

@CHAPTER = JAMAICA

The Bush administration's human rights policy toward Jamaica has not yet been clearly articulated. The State Department's *Country Reports on Human Rights Practices in 1988*, drafted by the Reagan administration and issued in February 1989, presented an understated but fairly realistic picture of current human rights abuses. But there is no indication that the Bush administration has used its influence to persuade the Jamaican government to end the abuses described in the report.

Jamaica is a democratic society with a Constitution and laws that protect its citizens. The country has a parliamentary system with free elections, competing political parties, a free press and established institutions to check abuses of power. Jamaicans openly criticize their government, and the government publishes statistics on crime and reports on fatal shootings by the police. The independent Jamaica Council for Human Rights monitors human rights on the island.

Despite its free institutions, Jamaica continues to abuse the human rights of its citizens in three areas: a high rate of fatal shootings by police officers, the detention of suspects without charges for long periods of time, and inhumane conditions in prisons and police lock-ups.

In 1988 the police shot and killed 181 civilians, according to the Jamaican police. During the ten-year period beginning January 1, 1979, the Jamaican police force, according to its own figures, shot and killed an average of 208.3 civilians a year. This figure is extraordinarily high for a country with a population of about 2.3 million. In the United States, with a population about 100 times the size of Jamaica's, police are estimated to shoot and kill about 700 people a year. In South Africa, with a population about thirteen times the size of Jamaica's, police shot and killed 585 people in 1987.

We believe that this extraordinarily high rate of killings by the police is due in part to the permissive climate created by the Suppression of Crime Act, a state-of-emergency law enacted in 1974 which suspends warrant requirements and other procedures that protect Jamaicans' rights. Many young police officers have never worked without the extraordinary powers given to them by the Suppression of Crime Act, and this lack of structure appears to have encouraged some to discharge firearms too freely. In July the Act was lifted in some portions of the country, but it remains in effect in the most populous areas. We believe that the Act should be repealed.<\$FWe also believe that the Gun Court Act, enacted at the same time, should be repealed. It established a special court for offenses committed with guns. Suspects in that court are tried without juries, and other procedural guarantees are waived.>

The only U.S. statement on human rights in Jamaica made in 1989 was in the State Department's *Country Reports on Human Rights Practices in 1988*, written by the Reagan administration but released in the early days of the Bush administration. The report acknowledged the problem of fatal shootings by the police by stating that "excessive lethal force" by the police is "the country's most persistent human rights problem." This approach continued the more realistic views expressed toward the end of the Reagan administration. Before that, as recently as 1986, the Reagan administration had minimized the problem and attributed fatal shootings to "poorly-trained police." The Bush administration has simply said nothing about the killings by police.

At least through the time of our last investigative mission to Jamaica in March 1989, Jamaicans continued to be detained for long periods without charge. Of the cases handled by the Jamaica Council for Human Rights ("JCHR") in 1987 and 1988, two-thirds of the detainees were released without charges ever having been filed. The average time spent in detention before charges were filed was

21 days; the longest period of detention of a JCHR client against whom no charges had been filed was 166 days.

The State Department's country report for 1988 referred to this problem but in understated terms:

@QUOTENOIND = Police must record detentions and are responsible for ensuring that detainees appear before a member of the judiciary within 24 hours of detention. However, there have been instances of detainees being held for two weeks or longer without being brought before a judicial officer.

@NOIND = The Bush administration has said nothing further on this issue.

Again, at least through March 1989, conditions in Jamaican lock-ups continued to be inhumane. The lock-ups are overcrowded, filthy, unsanitary and bug-infested, with inadequate light and ventilation, no provision for exercise, and no bedding, soap, towels or other toilet articles. According to the Parliamentary Ombudsman, conditions in prison are also inhumane. The Bush administration has not commented on these conditions.

In February 1989, elections were held in Jamaica and Michael Manley, of the People's National Party, replaced Edward Seaga, of the Jamaica Labor Party, as prime minister. At this writing, it is too soon to know whether the Manley administration has significantly decreased the number of fatal shootings by the police, reduced detention periods, or improved prison conditions.

The lack of public protest about rights abuses in Jamaica contrasts with efforts by the U.S. embassy staff in Jamaica to collect information on abuses. The embassy's human rights officer has attended trials and maintains contact with the Jamaica Council for Human Rights and the Parliamentary Ombudsman. Another staff member has visited prisons on the island. A new ambassador, Glen Holden, took office in November; his approach to human rights in Jamaica is not yet clear.

@PAGE = For fiscal year 1989-1990, the Bush administration asked Congress to provide \$72,900,000 in economic assistance and \$5,350,000 in military aid to Jamaica, a total of \$78,250,000. Total U.S. aid provided in fiscal year 1988-1989 was \$79,800,000. In light of this significant financial assistance, as well as the long U.S. friendship with Jamaica, the Bush administration is in a position to encourage the Jamaican government to end human rights abuses, should the administration decide to do so.

A good place to begin would be in urging the Jamaican government to take the following steps:

@BULLET = Repeal the Suppression of Crime Act.<\$FAs well as the Gun Control Act.>

@BULLET = Establish independent investigative bodies to investigate police abuses, particularly fatal shootings, and provide easy and well-publicized access to these investigative bodies.

@BULLET = Provide adequate disciplinary measures, ranging from suspension and dismissal to the filing of criminal charges, for police officers who improperly shoot and kill civilians, detain suspects without charges for longer than 24 hours, arrest people without reasonable cause to believe a crime has been committed, or assault detainees.

@BULLET = Transfer to desk duty, without a weapon, every police officer who kills someone, during the time the matter is under initial investigation.

@BULLET = Permit the use of automatic or semi-automatic weapons only under stringent supervision by senior officers.

@BULLET = Release from detention anyone against whom charges have not been filed within 24 hours.

@BULLET = Reduce the number of people held in lock-ups and prisons.

@BULLET = Provide decent, clean, insect-free cells with adequate bedding in

lock-ups and prisons.

@BULLET = Provide at least one hour of exercise daily outside cells for all inmates.