a taxi driver. He was then arrested in the hospital and taken to Central Police Station on 13 January. That day was also the last time he saw a doctor. He was prescribed pills and painkillers, but had already used them all a week ago; the pain was so strong that he could not sleep at night. He had asked for an appointment with the doctor but this request has been ignored.

58. **André Francis**, aged 19, had been arrested in the parking lot of a church by four female and a male officer on 13 February 2010. He was searched and they found marijuana in his ear. One of the women questioned him about his age and address. Since his replies seemed to be wrong, the man beat him on the chest more than five times. He was taken to the Central Police Station and had not been asked anything about the drugs yet. His family visited him the day before the interview and brought him water. He had no lawyer and expected to go to court a few days later. The cell doors remained open all the time since he arrived so he could use the toilets at night. Before that, the juveniles used to be locked inside the whole day.

59. A **detainee**, aged 48, had been arrested in October 2008 by the Kingfish police and brought to Central Police Station. His father used to sell marijuana, but they arrested him instead of his father. He was hit on the throat by two police officers. Later he was interrogated at Kingfish for over an hour by the same officers. They called him a liar, became angry, and threatened to beat him. He was then taken back to Central Police Station, where he was interrogated once in an office. In April 2009, he had to be operated on due to a hernia at Kingston Public Hospital.

60. **Dalton Reid**, aged 39, had been arrested in 2005 and taken to Tower Street General Penitentiary until 10 February 2010, when he was taken to Central Police Station. He was not allowed to see a doctor because he was serving a life sentence. He fainted once but was not taken to the hospital and was told to sit on a bench for an hour. He would rather go back to Tower Street, where inmates were treated better. There were five detainees in his cell; he had to sleep on concrete and suffered from the lack of air. He found the guards ignorant and sometimes violent. Detainees usually woke up at 4 a.m. to wash their face; then they received tea and had to go back to the cells until their food came. He knew that the marijuana in Central Police Station did not come from the family or other visitors, who only brought food.

61. **H.F.**, aged 17, was arrested on 31 December 2009 at his home. He was taken to Port Royal Police Station and was accused of having sex with his 15-year-old girlfriend. He had to share a cell with eight adults. When one of them tried to light a fire in the cell, the police officers sprayed teargas and pepper spray into the cell. All the detainees were beaten with batons on the feet while handcuffed on a chair, as a form of collective punishment. However, the general treatment in Port Royal Police Station was better than in Central Police Station. He had been to court four times and the judge decided that he should be transferred to Central Police Station. The officers in Central Police Station ignored the

detainees when they were shouting for them. A fat police officer had slapped him in the face once when he was shouting to be taken to the toilet. In addition, the officer raised his baton and threatened to beat him. He did not eat meat but the officers kept bringing him meat. They told him that he had to eat the food before he could receive visits. Food was provided three times per day. At 4 a.m. each day the detainees had to get up to take a shower. In general, he felt that the officers in Central Police Station did not treat the detainees correctly. He had to share a cell with a mentally unstable elderly man for about three weeks. He had shared a cell with two adult males in Central Police Station. His family had not been informed that he had been transferred from Port Royal to Central Police Station. His next court hearing was scheduled for 3 March; his parents and lawyer usually went with him to court. During the interview, he pointed out a rat that was running along the corridor.

62. **Steve Moran**, aged 39, had been arrested on 3 November 2009 in the street in Crossroads by three police officers, who handcuffed him and took him to Crossroads Police Station, where he spent two hours. Later he was transferred to Central Police Station, where he had spent the last four months. A female police officer had questioned him and he had talked to a lawyer. He was badly treated in Central Police Station. The food and the tea provided were of very poor quality. He could receive visits two times per week. His family took food for him, but this was often restricted by the police. He was locked down all day and had to shout if he needed to use the bathroom. The officers only went to the cells when they were in the right mood, even if a detainee was sick. The night before the visit, one detainee fell sick but the officers let him wait for 30 minutes. He was lying on the floor and crying of pain. Sometimes the detainees had to beg the officers for three to four days in order to be taken to a doctor. Five months before, a former cellmate had been beaten on the eye by the officers. Poor people were not respected by the officers. He was allowed out of the cell for five minutes at 5 a.m. in the morning in order to have a shower and to get breakfast. The detainees were then locked in again until the evening, when they had got their dinner. The cells were infested with flees and rats and the whole place smelled very bad because the detainees were forced to urinate in plastic bottles. There was a special separation cell on each floor where detainees could be locked in for one or two days when they got in a fight.

Hunt's Bay Police Station Visited on 15 February 2010

General information

63. The Special Rapporteur was received by Superintendent Hewitt Delroy, Inspector Aaron Fletcher, Officer Carl Malcolm (Deputy Superintendent in charge of crime), Custody Officer Dalton Leslie and Inspector Joeff Scott (Ms).

64. The lock-ups had been closed in early December for renovation. According to Inspector Fletcher, reconstruction was needed because the detainees needed better treatment. He added that no interrogations took place at Hunt's Bay, and once the detainees' identity was verified, they were taken to other police stations.

65. Most of the officers, above all Superintendent Hewitt Delroy, were very obstructive, uncooperative, aggressive, and openly threatened the Special Rapporteur's team during the visit. Although the lock-up was not operative, the Special Rapporteur encountered a man in the "Interview Room" who was apparently very scared. According to the officers, he had been detained and taken to the police station by a mobile police brigade, but there were no record about who had taken him and who had received him. Since the lock-up was out of operation, there was no custody register book. The Special Rapporteur's overall impression

confirmed the extremely bad reputation of this police station. The Special Rapporteur strongly urges the Government to take disciplinary measures against Superintendent Hewitt Delroy for having obstructed and aggressively threatened the Special Rapporteur and his team.

66. **Ricardo Livingston Palmer**, aged 25, had been threatened to death by the police. He started crying and begged the Special Rapporteur to help him. He was so scared that he was shaking. There had been trouble with the police in his community for some days, since the police had reportedly killed a man a few days before. The people had created a road block to prevent police from entering the day after, but they came and started shooting. He was part of the crowd. The day of the arrest, he saw the police at noon and ran to another community. He entered a random house to hide. Police circled the house and the woman at the house went out screaming and fearing for her life, leaving him alone inside. The police went in and took him out while he begged not to be killed. They put him in a van together with ten officers. He was beaten on the face and on the mouth. He was then taken to Hunt's Bay, where he had not been beaten, but questioned about his origin and possession of a gun. The station record included Mr. Palmer's allegation that police officers had beaten him on both of his eyes and mouth. An additional comment indicated that there were no visible signs of assault anywhere in his body.

67. As the police officers maintained that Mr. Palmer was not in police custody, the Special Rapporteur demanded that he be released. After discussing for a long time, he was finally allowed to leave with his family, who had gone to the station to pick him up.

Fort Augusta Adult and Juvenile Correctional Centre Visited on 16 February 2010

General information

68. The Special Rapporteur was received by Superintendent Reuben Kelly and Superintendent Dorothy Hawkin. At the time of the visit, 188 female inmates, including 40 girls, were detained. One baby was at the facility with the detained mother.

69. There were ten dormitories, including three for children in between the adult dorms. During the day, girls and women were together. Some of the girls were sent to Fort Augusta for "safe custody" because of unruly behaviour in other homes. Remandees were usually separated from those convicted, unless there was overcrowding. During the day Fort Augusta was operated as an open facility, and both the girls and the women attended classes or workshops (leather craft, hairdressing, computer classes, etc.). Women with mental disabilities and aggressive behaviour were isolated from other inmates. Isolation for a maximum of 30 days and no visits were used as means of punishment. However, there was no register for the punishment cells, and information was only recorded in the dorm books.

70. In general, the Special Rapporteur had a fairly good impression of the facility. However, he was concerned about the fact that girls were detained together with adult women, in contravention of international standards.

Individual cases

71. **Y. H.**, 14. She had been detained at Fort Augusta for a year, and had been previously held in two different places of safety. She had been transferred to Fort Augusta because she had injured a house mother at Windsor. She had been sentenced to three years detention. She indicated that she had been beaten in early December 2009. The officers wanted to put her in a separate dorm, and when she refused and held on to the bed, she was beaten three

times with an electric wire. It was the only time she had been beaten, although she had been placed in the punishment side cell on several occasions. The longest she had stayed there was one week. Other punishments included banning visits. She had two U-shaped scars on her right lower back produced by an electric wire. Her sister was also detained at Fort Augusta, but in a separate dorm. Most girls were there for uncontrollable behaviour. Regarding other detainees, she added that the girls sometimes fought and that the adult women cursed her. She went to school everyday.

72. **M. C.**, aged 16, stayed in dorm no. 1. She had been held at Stony Hill, Horizon, and Armadale. She had been at Fort Augusta since August 2009. The week before the visit of the Special Rapporteur she had had an argument with another girl and was moved to the isolation dorm, where she was locked down for a week. She had not been beaten while at Fort Augusta, but still felt that the treatment at Armadale had been better. She reported her experience of the fire at Armadale in May 2009.

73. **N. S.**, aged 14, had been at Fort Augusta since July 2009. The week before the visit of the Special Rapporteur, she had thrown her porridge away and had been slapped in the back by a guard, and told to behave by the school teacher. She fought constantly with the officers, who searched for marijuana. The officers used pepper spray and batons to control the detainees. She wished the detainees were not treated like pigs and complained about the beatings.

74. **S.D.**, aged 16, had been detained in Fort Augusta for three years and six months, since she was 14, for refusing to obey her parents. Before that, she had stayed with strangers in a "comforting home" in Kingston and in a place of safety for three months, from which she ran away. Her father had taken her back to the place of safety. She was involved in a riot there, for which the management called the police. She got into a fight with the police and was beaten. She was then taken to the police station and a judge sentenced her to prison. She was detained at Armadale, but was transferred to Fort Augusta after she ran away. In April 2008, she was involved in a riot in Fort Augusta. In the course of the riot she and other inmates were beaten by the officers. She got beaten on her shoulders, fingers, abdomen and knees with batons and wooden boards. She knew the name of the female officer who beat her. She experienced some swellings and was taken to see the doctor, who gave her painkillers. Afterwards, she was taken to the punishment cell at the back of the dormitory, which was infested with rats and insects and was full of faeces. After the riot the punishment cells were packed with girls. The girls were permanently locked down and could only go out to catch water during two months. She understood that children had to be punished but thought that they were excessively punished at Fort Augusta and that they had no rights. Additionally, she felt that the officers were treating the girls as if they were adults without understanding the special needs of children. Her mother, with whom she was going to live with in a month, would visit her. She could also attend school and go to the computer lab. She added that the adult inmates did not want the juveniles around and one of them had tried to set her on fire on one occasion. She had splashed kerosene on her and then threw a burning tissue at her. The juveniles also fought among each other. The food was of poor quality; it was not properly cooked and it made her sick. At home, her now deceased father had regularly beaten her with a board, a water hose or other tools. The only thing she had to remember him were the scars on her face from the beatings.

75. A **detainee**, aged between 25 and 28. She was taken to Fort Augusta in November 2009. At the time of the visit of the Special Rapporteur, she had been in the punishment cell for some days as she had been seen with contraband material. Since she was claustrophobic, she suffered from the lack of air and space, as she was only taken out for meals.

76. **Tracy Roach**, aged 43, had been detained at the airport. She was questioned there by the police, and although there was no ill-treatment, their behaviour was demeaning. She was then taken to Duhaney Park Police Station, where she was interrogated without a lawyer or a Justice of the Peace. She later had access to a lawyer. She had first pleaded not guilty because she was scared, but later changed her plea. She was detained at Duhaney Park for one month and was never beaten. However, she suffered from depression and had gone through drug withdrawal without receiving the necessary medication. Her skin was breaking and her body was going through shock, but she had not been taken to the hospital until she fainted. Concerning Fort Augusta, she noted that no one was abused, but that the warders performed strip searches. She complained that she had not received her medication in two weeks, but she was able to see a psychiatrist.

