



Home Office

# **Country Information and Guidance**

## **Jamaica: Fear of organised criminal gangs**

**Version 1.0**

**July 2015**

# Preface

This document provides guidance to Home Office decision makers on handling claims from – as well as country of origin information (COI) about – persons fearing organised criminal gangs in Jamaica. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>



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# Guidance

Date Updated: 13 July 2015

## 1. Introduction

### 1.1 Basis of Claim

- 1.1.1 Fear of harm or ill treatment by criminal organised gangs and lack of effective protection from the Jamaican authorities.

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### 1.2 Summary of Issues to Consider

- 1.2.1. Is the person's account a credible one?
- 1.2.2. Do victims or potential victims of criminal organised gangs in Jamaica constitute a particular social group (PSG)?
- 1.2.3. Are victims or potential victims of criminal organised gangs at risk of mistreatment or harm amounting to persecution in Jamaica?
- 1.2.4. Are those at risk able to seek effective protection?
- 1.2.5. Are those at risk able to internally relocate within Jamaica to escape that risk?

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## 2. Consideration of Issues

### 2.1 Is the person's account a credible one?

- 2.1.1 Decision makers must consider whether the material facts relating to the person's account of their experience as a victim or potential victim of criminal organised gangs in Jamaica are reasonably detailed, internally consistent (e.g. oral testimony, written statements) as well as being externally credible (i.e. consistent with generally known facts and the [country information](#)). Decision makers should take into account the possible underlying factors as to why a person may be inconsistent or unable to provide details of material facts.
- 2.1.2 For further information on these and assessing credibility more generally, see section 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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### 2.2 Do victims or potential victims of criminal organised gangs in Jamaica constitute a particular social group (PSG)?

- 2.2.1 Victims or potential victims of organised criminal gangs in Jamaica do not constitute a particular social group (PSG) within the meaning of the 1951 UN Refugee Convention. This is because they do not possess a common immutable/innate characteristic that cannot be changed or a characteristic that is so fundamental to human identity that they should not be required to change it.

- 2.2.2 For further information on particular social groups, see section 7.6 of the see the Asylum Instructions on [Assessing Credibility and Refugee Status](#).

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### 2.3 Are victims or potential victims of criminal organised gangs at risk of mistreatment or harm amounting to persecution in Jamaica?

- 2.3.1. Organised criminal gangs in Jamaica are involved in crimes ranging from extortion, kidnapping, gun smuggling and drug trafficking to large-scale fraud. At a local level, armed gangs with historic affiliations to political parties dominate working class neighbourhoods. They reportedly act as enforcers in garrison communities and provide local leaders with a degree of political power, social legitimacy, and, even, moral authority. While different criminal structures exist at the local level, the most basic organisations deal in drugs, primarily marijuana, and seek to enforce certain basic local customs. For example, local criminal leaders may impose security fees on business owners and gangs compete for control of the extortion racket on buses passing through the areas they control and in nearby commercial areas. In some cases criminal gangs compete for territorial control over very small pieces of turf and, as a result, also fight over how to spend local political patronage monies (see [Nature of organised crime](#)).
- 2.3.2. The murder rate in 2014 was 36 per 100,000 of the population, compared to 44 in 2013, and 62 in 2009. Of the 1,005 murders recorded in 2014 (a reduction of 16% on 2013), 600 were gang related (down from 932 in 2013). During 2014, 632 illegal guns were seized and gun related violence was reduced from 882 incidents in 2013 to 714 in 2014 (see [Police initiatives/policies](#)).
- 2.3.3. The government has enacted specific ‘anti-gang’ legislation which with other police initiatives aims to further strengthen its crime fighting strategies on dismantling gangs across the island (see [Legislation and other police initiatives](#)). The ongoing dependence of politicians on local area leaders, many of whom also control gangs, for turning out votes and securing polling places in many parts of the city has prevented deeper reforms (see [Nature of organised crime](#)).
- 2.3.4. In the country guidance case of [AB \(Protection –criminal gangs-internal relocation\) Jamaica CG \[2007\] UKAIT 00018](#), the Tribunal considered that the evidence did not establish that where criminal gangs have particular enemies whom they mark out for reprisal, they are generally able to track them down and carry out their revenge (para 159). However, recent reports continue to document that reprisal attacks do occur and that there is a lack of witnesses in criminal proceedings due to threats, intimidation or their murder (see [Witness protection programme](#)).
- 2.3.5. Decision makers must establish that a criminal gang's behaviour poses a real and serious threat to the person. In that regard decision makers will need to establish which gang is making the threats, its capabilities, the nature of threat, the profile of the individual and why the gang has an adverse interest in them. In order to show that such a threat exists, it will not suffice to show that a criminal gang dislikes the person or even that it

has made threats of violence: it has to be shown that the gang has a real intent to inflict the threatened serious harm and to carry out its threats.

- 2.3.6. For further information on assessing risk, see section 6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.4 Are those at risk able to seek effective protection?

- 2.4.1. In the country guidance case of [AB \(Protection –criminal gangs-internal relocation\) Jamaica CG \[2007\] UKAIT 00018](#), the Tribunal found that the authorities in Jamaica are in general willing and able to provide effective protection. However, unless reasonably likely to be admitted into the Witness Protection programme, a person targeted by a criminal gang will not normally receive effective protection in his home area [headnote].
- 2.4.2. Despite the progress made in recent years, the Jamaica Constabulary Force is still considered to be underpaid, poorly trained, and corrupt and civil society organisations have identified that there is unequal access to measures of security and protection for vulnerable populations. Consequently, most civilians fear that at best, the authorities cannot protect them from organised criminal elements, and at worst, are colluding with criminals, leading citizens to avoid giving evidence or witness testimonies (see [Police initiatives/policies](#) and [Police’s ability to protect citizens against gang violence](#)).
- 2.4.3. The Tribunal in [AB](#) noted at para 162 of the determination that “...it will be very important in Jamaican cases concerned with protection against a real risk of serious harm from criminal gangs, to first of all analyse whether the individual concerned will be able to receive assistance from this [witness protection] programme. Assuming it is decided a person on return will be admitted into this Programme, then we consider that the evidence overwhelmingly indicates that they will thereby be able to avoid any real risk of detection: we remind ourselves that no one has been "lost" to the programme so far. So far as the likely economic and social conditions faced by those within the Programme, whilst we do not rule out that unusual individual circumstances may make it unreasonable for them to be admitted into the programme, there is nothing to suggest that programme participants are generally exposed to destitution or unduly harsh living conditions.”
- 2.4.4. When referring to persons being "admitted" into the programme, the Tribunal did not believe that the test can be what the individual's preferences are or whether there are hardships that will be involved (e.g. having to live for at least some period of time in difficult circumstances). The test is simply whether, if they sought access to it, they would be admitted to it (see [AB](#) para 163).
- 2.4.5. For further information on assessing the availability or not of state protection, see section 8.1 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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- 2.5 Are those at risk able to internally relocate within Jamaica to escape that risk?
- 2.5.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.
- 2.5.2 In the country guidance case of AB (Protection –criminal gangs-internal relocation) Jamaica CG [2007] UKAIT 00018, the Tribunal found that whether a person will be able to achieve protection by relocating will depend on his particular circumstances, but the evidence does not support the view that internal relocation is an unsafe or unreasonable option in Jamaica in general: it is a matter for determination on the facts of each individual case [headnote].
- 2.5.3 With regard to the position of a person who would not be admitted to the Witness Protection programme, the Tribunal in AB held that the first question to be asked is whether it is reasonably likely the person will be traced and targeted in their new place of residence. The Tribunal found that, except in high profile cases, such persons would not face a real risk of being detected by criminal gangs based in inner-city urban areas. But each case will turn on its own facts (see AB para 164).
- 2.5.4 Decision makers need to consider the ability of the persecutor to pursue the person in the proposed site of relocation, and whether effective protection is available in that area. Decision makers must also consider factors such as the age, gender, health, ethnicity, religion, financial circumstances and support network of the person, as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including their ability to sustain themselves.
- 2.5.5 In the country guidance case of SW (lesbians - HJ and HT applied) Jamaica CG [2011] UKUT 251 (IAC) (24 June 2011) the Upper Tribunal found that “single women with no male partner or children risk being perceived as lesbian, whether or not that is the case, unless they present a heterosexual narrative and behave with discretion... Newcomers in rural communities will be the subject of speculative conclusions, derived both by asking them questions and by observing their lifestyle and unless they can show a heterosexual narrative, they risk being identified as lesbians. Perceived lesbians also risk social exclusion (loss of employment or being driven from their homes). A manly appearance is a risk factor as is rejection of suitors if a woman does not have a husband, boyfriend or child, or an obvious and credible explanation for their absence.”[para 107 (3), (4) and (5) of determination].
- 2.5.6 For further information on considering internal relocation, see section 8.2 of the Asylum Instruction on Assessing Credibility and Refugee Status and the Asylum Instruction on Internal Relocation.

