



Home Office

Country Policy and Information Note

Jamaica: Fear of organised criminal gangs

Version 2.0

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. 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 policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

The COI within this note 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 our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

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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1. Basis of claim

- 1.1.1 Fear of persecution or serious harm by organised criminal gangs (OCGs).

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Particular social group

- 2.2.1 Victims or potential victims of OCGs 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 In the absence of a link to one of the five Convention reasons necessary for the grant of refugee status, the question to be addressed in each case will be whether the particular person will face a real risk of serious harm sufficient to qualify for Humanitarian Protection (HP).

- 2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Assessment of risk

- 2.3.1. OCGs in Jamaica are involved in crimes including extortion, kidnapping, gun smuggling, drug trafficking, and up to large-scale fraud (see [Nature of organised crime](#)).

- 2.3.2. 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 (see [Organised crime and national politics](#)).

- 2.3.3. 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. Gangs also 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 small pieces of turf and to spend local political patronage monies (see [Organised gangs \(posses\)](#) and [Nature of organised crime](#)).

- 2.3.4. Although the murder rate in Jamaica is high, most murders are committed against those involved in gang-related activities. The risk of murder by an OCG for an ordinary person who is uninvolved in gang activities will be significantly lower (see [Crime levels](#)).
- 2.3.5. In general, a person will not be at real risk of serious harm or persecution from an OCG. In cases where there is such a risk, decision makers must establish that a criminal gang's behaviour poses a real and serious threat to the person. In particular, decision makers must establish:
- which gang is making the threat(s);
 - the nature of the threat(s);
 - why the gang has an adverse interest in the person;
 - the gang's capabilities; and
 - the profile of the person
- 2.3.6. 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 serious harm upon the threatened person.
- 2.3.7. For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Protection

- 2.4.1. In the Country Guidance case of [AB \(Protection-criminal gangs-internal relocation\) Jamaica CG \[2007\] UKAIT 00018](#), heard on 19 December 2006 and promulgated on 22 February 2007, 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 (WPP), a person targeted by a criminal gang will not normally receive effective protection in his home area [headnote].
- 2.4.2. When referring to persons being 'admitted' into the WPP, 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 (for example, 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 (paragraph 163).
- 2.4.3. The Tribunal in [AB](#) also noted that: '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' (paragraph 162).

- 2.4.4. Although [AB](#) was promulgated over ten years ago, there has been no change in the country situation sufficient to justify departure from its findings about protection (see [Organised crime and national politics](#), [Government response](#) and [Witness Protection Programme](#)).
- 2.4.5. For further information, see [Country information and guidance: background information, including actors of protection and internal relocation](#)
- 2.4.6. For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Internal relocation

- 2.5.1 In the Country Guidance case of [AB](#), the Tribunal found that whether a person will be able to obtain 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].
- 2.5.2 With regard to the position of a person who would not be admitted to the WPP, 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 (paragraph 164).
- 2.5.3 Although [AB](#) was promulgated over ten years ago, there has been no change in the country situation to justify departure from its findings about internal relocation.
- 2.5.4 If a person is a single woman with no children, decision makers must take into account the findings of the Upper Tribunal in the Country Guidance case of [SW \(lesbians – HJ and HT applied\) Jamaica CG \[2011\] UKUT 251 \(IAC\)](#), heard on December 2009 and promulgated on 24 June 2010, 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 (paragraph 107 (3)). For further information and guidance, see [Country policy and information note: sexual orientation and gender identity](#).
- 2.5.5 For further information and guidance, see [Country information and guidance: background information, including actors of protection and internal relocation](#).
- 2.5.6 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Certification

- 2.6.1 Where a claim by an ordinary person, uninvolved in organised criminal activity, is refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002. This is because, in general, effective state protection is likely to be available.
- 2.6.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy summary

- 3.1.1 In order to show a real risk of serious harm from an organised criminal 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.
- 3.1.2 The Jamaican authorities are in general able and willing to provide effective protection. However, protection will not be effective in a person's home area unless they have been admitted into the Witness Protection Programme (WPP). The WPP does provide effective protection.
- 3.1.3 In general, it will not be unreasonable for a person to relocate to escape the risk from OCGs. Except in high-profile cases, there is no real risk that a person in the WPP will be detected. Each case must be decided on its merits.
- 3.1.4 If a person is a single woman with no children, decision makers must take into account that a woman with no male partner or children risks being perceived as a lesbian unless they present a heterosexual front and behave with discretion.
- 3.1.5 Where a claim by an ordinary person, uninvolved in organised criminal activity, is refused, it is likely to be certifiable as 'clearly unfounded'.

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4. Crime levels

4.1 Rate of murders and other serious violent crime

- 4.1.1 The Organisation of American States' Inter-American Commission on Human Rights (IACHR) noted, in 2014 report (its latest), that civil society organisations 'remain concerned by the high levels of violence that Jamaicans face daily'.¹ Foreign and Commonwealth (FCO) travel advice published in December 2016 noted that crime levels are 'high', particularly in and around certain areas of Kingston and Montego Bay'.²
- 4.1.2 The US State Department (USSD), in their 2016 Crime and Safety Report on Jamaica, observed that in 2015 the country saw an increase in murders on the previous year but a reported decrease in other serious violent crimes. There were 1,205 murders (the highest figure in five years), an average of 3.3 a day. The homicide rate is 40.0/100,000, which places it among the top-five highest (per capita) national homicide rates in the world.³
- 4.1.3 The same source observed that most violent crimes, including 80 per cent of all murders, involve firearms.⁴
- 4.1.4 Homicide rates increased by a fifth in 2016, to more than 1,350 (a rate of more than 50/100,000).⁵ Up to September 2016, the rate for that year was over 100 a month, or 3 a day.⁶
- 4.1.5 An article for the Council on Hemispheric Affairs, dated October 2016, noted that, despite the drop in 2014, the number of murders 'shot up' in 2015, reaching a five-year high of nearly 1,200. The upward trend has continued, with the murder rate in the first six months of 2016 some 2.4 per cent higher than in the first half of 2015.⁷

