

3 August 2001

Further information on 177/01 (AMR 38/018/2001, 19 July 2001) - Arbitrary arrests/torture and ill-treatment/ legal concern

JAMAICA Davian Williams [m]

Released: Neville Lynch [m] (aged 16), Lenworth Henry [m], Orane Bailey [m], Delroy Kennedy [m], Prince Breckett [m], Sean Damian Stone [m], Wayne Punancy [m], Roland Walker [m], Trevor Abel [m], Kirk Headley [m], Patrick Williams [m], David Spence [m], Rohan Lynch [m], Dervin Nappier [m], Anthony Archer [m], Chris Boodie [m], Dwayne Walker [m], Alphonso Kennedy [m]

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Davian Williams is still reportedly detained without charge, after having been arrested on 7 July 2001. He has reportedly been ill-treated. Amnesty International remains concerned for his safety.

Davian Williams was arrested, with around 200 others, following a joint police and army operation on 7-8 July 2001 in Board Villa, Denham Town, a stronghold of the opposition Jamaican Labour Party (JLP). At least 27 people - including four police officers - were killed during the resulting disturbances, which lasted several days. Reports indicate that police and army personnel fired indiscriminately into crowds and houses, including from helicopters above the area, and targeted unarmed civilians.

Davian Williams was detained with the 18 other men listed above, aged between 16 and 22. On July 25, a magistrate ordered that all those detained should be released or charged. All the others have now been released.

Before and during their detention, the youths were reportedly beaten. Reports have alleged that at the time of the arrests, the men were kicked, slapped in the face and stamped on. All the men were also reportedly taken by police dominated by the ruling People's National Party (PNP), where residents were encouraged. Kennedy were reportedly forced to lie shirtless on a concrete pavement in the sun for three hours. The two allegedly suffered burns to their bodies. Police allegedly beat Neville Lynch, aged 16, to force him to say that he was 18 and detained him alongside adults. They were detained without charge in Portmore police lock-up and the Gun Court Remand Facility.

#### BACKGROUND INFORMATION

The Jamaica Constabulary Force act permits the arrest of persons "reasonably suspected of having committed a crime." Magistrates are granted powers to ensure that adequate steps are being taken to hold identification parades promptly, and to order release or court appearance.

Despite this, Amnesty International continues to have concerns surrounding arbitrary arrest and detention, and around the practice of unlawfully detaining individuals or groups of citizens for extended periods, purportedly in order to hold identification parades.

These practices have also been criticized by international bodies. The UN Human Rights Committee has ruled, in the case of Jamaica, that a delay of one week from time of arrest before the detainee was brought before a judge

was incompatible with the International Covenant on Civil and Political Rights (ICCPR), to which Jamaica is a state party. The Inter-American Commission on Human Rights has stated that the detention of individuals in prison for over a week without being brought before a judicial authority is an excessively prolonged period.

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

- expressing concern that Davian Williams continues to be detained without charge, in violation of Jamaica's obligations under international law, and calling for his immediate release, unless he is to be charged promptly with a recognizably criminal offence;
- expressing concern that he has reportedly been beaten during arrest and detention;
- urging the authorities to ensure that he is not further tortured or ill-treated;
- asking for him to be granted immediate access to legal aid, his family and medical assistance, and for his relatives to be kept informed of his whereabouts;
- urging the authorities to ensure that no further instances of police brutality occur.

**APPEALS TO:**

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

**Fax: + 1 876 927 7516**

**Telegrams: Francis Forbes, Commissioner of Police, 101-105 Old Hope Road, Kingston, Jamaica**

**Salutation: Dear Commissioner**

The Hon. K.D. Knight  
Minister for National Security and Justice  
 Mutual Life Building  
 North Tower  
 2 Oxford Road  
 PO Box 472  
 Kingston 5  
 JAMAICA  
 West Indies

**Fax: + 1 876 906 1713**

**Telegrams: KD Knight, Minister for National Security and Justice, 2 Oxford Road, Kingston, JAMAICA**

**Salutation: Dear Minister**

**COPIES TO:**

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

Jamaica

**Fax +1 876 922 9830**

and to diplomatic representatives of Jamaica accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 14 September 2001.