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### 3. Policy Summary

- In order to show a real risk of serious harm from an organised crime gang (OCG) it must be established that the criminal gang's



behaviour poses a real and serious threat to the person. It will not suffice to show that a criminal gang dislikes the person or even that it has made threats of violence: it has to be shown that the gang has a real intent to inflict the threatened serious harm and to carry out its threats.

- A person at risk from an OCG based in an inner-city urban area will not generally be at risk if they internally relocate, but each case will turn on its own facts. This may not be the case in high profile cases.
- Where internal relocation is not an option the Jamaican authorities are in general willing to provide effective protection. However, unless admitted into the Witness Protection programme (WPP), a person targeted by a criminal gang who cannot relocate will not normally receive effective protection. The WPP does provide effective protection.
- Where a claim falls to be refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

For further information on making asylum decisions, see section 9 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#), the [Asylum Instruction on Humanitarian Protection](#) and the [Asylum Instruction on Discretionary Leave](#).

For further information on certification, see the [Asylum Instruction on Non-Suspensive Appeals: Certification under Section 94 of the NIA Act 2002](#).

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# Country Information

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## 4. Organised crime in Jamaica

### 4.1 Background

4.1.1 A 2011 Amnesty International report explained that 'crime and violence are widespread in Jamaica, especially in deprived and excluded inner-city communities where unemployment rates are high and access to basic services, such as water, electricity and security of housing tenure, are often poor. Years of state neglect have allowed some of these communities to become the fiefdom of gang leaders. Known as "dons", gang leaders "collect taxes" from local businesses (through extortion); allocate jobs (both in the legal sector and in criminal activities); distribute food, school books and "scholarships"; and mete out punishment to those who transgress gang rules. Gang control is at its most pervasive in "garrison" communities. These are communities entirely under the control of one or other of the political parties. Party control is sometimes enforced by heavily armed gangs who coerce people in the community into voting for the party in control. This situation has persisted under consecutive governments'.<sup>1</sup>

4.1.2 Freedom House's Freedom in the World 2014 report stated that 'Kingston's insular "garrison" communities remain the epicentre of most violence and serve as safe havens for gangs. Jamaica is a transit point for cocaine shipped from Latin America to US markets, and much of the island's violence is the result of warfare between drug gangs known as posses. Contributing factors include the deportation of Jamaican-born criminals from the United States and an illegal weapons trade'.<sup>2</sup>

4.1.3 According to information received by the Inter-American Commission on Human Rights (IACHR) in 2012, there were at that time at least 120 criminal gangs operating in Jamaica, who are thought to be responsible for 80 percent of all major crimes in the country.<sup>3</sup>

4.1.4 The US Overseas Security Advisory Council (OSAC) report on Jamaica in March 2015 recorded that:

'Organised crime and other criminal elements are prevalent and extremely active. Most criminal activity is gang-related. The police are only able to resolve (make arrests) in 45 percent of homicides annually, and they only convict perpetrators in seven percent of the homicide cases. This leads both

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<sup>1</sup> Amnesty International, Jamaica: A long Road to Justice? Human Rights Violations under the state of emergency, 2. Background, May 2011, <https://www.amnesty.org/download/Documents/28000/amr380022011en.pdf> [Date accessed 11 May 2015]

<sup>2</sup> Freedom House, Freedom in the World 2014 - Jamaica, F. Rule of Law 6/16, 1 August 2014. <https://freedomhouse.org/report/freedom-world/2014/jamaica> [Date accessed 11 May 2015]

<sup>3</sup> Inter-American Commission on Human Rights. Report on the situation of Human Rights in Jamaica, Para 30, 10 August 2012. <http://www.oas.org/en/iachr/docs/pdf/Jamaica2012eng.pdf> [Date accessed 11 May 2015]

the public and police to doubt the effectiveness of the criminal justice system leading to vigilantism, which only exacerbates the cycle of violence. Based on their past experiences, most civilians fear that at best, the authorities cannot protect them from organised criminal elements, and at worst, are colluding with criminals, leading citizens to avoid giving evidence or witness testimonies.'

'In 2014, Jamaica saw a decrease in murders and other serious violent crimes. It is believed that the reductions in crimes may be attributed to overall proactive police actions. Most violent crimes, especially murder involve firearms. There were 1,005 murders (the lowest figure in a decade, 195 less than 2013, which is a 16.6 percent decline over the past year to date), 1,227 shootings, 580 aggravated assaults, 792 rapes, 2,631 robberies, 2,443 break-ins recorded in 2014. With a population of approximately 2.8 million people, Jamaica continues to have a high homicide rate (36/100,000), which places it among the highest (per capita) national homicide rates in the world.'<sup>4</sup>

- 4.1.5 BBC News reported in March 2014 that since Christopher "Dudus" Coke's capture in 2010 his former stronghold in West Kingston still resembles a 'small-scale war zone' which 'Residents liken it to a deadly game of Monopoly, in which gang members from Regent Street are battling those from Bond Street. The violence has left more than 120 people dead in the past year. "Things have changed, there's no dominant control, people have lost their command so that's a big issue," the local police inspector says of the deadly power vacuum that opened up after Coke's arrest. The police try to break up the gang culture by removing gang graffiti and painting over murals that glorify the exploits of imprisoned or dead former gang leaders. But the violence continues unabated'.<sup>5</sup>
- 4.1.6 Foreign and Commonwealth travel advice published in April 2015 notes that crime levels are high, particularly in the capital city Kingston. Gang violence and shootings are usually confined to inner city neighbourhoods, including West Kingston, Grant's Pen, August Town, Harbour View, Spanish Town and certain parts of Montego Bay.<sup>6</sup>

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## 5. Nature of organised crime

### 5.1 Overview

- 5.1.1 According to a study in 2013 by Dr. Enrique Desmond Arias, an associate professor at the John Jay College of Criminal Justice of the City University of New York:

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<sup>4</sup> US Department of State. Overseas Security Advisory Council (OSAC). Jamaica 2015 Crime and Safety Report, Crime Threats, 11 March 2015.

<https://www.osac.gov/pages/ContentReportDetails.aspx?cid=17248> [Date accessed 11 May 2015]

<sup>5</sup> BBC News, Jamaica 'no safer' after capture of gang leader Coke, 4 March 2014, <http://www.bbc.co.uk/news/world-latin-america-26374324>, Date accessed 29 May 2015

<sup>6</sup> Foreign and Commonwealth Office. Foreign travel advice. Jamaica. 17 April 2015.

<https://www.gov.uk/foreign-travel-advice/jamaica/safety-and-security> [Date accessed 11 May 2015]

‘Organised crime manifests itself in a range of ways in Jamaica, ranging from extortion and drug trafficking to large-scale fraud. Such activities have matured significantly over the past decades. A shaky political settlement among the political elite, leading to periods of intense political violence has allowed organised crime to fester in Jamaica, and allowed criminal groups to develop strong connections with the elite at home and with organised criminal networks abroad. More importantly, it has allowed Jamaica’s political system to develop and nurture strong ties with, if not dependency on, organised criminal groups.’<sup>7</sup>

5.1.2 The source continues that:

‘Jamaica’s organised crime landscape is also linked to an economic crisis that has persisted since the mid-1970s, the involvement of criminal gangs throughout the region in the international drug trade and the fact that the Caribbean still serves as an important international centre for money laundering. It is well known that the island serves as a major transit point for cocaine entering the United States from Latin America, although the flow depends on where the pressure is being placed at a given time. Jamaica is also a primary source of marijuana.’

‘At the most local level, armed gangs with historic affiliations to political parties dominate working class neighbourhoods, principally in the Kingston and Saint Andrews Corporate Area and the neighbouring municipality of Spanish Town. Their notorious role as enforcers in garrison communities supplied local leaders a degree of political power, social legitimacy, and even, moral authority. While different criminal structures exist at the local level, the most basic organisations deal in drugs, primarily marijuana and seek to enforce certain basic local norms. For example, local criminal leaders may impose security fees on business owners and gangs compete for control of the extortion racket on buses passing through the areas they control and in nearby commercial areas. In many cases, local criminal leaders seek to control the structure of the local state spending in the areas they dominate, deciding who will work on street repair projects or on the yearly efforts to clear the gullies running through the city to prevent flooding during the rainy season.’