¹ Inter-American Commission on Human Rights (IACHR), Annual Report 2014, paras 16, 35, 7 May 2015, <http://www.oas.org/en/iachr/docs/annual/2014/TOC.asp>, accessed 6 February 2017

² Foreign and Commonwealth Office (FCO), Foreign travel advice, updated 21 December 2016, <https://www.gov.uk/foreign-travel-advice/jamaica>, accessed 6 February 2017

³ US State Department (USSD), Bureau of Diplomatic Security (OSAC), Jamaica 2016 Crime & Safety Report, <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=19562>, accessed 6 February 2017

⁴ US State Department (USSD), Bureau of Diplomatic Security (OSAC), Jamaica 2016 Crime & Safety Report, <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=19562>, accessed 6 February 2017

⁵ The Gleaner, 'Crime, Constitution and Corruption', 10 February 2017, <http://jamaica-gleaner.com/article/commentary/20170210/editorial-crime-constitution-and-corruption>, accessed 24 February 2017

⁶ The Gleaner, 'Murder Madness – Jamaica Averaging 100 Homicides Monthly', 21 September 2016, <http://jamaica-gleaner.com/article/lead-stories/20160921/murder-madness-jamaica-averaging-100-homicides-monthly>, accessed 24 February 2017

⁷ Council on Hemispheric Affairs, 'Black, Green, Gold and Too Much Red: Jamaica's Struggle with Gang Violence', 5 October 2016, <http://www.coha.org/black-green-gold-and-too-much-red-jamaicas-struggle-with-gang-violence/>, accessed 7 February 2017

4.1.6 For more information, see the report: [Inter-American Development Bank \(IDB\), 'Crime and Violence in Jamaica', June 2016](#)

See also: [Government response](#)

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4.2 Prevalence of organised crime

4.2.1 Freedom House, in their 2016 report, observed that, in 2015, 'Jamaica continued to grapple with persistent gang violence...Gang and vigilante violence remains a common occurrence'.⁸

4.2.2 The USSD's Crime and Safety Report on Jamaica for 2016 noted: 'Organized crime elements are prevalent and extremely active. Most criminal activity is gang-related'.⁹

4.2.3 An article in the Jamaica Observer, dated November 2015, reported: 'The gang franchises, said the [police] commissioner [Dr Carl Williams], have been wreaking havoc in rural areas, so much so that the traditional hotspots in the Corporate Area now have less crime than rural divisions such as St James, Westmoreland, and Clarendon'.¹⁰

4.2.4 FCO travel advice published in December 2016 stated: 'Gang violence and shootings are common, although usually confined to inner city neighbourhoods. Be especially cautious if you're travelling to West Kingston, Grant's Pen, August Town, Harbour View, Spanish Town and certain parts of Montego Bay, including Flankers, Barrett Town, Norwood, Glendevon, Rose Heights and Mount Salem'.¹¹

4.2.5 The Bertlesmann Stiftung's 2016 report on Jamaica, which covers the period February 2013 to January 2015, stated:

'The state's monopoly on the use of force is established nationwide in principle, but it is challenged by organized criminal gangs or networks in specific areas. The "challenge" does not, however, constitute a major threat at the national level. The specific areas are not whole parishes or regions but depressed inner-city communities, varying in population size from 3,000 to 20,000, where violence is directed not always against the state or the security forces but against rival gangs and those civilians labeled as "informers." The communities primarily involved are in the rural parishes of St. James, St. Catherine North and Clarendon, and in the capital in St. Andrew South and West Kingston. Since the Christopher Coke extradition in May 2010, there is no longer a "no-go area" of the Coke type, though the remnants of his "network" fight among themselves for dominance, especially

⁸ Freedom House, Freedom in the World 2016 – Jamaica, <https://freedomhouse.org/report/freedom-world/2016/jamaica>, accessed 6 February 2017

⁹ US State Department (USSD), Bureau of Diplomatic Security (OSAC), Jamaica 2016 Crime & Safety Report, <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=19562>, accessed 6 February 2017

¹⁰ Jamaica Observer, '266 criminal gangs creating mayhem across the island', 13 November 2015, http://www.jamaicaobserver.com/news/266-criminal-gangs-creating-mayhem-across-island_19238301, accessed 7 February 2017

¹¹ Foreign and Commonwealth Office (FCO), Foreign travel advice, updated 21 December 2016, <https://www.gov.uk/foreign-travel-advice/jamaica>, accessed 6 February 2017

through extortion from businesses and residents. Police reports also indicate that, once the security forces established a presence in the Tivoli Gardens/West Kingston communities in order to re-establish the monopoly on the use of force there, elements of the Coke network migrated to rural areas, in which they started their own criminal activities.¹²

- 4.2.6 The IACHR obtained information that, in 2012, criminal gangs were thought to be responsible for 80 percent of all major crimes in the country.¹³
- 4.2.7 An article in The Gleaner, dated January 2017, noted that, of the 1,350 murders in 2016, 65 per cent (or 878 murders) were linked to gang activities.¹⁴
- 4.2.8 The Bertelsmann Stiftung's 2016 report on Jamaica, which covers the period February 2013 to January 2015, stated: 'Gang-related murders continue to dominate the types of murders'.¹⁵ An article in the Jamaica Observer, dated January 2017, observed that the Acting Commissioner of Police, Novelette Grant, noted that 65 per cent of murders committed in 2016 were attributable to gang activities. This led the security expert Jason McKay, CEO of McKay Security Limited, to suggest that a distinction could be made in the crime reporting so as to avoid "the impression that the average law-abiding citizen or visitor to Jamaica is at a very high risk of being killed – which is not true if you are uninvolved in gang activities".¹⁶

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5. Nature of organised crime

5.1 Drug-related crime

5.1.1 Dr Enrique Arias, in a 2013 paper on organised crime, reported:

'Jamaica's organised crime landscape is also linked to...the involvement of criminal gangs throughout the region in the international drug trade...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...