77. **Janet Douglas**, aged 39, was arrested on 24 November 2000 and spent three months in a police station, at Horizon, and finally transferred to Fort Augusta in 2001. She had been verbally ill-treated by warders but never beaten by them. In March 2009 she went through a new trial since the first one was deemed unfair. She was then put in a new dorm, together with convicted women. One of them had threatened to kill her one night. She complained and the guards found a knife on the other woman. On 19 June 2009, she got into a fight and was then surrounded by ten officers who assaulted her. She fell on the floor and was dragged from dorm 5 to dorm 2. She sustained 29 medically recorded injuries and suffered from a back problem which forced her to walk with a crutch. She was taken to Kingston Public Hospital only five days later. She complained that the guards should be more receptive to the medical needs of the detainees. Since she did not lodge a formal complaint, this incident was not properly investigated.

78. The Superintendent told the Special Rapporteur that her wounds were probably "self-inflicted". However, the findings of the forensic expert of the Special Rapporteur were strongly supportive of the allegations, and self-infliction was not a credible explanation for the type, number and pattern of injuries.

79. **S.S.B.**, aged 25, was arrested on 26 October 2009 at the airport. She was taken to the narcotics office in Spanish town, where she spent a couple of hours. Narcotics officer Jones told her that she did not have to go to prison if she cooperated. She told the truth about her crime and provided the officers with names. A Justice of the Peace was present during the interrogation. However, on 2 December 2009 she was sentenced to 18 months in prison. She was transferred to Duhaney Park Police Station, where she stayed from 26 October to 17 November 2009. The police station was severely overcrowded with six persons per cell, and the detainees had to sleep on the floor. There was no light in the cell. The detainees were only allowed out of the cell for a shower; the toilet and a sink were within the cell. She suffered from stomach problems, for which she was provided with some medication in Fort Augusta. Her wrists bore marks from the tight handcuffs. The detainees reportedly bribed the officers for certain privileges or services. She added that girls should not be detained in a prison for adults and that they were constantly fighting with each other.

Portmore (100 Man) Police Station, St. Catherine South Visited on 16 February 2010

General Information

80. The Special Rapporteur was received by Sergeant Marcher, Custody Officer and Deputy Superintendent Foster Turner (Ms). At the time of the visit, 86 persons were in custody in 13 cells; the maximum capacity of the lock-up was 69.

81. The Special Rapporteur perceived a violent atmosphere at the police station. A detainee was openly threatened not to speak to the Special Rapporteur's team. Although the

conditions of detention were inhuman, the cells at Portmore Police Station were somewhat better than at other police stations. Some detainees reportedly had to wait for more than six months before they went on an ID parade.

Individual cases

82. **Lynford Brown**, aged 19, had been at Portmore Police Station for one week but had not yet been charged. He had been detained with eleven other persons by approximately 40 police officers. All the detainees were ordered to walk in a straight line while the officers pointed their guns or rifles at them. They were taken to the police station, where they had their picture taken. They were all released except for him. He was not allowed any visits or phone calls for two days. His lawyer and family were able to visit him two days later, although he did not receive any of the things they had brought for him. He had not been provided any food or water by the police for three days, and had to rely on other detainees. When his mother visited him, he was taken out to see her. However, he was unaware that because he was waiting for an ID parade, he should not have been seen by anyone. As a result, one of the police officers grabbed him by his shirt, verbally abused him and pushed him back to his cell. He complained that he could not use the showers. He concluded by saying that the detainees were afraid to speak to the Special Rapporteur because of reprisals.

83. **Philip Simpson**, aged 29, was arrested on 11 January 2010, after he voluntarily went to the police station as a witness on a shootout case in his community. He was not allowed to see a judge or his family until an ID parade was conducted. He thought the police station had been cleaned before the Special Rapporteur's visit and that he had been expected. Sergeant Marshon was wearing a uniform for the first time and he was allowed to take a shower for the first time in a month. He complained about the arbitrariness of Officers Jarrett Coach and Marshon.

84. **Antonio Simpsons**, aged 23, was arrested on suspicion of murder but had not been to court yet. He had been successively detained at Bridgeport police station for juveniles, Spanish Town and Portmore, which he judged to be the worst in terms of violence. He thought the ID parade was not run properly and took too long to organise. In his case the witnesses were also detainees, which complicated and slowed down the process. He was beaten once by Officer Coach when he got in a fight with another detainee. Coach beat him with two batons for five minutes while he lay in his cell.

85. **Gillry Edwards**, aged 20, was arrested on 5 November 2009 on the street in Portmore. He had been at his girlfriend's place and was on his way home. He was carrying a suitcase with stolen goods, which had been given to him by a friend, when the police, who were travelling in an unmarked car, stopped him. One of the officers pulled out his gun but held it down. He was taken to his place where he lived with his friend. There, he was slapped in the face and beaten on the stomach. Afterward, he and his friend were taken to the Criminal Investigation Bureau (CIB) at Portmore Police Station. Three CIB officers questioned them without the presence of a lawyer or a Justice of the Peace. In the back room of the CIB office they were beaten on the back while handcuffed and lying over a chair. The officers beat Mr. Edwards with doubled-over cables on his back and side and with batons on his back. Afterwards, his neck was swollen, his face was red, he had a mark on his left side and his left arm was bruised. The other officers in the CIB office were laughing and saying that they should kill him. The beating went on for three to four hours; the officers wanted to find out where the stolen goods were from. He and his friend were cuffed to the bars of a window in the office. He was forced to bend down and an officer put a gun in his mouth, threatening to kill them. The officers came from another police station. They stayed handcuffed on the bars the entire night; the handcuffs were extremely tight. In the cell, he had to sleep on the cold concrete floor. He indicated that the cells were infested

with cockroaches and lizards. Sometimes there were up to 14 detainees in his cell. He had not been beaten since his interrogation. He did not have a lawyer and thought that nobody would care if he complained about the ill-treatment. His family did not visit him. In the morning, the detainees got one cup of tea and one slice of bread; at 5 p.m. they received two dumplings, one slice of bread and one cup of tea. Every time they re-entered the cell-block, the detainees had to undress entirely in order to be searched for illegal goods. He was sure that he would be beaten again after the Special Rapporteur had left.

May Pen Police Station, Clarendon Visited on 16 February 2010

General information

86. The Special Rapporteur was received by Deputy Superintendent Ian Mowatt, Corporal Gayle and Inspector Johnson, Sub-Officer. At the time of the visit, there were 103 detainees in two corridors of 6 six cells each. The maximum capacity of the lock-up was 75 inmates.

87. Together with the Freeport Police Station in Montego Bay, May Pen Police Station displayed the worst conditions of detention of all facilities visited by the Special Rapporteur. Detainees were kept in overcrowded, dark, filthy and awfully smelling cells on both sides of a U-shaped corridor. The darkest cells with the worst conditions were in the back, opposite the foul-smelling toilets and showers. The hygienic conditions were terrible. The cells had no toilets or water inside. Detainees had to urinate in bottles and defecate in plastic bags since they only had access to the toilets twice a day. Food poisoning was reportedly frequent. Some detainees had been held in May Pen for three years.

88. At the debriefing, the Deputy Superintendent responsible for monitoring the lock-ups, Ian Mowatt, gave a very frank self-assessment of the police station. According to him, the lock-up was constantly overcrowded (capacity 75, de facto always around 100 detainees), had a too-high remand rate (80%), no toilets and water in the cells, insufficient medical care, and not enough light or water. He conceded that there were complaints about excessive use of force by police officers, but stated that there was not enough evidence to bring charges against the officers. In general, he called the conditions “sub-human” and made two important recommendations, which the Special Rapporteur fully supports: Judges should regularly visit the facilities at the police lock-ups; and the responsibility for detaining persons on remand should be taken away from the police. The Special Rapporteur strongly urges the Government to close down this police detention facility.

Individual cases

89. A **detainee**, aged 25, indicated that he had been originally detained at May Pen Police Station. Then he was taken to Horizon Remand Centre, but had been sent back to May Pen. He had been beaten with batons in 2009; beatings were common after searches. He added that the food at Horizon was much better than at May Pen. During the day, he was allowed to go outside in the morning, to use the toilet and clean the cell. However, he had to call the officers to use the toilet at other times during the day.

90. **Jeremy Antonio Chambers**, aged 27 had been arrested 10 months before the visit of the Special Rapporteur and had been beaten on the way to court. He had additionally been beaten by the police because they found a mobile phone in his cell. During a search four weeks prior, he was beaten with a baton on his shoulder, elbows, and stomach. There were no beatings if the officers did not find any prohibited items in the cells. He suffered from a heart problem and had been taken to the hospital on five occasions. He complained that there was often no water at the station and that there were many people sick with

diarrhoea. There were many fights among the detainees. The big cell was for those who were sick, and those who had already been charged were held in the other cells.

91. **Alfonso Wint**, aged 59 had been detained at May Pen for two days, after a conflict with his neighbours. He suffered from asthma, which became worse as a result of sleeping on the floor in his cell. Other detainees beat him while the officers watched. He had been beaten once on his leg and face with the registry book by officers at Four Parks Police Station. He had asked to see a doctor but was not taken. His knee was still swollen and he could not stretch it. During a previous detention, warders had broken his right hand and since he had not received proper medical care he could no longer use it properly. He was in very poor physical condition. He had not been allowed to inform his family that he was in detention. He said that that both detainees and officers were trying to kill him slowly.

92. **Oneil Woolough**, aged 39, had been arrested on Sunday morning before the visit. He cried heavily while talking to the Special Rapporteur. He was beaten by Officer Joe Marshall on the abdomen and the left ear with a baton. Since he had a stomach problem and because of the very poor quality of the food, he had severe diarrhoea but no access to the bathrooms except in the morning and in the evening. The other detainees in his cell did not accept him and threatened to kill him if he could not wait to go to the toilets. He was taken to the doctor who told him not to eat rice and to have a strict diet. However, he was given rice and improper food. Officers had thrown very hot water at him, which had caused a first degree burn on his chest down to the hip bone. His cheek was swollen because he had been hit by an officer with a baton. Due to an uncoordinated system of distribution of medicines between the hospital, the pharmacies and the police stations, detainees had to wait for more than two days to receive their treatment.

93. **Robert Ishainl Sr.**, aged 41, was arrested on 3 December 2009 by the police in the streets and was taken to Lionel Town Police Station. On 20 January he was transferred to May Pen and went to Court for the first time the day before the visit of the Special Rapporteur. He was never beaten, but was called a “mad man” by the officers. He was a reggae musician. He complained about the impossibility to go to the toilets more than twice a day.

94. **Robert Powle** was arrested a week before the visit of the Special Rapporteur after a police search in the area where he had a fruit shop. They found marijuana and he was pushed harshly into the police car. He had a lawyer and waited to get out on bail. He had a bandage on his forehead because he had fallen against the wall in the bathroom and was subsequently taken to the hospital. He thought that detainees were not treated like human beings and complained about the lack of access to the toilet.

95. **S.R.**, aged 24, had been arrested on 25 December 2009. He was immediately taken to May Pen Police Station and had remained in the same cell. On the day he was detained a police officer hit him on the face with the end of a gun. The police threatened to kill him. They stomped with their shoes on his chest while he was lying on the floor. He had not put up any resistance during the arrest, so there was no reason for the beating. One month later the judge ordered that he should be taken to hospital for an examination. In early to mid-January, the police conducted a search of the cells for marijuana and mobile phones. They found something in his cell and started beating the detainees. Five officers beat the detainees in the corridor and then in their cells. He was beaten on his arms, shoulders, hands and legs. His arm and leg were both broken due to the beatings and several of his toes were dislocated. He feared that his right middle finger may have also been broken. He was taken to hospital for treatment after the beatings. The detainees could only go to toilet when the officers allowed it, and their decision was arbitrary. Some officers would tell them to use a bag or a plate or to defecate on their hands and then eat the faeces. The frequency of showers also depended on the officers’ mood. They had experienced a water shortage for two to three weeks. Some of the detainees got sick from the water. On

Sundays, detainees could receive visits by family members for five minutes in the visiting area. The findings of the forensic expert of the Special Rapporteur corroborated the allegations of ill-treatment.