‘In some cases the simplest criminal gangs compete for territorial control over very small pieces of turf and, as a result, also fight over how to spend local political patronage monies. These smaller organisations may have contacts with Jamaicans engaged in illegal activities abroad. Transnational networks support small-scale smuggling operations with Jamaicans sending drugs to the United States, Canada, and the United Kingdom, and importing arms mostly from the United States and Haiti. Funds from these contacts help criminal organisations offer limited social services to local residents and

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<sup>7</sup> Dr. Enrique Desmond Arias, *Getting Smart and Scaling Up: The Impact of Organised Crime on Governance in Developing Countries. A Desk Study of Jamaica*, , II. The Nature of Organized Crime in Jamaica, June 2013.  
[http://cic.nyu.edu/sites/default/files/kavanagh\\_crime\\_developing\\_countries\\_jamaica\\_study.pdf](http://cic.nyu.edu/sites/default/files/kavanagh_crime_developing_countries_jamaica_study.pdf) [Date accessed 11 May 2015]

provide for a measure of independence from elected officials. At the same time, such international contacts can have disruptive impacts on small-scale criminal organisations since foreign contacts may return to live in Jamaica, creating significant tensions as newly deported criminals seek to establish a place for themselves in the local underworld. Generally speaking, these local organisations have little control over international criminal activities.’<sup>8</sup>

5.1.3 A January 2014 report by the Combating Terrorism Centre entitled ‘Jamaican Organised Crime After The Fall Of Dudas Coke’ stated that:

‘Entering the Tivoli Gardens ghetto in West Kingston, scars of the battle to arrest Jamaica’s most infamous criminal kingpin, Christopher “Dudas” Coke, in May 2010 are everywhere. Coke’s reign has left even deeper marks on many young men from the area. An entire generation of drug traffickers and paid assassins grew up under Coke, who was both the “don” of Tivoli and head of the international Shower Posse from 1992 until his extradition to the United States in 2010. Many still refer to Coke, also known as “The President,” in near-messianic terms and reminisce about his leadership. They also apply the criminal skills they learned under Coke to keep moving drugs to the United States and guns back to their homeland.’

‘The Dudas affair showed how the “dons” and “garrisons” originally fortified by Jamaica’s politicians had surpassed their control and now threatened the state itself. Golding was widely criticized for defending a drug trafficker from his constituency and his party lost the 2011 elections to the PNP. Politicians from both parties now try to distance themselves from the “dons” and other gangsters. The Coke episode has also showed Jamaican criminal groups how the high profile of an area “don” has disadvantages. As a Manhattan Federal Court in 2012 sentenced Coke to 23 years in prison, traffickers could see how Coke’s personality cult had put him on the radar of U.S authorities. In reaction, many traffickers in Jamaica are now operating in smaller networks, more independent of “dons” and trying to maintain a low profile.’

‘Recent killings have taken place in Tivoli and nearby garrisons by gangsters fighting to establish themselves as the new area leader. Since Coke was detained, no single figure has become the new “don” in his place, and there are at least four groups fighting for power in Tivoli. Some residents reminisce the days of a single strongman and hope another will take Coke’s place. “Dudas may have done some bad things but he kept order,” said market trader Romino Wilkins. “Now you don’t know who these bad men on the street are and they are out of control.” ’<sup>9</sup>

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<sup>8</sup> Dr. Enrique Desmond Arias, Getting Smart and Scaling Up: The Impact of Organised Crime on Governance in Developing Countries. A Desk Study of Jamaica, , II. The Nature of Organized Crime in Jamaica, June 2013. [http://cic.nyu.edu/sites/default/files/kavanagh\\_crime\\_developing\\_countries\\_jamaica\\_study.pdf](http://cic.nyu.edu/sites/default/files/kavanagh_crime_developing_countries_jamaica_study.pdf) [Date accessed 11 May 2015]

<sup>9</sup> Combating Terrorism Centre, Jamaican Organised Crime After The Fall Of Dudas Coke. 15 January 2014. <https://www.ctc.usma.edu/posts/jamaican-organized-crime-after-the-fall-of-dudas-coke> [Date accessed 11 May 2015]

## 5.2 Link with politics

### 5.2.1 A January 2014 report by the Combating Terrorism Centre entitled 'Jamaican Organised Crime After The Fall Of Dudas Coke' stated that:

'When Jamaica gained its independence from the United Kingdom in 1962, the nation's politicians inherited a country with vast chasms between the wealthy, often descended from plantation owners, and poor, mostly descended from slaves. Many of the poor flocked to growing urban ghettos, especially in Kingston, which often lacked basic sanitation and paved streets. Area leaders, or strongmen, emerged in these ghettos, becoming known as "dons" in the 1970s. The two major political parties, the Jamaica Labor Party (JLP) and People's National Party (PNP), both financed these dons to deliver votes for them in return for money and development projects. The dons' turfs became known as garrisons because of the way they were defended like forts with many blockaded entrances. Dons from JLP garrisons fought their rivals from PNP garrisons, unleashing intense political violence. This violence reached a peak in the election year of 1980, when there were 889 murders.

'Tivoli Gardens in West Kingston was emblematic of this partisan system, being dubbed the "mother of all garrisons" by a head of the Jamaica Defence Force. It elected JLP officials consistently for four decades, while images of Tivoli's dons and their "soldiers" were painted in murals on its streets. Dons also controlled turfs across poor areas of Kingston, Spanish Town, Montego Bay and other parishes.

'While this political violence raged in Jamaica, many of the country's criminals went to the United States, building networks to traffic marijuana and cocaine for Americans and guns back to their homeland. Around 1980, traffickers from Tivoli Gardens and some allied garrisons formed the Shower Posse in New York. A veteran member described in an interview how the name derived from their reputation for showering their enemies with gunfire. "We wanted to stand out among other gangs that were already established in the United States, to earn our reputation, to make people on the street respect us," said the member in an interview in Kingston. Jamaicans from rival PNP garrisons followed, by creating the Spangler Posse.

'The Shower Posse's U.S. operations were headed by Vivian Blake, while in Jamaica it was controlled by Lester Lloyd Coke (also known as Jim Brown), the don of Tivoli Gardens. The Shower Posse spread rapidly across the United States, building a stronghold in Miami and expanding to cities including Los Angeles, Kansas City and Chicago, helping drive the crack cocaine epidemic. It also had connections as far afield as London. It defended its operations with intense violence. In the 1980s and early 1990s, the Posse was blamed for more than 1,000 murders in the United States.<sup>10</sup>

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<sup>10</sup> Combating Terrorism Centre, Jamaican Organised Crime After The Fall Of Dudas Coke, 15 January 2014. <https://www.ctc.usma.edu/posts/jamaican-organized-crime-after-the-fall-of-dudas-coke> [Date accessed 11 May 2015]



5.2.2 According to a study in 2013 by Dr. Enrique Desmond Arias, an associate professor at the John Jay College of Criminal Justice of the City University of New York:

‘On the positive side, the increasing de-politicization of the police and of violence in general led to more peaceful elections. Unfortunately, however, the ongoing dependence of politicians on local area leaders, many of whom also control gangs, for turning out votes and securing polling places in many parts of the city has prevented deeper reforms.’<sup>11</sup>

5.2.3 Amnesty International has noted that the “link between violence and politics has been highlighted by many criminologists and acknowledged by the Report of the National Committee on Political Tribalism issued in July 1997 which was appointed by the then Prime Minister. The Report defined a “garrison community as “one in which anyone who seeks to oppose, raise opposition to or organise against the dominant party would definitely be in danger of suffering serious damage to their possessions or person thus making continued residence in the area extremely difficult if not impossible. A garrison, as the name suggests, is a political stronghold, a veritable fortress completely controlled by a party. Any significant social, political, economic or cultural development within the garrison can only take place with the tacit approval of the leadership (whether local or national) of the dominant party”.<sup>12</sup> Former Police Commissioner and Head of the Army, Hardley Lewin acknowledges gang domination with political ties, describing the Tivoli Gardens constituency as the “mother of all garrisons”. The comment was made in the context of criticism of the police force’s inability to monitor effectively politically-controlled areas.<sup>13</sup>

5.2.4 In February 2012, the newspaper The Gleaner reported that “the People's National Party (PNP) - aligned Clansman gang was identified as the criminal bunch sitting at the top of a list of more than 200 gangs operating in Jamaica”. The gang, headquartered in De la Vega City, is said to have spread its tentacles across a number of communities in Spanish Town, Portmore and Clarendon. The Deputy Commissioner of Police, Glenmore Hinds states that the Jamaica Constabulary Force has taken on and has

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<sup>11</sup> Dr. Enrique Desmond Arias, Getting Smart and Scaling Up: The Impact of Organised Crime on Governance in Developing Countries. A Desk Study of Jamaica, , II. The Nature of Organized Crime in Jamaica, June 2013.