¹² Bertelsmann Stiftung, BTI 2016 – Jamaica Country Report, p. 5, http://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Jamaica.pdf, accessed 7 February 2017

¹³ Inter-American Commission on Human Rights (IACHR), Annual Report 2014, para 30, 7 May 2015, <http://www.oas.org/en/iachr/docs/annual/2014/TOC.asp>, accessed 6 February 2017

¹⁴ The Gleaner, 'Gangland – more than 250 criminal gangs hurting Jamaica; Justice Minister chides cops over failure to nab more gangsters', 22 January 2017, <http://jamaica-gleaner.com/article/news/20170122/gangland-more-250-criminal-gangs-hurting-jamaica-justice-minister-chides-cops>, accessed 9 March 2017

¹⁵ Bertelsmann Stiftung, BTI 2016 – Jamaica Country Report, p. 5, http://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Jamaica.pdf, accessed 7 February 2017

¹⁶ Jamaica Observer, 'Security expert calls for distinction in crime figures', 19 January 2017, <http://www.jamaicaobserver.com/news/Security-expert-calls-for-distinction-in-crime-figures>, accessed 24 February 2017

'While different criminal structures exist at the local level, the most basic organisations deal in drugs, primarily marijuana'.¹⁷

5.1.2 The USSD's 2016 International Narcotics Control Strategy Report stated:

'Jamaica remains the largest Caribbean supplier of marijuana to the United States and local Caribbean islands. Jamaica is a transit point for cocaine trafficked from South America to North America and other international markets. In 2015, drug production and trafficking were enabled and accompanied by organized crime, domestic and international gang activity, and police and government corruption. Illicit drugs serve as a means of exchange for illegally-trafficked firearms entering the country, exacerbating Jamaica's security situation.'¹⁸

5.1.3 Freedom House's 2016 human rights report stated: 'Jamaica is a transit point for cocaine shipped from Colombia to U.S. markets, and much of the island's violence is the result of warfare between drug gangs'.¹⁹

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5.2 Other criminal activity

5.2.1 Dr Enrique Arias, in a 2013 paper on organised crime, stated: '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'.²⁰

5.2.2 The source also stated:

'Jamaica's organised crime landscape is...linked to...the fact that the Caribbean still serves as an important international centre for money laundering...

'While different criminal structures exist at the local level, the most basic organisations...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

¹⁷ 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, accessed 7 February 2017

¹⁸ US State Department (USSD), Bureau of International Narcotics and Law Enforcement Affairs, 2016 International Narcotics Control Strategy Report (INCSR), A. Introduction, <https://www.state.gov/j/inl/rls/nrcrpt/2016/vol1/253277.htm>, accessed 7 February 2017

¹⁹ Freedom House, Freedom in the World 2016 – Jamaica, <https://freedomhouse.org/report/freedom-world/2016/jamaica>, accessed 6 February 2017

²⁰ 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, accessed 7 February 2017

on the yearly efforts to clear the gullies running through the city to prevent flooding during the rainy season.²¹

5.2.3 The USSD's 2016 crime and safety report noted:

'In 2015, 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/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/guarding 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 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.²²

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5.3 Gender-based violence

5.3.1 Amnesty International reported in October 2014:

'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.²³

²¹ 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, accessed 7 February 2017

²² US State Department (USSD), Bureau of Diplomatic Security (OSAC), Jamaica 2016 Crime & Safety Report, <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=19562>, accessed 6 February 2017

²³ Amnesty International, 'Jamaica, Amnesty International Submission to the UN Universal Periodic Review, 21st session of the UPR Working Group, April-May 2015', October 2014, <http://www.refworld.org/docid/553a05d14.html>, accessed 7 February 2017

- 5.3.2 The USSD report covering 2016 noted that NGOs reported that gang leaders, sometimes including fathers, initiated sex with young girls as a 'right'.²⁴

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5.4 Social/civic activity

- 5.4.1 Dr Enrique Desmond Arias, in 2013, noted: 'Funds from these [international] contacts help criminal organisations offer limited social services to local residents and provide for a measure of independence from elected officials'.²⁵
- 5.4.2 The Bertelsmann Stiftung's 2016 report on Jamaica, which covers the period February 2013 to January 2015, stated: 'Some of these [criminal] elements establish their own networks and offer benefits (protection, financing for schools, sports) as a way of securing support from community residents, which, in the absence of adequate state provisions, is attractive'.²⁶

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6. Organised gangs ('posses')

6.1 Number of gangs

- 6.1.1 According to information received by the IACHR in 2012, there were at that time at least 120 criminal gangs operating in Jamaica.²⁷
- 6.1.2 An article in the Jamaica Observer, dated November 2015, stated:
- 'Despite assurances from Commissioner of Police Dr Carl Williams that murders have been declining over the past 10 years, the Jamaica Constabulary Force's (JCF's) own statistics indicate that gangs continue to run amok, creating "franchises" across the island and spreading their wings further than ever before.
- 'Dr Williams told the Internal and External Affairs Committee of Parliament on Tuesday that police intelligence estimates that there are 266 criminal gangs operating islandwide, with half of them actively committing murders.'²⁸

²⁴ US State Department (USSD), Country Reports on Human Rights Practices for 2016 – Jamaica, Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>, accessed 9 March 2017

²⁵ 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, accessed 7 February 2017

²⁶ Bertelsmann Stiftung, BTI 2016 – Jamaica Country Report, p. 5, http://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Jamaica.pdf, accessed 7 February 2017

