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Jamaica: Right of Jamaicans to be protected from crime must prevail

The Jamaican government must take immediate action to challenge impunity for those who kill -- be they police or civilians, Amnesty International said today.

The statement came in the light of yesterday's verdict in the Patrick Genius case -- exempting from trial the police officers who are alleged to have killed him. This also follows a new crime wave, with twelve individuals (including two children aged 7 and 13) murdered in the first four days of 2002.

"Governments have a responsibility to ensure the safety of all of their citizens," Amnesty International said. "Even in the most extreme crisis, governments do not have a completely free hand. At this time of widespread outrage and fear, the balance to be struck between security and individual freedom must not dispose with the safeguards for human rights protection," the organization warned.

Yesterday, the Director of Public Prosecutions (DPP) ruled that the police officers who are alleged to have killed Patrick Genius with bullets to the back of his head acted in self-defence and should not face criminal trial. This was despite clear and compelling circumstantial and forensic evidence to the contrary, and an inquest verdict that those involved should be held criminally responsible. An internationally renowned pathologist who reviewed the forensic evidence concluded that the killing "bore the classic hallmarks of execution -- with deliberate incapacitation followed by killing".

"Anyone who is responsible for killings must be brought to justice," Amnesty International said. "The fight against crime will fail if human rights protection for all is not guaranteed."

Background

Despite having one of the highest rates of extrajudicial execution of civilians by members of the security forces in the world, police and army officers are virtually never brought to justice for such killings. Systematic impunity incorporates routine tampering of evidence, intimidation and ill-treatment of witnesses and relatives of victims and the failure to discipline officers involved in serious abuses or to ensure that they are criminally held to account for their actions.

In 2001 a total of 1138 Jamaicans were murdered - Jamaica's highest-ever recorded murder rate. Following the killing of 7 people by gunmen in 100 Lane on 4 January 2002, hundreds of residents have reportedly been forcibly displaced from their community, moving in fear of further killings.

All serious abuses of human rights must result in those responsible being brought to justice, in proceedings which at all stages must be in accordance with international human rights standards, and for the victims to receive full reparation. Anyone reasonably suspected of such crimes should be tried fairly, in accordance with international standards for fair trial, and without recourse to the death penalty or other cruel, inhuman or degrading punishment. Suspects must never be tortured or ill-treated, as such treatment is absolutely prohibited by international law, and the presumption of innocence must be respected in all cases.

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