[http://cic.nyu.edu/sites/default/files/kavanagh\\_crime\\_developing\\_countries\\_jamaica\\_study.pdf](http://cic.nyu.edu/sites/default/files/kavanagh_crime_developing_countries_jamaica_study.pdf) [Date accessed 11 May 2015]

<sup>12</sup> Amnesty International, Jamaica: A long Road to Justice? Human Rights Violations under the state of emergency, Endnotes, 15, May 2011,

<https://www.amnesty.org/download/Documents/28000/amr380022011en.pdf>

[Date accessed 11 May 2015]

<sup>13</sup> Inter-American Commission on Human Rights, Report on the Situation of Human Rights in Jamaica, Chapter II Citizen, Security and Human rights, B. Situation of violence and insecurity in Jamaica, Paragraph 31, 10 August 2012

<http://www.oas.org/en/iachr/docs/pdf/Jamaica2012eng.pdf> [Date accessed 11 May 2015]

significantly dented the operations of the Clansman gang, but said that there was a lot more work to be done to weaken the PNP-aligned posse.<sup>14</sup>

#### 5.2.5 Freedom House's Freedom in the World 2014 report stated that:

'Corruption remains a serious problem in Jamaica. Long-standing relationships between elected representatives and organised crime, in which criminal gangs guaranteed votes in certain neighbourhoods in exchange for protection has been highlighted in recent years as the US Government pressed for the extradition of Coke. The gang Coke reputedly led, the Shower Posse, was based in Tivoli Gardens, an area of Kingston that Prime Minister Golding represented in Parliament. In May 2010, a public outcry over ties between the JLP and Coke prompted Golding to order Jamaican security forces into Tivoli Gardens to arrest Coke, leading to days of violence in which 73 civilians and several police officers were killed. Coke was finally apprehended in late June 2010, reportedly while on his way to surrender at the U.S embassy. In August 2011, after being extradited to the United States, he pled guilty to drug trafficking and assault charges under a plea bargain and was sentenced to 23 years in prison in June 2012... Jamaica was ranked 83 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index.'<sup>15</sup>

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### 5.3 Drug related crime

#### 5.3.1 The US Department of State's 2015 International Narcotics Control Strategy Report states:

'Jamaica remains the largest Caribbean supplier of marijuana to the United States and local Caribbean islands. Although cocaine and synthetic drugs are not produced locally, Jamaica is a transit point for drugs trafficked from South America to North America and other international markets. In 2014, drug production and trafficking were enabled and accompanied by organised crime, domestic and international gang activity, and police and government corruption. Illicit drugs are also a means of exchange for illegally-trafficked firearms entering the country, exacerbating Jamaica's security situation.'

'Drugs flow from and through Jamaica by maritime conveyance, air freight, human couriers, and to a limited degree by private aircraft. Marijuana and cocaine are trafficked from and through Jamaica into the United States, Canada, the United Kingdom, Belgium, Germany, the Netherlands, and other Caribbean nations. Jamaica is emerging as a transit point for cocaine leaving Central America and destined for the United States, and some drug trafficking organisations exchange Jamaican marijuana for cocaine.'

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<sup>14</sup> The Gleaner, Low Vote of Confidence in Police, 12 February 2012, <http://jamaica-gleaner.com/gleaner/20120212/lead/lead5.html> [Date accessed 11 May 2015]

<sup>15</sup> Freedom House, Freedom in the World 2014 - Jamaica, C. Functioning of Government 9/12 (+1), 1 August 2014. <https://freedomhouse.org/report/freedom-world/2014/jamaica> [Date accessed 11 May 2015]



‘Factors that contribute to drug trafficking include the country’s convenient geographic position as a waypoint for narcotics trafficked from Latin America; its lengthy, rugged, and difficult-to-patrol coastline; a high volume of tourist travel and airline traffic; its status as a major trans-shipment hub for maritime containerized cargo; inadequate educational and employment opportunities for at-risk youth who engage in crime; and a struggling economy that encourages marijuana cultivation in rural areas.’

‘The government and law enforcement authorities are committed to combating narcotics and illicit trafficking. However, their efforts were only moderately effective in 2014 because of a lack of sufficient resources, corruption, an inefficient criminal justice system, and the inability of lawmakers to adopt meaningful legislation to combat corruption. Lawmakers are considering proposed legislation to decriminalize the possession and use of small amounts of marijuana for personal use.’<sup>16</sup>

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## 5.4 Corruption

5.4.1 The US Department of State’s 2015 International Narcotics Control Strategy Report noted that the Commissioner of Police, with support from the Minister of National Security, continued to take a strong public stance against police corruption and made progress toward reform of the institution. The Jamaica police have suffered from decades of endemic corruption and high annual numbers of civilian deaths caused by police actions. Efforts to reduce police corruption have succeeded remarkably in recent years, and police-involved deaths decreased by 55 percent in 2014.<sup>17</sup>

5.4.2 The same source stated that:

‘As a matter of policy, the Jamaican Government does not encourage or facilitate illegal activity associated with drug trafficking or the laundering of proceeds from illicit drug transactions. Jamaican law penalizes official corruption; however, corruption remains entrenched, widespread, and compounded by a judicial system that has a poor record of successfully prosecuting corruption cases against high-level law enforcement and government officials.

‘In 2014, anti-corruption measures within the police continued to show encouraging signs. Additionally, the U.S supported non-governmental organisation (NGO) National Integrity Action helped focus increased public and government attention on the need for anti-corruption reforms.

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<sup>16</sup> United State Department of State, Bureau for International Narcotics and Law Enforcement Affairs, 2015 International Narcotics Control Strategy Report: Volume I Drug and Chemical Control: Jamaica, B. Drug Control Accomplishments, Policies, and Trends, 1. Institutional Development, 6 March 2015. <http://www.state.gov/j/inl/rls/nrcrpt/2015/vol1/238984.htm> [Date accessed 11 May 2015]

<sup>17</sup> United State Department of State, Bureau for International Narcotics and Law Enforcement Affairs, 2015 International Narcotics Control Strategy Report: Volume I Drug and Chemical Control: Jamaica, B. Drug Control Accomplishments, Policies, and Trends, 1. Institutional Development, 6 March 2015. <http://www.state.gov/j/inl/rls/nrcrpt/2015/vol1/238984.htm> [Date accessed 11 May 2015]

'The police Anti-Corruption Branch (ACB) merged with the newly-created Major Organised Crime and Anti-Corruption Agency in 2014, and showed steady success in identifying and removing officers engaged in corrupt and unethical behaviour. Since the ACB's reorganisation with international support in 2008, 538 police personnel have resigned or been dismissed for corruption or ethical violations, with 48 of those removed in 2014. Another 32 officers faced criminal corruption charges during the year. The ACB's merger with the MOCA Agency will broaden the ACB's role to addressing corruption within the whole of government, rather than within the Jamaica Constabulary Force (JCF) alone.

'Legislation to establish a national anti-corruption agency has been pending before Parliament since 2008. Such an agency is required by the Inter-American Convention against Corruption to which Jamaica is a signatory, but efforts by legislators from both political parties have stalled the proposal. In 2014, the Minister of Justice continued his work with stakeholders to redraft the bill and organise legislative support for advancement of the proposal.<sup>18</sup>

## 5.5 Kidnappings

### 5.5.1. The US Overseas Security Advisory Council (OSAC) report on Jamaica in March 2015 recorded that:

'In 2014, Jamaica continued to see a significant reduction in kidnappings; however, kidnapping is one of the most underreported crimes. All of the data regarding kidnapping is based on partial crime statistics and can only produce best-guess estimates. Despite the lack of hard data, there is no evidence that kidnapping is a growing problem/concern.

'Kidnapping can happen in any part of Jamaica and can be executed by a wide range of players with varying levels of professionalism and differing motives. At one end of the spectrum are high-end kidnapping gangs that target high-profile and/or high-net-worth individuals. Such groups employ teams of operatives who carry out specialized tasks (collecting intelligence, conducting surveillance, snatching the target, negotiating with the victim's family and establishing and guarding the safe houses).