96. **Lucan Francis**, aged 21, had been detained at May Pen Police Station for three-and-a-half months. He was arrested on 18 November 2009 at his home. During the arrest, the officers used force and he was beaten in front of his family. He received a blow with a baton on his ear and fainted. He was taken to the hospital and received four stitches. He was handcuffed and shackled. Ten days before the visit of the Special Rapporteur, four police officers searched his cell for phones and marijuana, but they did not find anything. He was held in a cell together with three other inmates. An officer called "Ghetto" asked him what he was being charged with and then beat him on his feet, legs and knee with a black steel baton, which was thinner but longer than a normal baton. He received six blows on the right knee, which was swollen for three days. The officers conducted searches twice a month, normally after family visits. The officers also used electroshocks to control the detainees during the searches. The food and tea were of a very poor quality. Sometimes the detainees had to defecate on plates because they were not allowed to use the toilet. His cell was infested with cockroaches.

97. **A.T.**, aged 24, remandee, had been detained at May Pen Police Station since 11 August 2008. In early February his cell, which he shared with five other inmates, was searched by police officers. The detainees had to wait outside the cell during the search. An officer came out of the cell with a blunt instrument and asked for the owner of the object. None of the detainees had been aware that such an object had been in the cell. Three officers, including "Jumpy Brown" and Officer Grant started beating them while four other officers stood by watching. He was beaten with batons on his shoulder and his back and received a blow on the eye which bled. He was called into the cell and told to kneel down. Again the officers wanted to know who the object belonged to. When he did not answer, Officer Young applied electric shocks to him with a new black instrument of 10 x 5 centimetres. The officer applied the instrument six times on his naked torso, each time repeating the question. After the first shock to his abdomen he fell on his side and was shocked on his left side. Officer Young told him to get back on his knees. He could feel the electric current in his stomach. He was taken to the hospital because his eye was bleeding. He told the doctor about the beating and the electric shocks but nothing happened. These kinds of searches took place once or twice a month and took place in a mostly violent manner. There was a particularly abusive team who conducted the searches. He had been ill-treated five times since he arrived at May Pen Police Station. He was beaten with fists once. In addition, the detainees had to wait for months if they requested to go to a hospital. The officers often turned back the food the visitors brought. There had been a recent lack of water.

98. **Jason Rose**, aged 19, had been detained on 14 February 2010 at home. The police had kicked in the door of his home; they were looking for a gun. He and a girl who was present were beaten by ten officers for approximately ten minutes. Officer Grant punched his chest and put a black cloth over his head. He was slapped in the face and on the ears. The officers used guns, torches and batons to beat them. Both the girl and he were taken to the police station. Because the girl was only 17, he was accused of carnal abuse.

**Diamond Crest Juvenile Correctional Centre for Girls, Alligator Pond,
St Elizabeth
Visited on 17 February 2010**

General information

99. The Special Rapporteur was received by Superintendent Marlette White and Deputy Superintendent Molly Plummer. At the time of the visit, 36 girls were in detention in 10 dorms; two babies were at the facility with their mothers. In total 41 staff were working at Diamond Crest.

100. Diamond Crest had opened on 28 May 2009 to accommodate 15 girls who had been detained at Armadale, but was now also open to other girls. There were 24 girls who had been convicted, 11 were there for uncontrollable behavior and one for care and protection. They had academic, vocational and recreational activities during the day. Counselling sessions with a psychiatrist and a chaplain were offered. After the fire at Armadale, the girls had received an intense counselling programme. The grills on the veranda were closed at 7:00 p.m., but the dorms did not have locks on the door. The girls could receive visitors during the weekend and sometimes during the week as well. There had been no escape attempts. The disciplinary measures employed at Diamond Crest included extra chores and the banning of visits and/or telephone calls, depending on a decision by the disciplinary committee. There were no isolation or punishment cells. Ten dormitories with three or four sets of bunks housed the girls. Babies could stay at Diamond Crest up to one year, but in most cases were taken away after six months.

101. One of the house mothers who had worked at Armadale noted that the fire occurred in one dorm, which was on the ground floor of an office building. She added that some of the more than 20 girls had to share a bed because of the overcrowding at Armadale.

102. Diamond Crest Juvenile Correctional Centre certainly constituted a best practice. During the visit all girls were outside in the garden area, playing games, doing sports, singing and enjoying themselves. The conditions of the dorms were excellent. The Superintendent, a trained social worker, and her Deputy, a social worker and psychologist, seemed to be highly professional and human rights minded. There were no complaints of ill-treatment.

Individual cases

103. **L. S.**, aged 17, had been detained at Armadale, but was not injured in the fire. She did not report any ill-treatment, and noted that a doctor visited Diamond Crest three times per week, and a psychiatrist once per week.

104. **V. E.**, aged 15, had been at Diamond Crest for two months, after she was sentenced to three years for being uncontrollable. Some of the girls beat her and did not want to be her friends. She had been at Grandville, a place of safety, but ran away. She had originally run away from home because her father beat her.

105. **S. F.**, aged 16, had been sentenced to four years, and had been in custody for almost two years. She had been detained at Armadale for a long time. The girls were frequently locked down at Armadale. There were more recreational and academic activities at Diamond Crest, and the food was better as well. She had never been beaten at Armadale, but other girls had. The day of the fire, some girls were misbehaving and planning to escape, after they had been in lock-down for eight days. They were able to take the grill off the window, but it looked fixed from the outside. Because the girls were misbehaving, the police officers came and threw tear gas through the window inside the dormitory. The tear gas blazed, even though none of the girls had lighters. Although she thought about it every

night, she was not traumatized, as she kept herself active when she felt depressed. However, she added that some of the girls who had been in the Armadale fire also misbehaved at Diamond Crest.

106. **C. A.**, aged 16, had been sentenced to 18 months, and had already completed nine. The day of the fire, she was on the top bunk when she felt the tear gas. She tried to get out of the window, but a girl was stuck due to her weight. There were 23 girls at Armadale, and only two windows from where they could get out. She was the last one to exit. Although the fire did not get to her skin, she could feel it tingling; a major section of her body was burnt.

107. **R.W.**, aged 17, was sentenced by a court on 20 July 2009 to one year imprisonment for the possession of marijuana and an offensive weapon. At Armadale Juvenile Correctional Centre for Girls, she had been ordered to wash the dishes once but she refused. She walked out of the kitchen and was told by the warders to go to her dorm. When she did not follow the order, a male officer bent her arm backwards and pushed her. She pushed him back and six other officers came and bent her arm again, which had been hurt. One of the female officers, Ms. White, said that she would kill her. She was put into an office and had to wait there for 30 minutes. She was given a pill that made her sleepy and was taken back to her dorm. The officers often cursed her.

108. **S.T.**, aged 17, had been initially detained in Armadale since February 2009. She was sentenced to one year imprisonment for the possession of marijuana. Because the conditions in Armadale were very bad, some of the girls wanted to run away. There were about 20 girls in the "office dorm", which had three bunk beds. The girls managed to dig the window grill out of the wall but when they tried to escape at night, they were caught by the staff. The police was called and the girls were forced back into the dorm. The girls were singing, screaming and mocking the police. When she smelled the tear gas she jumped out of the window; she was the second girl to get out of the dorm. The tear gas came first, and then the fire. She thought that maybe one of the girls had lit a mattress in order to distract attention from their escape. She was traumatized from the events.

Alligator Pond Police Station, Manchester, St Elizabeth Visited on 17 February 2010

General information

109. The Special Rapporteur was received by Inspector Clyde Rumsay, Constable Sekou Smith and Sergeant Donovan Boothe. At the time of the visit, four male detainees were held at the police station.

110. The police station was small and displayed more humane conditions than the others the Special Rapporteur had seen in Jamaica. There were only four detainees held at the police station, who had been transferred the day prior from Mandeville Police Station, allegedly because of the visit of the Special Rapporteur. Conditions of detention in Mandeville were described by the detainees as appalling. In comparison, Alligator Pond was cleaner and the cell doors were open during the day. Detainees could go to the toilet and shower whenever they wanted in the very clean facilities. However, there was a problem with cockroaches and mosquitoes and the detainees complained that the light in the corridor was always on.

St. Catherine Adult Correctional Centre, Spanish Town Visited on 17 February 2010

General information

111. The Special Rapporteur was received by Acting Superintendent R. Williams, Acting Assistant Superintendent Isak Grizzle and Norman Powell, overseer officer. At the time of the visit, 1,263 detainees were held in the facility, which had a maximum capacity of 850.

112. At the time of the Special Rapporteur's visit, the prison's occupancy rate was almost 50% over its maximum capacity. In addition to four main buildings (Blocks A, B, C, D) there were three special buildings: the Side Cells with four sections, also called VPU (Vulnerable Prisoners Unit), which held persons with mental disabilities, homosexuals and other vulnerable groups; Gibraltar (including six death row prisoners in Gibraltar 1 on the 1st floor); and the New Hall. Section 1 in Block A was called security section. The cells in the security sector had doors with no windows. Detainees serving a life sentence were not separated from others. The last execution had taken place in February 1988. The gallows were still there, but the officers could not find the keys to show them to the Special Rapporteur.

113. The prison buildings, which had reportedly been built in order to "store" slaves on their passage to America, still reflected the atmosphere of a storehouse for human beings. The cells were generally paltry and detainees had no possibility of any meaningful occupation.

Individual cases

Vulnerable Persons Unit

114. **Mark Reid**, aged 29, was detained in a solitary cell in the sector reserved for homosexuals; he had to serve a 25-year sentence. He had to be in a single cell for his own protection, because he was afraid of being killed if he had to share a cell. He was allowed to leave the cell from 6:00 to 11:30 a.m. and from 1:00 to 2:30 p.m. He could receive two visits per month. He added that there were no beatings in that sector, but complained that he did not receive enough food.

115. **Gibson Bunting**, aged 47, had been at St. Catherine for 30 years, for a crime he committed as a child. His parole had been denied because of an alleged mental illness. There were no beatings at St. Catherine, but he had been beaten at a police station. He complained about having to defecate in pitchers when the detainees were not allowed to use the toilets.

116. **Ricardo Lee**, aged 39, British national, had been detained at St. Catherine for five years. He had asked to be placed in the vulnerable persons unit for protection, as he had been attacked by other detainees. He expressed fear that everyone would know in which sector he was detained upon his release, and that his life would be threatened. He did not have a lawyer. There was a lot of violence among the prisoners and between the prisoners and the guards. He also complained about not being able to use the library because there was a common belief that if other prisoners touched any book that he had touched, they would become homosexuals. He was confronted with the same attitude with regard to the gym and the playing field. As a result, he could not associate with any other prisoners, and could only walk around in his unit. He also expressed fear about speaking to the authorities, as he did not trust them. He requested that stamps and envelopes be provided to those prisoners who could not afford them.

117. A **detainee**, aged 35, had been beaten daily by the correctional officers. One of the officers had taken everything from his cell during a search, but the search had not been supervised by any other officers. He had been beaten on the stomach with a baton, and slapped on his face in early January. He had been at St. Catherine for ten years, and expected to be released in June 2010.