²⁷ Inter-American Commission on Human Rights (IACHR), Annual Report 2014, para 30, 7 May 2015, <http://www.oas.org/en/iachr/docs/annual/2014/TOC.asp>, accessed 6 February 2017

²⁸ Jamaica Observer, '266 criminal gangs creating mayhem across the island', 13 November 2015, http://www.jamaicaobserver.com/news/266-criminal-gangs-creating-mayhem-across-island_19238301, accessed 7 February 2017

6.1.3 An article in The Gleaner, dated January 2017, noted that there are ‘a reported 258 gangs now operating in Jamaica’.²⁹

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6.2 ‘Dons’

6.2.1 Amnesty International, in 2011, reported: ‘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’.³⁰

6.2.2 A January 2014 report by the Combating Terrorism Centre (CTC) noted that area leaders or strongmen emerged as ‘dons’ in the 1970s in urban ghettos, especially in Kingston.³¹

6.2.3 The same source stated:

‘The Coke episode [see 6.3 below] 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.’³²

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6.3 ‘Shower Posse’

6.3.1 The Shower Posse was a gang formed in New York around 1980 by traffickers from Tivoli Gardens and some allied garrisons. Their name apparently derived from their reputation for ‘showering their enemies with gunfire’.³³

6.3.2 The Shower Posse’s U.S. operations were headed by Vivian Blake and spread across the United States, from a stronghold in Miami to cities including Los Angeles, Kansas City and Chicago, trading in crack cocaine. In the 1980s and early 1990s, the Posse was blamed for more than 1,000

²⁹ The Gleaner, ‘Gangland – more than 250 criminal gangs hurting Jamaica; Justice Minister chides cops over failure to nab more gangsters’, 22 January 2017, <http://jamaica-gleaner.com/article/news/20170122/gangland-more-250-criminal-gangs-hurting-jamaica-justice-minister-chides-cops>, accessed 9 March 2017

³⁰ 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>, accessed 7 February 2017

³¹ Combating Terrorism Centre (CTC), ‘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>, accessed 6 February 2017

³² Combating Terrorism Centre (CTC), ‘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>, accessed 6 February 2017

³³ Combating Terrorism Centre (CTC), ‘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>, accessed 6 February 2017

murders in the United States. In Jamaica the Posse's operations were controlled by Lester Lloyd Coke (aka Jim Brown), the 'don' of Trivoli Gardens. He was succeeded as 'don' and head of the Posse by his son, Christopher 'Dudus' Coke. The CTC described 'Dudus' Coke as 'Jamaica's most infamous criminal kingpin' and that 'an entire generation of drug traffickers and paid assassins grew up under Coke'.³⁴

6.3.3 Freedom House, in 2016, noted:

'A Commission of Enquiry was finally appointed and began deliberations in 2014 to provide an objective review of the state of emergency declared in 2010 in response to violence in the Tivoli Gardens neighborhood of Kingston. Its deliberations were ongoing at the end of 2015. During the state of emergency, more than 70 civilians were killed in an operation aimed at arresting Coke, who was extradited to the U.S. after his surrender in 2010 and in 2012 was sentenced by a U.S. court to 23 years in prison.'³⁵

6.3.4 The CTC observed:

'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. "Dudus 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."³⁶

6.3.5 The BBC, in March 2014, reported that since "Dudus" capture his former stronghold 'resembles a small-scale war zone' with gang violence occurring because of the 'deadly power vacuum'. The violence 'has left more than 120 people dead in the past year', despite police efforts to break up the gang culture.³⁷

6.3.6 The CTC noted that the Sprangler Posse are rivals of the Shower Posse, and emerged from PNP [People's National Party] garrisons.³⁸

See also: [Relationship between gangs and political leaders](#)

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³⁴ Combating Terrorism Centre (CTC), 'Jamaican Organised Crime After The Fall Of Dudus Coke', 15 January 2014, <https://www.ctc.usma.edu/posts/jamaican-organized-crime-after-the-fall-of-dudus-coke>, accessed 6 February 2017

³⁵ Freedom House, Freedom in the World 2016 – Jamaica, <https://freedomhouse.org/report/freedom-world/2016/jamaica>, accessed 6 February 2017

³⁶ Combating Terrorism Centre (CTC), 'Jamaican Organised Crime After The Fall Of Dudus Coke', 15 January 2014, <https://www.ctc.usma.edu/posts/jamaican-organized-crime-after-the-fall-of-dudus-coke>, accessed 6 February 2017

³⁷ BBC News, 'Jamaica 'no safer' after capture of gang leader Coke', 4 March 2014, <http://www.bbc.co.uk/news/world-latin-america-26374324>, accessed 7 February 2017

³⁸ Combating Terrorism Centre (CTC), 'Jamaican Organised Crime After The Fall Of Dudus Coke', 15 January 2014, <https://www.ctc.usma.edu/posts/jamaican-organized-crime-after-the-fall-of-dudus-coke>, accessed 6 February 2017

6.4 Inter-gang rivalry

- 6.4.1 Dr Enrique Desmond Arias, in a 2013 report on organised crime, opined: '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' and that '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.'³⁹
- 6.4.2 A January 2014 report by the CTC stated: 'Dons from JLP garrisons fought their rivals from PNP garrisons, unleashing intense political violence...'⁴⁰

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6.5 International links

- 6.5.1 Dr Enrique Arias, in a 2013 paper on organised crime, noted that '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'.⁴¹
- 6.5.2 The source also noted: 'A shaky political settlement among the political elite, leading to periods of intense political violence has... allowed criminal groups to develop strong connections...with organised criminal networks abroad'.⁴²
- 6.5.3 A report by the CTC, dated January 2014, stated: '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'.⁴³

³⁹ 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, accessed 7 February 2017

⁴⁰ Combating Terrorism Centre (CTC), '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>, accessed 6 February 2017

⁴¹ 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, accessed 7 February 2017