'On the other end of the spectrum are gangs that roam the streets and randomly kidnap targets of opportunity. These gangs are generally less professional and often will hold a victim for a short period, often referred to as an "express kidnapping." In many instances, these groups hold the victim just long enough to use the victim's ATM card to drain his/her checking account or to receive a small ransom. Sometimes express kidnapping victims are held in the trunk of a car for the duration of their ordeal, which

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<sup>18</sup> United State Department of State, Bureau for International Narcotics and Law Enforcement Affairs, 2015 International Narcotics Control Strategy Report: Volume I Drug and Chemical Control: Jamaica, B. Drug Control Accomplishments, Policies, and Trends, 4. Corruption, 6 March 2015. <http://www.state.gov/j/inl/rls/nrcrpt/2015/vol1/238984.htm> [Date accessed 11 May 2015]

can sometimes last for a couple of days if the victim has a large amount in a checking account and a small daily ATM withdrawal limit.<sup>19</sup>

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## 5.6 Gang violence and the effects on women

- 5.6.1 The US Department of State annual report covering 2014 noted that ‘NGOs reported that inner-city gang leaders and sometimes even fathers initiated sex with young girls as a “right”’.<sup>20</sup>
- 5.6.2 In September 2013, the Jamaica Observer stated that a woman had been shot at who was travelling with two men who were fatally shot in a gang-related reprisal attack.<sup>21</sup> In June 2013 a woman staying at the same property as the father of a known gang member was shot at and injured whilst the father was killed.<sup>22</sup> Also in June 2013 The Gleaner reported on the shooting of a woman who happened to be in the same place as four men killed for the reprisal of a murder that had taken place earlier in the year.<sup>23</sup> In February 2012, a woman and her daughter were killed in a reprisal killing following an internal feud in the Clansman Gang.<sup>24</sup>
- 5.6.3 Amnesty International reported in October 2014 in its submission to the UN Universal Periodic Review of Jamaica that ‘Women and girls living in inner-city communities remain particularly exposed to gang violence. They are often victims of reprisal crimes, including sexual violence, for being perceived as having reported or actually reporting criminal activity to the police, or in relation to a personal or family vendetta. Women and girls often experience sexual coercion by gang members, as refusal could result in punishment against themselves and their families’.<sup>25</sup>

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<sup>19</sup> US Department of State. Overseas Security Advisory Council (OSAC). Jamaica 2015 Crime and Safety Report, Kidnapping Threat, 11 March 2015.

<https://www.osac.gov/pages/ContentReportDetails.aspx?cid=17248> [Date accessed 11 May 2015]

<sup>20</sup> US Department of State: Country Report on Human Rights Practices 2014 - Jamaica, June 2015, Section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dldid=236700>, [Date accessed 6 July 2015]

<sup>21</sup> Jamaica Observer, Gang feuds claims two in Westmoreland, 4 September 2013, <http://www.jamaicaobserver.com/news/Gang-feud-claims-two-in-Westmoreland> [Date accessed 29 May 2015]

<sup>22</sup> Jamaica Observer, Gunmen kill slain gang leader’s father, 20 June 2013, [http://www.jamaicaobserver.com/news/Gunmen-kill-slain-gang-leader-s-father\\_14525023](http://www.jamaicaobserver.com/news/Gunmen-kill-slain-gang-leader-s-father_14525023) [Date accessed 29 May 2015]

<sup>23</sup> The Gleaner, Fear Grips Seaview After Gunmen Kill Four, 9 June 2013 <http://jamaica-gleaner.com/gleaner/20130609/lead/lead61.html> [Date accessed 29 May 2015]

<sup>24</sup> The Gleaner, Bloody Reprisals, 15 February 2012 <http://jamaica-gleaner.com/gleaner/20120215/lead/lead81.html> [Date accessed 29 May 2015]

<sup>25</sup> Amnesty International, Amnesty International submission for the Universal Periodic Review of Jamaica, October 2014, Violence against women and girls, <http://www.refworld.org/docid/553a05d14.html>, date accessed 29 May 2015

## 6. Legislation and other police initiatives

### 6.1 Criminal Justice (Suppression of Criminal Organisations Act 2014 (“Anti-Gang” Act)

#### 6.1.1 The Organisation of American States’ Inter-American Commission on Human Rights (IACHR) noted in its annual report covering 2014 that:

‘The government passed the Criminal Justice (Suppression of Criminal Organisations) Act in April 2014 (“anti-gang Act”) which aims at addressing the problem of gangs, garrisons and organised criminal activity. The State contends that the Act will “provide an important tool to the State in dismantling and addressing the root causes of violent crime.” The anti-gang Act provides a broad definition of criminal organisation to include “any gang, group, alliance, network, combination or other arrangement among three or more persons.”

‘The anti-gang Act criminalizes, among other things, the leadership, management, or direction of a criminal organisation; the provision of a benefit or obtaining of a benefit from a criminal organisation; aiding or abetting a criminal organisation; and the recruitment of persons to be part of a criminal gang in an effort to dismantle organisations of the State. Section 4 of the anti-gang Act specifically deems it a criminal offence to recruit children (defined in the Act as those under 18 years old) to participate in a criminal organisation.

‘In the course of the March 2014 hearing, civil society organisations expressed concern that the anti-gang Act could be used by security forces as a repressive tool or paramilitary regime, impact negatively on youth, and disregard the presumption of innocence of persons who are found to be in contravention of the Act by police. Additionally, civil society organisations were also concerned that the proposed anti-gang law establishes suspicion of belonging to a gang as an offence, which removes the evidentiary burden of proof from the State. Civil society organisations are also worried that the broad definition of a criminal organisation has a high probability to target youth who socialize together for their own protection, growth and development. The IACHR is concerned about the potential for lack of due process guarantees in the anti-gang Act in relation to the balance between determining who is deemed a gang member on one hand and the presumption of innocence on the other.

‘In responding to these concerns, the State reiterated that the anti-gang Act addresses only membership and participation in criminal organisations. The State contends that the anti-gang Act does not seek to undermine the freedom of assembly in lawful organisations. In that respect, the State highlighted that the definition of criminal organisation no longer includes ‘corner crews’ and the anti-gang legislation as passed into law does not include an offence of suspicion of belonging to a gang. The State emphasized that the anti-gang Act will not deprive persons of their right to contest the designation of their organisation as a criminal organisation, as the courts will be an available remedy for a judgment on that matter. In short, the State asserts that assembly rights are guaranteed, notwithstanding the effort to dismantle criminal gangs.

'In its response to the draft version of the present report, the State reiterated with respect to the anti-gang Act, that the legislation is geared at criminalizing recruiting for, belonging to, or receiving proceeds earned through the activities of criminal organisations. The State mentions that the crimes created in the anti-gang Act are specific ones. Additionally, the State emphasizes that the usual protection afforded to all citizens against arbitrary arrest and abuses by security forces still apply. Therefore, recourse to the Courts, be it Constitutional or otherwise, is available to all citizens whose rights have been, are being, or are likely to be contravened by State actors, including the security forces.'<sup>26</sup>

- 6.1.2 Speaking at a press conference on 7 January 2015 the Deputy Commissioner of Police (DCP) in charge of crime, Glenmore Hinds said "It is anticipated that over the course of this year, we should see over 500 persons charged under this legislation [the Criminal Justice (Suppression of Criminal Organisations) Act] and this will, in fact, help us to break the back of the criminal gangs that have been plaguing us for a long time."<sup>27</sup>
- 6.1.3 A full copy of the Criminal Justice (Suppression of Criminal Organisations) Act 2014 can be found on the Jamaica Parliament website at: [http://www.japarliament.gov.jm/attachments/339\\_339\\_The%20Criminal%20Justice%20\(Suppression%20Of%20Criminal%20Organizations\)%20Act%202013.pdf](http://www.japarliament.gov.jm/attachments/339_339_The%20Criminal%20Justice%20(Suppression%20Of%20Criminal%20Organizations)%20Act%202013.pdf)

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## 6.2 The Dangerous Drugs (Amendment) Act 2015 ("Ganja Law")

- 6.2.1 The Dangerous Drugs (Amendment) Act 2015 was passed by both Houses of Parliament in February 2015 and came into force on 15 April 2015. According to the Jamaican Ministry of Justice, this legislation, commonly referred to as 'the Ganja Law', is expected to have a number of positive implications for Jamaica, including:

- i. Strengthening respect for the rule of law and building a more just society, by eliminating a common cause of corrosive antagonism between the Police and young men, particularly in less affluent communities;
- ii. Reducing the heavy burden of cases on the Resident Magistrates' Courts;
- iii. Acknowledging the constitutional rights of the Rastafari community, who use ganja as a sacrament; and

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<sup>26</sup> Organization of American States Inter-American Commission on Human Rights (IACHR), Annual Report 2014, 7 May 2015. Chapter V. Paras 26 – 31  
<http://www.oas.org/en/iachr/docs/annual/2014/TOC.asp> [Date accessed 11 May 2015]

<sup>27</sup> Jamaica Information Service (Government of Jamaica), Police Expect 500 Persons to be Charged Under Anti-Gang Law, 8 January 2015 <http://jis.gov.jm/police-expect-500-persons-charged-anti-gang-law/> [Date accessed 11 May 2015]



‘iv. Paving way for the emergence of a lawful, regulated legitimate medicinal and industrial marijuana industry that may have significant economic opportunities and benefits’.<sup>28</sup>

6.2.2 During the passage of the Bill the Minister of National Security, Hon. Peter Bunting, said a regulated regime for the use of ganja can have positive benefits for law enforcement, including reducing organised crime, while enabling more efficient use of police resources. The Minister is reported as having continued:

‘The Bill seeks to, among other things: make the possession of small quantities of ganja a non-arrestable offence and, to instead, make it a ticketable infraction that does not result in a criminal record.