118. A **detainee**, aged approximately 50, HIV positive and homosexual, had been charged for a murder and sentenced to 20 years imprisonment. He always received his medicine but reported that because he complained that he was not getting the special diet he needed, he was beaten by a warder who broke one of his ribs. Warders would often enter his cell and insult him. He was also very scared of other detainees because of the heavy discrimination against homosexuals. In church they had a special section for homosexuals. If they sat on other benches, they were beaten by the others. Because of this stigma homosexuals were also prevented from doing many activities. Many detainees spent many more years in jail than what they were sentenced for because their parole hearings were constantly postponed.

119. **D.S.**, aged 62, had been held in a single cell for the last six months. He was unhappy about being alone in a cell but he appreciated that he was in the special wing for his own safety. The quality of the food was bad. At 9 a.m. each day he was allowed to be out of his cell for half an hour; at 2 p.m. he could go out for one hour. He was beaten by officers at the beginning, but not anymore. However, detainees who got violent were subdued by the guards.

120. A **detainee** had been in St. Catherine for eight years. He had been beaten by the officers about five or six years before. The officers treated the inmates like scum. He did not get along with other people because of a medical condition and was therefore put in a single cell in the special wing. He felt it was a privilege to be in a single cell and had a radio to keep him company. There was no activity for the detainees except for going to church, which he did three to four times per week.

121. **F.D.**, aged 44, was detained in a dark, single cell. Because he did not receive any visits he had no money to buy a light bulb. He did not dare to ask for one because he was not sure whether it was allowed to have light in the cell. He was HIV positive and received some medication, although not regularly. In October or November 2009 he was beaten with a baton on his stomach, back and mouth by a warder for the possession of an illegal weapon. His teeth were still shaking from the beatings. He did not see a doctor and did not lodge a complaint. In 2008 he was beaten with a baton on his arms and legs by a warder because he was suspected of having traded marijuana. He saw a medical officer and limped for a while because of the beatings. He liked to be in a single cell because he was afraid that the other inmates would kill him for having had sex with a minor.

122. **Nicholas McIntosh** and other detainees complained about discrimination of homosexuals, who were segregated and had no access to church, the gym, school and other common activities.

Gibraltar 1, Death row

123. **Massi Nissa Adams**, aged 27, had been condemned to death on 11 November 2009. He was arrested in 2005 and first detained at Kingston Central Police Station before being transferred to the Horizon Remand Centre in 2005, where he was kept in SP 13 and SP 18 for four years prior to his sentencing. He was not beaten at St. Catherine; he could only go outside to the yard for one hour each day. With regard to visits, there was one visit every two weeks, and the visits only lasted between three and five minutes. He had no possibility to contact his family by telephone. When he was allowed outside his cell, he could only meet the other five death row prisoners. His sentence was being appealed.

124. **Lenox Swaby**, aged 28, had been condemned to death on 28 January 2010. He had no complaints except for the poor quality of the food. Prior to St. Catherine he had been detained at Horizon and described the conditions there as much worse, mainly because of the water shortage.

125. **Calvin Powell**, aged 27, condemned to death. He had been at Mandeville police station from 16 December 2006 to March 2007. He was then transferred to Horizon, where he was held from March 2007 to 18 December 2009. From there he went to Central Police Station until 27 January 2010 and finally taken to St. Catherine. He had been tortured at Mandeville Police Station. He was beaten several times with a baton during his interrogation. In addition, he was forced to sit naked on a metallic chair, with his hands handcuffed behind his back, while he was electrocuted with a cable which was tied to a light bulb, and water was poured on his body. His testicles were also squeezed, in an effort to extract a confession. He did not confess and so the officers beat him with batons on his legs until he could not feel them anymore. He had to sign a document that was later used to sentence him to death. He had no lawyer. The officers who forced him to sign the paper were Dalfy Graveney and Kalin McKenzie. When he appeared before a judge, he stated that the confession had been forced, but the prosecutor laughed. He was then taken to Horizon, where the detainees were always locked up and in some cases did not have water. With regard to St. Catherine, he complained about the lack of toilets. He could see visitors two times per month, but they could only bring clothes. His sentence was being appealed.

126. **Jeffrey Perry**, aged 35, condemned to death. He had received his final sentence on 16 January 2009 and was taken from Horizon Remand Centre to the Gibraltar 1 block at St. Catherine's on 22 January 2009. At times the guards tended to be abusive. At Horizon Remand Centre, he was once beaten and kicked by four officers in his cell in 2005. He was not injured. The officers had beaten him as an additional punishment for the crime he had committed. He had not been ill-treated by the police during or after arrest. When he was transferred to St. Catherine's he was interviewed at the reception area, was searched and received a medical check. He could go out two times per day, in the morning for two and a half hours and in the afternoon for two hours. He got on well with the other inmates. They played football, domino, and cards or did exercise. They could get books from the library. The condemned prisoners were not allowed to have a family day and did not receive any food from outside. The food they received was not as palatable as he would like it to be but he was grateful for receiving it. The cells were infested with maggots, rats and cockroaches. The pigeons under the roof defecated on the corridor, making it a breeding ground for maggots. Some evil warders would come around the block and tell the condemned that they soon would be taken to the gallows. It was rather arbitrary if the detainees received batteries for the TV. There was no guard on the wing and if they had to go to toilet they had to urinate in a bottle.

127. **Garfield Campbell**, aged 32, condemned to death. Since 1997, he had been detained in diverse lock-ups. In 2004, he was released on bail. In 2005 he was finally sentenced to death. In 1998, he had been severely beaten by police officers at Metcalf Remand Centre in order to find his weapon. He was beaten with a long piece of iron and the officers nearly killed him.

128. **Peter Dougard**, aged 42, was sentenced to death in November 2007 for murder. In 2005, he was detained for one month at Half Way Tree Police Station, where he experienced a high level of violence. Between 2005 and 2007 he was detained at SP4 of the Horizon Remand Centre, where he was kept without sunlight and with bad food. In November 2007, he was transferred to St. Catherine. He complained about the quality of the food, corruption, lack of work and the hygienic conditions. In the morning and afternoon, prisoners were allowed out of their cells for 1 to 2 hours each. He claimed to be

innocent and hoped that after five years his death sentence would be commuted to a prison sentence.

Gibraltar 2, High-security unit

129. **Patrick Reid (Rambo)**, aged 45, had been detained at St. Catherine for almost nine years. During searches, which took place at least once a week, his artwork was always destroyed and water was poured on his belongings. He complained about the lack of a toilet in the cells, as well as about being slapped or beaten if he answered back to the guards. However, the last time he had been beaten was in 2008. He was not allowed to cook in his cell and that food brought by his family was not given to him. Only those prisoners who knew a trade were taken to the workshops.

130. A **detainee**, aged 45. There were three persons in his cell, and they had all been there for three years. He was serving a 40-year sentence. He complained about being beaten during a search the week before, after the guards found a mobile phone in his cell. He was beaten on his back with a baton, and was taken to the hospital, where he received pain medication. If detainees complained about the prison, they were removed and taken to another prison with worse conditions.

131. A **detainee**, aged 31. He complained about having to use plastic bags and bottles to urinate and defecate. When he could use the toilets, there were only six for the whole sector. He stated that the Superintendent transferred the power to conduct searches to syndicate warders, who would take away their light bulbs when they so wished. He had been last beaten in 2007, after the warders had conducted a search. He also complained about the very limited opportunities for education and general rehabilitation. He declined to give his name due to fear of reprisals.

132. **N. L.**, aged 42, was serving a life sentence; he had been at St. Catherine since 1992. He had been sentenced to death in 1994, but because of the judgment of the Privy Council in Pratt and Morgan, his sentence had been commuted in 2002. He behaved well and therefore he did not suffer any abuse. He was happy to take part in the computer and mechanic workshops. He received money from his family, which he could use to buy different items in prison.

133. **Ian**, a detainee, had formerly been on death row, but his sentence had been commuted after five years on death row. There were three persons in his cell. He stated that the warders were often frustrated or had personal problems which led them to beat the detainees.

134. A **detainee**, aged 24, had often been beaten with batons and kicked by the guards in the five years he had been kept at St. Catherine. He said clothes brought to the detainees by relatives were often turned back. He also complained to be detained with two other inmates in one small cell with only one mattress. No rehabilitation programme was provided to the detainees and he could not learn anything or develop any skills. This system was breeding criminals and people could only become worse under these conditions. His cellmates approved.

135. **Roniel Smith**, aged 28, was convicted to 20 years imprisonment in February 2002. He had first been detained at the New Hall building in St. Catherine. On 27 January 2007 he had disobeyed an order by the female warder Ms. Angus. She had slapped him and transferred him to solitary confinement in Gibraltar 2. Between 9 and 11 a.m. and 1 and 3 p.m. he could be outside of his cell. He complained about the lack of recreational and rehabilitation facilities, but he followed education classes five times a week. He could receive visitors twice a week for five to seven minutes each. In November 2007, the warder Mr. Brown beat him with a wooden baton. His arm was broken and he was hospitalized.

136. **Paul Allen**, aged 43, was arrested in November 2006 and first detained at the Freeport Police Station in Montego Bay. In June 2007 he was sentenced to 43 years imprisonment for robbery, rape and other crimes. His case was on appeal. He was injured at Freeport and taken to hospital. With regard to St. Catherine, he complained about the lack of meaningful rehabilitation activities. He could leave his cell between 9 a.m. and 12.30 p.m. and between 1.30 and 3.30 pm. He was in a single cell upon his own request.

137. **Birris F. Robinson**, aged 52, was convicted to life imprisonment in 1983 and hoped to be released in 2011. Since he was serving a life sentence, he had to be in a single cell. He complained about the arbitrary practice of the Parole Board and he thought parole should be compulsory after a certain period. The conditions in St. Catherine were more or less the same than 20 years before, but there was less violence than before. The last violent event had happened some two weeks before the visit of the Special Rapporteur. Between 9 and 11 a.m. and from 1 to 3 pm, he could leave his cell, but there were no proper work and recreation facilities. He added that there should be more training and education facilities.

138. **Tony Jones**, aged 50, was arrested on 1 September 1984 and sentenced to death on 6 March 1985. He had spent ten years on death row at Gibraltar 1, between 1985 and the commutation of his sentence in 1995. Between 1995 and 2004 he was imprisoned at Tower Street, and since then in Town Hall of St. Catherine. He hoped to be released on parole soon. The prison conditions were getting worse, in particular with respect to the food and beatings. In 1987, a prison warder had broken his arm. In 2009, there had been a brutal attack against another prisoner. On Friday before the visit of the Special Rapporteur, a warder had arbitrarily smashed the bulb of his TV. His mattress was old, and there was no toilet inside the cells; thus the detainees had to use a bucket. They could go to school and do some sports.

139. **Dwayne Bryan**, aged 29, was held in a punishment sector with harsher conditions. His cell was searched approximately three times per month. If the warders found anything suspicious, they would break the light bulb in retaliation. He was banned from having a light bulb. Whether a cell had light or not was completely arbitrary. The detainees were regularly beaten by the warders, for being late or for any other reason. At the moment, three detainees were in the hospital for injuries they sustained as a result of beatings. He had been hit on the head and ribs eleven months prior by a warder. He had stitches and one rib was broken. The stitching was done in the prison. Since he did not feel well after the beatings, he had to be taken to hospital for X-rays.

140. **Alexander Boothe**, aged 29, had been in St. Catherine since 22 February 2005. In October 2004 he was beaten on the head by Constable Lindsey at Manchester Police Station. In addition, he was handcuffed behind his back to the grill. He had to sit on a bench with his feet lying on a chair. The officer beat him with a baton on the soles of his feet in order to obtain information about a gun. Despite an injury to his head he was not taken to hospital until two days later. In St. Catherine he had always been in a single cell, which he preferred. Some detainees were beaten by the warders if they asked for trouble. The food was horrible.