⁴² 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, accessed 7 February 2017

⁴³ Combating Terrorism Centre (CTC), '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>, accessed 6 February 2017

- 6.5.4 The report stated that the Shower Posse 'had connections as far afield as London'.⁴⁴ The Posse also had connections in the United States. See: [‘Shower Posse’](#)

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7. Organised crime and national politics

7.1 Corruption

- 7.1.1 Freedom House’s 2016 annual report stated: ‘Corruption remains a serious problem in Jamaica’.⁴⁵ Transparency International’s Corruption Perceptions Index for 2016 ranked Jamaica at 83 out of 176 countries, with a score of 39/100 (0 being ‘highly corrupt’ and 100 ‘very clean’). Its scores for the previous four years were: 41 (2015), 38 (2014), 38 (2013) and 38 (2012).⁴⁶
- 7.1.2 The USSD’s 2016 International Narcotics Control Strategy Report noted that the Jamaica police have suffered from decades of endemic corruption and high annual numbers of civilian deaths caused by police actions.⁴⁷
- 7.1.3 The same source stated:
- ‘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.’⁴⁸

For information on Government measures to combat corruption, see [Anti-corruption measures](#).

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7.2 Relationship between gangs and political leaders

- 7.2.1 According to a study in 2013 by Dr. Enrique Arias:
- ‘A shaky political settlement among the political elite, leading to periods of intense political violence has allowed organised crime to fester in Jamaica,

⁴⁴ Combating Terrorism Centre (CTC), ‘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>, accessed 6 February 2017

⁴⁵ Freedom House, Freedom in the World 2016 – Jamaica, <https://freedomhouse.org/report/freedom-world/2016/jamaica>, accessed 6 February 2017

⁴⁶ Transparency International, Corruption Perceptions Index 2016, http://www.transparency.org/news/feature/corruption_perceptions_index_2016, accessed 1 February 2017

⁴⁷ US State Department (USSD), Bureau of International Narcotics and Law Enforcement Affairs, 2016 International Narcotics Control Strategy Report (INCSR), B. Drug Control Accomplishments, Policies, and Trends, 1. Institutional Development, <https://www.state.gov/j/inl/rls/nrcrpt/2016/vol1/253277.htm>, accessed 7 February 2017

⁴⁸ US State Department (USSD), Bureau of International Narcotics and Law Enforcement Affairs, 2016 International Narcotics Control Strategy Report (INCSR), B. Drug Control Accomplishments, Policies, and Trends, 4. Corruption, <https://www.state.gov/j/inl/rls/nrcrpt/2016/vol1/253277.htm>, accessed 7 February 2017

and allowed criminal groups to develop strong connections with the elite at home...More importantly, it has allowed Jamaica's political system to develop and nurture strong ties with, if not dependency on, organised criminal groups.⁴⁹

7.2.2 The source continued:

'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.'⁵⁰

7.2.3 The source added: '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'.⁵¹

7.2.4 A January 2014 report by the CTC stated: '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...'.⁵²

7.2.5 Freedom House's 2014 annual report stated:

'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...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...'⁵³

7.2.6 The CTC paper continued:

⁴⁹ 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, accessed 7 February 2017

⁵⁰ 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, accessed 7 February 2017

⁵¹ 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, accessed 7 February 2017

⁵² Combating Terrorism Centre (CTC), '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>, accessed 6 February 2017

⁵³ Freedom House, Freedom in the World 2014 - Jamaica, <https://freedomhouse.org/report/freedom-world/2014/jamaica>, accessed 7 February 2017

'The Dudus 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...'⁵⁴

- 7.2.7 Freedom House, in their 2016 report, stated: 'Powerful criminal gangs in some urban neighborhoods maintain influence over voter turnout in return for political favors, which has called into question the legitimacy of election results in those areas'.⁵⁵

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7.3 'Garrisons'

- 7.3.1 The Report of the National Committee on Political Tribalism 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.'⁵⁶

- 7.3.2 Amnesty International, in 2011, stated: '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'.⁵⁷
- 7.3.3 A January 2014 report by the CTC stated: 'The dons' turfs became known as garrisons because of the way they were defended like forts with many blockaded entrances'.⁵⁸

⁵⁴ Combating Terrorism Centre (CTC), 'Jamaican Organised Crime After The Fall Of Dudus Coke', 15 January 2014, <https://www.ctc.usma.edu/posts/jamaican-organized-crime-after-the-fall-of-dudus-coke>, accessed 6 February 2017

⁵⁵ Freedom House, Freedom in the World 2016 – Jamaica, <https://freedomhouse.org/report/freedom-world/2016/jamaica>, accessed 6 February 2017

⁵⁶ Amnesty International, 'Jamaica: A long Road to Justice? Human Rights Violations under the state of emergency', Endnotes, May 2011, <https://www.amnesty.org/download/Documents/28000/amr380022011en.pdf>, accessed 7 February 2017

⁵⁷ 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>, accessed 7 February 2017

⁵⁸ Combating Terrorism Centre (CTC), 'Jamaican Organised Crime After The Fall Of Dudus Coke', 15 January 2014, <https://www.ctc.usma.edu/posts/jamaican-organized-crime-after-the-fall-of-dudus-coke>, accessed 6 February 2017

7.3.4 Freedom House's 2016 human rights report stated that 'Kingston's insular "garrison" communities remain the epicentre of most violence and serve as safe havens for gangs'.⁵⁹ A former Police Commissioner and Head of the Army, Hardley Lewin, described the Tivoli Gardens constituency as the 'mother of all garrisons'.⁶⁰

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8. Government response

8.1 'Anti-Gang Act'

8.1.1 The government passed the Criminal Justice (Suppression of Criminal Organisations) Act (the 'Anti-Gang' Act) in April 2014. This Act:

- defines a criminal organisation as 'any gang, group, alliance, network, combination or other arrangement among three or more persons';
- criminalises, 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;
 - the recruitment of persons to be part of a criminal gang in an effort to dismantle organisations of the state; and
 - the recruitment of children (defined as those under 18) to participate in a criminal organisation.⁶¹

8.1.2 The IACHR commented that civil society organisations expressed concern that the Act could be used as a repressive tool and disregards the presumption of innocence. In response to these concerns, the state said that the Act addresses only membership and participation in criminal organisations, does not seek to undermine freedom of assembly in lawful organisations, affirmed that, through the courts, organisations will be able to contest the designation of their organisation as criminal, and that the usual protections afforded to all citizens against arbitrary arrest and abuses by security forces still applies.⁶²

8.1.3 Freedom House, in 2016, reported: 'By August 2015, nearly 170 persons had been charged under the law. Given the slow pace of judicial

⁵⁹ Freedom House, Freedom in the World 2016 – Jamaica, <https://freedomhouse.org/report/freedom-world/2016/jamaica>, accessed 6 February 2017

⁶⁰ Inter-American Commission on Human Rights (IACHR), Report on the Situation of Human Rights in Jamaica, Chapter II. Citizen, Security and Human rights, B. Situation of violence and insecurity in Jamaica, para 31, 10 August 2012, <http://www.oas.org/en/iachr/docs/pdf/Jamaica2012eng.pdf>, accessed 7 February 2017

⁶¹ Inter-American Commission on Human Rights (IACHR), Annual Report 2014, Chapter V, paras 26 - 31, 7 May 2015, <http://www.oas.org/en/iachr/docs/annual/2014/TOC.asp>, accessed 7 February 2017

⁶² Inter-American Commission on Human Rights (IACHR), Annual Report 2014, Chapter V, paras 26 - 31, 7 May 2015, <http://www.oas.org/en/iachr/docs/annual/2014/TOC.asp>, accessed 7 February 2017

proceedings in Jamaica, none of those charged had yet been prosecuted by the year's end'.⁶³

8.1.4 An article in The Gleaner, dated January 2017, noted that only three gangsters have been convicted under the 'Anti-Gang Act'. Justice Minister Delroy Chuck explained that the low conviction rate 'is not the result of ineffective legislation, but rather the twin problem of fear on the part of witnesses and inadequate police investigation'. He also argued that 'greater efforts should be made by law enforcement to protect the identity of witnesses'.⁶⁴

8.1.5 A full copy of the Act can be found on the [Jamaica Parliament website](#).

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8.2 'Ganja Law'

8.2.1 The Dangerous Drugs (Amendment) Act 2015 (the 'Ganja Law') came into force on 15 April 2015. The law:

- makes the possession of small quantities of ganja a non-arrestable offence, instead making it a ticketable infraction that does not result in a criminal record;
- 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 hemp⁶⁵

8.2.2 According to the Jamaican Ministry of Justice, the legislation is expected to:

- strengthen respect for the rule of law;
- reduce the burden on the courts;
- acknowledge the constitutional rights of the Rastafari community (who use ganja as a sacrament); and
- facilitate the emergence of a lawful, regulated marijuana industry that may have economic and medical benefits⁶⁶

8.2.3 National Security Minister Bunting observed: 'In 2014, with our policy direction already clear, the JCF [Jamaica Constabulary Force] arrested 5,300 fewer persons for minor offences, primarily possession of small

⁶³ Freedom House, Freedom in the World 2016 – Jamaica, <https://freedomhouse.org/report/freedom-world/2016/jamaica>, accessed 6 February 2017

⁶⁴ The Gleaner, 'Gangland – more than 250 criminal gangs hurting Jamaica; Justice Minister chides cops over failure to nab more gangsters', 22 January 2017, <http://jamaica-gleaner.com/article/news/20170122/gangland-more-250-criminal-gangs-hurting-jamaica-justice-minister-chides-cops>, accessed 9 March 2017

⁶⁵ 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/>, accessed 7 February 2017

⁶⁶ 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/>, accessed 7 February 2017

quantities of ganja, than in 2013, thereby freeing tens of thousands of police man-hours to focus on serious criminals'.⁶⁷

- 8.2.4 A full copy of the Act can be found on the [Jamaica Parliament website](#).

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8.3 Anti-corruption measures

- 8.3.1 The USSD's 2016 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 towards reform. It continued that police-involved deaths decreased by 15 percent in 2015, as compared to 2014, and 61 per cent relative to 2013 figures.⁶⁸

- 8.3.2 The same source stated:

'In 2015, anti-corruption measures within the police continued to show encouraging signs. The police Anti-Corruption Branch (ACB) merged with the newly-created Major Organized Crime and Anti-Corruption Agency in 2014, and showed steady success in identifying and removing officers engaged in corrupt and unethical behavior. Since the ACB's reorganization with international support in 2008, 538 police personnel have resigned or been dismissed for corruption or ethical violations. Another 26 officers faced criminal corruption charges during 2015, with three officers barred from the force for corruption. Additionally, the U.S.-supported non-governmental organization National Integrity Action helped focus increased public and government attention on the need for anti-corruption reforms'.⁶⁹

- 8.3.3 The Prime Minister, Andrew Holness, announced in January 2017 that he was committed to stamping out corruption and 'explained that the marginal decline in the perception index is due to the pace at which the country is moving to implement the various pieces of legislation. This he said will be addressed in the next financial year as the government will ensure that legislation is put in place'.⁷⁰

- 8.3.4 In February 2017, the Government announced a new legislative agenda for 2017-18, which included the establishment of the Major Organised Crime

⁶⁷ 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/>, accessed 7 February 2017

⁶⁸ US State Department (USSD), Bureau of International Narcotics and Law Enforcement Affairs, 2016 International Narcotics Control Strategy Report (INCSR), B. Drug Control Accomplishments, Policies, and Trends, 1. Institutional Development, <https://www.state.gov/j/inl/rls/nrcrpt/2016/vol1/253277.htm>, accessed 7 February 2017