‘It also permits the use of ganja for religious, medical, scientific, and therapeutic purposes; and provides for the granting of licences for the development of a lawful industry for medical ganja and industrial hemp.

‘Noting the impact on crime reduction, Minister Bunting said: "A regime for legal production and distribution of ganja eliminates the monopoly that organised criminals now have in this area and consequently reduce their funding for criminal enterprise."

‘He cited law enforcement reports, which suggest that since the regulated regimes for medicinal and recreational marijuana have come into effect in some states in the United States of America (USA), the price for Mexican marijuana has dropped by more than 50 per cent, making it uneconomical for many of the Mexican cartels to continue exporting to the USA.

‘The Minister said the provision to make possession of small quantities of ganja a non-arrestable offence will reduce incarceration of young people, lessen the caseload in the Resident Magistrate's Courts and enable more efficient and effective use of police resources. "One social cost of those thousands of arrests and convictions per year, over decades, has been to consign these young men to the margins of our economy. With a criminal record, they are unable to get many jobs, prohibited from farm work programmes, and restricted in their overseas travel. Ironically, by reducing their legitimate opportunities, it increases the likelihood of their involvement in criminal activity such as housebreaking, larceny, robbery, etcetera," he said.

‘He noted that already, the policy is enabling the police to deploy resources where they are most needed. "In 2014, with our policy direction already clear, the JCF arrested 5,300 fewer persons for minor offences, primarily possession of small quantities of ganja, than in 2013, thereby freeing tens of thousands of police man-hours to focus on serious criminals," Mr. Bunting said.

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<sup>28</sup> Jamaica Information Service. (Government of Jamaica), Dangerous Drugs (Amendment) Act 2015 to Come Into Effect April 15, 13 April 2015. <http://jis.gov.jm/dangerous-drugs-amendment-act-2015-come-effect-april-15/> [Date accessed 11 May 2015]

'He also noted that the passage of the Bill will remove a source of friction between the police and the community, which will result in an improvement in police-citizen relations.

'The Minister, however, made it clear that the passage of the Bill does not create a "free- for-all" in the growing, transporting, dealing, or exporting of ganja. He said the security forces will continue to rigorously enforce Jamaica's law consistent with international treaty obligations.'<sup>29</sup>

- 6.2.3 A full copy of the Dangerous Drugs (Amendment) Act 2015 can be found on the Jamaica Parliament website at:  
[http://www.japarliament.gov.jm/attachments/339\\_The%20Dangerous%20Drug%20bill%202015.pdf](http://www.japarliament.gov.jm/attachments/339_The%20Dangerous%20Drug%20bill%202015.pdf)

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### 6.3 Police initiatives/policies

- 6.3.1 The Organisation of American States' Inter-American Commission on Human Rights (IACHR) stated in its annual report covering 2014 that:

'The State has taken measures to design and implement comprehensive policies on citizen security. The JCF launched a "violence interruption strategy" called 'Operation Resilience' at the beginning of October 2013 under which it conducted 346 anti-gang operations. According to information from the State, as a result of Operation Resilience, 361 arrests were made and 201 firearms were recovered. November 2013 saw a moderation in crime.

'In an effort to address national violence the State developed the 'Unite for Change' initiative that was launched on December 5, 2013. The 'Unite for Change' initiative sought to coordinate a multi-sectoral response involving the state (government ministries, departments and agencies), private sector, community and faith-based organisations, NGO's and civil society.

'...the State indicated that in an effort to modernize and improve the police force, Jamaica has merged the Island Special Constabulary Force with the JCF, thereby eliminating administrative duplication and increasing the number of police personnel available for operational duties.

'The State mentions that, as noted by the Inter-American Commission in its report, there has been greater focus on community policing, intelligence gathering and programs such as 'Unite for Change'. These methods, which along with more speedy operational responses, general re-organisation of the force, as well as other strategies, have led to the overall reduction in serious and violence [sic] crime in the year 2014.'<sup>30</sup>

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<sup>29</sup> Jamaica Information Service (Government of Jamaica), Ganja Bill Will Reduce Crime, Free Up Police Resources, 26 February 2015. <http://jis.gov.jm/ganja-bill-will-reduce-crime-free-police-resources/> [Date accessed 11 May 2015]

<sup>30</sup> Organization of American States, Inter-American Commission on Human Rights (IACHR), Annual Report 2014, 7 May 2015. Chapter V. Paras 18 – 21 <http://www.oas.org/en/iachr/docs/annual/2014/TOC.asp> [Date accessed 11 May 2015]

- 6.3.2 In January 2015 the Commissioner of Police, Dr. Carl Williams is reported as saying that through sustained and intensified crime fighting strategies, murders in 2014 were at their lowest in 11 years. He noted that the year 2014 ended with a major reduction in all categories of crimes in Jamaica. "The murder rate at the end of last year was 36 per 100,000 of the population, compared to 44 in 2013, and 62 in 2009," the Commissioner said. He further disclosed that 1,005 murders were recorded in 2014, compared to 1,200 in the previous year, representing a 16 per cent reduction. This figure also represents a reduction of 41 per cent when compared to 2009, the year in which the highest number of murders was committed in the island Dr. Williams commended members of the JCF for the hard work and commitment that contributed to the reduction.<sup>31</sup>
- 6.3.3 Speaking at a press conference on 7 January 2015, the Jamaican Commissioner of Police, Dr. Carl Williams said that the JCF will continue to focus its crime fighting strategies on dismantling gangs across the island during 2015. The Commissioner informed that gang related murders were reduced from 932 in 2013 to 600 in 2014. "We also deployed a lot of our resources in disarming the society of the illegal guns," he said. During the year, 632 illegal guns were seized and gun related violence was reduced from 882 in 2013 to 714 in 2014.<sup>32</sup>
- 6.3.4 The Commissioner said that the anti-robbery strategy, which involved high visibility presence in market areas and other commercial spaces worked well to reduce opportunities for murders, particularly those committed during the course of robberies. "Our investigative strategies which targeted the most prolific violence producers contributed to the arrest of numerous murderers, including those in the quadruple murder in Bog Walk in October of last year as well as the triple murder in Rockfort," he noted.<sup>33</sup>
- 6.3.5 In a statement to Parliament on the crime statistics for 2014, the Minister for National Security stated that in 2014, there was an overall reduction of 16% in serious and violent crime. He said that "in what was a breakthrough year in the fight against crime; every category showed double digit reductions: murder down 16%; shooting by 12%; rape by 23%; and aggravated assault by 17%. Acquisitory crimes were also down by more than 10%." He stated that "A 16% across the board reduction in a single year is very significant and compares favourably with almost any other area of our social or economic life. It is the lowest murder figure recorded since 2003 and represents a 40% reduction over the last five years."<sup>34</sup>

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<sup>31</sup> Jamaica Information Service (Government of Jamaica), Murder Figure Lowest in 11 Years, 8 January 2015. <http://jis.gov.jm/murder-figure-lowest-11-years/> [Date accessed 11 May 2015]

<sup>32</sup> Jamaica Information Service (Government of Jamaica), JCF to Continue Dismantling Gangs, 8 January 2015 <http://jis.gov.jm/jcf-continue-dismantling-gangs/> [Date accessed 11 May 2015]

<sup>33</sup> Jamaica Information Service (Government of Jamaica), JCF to Continue Dismantling Gangs, 8 January 2015 <http://jis.gov.jm/jcf-continue-dismantling-gangs/> [Date accessed 11 May 2015]

<sup>34</sup> Jamaica Information Service (Government of Jamaica), Statement to Parliament by the Honourable Peter Bunting, MP, Minister of National Security, 27 January 2015. <http://jis.gov.jm/media/Statement-to-Parliament-Crime-4-Jan-26-2015-Final11.pdf> [Date accessed 11 May 2015]



6.3.6 The Minister for National Security highlighted the following as factors which contributed to this performance:

‘The merger of the ISCF [Island Special Constabulary Force] with the JCF eliminated the administrative duplication of a parallel command structure and freed up more personnel for operational duties. The strength of police presence we saw on the streets and in communities last year was in great measure due to the policy decision to merge the two Constabularies.