141. **W.I.**, aged 35, had been in St. Catherine since October 2008; he was sentenced to life imprisonment. During his detention, he had been beaten twice by warders; the last time was in December 2009. He had gotten into a fight when the warders came and dragged him out of the cell. Five officers beat him with batons all over his body for 15 minutes. He had not lodged a complaint.

142. **Vergil Smith**, aged 52, had been in St. Catherine since 1996; he was sentenced to life imprisonment. He had never had any problems in prison until 3 July 2009. Officer Lilly had been sitting outside his cell on the corridor. He wanted to have money from him and came into the cell to look for money in the book he was reading. The book fell down and he

wanted to pick it up. At that moment, officer Lilly grabbed him at the throat and punched him into the face. After the assault he went to the medical wing of the prison. Officer Lilly went by to see him there and threatened him not to make any complaint. However, he still complained to the Superintendent, but thus far nothing had happened and the complaint was still pending.

Security Section A1

143. **Marc Dacosta**, aged 28 had been beaten with a baton on his head and all over his body in late 2009, because the warders thought he had thrown something over the wall of the prison. He stated that the warders used excessive force because they lacked training. He asked to be placed in that sector for his own safety. He complained about the food, and noted that the prisoners who already had some skills were given preference to attend the workshops. Families could provide the detainees with mattresses.

144. **Valentin Bowes**, aged 31, had spent six months from May to October 2007 at May Pen Police Station, where he was heavily beaten by criminal investigation officers at the 2nd floor in order to extract a confession. In October 2007 he was sentenced to 20 years and transferred to St. Catherine. His appeal was still pending. He complained about the chaos, arbitrariness and lack of rules. The warders were not educated and corrupt. In particular at the Tuck Shop they extracted money from the detainees. Although prisoners could leave their cells between 9 and 11 a.m. as well as from 1 to 3 p.m., they had nothing to do because of a serious lack of education and rehabilitation facilities. There were specific commandos of some 20 warders beating up one prisoner.

145. **Wayne Morris**, aged 31, had been in custody since 1999 and had spent nine years at the 3rd floor of New Hall in St. Catherine, where the conditions were extremely arbitrary. In summer 2009, he got several blows on his head because he did not go back into his cell quickly. He was then transferred to the Security Section where he felt safer from the officers.

146. **Raul Khouri**, aged 33, had been beaten by a warder in 2009 after a search during which a mobile phone was found. Officer Murray had slapped him on the face outside of his cell. He had reported the beating but was only told to go and report another time. There were no clear rules for the detainees or warders. He was not allowed to go out for recreation.

**St. Andrew Juvenile Correctional and Remand Centre for Boys
("Stony Hill")
Visited on 18 February 2010**

General information

147. The Special Rapporteur was received by Daniel Morrison, Acting Overseer, Devon Hannam, Acting Overseer, Marcia Chen, Welfare Case Manager and Donovan Campbell, Safety Management Officer. At the time of the visit, 46 boys were held at Stony Hill. The facility had 61 staff, including 42 correctional officers.

148. The Special Rapporteur had a troublesome impression of the institution after his visit. The centre was comprised of one enclosed block with four dormitories, each with six bunk beds. There were three showers and four toilets for the boys. The dormitories were unlocked between 8 a.m. and 5 p.m., but the boys were not allowed to leave the enclosed area. There were five boys in special confinement due to an outbreak of chicken pox. The Acting Overseers indicated that they needed additional staff, bedding and educational and recreational activities. They reported that sanctions included the banning of visits (reviewed

after five days) and extra chores. They added that corporal punishment was not allowed, but admitted that it still happened. They acknowledged that forced kneeling was used as a punishment. In case a complaint was presented by one of the boys, an internal investigation was initiated. If the officer was found to have subjected a boy to corporal punishment, he or she would be the subject of another investigation. Sanctions were then determined by the Commissioner of Corrections. There were currently four members of staff interdicted, i.e. suspended with either half or no pay, but the investigation had been ongoing for almost four years. Sanctions also included fines, transfer to other institutions or dismissal.

149. The daily routine was the following: at 5.30 a.m. the boys woke up to exercise, then they could take a cold shower and clean their cells; at 8 a.m. breakfast was provided. Then some time was reserved for devotion. From 9 a.m. to 12 p.m. and from 1:30 to 3 p.m. classes were held; recreation time was from 3 to 4.30 p.m., supper at 5 p.m., and at 6 p.m. the boys were locked in their cells again. There was more or less no time or possibility for individual recreation and privacy.

150. Regarding outside activities, the officers indicated that remandees were not allowed to go outside because of the security risk or risk of a lawsuit if something were to happen to one of the boys. Those with court orders could go outside if there was a specific project, such as work. The boys were thus kept inside despite the fact that there was outside space for exercise). During the debriefing, the management held that there was a general rule that remandees were not allowed to go outside, but were unable to substantiate. The Special Rapporteur had the general impression that the warders were arbitrarily depriving the juveniles from going outside the closed compound. Beating was routine practice at Stony Hill. Officer Morgan was most often named by the boys to have beaten them and also to have subjected them to other forms of corporal punishment. The Special Rapporteur urges that a criminal investigation should be conducted against Officer Morgan and the Senior Management of Stony Hill. They should be suspended from duty pending the results of the investigations.

Individual cases

151. A **boy**, aged 15, indicated that on the last Sunday in January, the warders beat him with a folded belt on his hands and back. He was also beaten on the chest and mouth. As a punishment, he was forced to kneel on the cold floor for half a night, wearing only his underwear. His punishment ended when he had to use the toilet. As a result of the beating, his lip was bleeding and his back had peeled. He had a scar on his back right shoulder and hand, bruises on his back and finger, and a swollen arm. The officers gave him pain medication, but did not take him to see a doctor. He added that he had been beaten because the officers did not like him. He also stated that verbal abuse occurred daily. He had complained about the beatings to the Superintendent, and although the Superintendent had spoken to those involved, he did not think anything would be done. He had been told by the other boys to inform the judge of the beatings, but his court date had been postponed after the last beating. His visits had also been suspended for one month because he had been fighting, according to the officers. He also added that the boys were beaten daily, especially if they made trouble. The punishments also included beatings with wooden boards on the buttocks and forced kneeling with the hands stretched out. However, none of the boys watched while others were being beaten. Before his detention, he had been taken to Halfway Tree Police Station, where he was held in solitary confinement for one week. The findings of the forensic expert of the Special Rapporteur corroborated the allegations of ill-treatment. The Special Rapporteur was concerned about the absence of any record of examination or treatment within the medical file.

152. **D.R.**, aged 16, had been on remand at Stony Hill for one month. He complained about the strict discipline and the daily routine, including the early wake up, cold shower

and “donkey food”. In principle, the detainees could be visited every day, but this privilege was often restricted for disciplinary purposes. In addition, they were regularly beaten by warders. The most violent of the warders was Officer Morgan. The bathroom was not working and needed to be fixed.

153. **P.J.**, aged 17, had been at Stony Hill for two months, since early January. There was regular violence and not enough food. Four days before the visit of the Special Rapporteur, he had a fight with another boy in the dorm. As a sanction, Officer Witter hit him with a long wooden stick and Officer Morgan with a cricket pad. Officer Morgan also slapped him on the face. Then he had to kneel down and hold up a chair in the air for two hours. Both warders ordered the boy with whom he had the fight to punch him on the mouth. The findings of the forensic expert of the Special Rapporteur corroborated the allegations of ill-treatment.

154. **C.S.**, aged 16. He had been at St. John Bosco Children’s Home from March to August 2009 for being “uncontrollable”. From August to 1 October 2009, he was at Alpha Boys Home and at Stony Hill since 1 February 2010. The latter was by far the worse because the children were locked up and subjected to constant violence, fighting and beatings. As a punishment, they had to kneel down, clean the dorm and the bathroom, wash the walls, were beaten and could not receive visits for up to two or three months. Usually, his mother could visit him every two weeks.

155. **D.M.**, aged 12, had initially spent one month at the Alpha Boys Home in Kingston for being “uncontrollable”. He had been at St. Andrew for a week, which was far worse. At the Alpha Boys Home, the guards did not beat children, but in St. Andrew this was a regular practice. On 16 February, he had to kneel down with his hands up while Officer Morgan beat him on the buttocks with a brown wooden board, roughly one meter long.

156. **D.D.**, aged 16, had been at Freeport Police Station since August 2009 and was transferred to Stony Hill some days before the visit of the Special Rapporteur. In Freeport he had been beaten with batons and had to sleep on the concrete floor. He found Stony Hill comparably better, although the toilets were very dirty and his family could not visit him since they lived far away.

157. **M.A.**, aged 15, had been in St. Andrew since November 2009 and had been previously held at Central Police Station. He had been beaten by the officers in St. Andrew and felt homesick.

158. **T.C.**, aged 16, was arrested on 21 January 2010 and taken to Central Police Station. On 11 February, he was transferred to St. Andrew. He had not been beaten but complained about the bad hygienic conditions.

159. A **boy**, aged 16, had been held at St. Augustine Place of Safety for one year and was transferred to St. Andrew three weeks prior to the visit of the Special Rapporteur. He was charged for attempted murder and had no lawyer. He was HIV positive since birth and both his parents had died of the disease some years before. He had regular access to a doctor. He preferred St. Augustine because he had more freedom and could go out more. He had no money to buy water or snacks. He would like to use the computers and improve his skills, but there were too many people and he almost never had access. He felt very bad and lonely at St. Andrew because the other boys called him names and sometimes beat him. He was never hit by an officer.

160. **M.J.**, aged 14, had been detained in the remand centre for one and a half months. He had been beaten by the warders two weeks before the visit. He was in dorm number 1 and had a fight with another boy. Three warders came and took him to the front office, where he was told to bend over the table. A fat officer, who drove a Kingfish car, took a belt closet, doubled it and beat him on the buttocks. He wore shorts. He did not count the blows but

thought he was hit about eight times. He was then ordered to kneel in the corridor for about 15 minutes. He was then allowed to go back to his cell. His buttocks were swollen from the beatings but he did not complain to anybody. He had not seen a judge yet. The warders beat the boys often. They had a long stick in the corner of the office which they used to beat them. They also used their own belts or the ones hanging in the office. He had not seen a doctor but the medical officer had given him some treatment without examining him. The cells were equipped with enough beds for the detained boys but not with enough mattresses; thus, some of them had to sleep on the floor. Sometimes they were not given their dinner snack bag. Officer Morgan was particularly dreaded by the boys because he incited the boys to beat each other. He would hold one of them while another detainee would punch him in the mouth.

Duhaney Park Police Station for Female Detainees Visited on 18 February 2010

General information

161. The Special Rapporteur was received by Inspector Marlene I. Bailey (Ms). At the time of the visit, 14 female detainees were held in Duhaney Park Police Station.

162. The cells at Duhaney Park were fairly clean, with running water and flushing toilets. In addition, there was no overcrowding. The doors of the cells were open and the detainees could walk on the corridor. However, they had to sleep on concrete beds and had no privacy when using the toilets. A woman who was six months pregnant found it particularly hard to sleep on the concrete bed. The officer in charge made a highly professional impression and emphasized that she wished to treat the detainees as human beings with dignity. She had only been on the job for one month.

Individual cases

163. **L.T.R.**, aged 40, had been at Duhaney Park Police Station for one month. She had been taken from her home and was not allowed a phone call, even though her son had been left alone at the house. She was not allowed clean clothes or sanitary napkins for four days, even though she was menstruating. She was also not allowed visits or phone calls until she was charged, ten days after her detention. She indicated that there were no fights, and that she could receive two-minute visits on Sundays.

164. **R.R.**, aged 26, a national of Trinidad, had been detained at the airport two weeks before and had already been sentenced. During her interrogation at the airport, she had been handcuffed on to an iron bar for approximately four hours, without a lawyer. She was then taken to a first police station, and later to Duhaney Park. She indicated that she had not been questioned at Duhaney Park, and that she did not really interact with the other women. She complained about sleeping on the floor, the presence of cockroaches and the quality of the food. She would be transferred to Fort Augusta the following week.