⁶⁹ US State Department (USSD), Bureau of International Narcotics and Law Enforcement Affairs, 2016 International Narcotics Control Strategy Report (INCSR), B. Drug Control Accomplishments, Policies, and Trends, 4. Corruption, <https://www.state.gov/j/inl/rls/nrcrpt/2016/vol1/253277.htm>, accessed 7 February 2017

⁷⁰ Jamaica Information Service, 'Government to Roll Out Policies to Address the Country's Crime Rate', 30 January 2017, <http://jis.gov.jm/government-roll-polices-address-countrys-crime-rate/>, accessed 24 February 2017

and Anti-Corruption Agency as an independent national law enforcement agency.⁷¹

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8.4 Crime-fighting initiatives

8.4.1 The government launched the 'Unite for Change' initiative in December 2013, which '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'.⁷²

8.4.2 The IACHR, in 2014, noted that the government launched 'Operation Resilience' in October 2013, under which it conducted 346 anti-gang operations, made 361 arrests and recovered 201 firearms.⁷³

8.4.3 Jamaica also merged the Island Special Constabulary Force with the JCF, 'thereby eliminating administrative duplication and increasing the number of police personnel available for operational duties'.⁷⁴ The Minister for National Security commented that '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'.⁷⁵

8.4.4 The Minister for National Security also commented on the process of culture change in the police, which:

- promoted 'proximity policing' i.e. where police are embedded in the community;
- held officers strongly to account for the use of force and improving the planning of operations to minimise the likelihood of casualties; and
- 'civilianised' the dress and appearance of the police⁷⁶

8.4.5 Other Government initiatives included new strategic policies to address the homicide rate, to cut the flow of weapons to the island, limit the movement and activities of gangs and intercept criminals in the act. The Prime Minister, in January 2017, also announced the creation of a new national security architecture to 'better integrate all the crime fighting resources which are not all in the Ministry of National Security'.⁷⁷

⁷¹ Jamaica Information Service, 'Crime Reduction a Priority', 10 February 2017, <http://jis.gov.jm/crime-reduction-priority/>, accessed 24 February 2017

⁷² Inter-American Commission on Human Rights (IACHR), Annual Report 2014, Chapter V, paras 18 - 21, 7 May 2015, <http://www.oas.org/en/iachr/docs/annual/2014/TOC.asp>, accessed 6 February 2017

⁷³ Inter-American Commission on Human Rights (IACHR), Annual Report 2014, Chapter V, paras 18 - 21, 7 May 2015, <http://www.oas.org/en/iachr/docs/annual/2014/TOC.asp>, accessed 6 February 2017

⁷⁴ Inter-American Commission on Human Rights (IACHR), Annual Report 2014, Chapter V, paras 18 - 21, 7 May 2015, <http://www.oas.org/en/iachr/docs/annual/2014/TOC.asp>, accessed 6 February 2017

⁷⁵ 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>, accessed 6 February 2017

⁷⁶ 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>, accessed 6 February 2017

⁷⁷ Jamaica Information Service, 'Government to Roll Out Policies to Address the Country's Crime Rate', 30 January 2017, <http://jis.gov.jm/government-roll-polices-address-countrys-crime-rate/>,

- 8.4.6 In January 2017, the National Security Adviser, Robert Montague, announced strategies to improve the effectiveness of the JCF, more vehicles and training, the expansion of CCTV and changes to the Bail, Firearms and Fingerprints Act.⁷⁸
- 8.4.7 In February 2017, the Government announced a five-pillar strategy to combat crime, which consisted of:
- effective policing;
 - rehabilitation, redemption and redirection of inmates;
 - social development interventions;
 - situational prevention of crime; and
 - swift and secure justice⁷⁹
- 8.4.8 Measures to support the achievement of this strategy included:
- the modernization of the JCF;
 - increasing the number of security personnel;
 - strengthening the mobility of forces by increasing the fleet of vehicles and improving fleet management; and
 - a new legislative agenda for 2017-18, including a new Police Service Act⁸⁰

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8.5 Impact on crime rates

- 8.5.1 In January 2015 the Commissioner of Police, Dr. Carl Williams, reportedly said that through sustained and intensified crime fighting strategies, murders in 2014 were at their lowest in 11 years.⁸¹
- 8.5.2 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.⁸²
- 8.5.3 The UK Overseas Development Institute (ODI), in a piece dated May 2014, concluded that 'it is extremely difficult to attribute any tangible progress' in the reduction of violent crime and the improvement of police-community

accessed 24 February 2017

⁷⁸ Jamaica Information Service, 'Security Minister Announces Measures to Combat Crime and Violence', 4 January 2017, <http://jis.gov.jm/security-minister-announces-measures-combat-crime-violence/>, accessed 24 February 2017

⁷⁹ Jamaica Information Service, 'Crime Reduction a Priority', 10 February 2017, <http://jis.gov.jm/crime-reduction-priority/>, accessed 24 February 2017

⁸⁰ Jamaica Information Service, 'Crime Reduction a Priority', 10 February 2017, <http://jis.gov.jm/crime-reduction-priority/>, accessed 24 February 2017

⁸¹ Jamaica Information Service (Government of Jamaica), 'Murder Figure Lowest in 11 Years', 8 January 2015, <http://jis.gov.jm/murder-figure-lowest-11-years/>, accessed 6 February 2017

⁸² Jamaica Information Service (Government of Jamaica), 'JCF to Continue Dismantling Gangs', 8 January 2015, <http://jis.gov.jm/jcf-continue-dismantling-gangs/>, accessed 6 February 2017

relations to community policing specifically, and that there remain a number of challenges to institutionalising community policing in Jamaica.⁸³