‘The new emphasis on the crime prevention work of the Ministry through the Unite for Change initiative, which recognizes that violence has multiple causes and therefore requires effectively co-ordinated responses from multiple sectors. The Unite for Change approach accepts that an important step in reversing an epidemic is changing group behaviour norms around the transmission of the disease, or specifically in our case of a violence epidemic, changing the culture of violence and tolerance of criminals and criminal behaviour.

‘As part of this initiative, significant energy was put into stakeholder building and public education efforts. The Ministry organised scores of events to educate and sensitize the citizenry and the police to the new approach. These events have taken various forms: media campaigns, presentations to MDAs, presentations to FBOs, NGOs, and community groups; peace marches, and school peace rallies. Just as important, we have partnered with parenting organisations to promote positive messaging and forged partnerships between churches and police leadership in various divisions.’

‘Change the paradigm of policing. While the police force is only one of the many actors in crime prevention, their role is critical to the outcomes we must achieve. So in 2014, we focused on changing the paradigm of policing. Specifically, we looked at reversing the approach of the paramilitary style of policing that had dominated for three decades and started a process of culture change to:

‘1. Promote proximity policing i.e. where police personnel are embedded in the community primarily on foot patrols, get to know and understand the residents, and develop relationships of trust. The police have been issued guidance to avoid arresting citizens for minor offenses, such as possession of small quantities of ganja, which only contribute to hostility towards the police and to overcrowding in lockups. This guidance resulted in 5,435 fewer arrests in for minor offences in 2014 vs. 2013.

‘2. Hold officers and men stringently accountable for the use of force and improving the planning of operations to minimize the likelihood of casualties, and;

‘3. Progressively civilianize the dress and appearance of the police, i.e. less blue denim, body armour, and assault rifles and more civilian dress.’

‘Swift Operational Response. The final contributor to the crime reduction in 2014 I will highlight was the intelligence driven targeting of known violence producers and the application of anti-gang and anti-lottery scam legislation.

The police and military responded with surge operations to quickly contain outbreaks of gang related violence.’<sup>35</sup>

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#### 6.4 Police’s ability to protect citizens against gang violence

- 6.4.1. In February 2012, the newspaper The Gleaner reported that ‘Despite claims from Jamaica’s police that they have dented operations and destabilised some of the major gangs, the 2012 United Nations Development Programme (UNDP) Caribbean Human Development Report on Citizen Security has revealed that Jamaicans do not believe the police can break the back of gang violence. According to the UNDP survey published in the new study, only 23.4 per cent of respondents expressed "high" and "very high" confidence levels in the police force’s ability to effectively control gang violence’.<sup>36</sup>
- 6.4.1. The Bertelsmann Foundation report covering 2013 reported that ‘The state’s monopoly on the use of force in Jamaica is established nationwide in principle, though some problems remain in a few political constituencies in the capital, Kingston, and in a few rural parishes. In these “garrison communities,” drug and gun trafficking by organised criminal networks play an important role. Local party leaders, many of whom are alleged to have connections with criminal networks and the drug trade, rule these communities. The emergence of transnational and regional networks, and their interconnectedness with local organised-crime networks, hampers the ability of law enforcement agencies to implement crime control responses that both respect human rights and are effective’.<sup>37</sup>
- 6.4.2. Human Rights Watch in its October 2014 report ‘Not Safe at Home - Violence and Discrimination against LGBT People in Jamaica’ noted that ‘High levels of violent crime, public mistrust of police, low levels of crime reporting, low prosecution rates, and a perception that the criminal justice system is skewed against the poor are widespread in Jamaican society’.<sup>38</sup>
- 6.4.3. The US Overseas Security Advisory Council (OSAC) report on Jamaica in March 2015 reported that:
- ‘Police support for foreign victims of crimes runs between semi-responsive and responsive due to a shortage of manpower, training, vehicles, and other

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<sup>35</sup> Jamaica Information Service (Government of Jamaica), Statement to Parliament by the Honourable Peter Bunting, MP, Minister of National Security, 27 January 2015.

<http://jis.gov.jm/media/Statement-to-Parliament-Crime-4-Jan-26-2015-Final11.pdf> [Date accessed 11 May 2015]

<sup>36</sup> The Gleaner, Low Vote of Confidence in Police, 12 February 2012, <http://jamaica-gleaner.com/gleaner/20120212/lead/lead5.html> [Date accessed 28 May 2015]

<sup>37</sup> Bertelsmann Foundation: BTI 2014; Jamaica Country Report, 2014, I. Political Transformation, 1 Stateness, <http://www.bti-project.de/fileadmin/Inhalte/reports/2014/pdf/BTI%202014%20Jamaica.pdf>, date accessed 29 May 2015

<sup>38</sup> Human Rights Watch, Not Safe at Home - Violence and Discrimination against LGBT People in Jamaica, 21 October 2014, Summary, [http://www.hrw.org/sites/default/files/reports/jamaica1014\\_ForUpload\\_1.pdf](http://www.hrw.org/sites/default/files/reports/jamaica1014_ForUpload_1.pdf), date accessed 29 May 2015

resources. Although the police receive some training from U.S and U.K law enforcement entities, they endure a lack of funding, resources, and management.

‘Police corruption and police involvement in criminal activity is not uncommon. Consequently, citizens are often indifferent to police authority, adding to a perceived sense of lawlessness. The Jamaica Constabulary Force is considered to be underpaid, poorly trained, and corrupt.’<sup>39</sup>

6.4.4. The Organisation of American States’ Inter-American Commission on Human Rights (IACHR) noted in its annual report covering 2014 that:

‘Civil society organisations remain concerned by the high levels of violence that Jamaicans face daily...Civil society organisations have identified that there is unequal access to measures of security and protection for vulnerable populations...

‘Civil society organisations have noted that summary executions and corruption are still major issues plaguing the Jamaica police force. Since the 2012 Report, there remain obstacles to accountability and the persistence of impunity is noted in the low number of police shooting cases that make it to the criminal court.’<sup>40</sup>

6.4.5. The UK Overseas Development Institute (ODI) report on community policing found that although initial survey data suggests that violent crime has been reducing in Jamaica since 2010 and that there has been some improvement in police-community relations, it is extremely difficult to attribute any tangible progress in these indicators to community policing specifically...

Institutionalising community policing in Jamaica faces a number of challenges. First, despite formally being a force-wide philosophy, community policing has remained primarily the reserve of the CSSB, and has not yet brought about the force-wide behavioural change necessary to alter the dominant culture of the JCF. Second, the significant costs borne by donors in funding community policing in Jamaica raises serious questions about the sustainability of community policing in the long term. Third, the progress which can be made in crime reduction and improving police-community relations through improvement in policing will continue to be frustrated until urgent reforms to address the inefficiencies of the justice sector are also undertaken, given the interconnectedness of these sectors.’<sup>41</sup>

6.4.6. Amnesty International reported in its annual report covering 2014 regarding the criminal justice system that ‘Overburdened courts led to continued delays

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<sup>39</sup> US Department of State. Overseas Security Advisory Council (OSAC). Jamaica 2015 Crime and Safety Report, Police Response, 11 March 2015.

<https://www.osac.gov/pages/ContentReportDetails.aspx?cid=17248> [Date accessed 11 May 2015]

<sup>40</sup> Organization of American States Inter-American Commission on Human Rights (IACHR), Annual Report 2014, 7 May 2015. Chapter V. Paras 16 and 35

<http://www.oas.org/en/iachr/docs/annual/2014/TOC.asp> [Date accessed 11 May 2015]

<sup>41</sup> Overseas Development Institute (ODI), Securing communities and transforming policing cultures: A desk study of community policing in Jamaica, Executive Summary, May 2014, <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8957.pdf>, date accessed 29 May 2015

in the justice system. In February, the National Security Minister stated there was a backlog of approximately 40,000 cases. In June, the Chief Justice said that the unavailability of forensic evidence, outstanding statements and ballistic reports, as well as an absence of adequate court infrastructure, human and financial resources, were seriously hampering the justice system'.<sup>42</sup>

- 6.4.7. For further information regarding the Jamaica Constabulary Force (JCF), including effectiveness and government efforts to strengthen the force see [information response produced by the Canadian Immigration and Refugee Board on 9 February 2015](#).<sup>43</sup>
- 6.4.8. For information regarding the procedures for lodging complaints against the police see the [information response produced by the Canadian Immigration and Refugee Board on 11 February 2015](#).<sup>44</sup>

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## 7. Witness Protection Programme