165. **B.S.**, aged 39, mother of three girls (aged 22, 17 and 15), who had to take care of themselves on their own since the father had left her and did not provide any money. As a result, she started dealing drugs. She was arrested at the Kingston airport on her way to Trinidad and Tobago and was taken to the hospital for x-rays. On 7 February 2010 she was transferred to Duhaney Park, and on 11 February she was presented before a judge. There were no beatings, but some police officers used humiliating language. The food was alright. In the morning they received two pieces of bread, scrambled eggs and black tea, and white rice, chicken and biscuits for lunch and dinner. If the police officers were nice, the cell doors were open all day. The Superintendent was a nice woman and male guards were not allowed in the lock-ups. Her cell had five concrete beds but without any mattresses. She

could receive visits on Wednesdays and Sundays but she could only talk to them through the bars for a few minutes. She was only allowed one telephone call to inform her family of her arrest and would like to use the telephone more frequently.

166. A **detainee**, aged 28. She was detained in the morning of 15 February 2010 at a communal farm by four police officers, three of whom were uniformed. They threatened to shoot her and put her into a police jeep. One of the officers received a call and asked her whether she knew a certain man. She replied that he was her boyfriend. They also asked her whether he was part of the gang that was stealing old iron. She was taken to the holding area of Denham Town Police Station for a few hours, where she was told that her boyfriend had been killed by the police. Later a police officer told her that somebody had been killed in a shootout soon after her detention. However, he had no weapons, so she thought he would have been killed by the police. She was charged by the police of having received stolen goods. On 15 February, she was taken to Duhaney Park, where she read in a newspaper that her boyfriend had been killed in a shootout. She thought he was a victim of an arbitrary killing by the police. At Duhaney Park, she was treated well by the police. She would go to court the following day. There were only female guards in the lock-up. The day before, the detainees received breakfast at 10 a.m., and lunch and dinner together already at 11 a.m. She complained about cockroaches in the lock-up.

167. A **detainee**, aged approximately 40, had been arrested for possession of marijuana on 27 January 2010. She complained that she was hungry all the time as the detainees did not get enough food, and that the officers were not responsive when she called them.

168. A **detainee**, aged approximately 45, was arrested and taken to Central Village Police Station in Spanish Town before being taken to Duhaney Park. She thought Central Village was worse, although she complained that at Duhaney Park she could not go out and see the sun. She said that her phone calls had been denied and that she could not call her family since she had arrived. She had the feeling that the rules were arbitrary.

169. A **detainee**, aged approximately 35, arrived at Duhaney Park the night before the visit of the Special Rapporteur, after she had been taken out of a plane for drug possession. She had not been brutalized but complained about the lack of hygiene at the lock-up, the insufficient quantity of food and the lack of privacy when she used the toilet.

170. A **detainee** was arrested on 6 February 2010. Countless police officers from a “flying squad” came to her sister’s house where she was staying. The commanding officer ordered her to go downstairs. He was sitting on the stairs and she was standing in front of him. He started questioning her and when she answered he called her a liar. He beat her on the forehead with a hockey stick. The second blow caused her forehead to burst and bleed. Her hands were cuffed. Another officer took his belt and beat her many times. She was also beaten with the belt buckle all over her body. She had a scar on her forehead and numerous bruises on her left shoulder and arm as well as on the front side and back of her left thigh. Her lawyer, to whom she had shown the bruises, had taken pictures of the injuries and took her to Kingston Public Hospital. She would like to complain about the ill-treatment when she would be taken to court. The findings of the forensic expert of the Special Rapporteur corroborated the allegations of ill-treatment.

Maxfield Park Children’s Home Visited on 18 February 2010

General information

171. The Special Rapporteur was received by Superintendent Laura Brayham (Ms). At the time of the visit, there were 99 children (64 boys and 35 girls) at the Children’s Home.

172. The children's home was a permanent home for children. It had been privately run, but the Office of the Children's Advocate had recently taken it over because of financial difficulties. The facilities and the female Superintendent made a positive impression on the Special Rapporteur. She claimed that the children (boys and girls from baby age up to 18) were not deprived of liberty, and that the bars were only for their protection.

Tower Street Adult Correctional Centre, "General Penitentiary", Kingston Visited on 18 February 2010

173. The Special Rapporteur was received by Superintendent Leroy Fairweather, Deputy Superintendent Winston C. Anderson and Vice Deputy Superintendant Vincent McDovell. At the time of the visit 1,647 male detainees were held at the prison, including one boy.

174. The prison had a capacity of 900, but held 1,647 prisoners at the time of the visit, including one juvenile. The prison was comprised of eight blocks (A, B, C, D, E, F, G, H), divided into North and South Sections, a Hospital Ward and Security Cells (also called Jail Section), which were likely used as solitary punishment cells, although this was denied by the officers. Sections E, F, G and H South were reserved for homosexuals and other vulnerable prisoners. Sections H and F North were Security Sections. The George Davis Centre was originally for female prisoners and was later used for prisoners with mental disabilities. According to the officers, there were no major incidents and no complaints about any beatings since 2007. In 2009, five prisoners had died. During the debriefing, Superintendent Fairweather admitted that overcrowding was a serious problem, and that he had to use single cells for three prisoners.

175. The prison was built in 1840 and was not made for providing rehabilitation to prisoners. Only 350 of the 1,650 prisoners had the possibility to receive education or work in the few workshops (carpentry, tailoring, welding) available. There was also a serious shortage of staff. 463 staff members were employed at the prison, working in three shifts. Sanctions consisted primarily of revoking privileges, such as visits. Children could visit their fathers at least three times a year (e.g. at Christmas).

176. There were 147 schizophrenic detainees at Tower Street, who were not receiving appropriate medical treatment. There were three part-time psychiatrists who were there for a total of three days per week.

Individual Interviews

Special Location/ "Gay Section" (E, F, G, H South)

177. **Eustace Hanson**, aged 38, had been sentenced to death in 1990 and had spent four years on death row in St. Catherine. In 1994 his sentence was commuted to life imprisonment, and he was transferred to Tower Street. He spent two years at the Security Section of F and H North, but he was later transferred to the gay section, where conditions were better. He had been beaten a long time before, but not in recent years. Prisoners could be placed in the "punishment cells" for up to three months.

178. A **detainee** had been sent to Tower Street in October 2008; he was sentenced to four years imprisonment. He felt discriminated by the other inmates because he was homosexual and had been beaten by officers with batons. He was a musician and would like to use the instruments in the prison, but the other inmates used them and they refused to let him join. He was not accepted in the Rasta choir either because he was a homosexual.

179. A **detainee** had been sentenced to life imprisonment in 1978. In 1992 he was badly beaten by some officers but did not complain. In 2008, he was wrongly accused by an officer and subsequently kicked and boxed by four officers, among which was Officer Blair Grove. He was taken to the hospital but did not lodge any complaints. The named officer came to his section very often.

180. **Michael Freemantle**, aged 55, was a well-known prisoner who had won a case before the UN Human Rights Committee in the 1990s; but had not received any reparation as awarded by the Human Rights Committee. He was arrested in 1985 and sentenced to death on 21 January 1987. In 1995, this sentence was commuted to life imprisonment. Since he had been detained for almost 25 years, he should be eligible for parole and had applied to the Parole Board. The last time he had been abused by a prison warder was in 1997, but on 9 January 2010 he had been abused by a fellow prisoner. The Special Rapporteur strongly urges the Government of Jamaica to pay all applicants who were successful with their individual complaints before the UN Human Rights Committee an adequate compensation as indicated in the Committee's final views, including Mr. Freemantle.

181. **Stephen Morrison**, aged 35, was sentenced to nine years imprisonment and had served his sentence since 2006 in Tower Street. Although he complained about the lack of education and rehabilitation facilities (workshops were only available for a few prisoners), he maintained that this prison ran rather smoothly.

Security Cells

182. The room for the warders was empty. Detainees were locked up in dark solitary confinement cells without a toilet or water and had nobody to call for help. During the debriefing with the officials, the Superintendent admitted that due to a shortage of personnel, no staff was in the building during the nights, but prisoners could shout if they needed help. There were three small sections with a total of ten cells. There was no light in the cells, but only outside in the corridor. In principle, it seemed that the prisoners in the security cells were allowed to leave the cells like other prisoners in the morning and afternoon, but there were exceptions when prisoners were kept in complete solitary confinement. The Special Rapporteur holds the opinion that this cannot be done for the sole purpose of security and that it definitely amounts to a punishment.

183. **Dwight Hawden**, aged 30, was kept in cell no. 10 in complete darkness. He was sentenced in 2006 to life imprisonment but hoped to be eligible for parole after 15 years. He was usually kept in Section E South, but Officer Tamo had decided the Friday before the visit of the Special Rapporteur to put him in a "punishment cell". Between September and November 2009, he had been locked up in this sector for two months. The only light in the cell came from a tiny opening in the direction of the "Gay Section", which he could also use to communicate with other prisoners outside.

184. **Clinton Gordon**, aged 49, was sentenced to death in 1990. This sentence had been commuted to life imprisonment in 1993. He should soon be eligible for parole but he needed an employment letter in order to be released on parole. Since he was serving a life sentence, he was in a single cell in the E North Section. Because of lack of space, the officers had brought two other men into his cell. He protested, so he was moved to the security cells in December 2009, where he was again in a single cell. The conditions were much worse here, the cell was dark, and he considered this a misuse of the security cells. He would prefer to be together with others than to be alone in the security cell. He could usually leave his cell during the day, depending on the warders.

185. **Ricardo Salmon**, aged 28, had been in the security cell for eight months. He had been stabbed once by another inmate and taken to the Kingston Public Hospital. Two

officers broke two of his teeth in August 2009 and on another occasion. He complained and the National Commission decided to remove these officers from their positions. They also decided he should have his teeth replaced but this had not been done yet. He stated that there was much violence between inmates as well as by the officers.

186. **Michael Gammon**, aged 38, was arrested in 2000 and taken to St. Catherine. He was then transferred to Horizon into SP12 and finally to Tower Street in November 2009. He stated that he could not associate with the other inmates because they would blackmail him because he came from a very wealthy family. He requested to be isolated. He had a radio in his cell and said the officers were trying to rehabilitate him and were good guys.

Security Section H North

187. **A detainee**, aged 40, had been sentenced to life imprisonment and had spent 14 years in Tower Street. He hoped to be eligible for parole within one year. He complained about the bad prison conditions. There were no toilets, and the detainees had to urinate and defecate into large plastic cans. The toilets and showers in this section were in bad conditions, the food and medicine they received was of poor quality, and they could only receive two visits per month of two to three minutes each. In August 2009 he was heavily beaten by a prison warder for no apparent reason.

188. **Omar Facey**, aged 27, had spent three years and one month in Tower Street. One of his legs had been amputated in 2005, and he urgently needed medical assistance. He complained that there were no mattresses in his cell. Although visitors often came from far away, they were allowed only short visits of a maximum of 15 to 20 minutes. He noted that the conditions of detention were deteriorating; for example, detainees used to receive toilet paper and soap twice a month, but now they received them only once a month.

189. **Raymond Gowie**, aged 35, had been at Tower Street since May 2008 and had been previously at Horizon for four years. He preferred Horizon and said that at Tower Street everybody had to pay when there was a problem with an inmate. He also complained about the attitude of the warders.

190. **Clive Barige**, aged approximately 50. His death sentence was commuted to life imprisonment on 3 July 1992, with eligibility for parole after 15 years. He had received 14 different dates to go to parole but it was cancelled at the last minute every time. He said inmates were treated like animals.

191. **Andrew Turner**, aged 36, had been sentenced to 20 years and had served eleven years in Tower Street. For the last four years, he had major problems with his right eye and was afraid of going blind. He had not received proper medical treatment.

Prison Hospital

192. Some detainees who had been severely injured during the unrest at the Horizon Remand Centre on 8 February 2010 were held at the prison hospital.

193. **Lance Mathias**, aged 26, had been in his cell on the 3rd floor in SP 22 at Horizon Remand Centre when the disturbances occurred. Although the other detainees had smashed the locks of their cells, he and his cellmate had stayed in their cells because they did not wish to participate in the violent events. However, prison warders were looking for him by name, and pulled him out of his cell. He had been beaten with an iron pipe by Officer Sente. He had a fractured left jaw and injuries to his legs. The findings of the forensic expert of the Special Rapporteur corroborated the allegations of ill-treatment.

194. **Deryck Agan**, aged 27, had been in his cell on the 2nd floor in SP 19 at Horizon Remand Centre. He was arrested on 8 May 2009 and taken to May Pen Police Station, where he was beaten so heavily that he sustained a fractured bone on his forehead. On 11

May 2009 he was transferred to Horizon. Although he had serious pains, he did not see a doctor for a long time. He then received painkillers. In June and July 2009, there were several incidents involving serious beatings by warders in SP 4 and SP 19. During the three weeks before the events of 8 February, the officers had gone on strike. Consequently, there were only ten warders for eight SPs. In addition, there was a serious water shortage. Even when the water finally arrived, the warders refused to work. They then allowed a bigger group of detainees from SP 17 to fetch water. The detainees were so angry about the bad prison conditions that they started to destroy the building. They took iron bars and other tools and quickly smashed most of the locks in seven SPs in the following order: SP 17, 18, 22, 21, 19, 20 and 24. The warders ran away and came back with soldiers and police. The soldiers took control of the situation without injuring anybody. Police officers then came with riot shields and black batons and started to beat up detainees. The prison guards even used metal batons and shotguns. They were looking for specific inmates by name, including Mr. Agan. He was taken out of his cell and beaten by Officer "Discipline" with a baton. Officer "Discipline" then told the other officers present that Mr. Agan was from a particular suburb of Kingston and that he and his friends had killed a police officer. At that moment, six police officers and five warders started to beat him with batons and metal pipes. He was hit on the head and lost consciousness. The findings of the forensic expert of the Special Rapporteur strongly corroborated the allegations of ill-treatment.

195. **Ricardo Wright** had been transferred from Horizon Remand Centre following the disturbances. He had been beaten with an iron bar and a baton, resulting in two fractured fingers and other injuries on his face and over the lower part of the breastbone. The findings of the forensic expert of the Special Rapporteur strongly corroborated the allegations of ill-treatment.

196. **Darron Francis** had been transferred from Horizon Remand Centre following the disturbances. He noted that Officer Sente had beaten him with a metal pipe and that his wrist was broken when he tried to raise his arm to defend himself. The findings of the forensic expert of the Special Rapporteur strongly corroborated the allegations of ill-treatment.

197. **Andrei Bent** had been transferred from Horizon Remand Centre following the disturbances. He had been kicked and beaten all over with a pipe and at one point lost consciousness. He had a fracture in his forearm, which he attributed to raising his arms to defend himself.

198. **Nicholas Merkle** had been transferred from Horizon Remand Centre following the disturbances. He had been beaten with iron pipes. He lost consciousness and woke up in the hospital. The findings of the forensic expert of the Special Rapporteur strongly corroborated the allegations of ill-treatment.

Windsor Children's Home for Girls, St. Ann's Bay Visited on 20 February 2010

General information

199. The Special Rapporteur was received by Superintendent Mollins (Ms) and Deputy Superintendent Curtis (Ms). At the time of the visit, there were 48 girls between the ages of 12 and 18 detained there.

200. The youngest girl at Windsor was a 12-year-old; the majority of the girls were 13 to 14 years. The two-story building resembled a prison and not a children's home, with bars in the corridors and on the windows. The dorms were clean and all doors were open. The bathrooms and toilets were clean and well-kept. Each girl had her own bed with a mattress

and sheet. They also had cupboards and a sink with water and sanitary articles in their rooms. There were four to six beds per dorm. On the lower floor there was a cell which the girls called the “dark room”, which was used as a punishment cell. However, the room was not really dark, and the girls who were locked there as a punishment could also leave the room during the day. It was equipped with a bed.

201. The girls at Windsor were detained there for different reasons: some were deemed “uncontrollable”, some were orphans, and others were held there for their own protection (e.g. after having been sexually abused).

202. The evening before the visit of the Special Rapporteur, one girl had allegedly stabbed another girl with a knife. The injured girl had been taken to hospital, and the Superintendent was on her way back from Kingston to investigate the incident. All girls had been locked down because of the incident, meaning that they could not go outside of the building or leave the respective floors in the building.

Individual cases

203. **C.**, aged 14. She had been at the children’s home for almost a year. She indicated that the house mothers beat her on the head and verbally abused her. She had also been beaten by hand on her legs, back and head. She indicated that she had to take medication, but could not afford to pay for it. As a form of punishment, she had to clean the bathrooms, and she believed she had to do more work than the other girls.

204. **S.B.**, aged 16, did not remember when she had arrived at Windsor. She wanted to go home, but did not have any family members she could live with. She stated that the house mothers had beaten her in her face and back when she had tried to escape. She added that she did not like the other girls because they stole her personal items.

205. **J.A.F.**, aged 17, had to spend three years at Windsor for being “uncontrollable”. She complained primarily about the food. The girls had to get up between 6 and 7 a.m. The new arrivals went to school at the compound; the others went to school outside. At 1 p.m. they came back, had lunch and usually spent the afternoon outside playing games or doing sports. They could also work on computers. She alleged that at St. Ann’s Police Station she and her friend were discriminated and treated roughly (called “dogs”) because they were lesbians. She also alleged that at Windsor girls were discriminated against because of their colour of skin: If one had a lighter colour, she would get a nicer room, a TV and other privileges.

206. A **girl**, aged 16, had allegedly attacked another girl the evening before the visit of the Special Rapporteur. There had been a fight between the two girls; in the course of the events, the other girl had been stabbed with a knife. Although only these two girls were involved in the incident, the girl denied having stabbed the other. After the attack, one of the staff separated the two girls, and with the help of other girls, they pushed her out of the room. Then they took the wounded girl to the hospital and reported the incident to the police. She had no complaints regarding the conditions at Windsor. Some housemothers were nicer than others, but there were no beatings. Some men worked in the compound (as gardeners or for repair works) but they were not allowed to go inside the dormitories. If a girl left the compound or committed other offences, she would get locked into the “dark room” downstairs, sometimes for two days. If one had parents, she could be visited regularly.

207. **C. H.**, aged 14, had been at Windsor since March 2009. She complained about having a mental illness and other diseases, and seemed to show symptoms of schizophrenia. She indicated that she needed a brain examination which was very expensive. She was also scared and her neck hurt. Although she received medicine, the illness seemed to get worse. If a girl tried to leave the compound, she would be sent to the “dark room”. This had

happened to her two days before. She had left the compound to go for a walk and returned by herself, but the housemothers put her into the “dark room” and told her she could not to leave the dormitory for two weeks. The “dark room” was not really dark, there was some light, but it was hot and there were many mosquitoes. Other punishments included cleaning, but there were no beatings. The food was alright; they got rice, chicken, peas, sandwiches, etc.

208. Joint interview with five girls, **M.**, aged 16 (seven months at Windsor for protection as a rape victim); **N.**, aged 16 (eight months at Windsor for being “uncontrollable”); **H.**, aged 15 (two months at Windsor for her own care and protection); **C.**, aged 16 (two years at Windsor for her own protection and for being “uncontrollable”); and **K.**, aged 15 (one month at Windsor for her own care and protection). The girls went to school outside of the compound. During certain holidays, they could go together to a hotel; some went home for holidays. There were no beatings at Windsor, but some housemothers were unfair, did not respect them and did not know how to deal with children. Sometimes, children were locked in the “dark room” for up to a week. Most disciplinary sanctions consisted in cleaning or doing other work. The food was sometimes cold. They had been locked down since the previous night.

209. **D. K.**, aged 14, had been at Windsor since 2005; prior to that she was kept at Maxfield, then Glenhope. She preferred Maxfield because she could go out of the compound. Many girls tried to escape from Windsor. They spent a lot of time playing sports like basketball and football. But at the time of the visit, they were in lock-down for a few days because a girl had stabbed another one. The girls often fought among each other. She had only been beaten once by a housemother, who slapped her on the back in December 2009. The housemothers were usually nice. The meditation room was a punishment room for girls who misbehaved or tried to escape. They usually spent less than ten days there. She had never been punished.

Hill Top Juvenile Correctional Centre for Boys, Bamboo, St. Ann Visited on 20 February 2010

General information

210. The Special Rapporteur was received by Joseph Small, Acting Overseer and Caulter Lawrence, Acting Overseer. At the time of the visit, 100 boys between 13 and 18 years old were in detention. The capacity of the centre was 96.

211. The prison consisted of a number of buildings, including the dormitories, workshops, agricultural buildings and educational facilities. The roughly 100 boys lived in three dormitories. There were two punishment cells for solitary confinement. The officers seemed to make efforts to vary the diet of the boys, and respect their dietary restrictions. However, there were consistent complaints about the quantity of food.

212. During the debriefing with Officer Small, the Special Rapporteur raised consistent allegations of beatings and the fact that the boys were locked in during the whole weekend. He unconvincingly explained that it was due to a lack of staff.

Individual cases

213. **R. M.**, aged 15, had been at Hill Top for four months. Previously, he had spent two months at Montego Bay Police Station. He had been sentenced to imprisonment until his 18th birthday for uncontrollable behaviour, as a result of troubles with his mother. He noted that he did not like sports and that he would prefer to play board or video games. He added that boys who were beaten were taken to the punishment cell, but that it had not happened

to him. He indicated that he would like to have more free time after dinner. His mother had visited him two weeks prior.

214. **F. W.**, aged 16. He stated that he did not get in trouble, and as a result had not been beaten at Hill Top. However, he noted that another boy had been beaten with a broomstick and dragged across the floor a few days before the visit. He had been at Hill Top since April 2009 for uncontrollable behaviour. He would be released when he turned 18. He complained that he did not receive enough food and that he was hungry every day. He also complained that the dormitories were sometimes locked-down for no apparent reason, and that the Superintendent beat the boys with a belt or a stick. He had been sick a few days before, and was taken to the doctor and given medication. He concluded that the judge sent them to Hill Top so that they could improve their behaviour and be able to go home; instead, they were beaten by the warders.

215. **D.G.**, aged 17, was arrested in late August 2008 and spent 14 nights at Portland Police Station on a cold bunk. Instead of toilets, the detainees had to use buckets in the cell. Then he spent nine days at St. Andrew Remand Centre before he was transferred to Hill Top in September 2008. He expected to be released on 3 September 2010. In the "Middlesex Dorm", there were 41 boys who were split into four or five gangs. The daily routine was fairly strict: at 6 a.m. the boys had to wake up, shower, and clean the cells; at 8.30 a.m. they received breakfast; at 9 a.m. they gathered for devotion; at 9.30 a.m. classes started (mathematics, English, social studies, science, etc.); from 12.30 to 2.30 p.m. the boys had lunch break; at 3 p.m. a muster check was conducted and then they could go for recreation outside (football, cricket, volley ball, table tennis, domino etc.); at 4.45 p.m. another muster check was conducted; at 5 p.m. they had supper; at 5.30 p.m. they had to go back to their dormitories (quiet time, meditation, TV, etc.); and bedtime was at 10 p.m. During the weekends, the boys had to stay in their dormitories. There were different types of punishments: taking away things like soap or new clothes; banning visits for up to two months (normally, they could receive visits every day); being put into the solitary punishment cells for up to three days; and confinement to the "sick boy area" where he had been last Monday from morning to evening. Sometimes, they were also beaten with hands and fists. According to him, Officer Brown was the most violent warder. The Superintendent was alright and Officers Small and Lawrence were very nice.