- 7.1.1 The Witness Protection Programme is a covert operation managed by the Ministry of National Security. Its main objective is to enlist legitimate witnesses of major crimes whose safety and security is at risk. The programme seeks to offer protection for these witnesses and provide support for the functioning of the wider criminal justice system.<sup>45</sup>
- 7.1.2 The Jamaica Gleaner reported in March 2012 that 'The people will not pass information to the police for fear that their names will be linked to the investigations, hence putting themselves and their families at risk. A stiff and untenable culture of silence emanates and this is not uprooted easily. This culture makes a suspect of everyone living in some communities. By appearing uncooperative with the rule of the State, yet acquiescing to the dictates of the don, residents become party to criminal activities. The same is true of police personnel who witness corruption and murder within their ranks and choose to remain silent. This culture of complicity - see and blind, hear and deaf - is played out in inner cities. It is also evident as an unwritten rule in squads within the police force. Criminality and corruption thrive. Head of Crime Stop, Prudence Gentles... suggests that the crawling justice system

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<sup>42</sup> Amnesty International, Amnesty International 2014/2015 report: Jamaica, Justice system, 25 February 2015, <https://www.amnesty.org/en/countries/americas/jamaica/report-jamaica/>, date accessed 29 May 2015

<sup>43</sup> Immigration and Refugee Board of Canada, Jamaica: The Jamaica Constabulary Force (JCF), including effectiveness and government efforts to strengthen the force (2011-2015), 9 February 2015, JAM105038.E, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455717&pls=1> [accessed 1 May 2015]

<sup>44</sup> Immigration and Refugee Board of Canada, Jamaica: Requirements and procedures to lodge a complaint against a police officer; requirements and procedures to obtain a police report; alternative mechanisms available for lodging a complaint against a police officer; effectiveness of complaint mechanisms (2013-January 2015), 11 February 2015, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455726&pls=1> [accessed 30 April 2015]

<sup>45</sup> Jamaica Ministry of National Security, Witness Protection Programme, Undated, <https://www.mns.gov.jm/site-page/witness-protection-programme> [Date accessed 11 May 2015]

continues to nurture the culture. "The chance of a witness being identified in court cases that are dragged out for years is high. Until there is improvement in this area, we will not benefit from an improved police force," she said'.<sup>46</sup>

7.1.3 The U.S. Department of State annual human rights report covering 2014 reported that 'Judges dismissed some criminal trials because witnesses failed to come forward due to threats, intimidation, or their murder. Some of those who appeared qualified for the witness protection program, but many either refused protection or violated the conditions of the program. According to the JCF, no participant in the witness protection program who abided by the rules of the program had ever been killed'.<sup>47</sup>

7.1.4 A blog post on a blog named 'Ronnet Lawrence' on Jamaica's witness protection programme in December 2014 said:

'The intimidation of witnesses has always been a major concern. As a result law makers saw the need to table in law measures to protect these witnesses. However, as time progresses the fines and penalties seem ineffective. The Witness Protection Act of 1964 stipulates that, "Every person who threatens or in any way punishes, injures, or causes any damage to, any other person' -

(a) for having given evidence in any enquiry; or

(b) on account of the evidence which such other person has given in any enquiry, shall, except where such evidence was given in bad faith, be guilty of an offence and be liable upon summary conviction before a Resident Magistrate to a fine not exceeding two hundred dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding six months." In 2014, this can in no way serve as a deterrent. Adjustments need to be made so that the law may be carried out with full effect.

'The Witness Protection Programme was implemented in November 2001 and was run by the Justice Protection Unit. Its mandate is "to offer protection or assistance to witnesses whose lives have been threatened before, during or after a trial." The Ministry of National Security through its website, under the link, 'Witness Protection Programme' states, "The programme/unit is a covert operation managed by the Ministry. Its main objective is to enlist legitimate witnesses of major crimes whose safety and security is at risk. The programme seeks to offer protection for these witnesses and provide support for the functioning of the wider criminal justice system."

'Anyone who witnesses a crime and wishes to testify but fears for his life can participate in the witness protection programme. The potential witness must

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<sup>46</sup> The Jamaica Gleaner, The Secret Of The Inner City - 'See And Blind! Hear And Deaf!', 25 March 2012, <http://jamaica-gleaner.com/gleaner/20120325/lead/lead2.html>, date accessed 29 May 2015

<sup>47</sup> US Department of State: Country Report on Human Rights Practices 2014 - Jamaica, June 2015, Section 2., e. Denial of Fair Public Trial, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236700> Date Accessed 6 July 2015



apply then there is a screening process to evaluate the level of threat on his life. If the threat is real, he is required to sign a document agreeing to the conditions of the programme. The programme provides relocation locally and internationally if deemed necessary. It also provides new identities and financial assistance for the witness and his dependents.'

'In 2007 the Ministry of National Security lauded its effort to transform the Witness Protection Programme. Since taking over the Justice Protection Unit from the JCF, the Ministry boasted that no witness had been harmed or killed. At that time almost 1,500 persons had benefited from the program. Of that number one hundred and eighty two were able to leave the programme and return to their normal lives.'

'Let us fast forward to 2011. In January, the then Police commission, Owen Ellington, in the JCF Force Orders said that the police were not properly following the rules of the programme. As a result, there had been delays in the processing of witnesses waiting to be placed. Director of Public Prosecutions (DPP), Paula Llewelyn commended the Ministry's effort but says more needs to be done to protect the witnesses. She says a lot of persons are not willing to testify because they doubt the system's ability to provide adequate protection to them and their family members. More resources are needed if larger families are to be accommodated.'

'In January 2014, Prime Time News did a feature on the effectiveness of the Witness Protection Programme. Attorney-at-law, Bert Samuels lamented that enough is not being done as he still has at least one witness still waiting to be placed. According to Mr. Samuels his client was the star witness and sole eye-witness to the murder. She was promised subsequent to testifying a change in identity and relocation outside of Jamaica. That has not yet happened. "After the passage of 5 years and with all my efforts of writing letters, those promises have not been fulfilled" he said. Peter Champagnie, on the other hand applauded the programme. His clients have never complained about the witness protection programme. He believes if there are situations, such as the one mentioned earlier, they are few. He says "I have never heard of a situation where a witness has been killed on the programme, threatened on the programme... and it ought to be encouraged. It is a good thing."

'Justice of the Peace, Dacia South who has had the opportunity to try a number of smaller cases says that witnesses are willing in these cases (for e.g. praedial larceny) because they have a cause to defend. She says however, that for major cases for example, murder people of great influence then people are more fearful to come forward. "The Witness Protection Programme is a good initiative. If the guidelines are carefully adhered to, it will be very effective but the sacrifice may be too great. People may prefer to keep silent than to uproot their families and change their identities and possibly still live in fear for the rest of their lives."

'When there are no witnesses, cases get thrown out. In order to get witnesses, the confidence of our citizens has to be built in the Police and in

the Ministry of National Security to carry out the mandate of the Witness Protection Programme.<sup>48</sup>

- 7.1.5 In December 2014 the Mayor of Montego Bay, Glendon Harris, called for Jamaicans to become "informers" in the fight against crime. He said Jamaica is being held ransom by what he calls "modern day black heart men," who drive fear into its citizens and efforts must be made to speak out against them. "I want to challenge everyone here to join together to change our culture from the one where the feeling is that...informer fi dead, to one where we salute those who are brave enough to shine light on the modern black heart men, who continue to strike fear in the minds of our people," he stated. "We must celebrate our informer heroes...after all, the evil ones are the minority and if the rest of us become informers, they cannot kill us all. Can you imagine if every well thinking Jamaican becomes an informer? Criminals would think twice before committing their cowardly acts and before we know it, we could take back our towns, our districts, our parish, our country, and God's earth which we are blessed with," Mayor Harris said.<sup>49</sup>

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<sup>48</sup> Ronnet Lawrence, Jamaica's witness protection programme. 25 December 2014. <https://ronnetlawrence.wordpress.com/2014/12/25/jamaicas-witness-protection-programme/> [Date accessed 11 May 2015]. Note that no source assessment could be made as it is not apparent from the blog who 'Ronnet Lawrence' is or the actual author of the blog post excerpted here.

<sup>49</sup> Jamaica Information Service (Government of Jamaica). Jamaicans Must Become Crime Informers, 3 December 2014 <http://jis.gov.jm/jamaicans-must-become-crime-informers/> [Date accessed 11 May 2015]

# Version Control and Contacts

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

## Clearance

Below is information on when this version of the guidance was cleared:

- version 1
- valid from **13 July 2015**
- this version approved by **Sally Weston, Deputy Director, Head of Legal Strategy**
- approved on: **24 June 2015**

## Changes from last version of this guidance

First version in updated template

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