216. **M.C.**, aged 16, had arrived at Hill Top in November 2008 and expected to leave the facility in November 2010. The Superintendent was nice, but there had been a warder who beat him with a belt on the palm of his hand. The warder had since resigned.

217. **D.C.**, aged 16, had been at Freeport Police Station from May 2007 to September 2007. He noted that it was terrible, with six to eight people in the cell, sleeping on concrete. At Hill Top he liked that he learned a lot, and felt more protected than being outside in his community, where he would be dead by now. He had suffered greatly when both his parents recently passed away successively and he was not allowed to go to their funerals. He felt lonely and missed them a lot. He thought of them every night.

218. **E.**, aged 16, had been at Top Hill since February 2009. Prior to that, he had spent three days at Hanover Police Station with two others in a cell. When they started to fight, the police used pepper spray which caused burns, but they were not beaten. Then he spent another three days at Stony Hill (St. Andrew Remand Centre) which he considered to be better than Hill Top. At Hill Top, the officers treated them like animals and sometimes they beat and kicked them. On 22 December 2009, Officer Basil had also beaten him. The Superintendent also practiced corporal punishment in his office in the form of six strokes on the buttocks with a leather belt. He complained in particular that during weekends they were not allowed to go out of the dormitories. His mother died in 2004, and his father lived in Hanover but visited him only rarely. Visits took place in the Common Room, but usually

only for 15 minutes. His birthday was on 9 March and he wished that his father would visit him.

219. **D.B.**, aged 17, had been detained at Hill Top since January 2007 and expected to be released in May 2010. When he came to Hill Top he could not read but he learned it in the meantime. Nevertheless, he had many wishes: better teaching and teaching materials, better mechanical training, a locker in the dorms for storing personal things, more food, better clothes, a toothpaste and a toothbrush. The Superintendent was a good person but Officer Ayle was beating the boys with a belt.

220. **B.B.**, aged 17, had been detained in the facility for eight months. Before that, he spent one year and four months at the Horizon Remand Centre and six months at Hunts Bay Police Station. At Hill Top the juveniles were treated badly. Some of the warders beat them with a big stick, which was bigger than a baton, on the legs and chest. On 16 February 2010, he was in bed and was joking around with his friends. Five warders came into the cell and started beating him. They took him out of the cell. Officer Miro, who was the shift leader, kicked and punched him at the corner of the corridor. The warder butted him on the head, hit him in the eye with his elbow, and on the chest with his knee. Then he was taken to the reception office, where he was beaten with the branch of a willow tree measuring seven centimetres in diameter and one meter in length. Five officers beat him all over his body and in particular on his right leg. He was bleeding from his mouth. Later he was taken back to the cell and went to sleep after he had washed himself. This had not been the first time he was beaten. It happened often when detainees were beaten when they were making jokes. In addition, they were also put in a badly smelling punishment cell when they got into fights. The last time he had been in that cell was on 15 February for one night. Sometimes the juveniles were locked into the punishment cells alone, sometimes with one or two others. He was often put there and had to stay in for one or two nights. There was light in the room and a bucket instead of a toilet. He was never beaten on the buttocks and never had to kneel as a punishment but had to do push-ups or clean the floor or run for a certain time. The boys had to get up at 6:30 a.m., took a bath, had some free time and had to clean the cell. At 8:00 a.m. they had breakfast and at 9:00 a.m. devotion. They had classes such as mathematics or mechanics until 11:00 a.m. Then they could play football and had lunch at noon. Later they either took a nap or played inside the cells. In the afternoon they had classes and ate supper at 5:00 p.m. After that time they were locked down again. The lights in the cells were on all night. Sometimes the boys fought in the dormitory and the warders would normally separate them. Some of the warders were “gangsters”, because they did not give the boys any water or other things. Sometimes there was not enough food for all the inmates, partly because the kitchen workers, who were also inmates, stole it. He did not receive any visits and could not get phone calls. He sold his hygienic articles in order to get some clothes. In 2009, one boy tried to hang himself with his shirt on the bars. He was beaten for his suicide attempt.

221. **R.G.**, aged 16, had been detained in the facility for two months. Before that, he had been detained at Freeport Police Station in Montego Bay. At Hill Top Correctional Centre he had not been treated badly or beaten because he did not cause any trouble. He had never been detained in the punishment cell. He had one more year to serve. His family did not come to visit him. Every day somebody was fighting in the dorm. He had found nails in the food, in a cake and in the rice, which were placed there by the warders, who often did evil things. Other detainees had been beaten with a belt. In Montego Bay he had spent five months in the police station, together with other boys. When the boys were making too much noise they were beaten in their cells with batons by the police officers. All of the boys were beaten almost every day by nearly all the officers on duty. They had to spend the entire day in the cell and could never go out. He had not been interrogated there. After Montego Bay, he was sent to St. Andrew for three days, where the conditions were better

than at Hill Top. However, he witnessed that the boys were also beaten there. The water in Hill Top was very dirty.

Montego Bay Police Station (“Freeport”), Montego Bay Visited on 20 February 2010

General information

222. The Special Rapporteur was received by Superintendent Winston Milton, Inspector Moore and Inspector Shore, Custody Officer. At the time of the visit, there were 159 detainees at the lock-up, including nine females, nine children, 11 convicted and 113 remandees.

223. Freeport Police Station was one of the worst police lock-ups the Special Rapporteur had ever seen. 159 detainees, including women and juveniles, were kept like animals in overcrowded, dark and filthy cells for up to four years. There was only one corridor with a number of cells on each side. At the initial part of the corridor, there were six cells where women and juveniles were kept separated from the men. The wires of the doors were so tight that very little light and air came into the cells and the detainees were almost suffocating because of the heat and lack of oxygen. The cell doors were closed all day and the cells had no windows. There was a toilet and water in each cell.

224. In the back section of the corridor, behind a barred door, the men were detained in similar cells. Most cell doors were closed but some were open, and some men were in the shower or on the toilets, which were all extremely dirty. Further down the corridor, it became darker, filthier and smellier. The Special Rapporteur observed that the lock-up was infested with cockroaches and other insects, which in the pitch dark cells could only be seen with the help of a flashlight.

225. The whole lock-up was very noisy and the entire atmosphere was extremely violent and tense. Inter-prisoner violence and regular beatings by police staff with black batons were reported to be the norm. In the Special Rapporteur’s opinion, such a working atmosphere was inhuman even for police staff.

226. The head of the lock-up agreed with the Special Rapporteur that the conditions of detention were inhuman. In a conversation with the Superintendent, the latter indicated that the situation was not ideal, but that he had to work with what he had. He added that he had never received any complaints of ill-treatment or abuse, and that he often went from cell to cell, speaking to the detainees. However, he stated that there were some incidents of violence among the detainees. With regard to medical treatment, he indicated that detainees were taken to see a doctor when they so requested. The Special Rapporteur strongly urges the Government to close down this police detention facility.

Individual cases

227. **C.**, aged 17, **A. G.**, aged 17, **K.**, aged 15 and **E.**, aged 17. They had all been at the police station between one and five months. They were locked down all day, and only allowed out of their cells to shower and use the toilet. The boys indicated that the officers would sometimes beat them after searches, depending on the reason why they were in detention. They complained about being beaten on their stomachs, legs and knees with batons, a wooden block and a black fibreglass tube. In mid-January, the police had thrown pepper spray into their cell. **C.** noted that he had been beaten after he gave a note to another detainee and that he had been forced to sleep on the floor when he first arrived. They also complained about the cold, concrete beds and the lack of bedding. The toilet in their cell was working, but they only used it to urinate, while they used the one outside to defecate, in

order to have more privacy. They agreed that the adults were treated better than the juveniles, as they were kept in cages, just like animals. K. stated that he had been beaten on his back one week before. They would also get in trouble if they sang or talked to the detainees in other cells. Regarding visits, these took place once a week and the families could bring clothes only during the first visit.

228. **Three boys** had been at Freeport for two months, one for three days, and the fourth detainee had arrived the day of the visit of the Special Rapporteur. The three who had been there longest indicated that they had been beaten with batons for singing. They also added that the adults were treated better. They complained about the cold, the lack of food and the fact that they were forced to stay in the cell all day. The child who had arrived that day had been arrested at his home, informed of the charges, and no force was used. The one who had been there the longest was threatened upon arrest and slapped on the chest.

229. **Alroy Shaw**, aged 29, had been at Freeport since 2006, and had not yet been convicted or sentenced. He suffered from hypertension and received no medication. He had broken his arm in 2008 and had never seen a doctor for it. In addition, he had been beaten two days before the visit of the Special Rapporteur.

230. **Silvan Green**, aged 25, **Rick Thorp**, aged 26, and **Ricardo Taylor**, aged 24, had all been detained at Freeport since 2006.

231. **Anthony Rossdell**, aged 50, had been beaten by the police with a fibreglass baton and subjected to an intrusive body search. Beatings were common during searches, as well as the use of pepper spray in the cells.

232. **Omar Reid**, aged 32, had been detained at Freeport since March 2007. He was always beaten during searches in an effort to extract information from him.

233. **Orett Ellis**, aged 18, had been detained for eleven months at Freeport. He suffered from asthma, glaucoma and blackouts. He had not received any medical attention.

234. **Vivian Brady**, aged 33, had been beaten on his face, right arm and fingers one week before the visit of the Special Rapporteur, and had not received any medical attention. He complained about the lack of soap, deodorant and clothes because he received no visits.

235. A **female detainee**, aged 39, was arrested in June 2009. She had been questioned, forced to speak and threatened to be beaten. She had not been beaten, but was denied access to a lawyer. She complained about the very bad conditions of the cell, the cockroaches, the overcrowding, the rats, the filth and the lack of air. The warders were very disrespectful and threatened to beat the detainees. She had never been beaten, but a female officer had splashed water on her. Her son was also detained at Freeport, and she was able to see him sometimes.

236. First cell to the right, **five female detainees**, who complained about the verbal abuses; the threats of beating them or of using tear gas against them; and the lack of air and the heat; some had even fainted for this reason. One of the punishments applied to them was a delay in the food delivery. Their cell was overcrowded and extremely dirty. During the interview, one of the detainees had to use the toilet which was in the cell and did not provide any privacy.

237. **Iman Ali** and **Hoda Mohamed**, aged 21 and 20, both Canadian citizens, were at the police station for one week for possession of marijuana. They had been arrested at the airport. They were not allowed to make phone calls but had relatives who were trying to obtain their release on bail and brought them food. However, they were not allowed to see their relatives most of the time. They had been to court a few days before. Ms. Mohamed had been threatened by a former cellmate, who was mentally ill, that she would break a bottle of alcohol in her face if she did not stop crying. They had been locked in together

with dangerous persons and were not allowed out of their cells. They were also often refused to have a shower; only the nicer warders would let them wash once in a while. The cell was infested with mosquitoes. The warders were all unfriendly and ignored the detainees. Men and women were generally separated. They had seen detainees being beaten by warders. A man was beaten on the back with a baton by a female officer.

238. **Bryan Lewis**, aged 24, had been in the police station for seven months. One month before, the police refused him to use the bathroom. When he started cursing, seven officers came and started a search of the cell. He was beaten on his head and on his mouth with a baton by Officer Mitchell from the search team; he lost a tooth. There was no reason for the beating. He called for help but nobody came. He was bleeding profoundly but was not taken to a doctor. He added that Officer Mitchell was the worst, and although the superior officers knew of the incident, no measures had been taken.