- 8.5.4 The USSD's 2016 International Narcotics Control Strategy Report stated: 'Progress in combating narcotics, illicit trafficking and corruption was hobbled by an underfunded, overburdened and sluggish criminal justice system with limited effectiveness in obtaining criminal convictions. The conviction rate for murder was approximately 15 percent in 2015, and the courts continued to be plagued with a culture of trial postponements and delay. This lack of efficacy within the criminal courts contributed to impunity for many of the worst criminal offenders and gangs, an abnormally high rate of violent crimes, lack of cooperation by witnesses and potential jurors, frustration among police officers and the public, a significant social cost and drain on the economy...'.⁸⁴
- 8.5.5 An article by the Council on Hemispheric Affairs, dated October 2016, stated: 'Successive governments—including, so far, that of current Prime Minister Andrew Holness—have emphasized the use of punitive measures such as curfews and military deployment to stem the tide of violence. All have had only limited successes'.⁸⁵
- 8.5.6 For more information on the effectiveness of the police's response to crime, see the [Council on Hemispheric Affairs article, 'Black, Green, Gold and Too Much Red: Jamaica's Struggle with Gang Violence'](#), dated 5 October 2016, which quotes various sources.

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8.6 Arrests and convictions for murders

- 8.6.1 The USSD's 2016 crime and safety report on Jamaica observed: 'The police are only able to make arrests in 45 percent of homicides annually, and they only convict perpetrators in seven percent of the homicide cases'.⁸⁶

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8.7 Ability to protect people from gang violence

- 8.7.1 The USSD's 2016 crime and safety report observed: 'The Jamaica Constabulary Force is considered to be underpaid, poorly trained, and corrupt...Although the police receive some training from U.S and U.K law

⁸³ Overseas Development Institute (ODI), 'Securing communities and transforming policing cultures: A desk study of community policing in Jamaica', Executive Summary, May 2014, <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8957.pdf>, accessed 6 February 2017

⁸⁴ US State Department (USSD), Bureau of International Narcotics and Law Enforcement Affairs, 2016 International Narcotics Control Strategy Report (INCSR), B. Drug Control Accomplishments, Policies, and Trends, 1. Institutional Development, <https://www.state.gov/j/inl/rls/nrcrpt/2016/vol1/253277.htm>, accessed 7 February 2017

⁸⁵ Council on Hemispheric Affairs, 'Black, Green, Gold and Too Much Red: Jamaica's Struggle with Gang Violence', 5 October 2016, <http://www.coha.org/black-green-gold-and-too-much-red-jamaicas-struggle-with-gang-violence/>, accessed 7 February 2017

⁸⁶ US State Department (USSD), Bureau of Diplomatic Security (OSAC), Jamaica 2016 Crime & Safety Report, Crime Threats, <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=19562>, accessed 6 February 2017

enforcement entities, they endure a lack of funding, resources, and management....’⁸⁷

- 8.7.2 The Organisation of American States’ Inter-American Commission on Human Rights (IACHR), in 2014, noted: ‘Civil society organisations have identified that there is unequal access to measures of security and protection for vulnerable populations...’⁸⁸
- 8.7.3 An article in the Jamaica Observer, dated November 2015, reported: ‘[Police Commissioner] Dr Williams said some rural police outposts are not prepared to effectively deal with these urban-type criminal activities so strategies such as curfews, and cordon-and-search operations are not very effective’.⁸⁹
- 8.7.4 The USSD, in their 2016 crime and safety report, observed that arrest and conviction rates ‘leads both 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 testimony’.⁹⁰
- 8.7.5 The USSD, in their 2016 report, noted: ‘Trials are often delayed for years, and at times cases are dismissed due to delay tactics, including no-shows by witnesses, challenges in impaneling juries, antiquated rules of evidence, and lack of equipment for collecting and storing evidence, among other reasons’.⁹¹
- 8.7.6 For further information regarding the Jamaica Constabulary Force (JCF), including effectiveness and government efforts to strengthen the force, see the [information response by the Canadian Immigration and Refugee Board, 9 February 2015](#).
- 8.7.7 For information regarding the procedures for lodging complaints against the police, see the [information response by the Canadian Immigration and Refugee Board, 11 February 2015](#).
- 8.7.8 For further information, see [Country information and guidance: background information, including actors of protection and internal relocation](#))

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⁸⁷ US State Department (USSD), Bureau of Diplomatic Security (OSAC), Jamaica 2016 Crime & Safety Report, Police Response, <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=19562>, accessed 6 February 2017

⁸⁸ Inter-American Commission on Human Rights (IACHR), Annual Report 2014, Chapter V, paras 16, 35, 7 May 2015, <http://www.oas.org/en/iachr/docs/annual/2014/TOC.asp>, accessed 6 February 2017

⁸⁹ Jamaica Observer, ‘266 criminal gangs creating mayhem across the island’, 13 November 2015, http://www.jamaicaobserver.com/news/266-criminal-gangs-creating-mayhem-across-island_19238301, accessed 7 February 2017

⁹⁰ US State Department (USSD), Bureau of Diplomatic Security (OSAC), Jamaica 2016 Crime & Safety Report, Crime Threats, <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=19562>, accessed 6 February 2017

⁹¹ US State Department (USSD), Country Reports on Human Rights Practices for 2016 – Jamaica, Section 1. Respect for the Integrity of the Person, <https://www.state.gov/j/inl/rls/nrcrpt/2016/vol1/253277.htm>, accessed 9 March 2017

9. Witness Protection Programme

- 9.1.1 The Justice Protection Unit 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.⁹²
- 9.1.2 The USSD, in their 2016 human rights report, noted: ‘There is a witness protection program, but many eligible witnesses 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 has ever been killed’.⁹³
- 9.1.3 In December 2014, the Mayor of Montego Bay, Glendon Harris, called for Jamaicans to become ‘informers’ in the fight against crime and that ‘we must celebrate our informer heroes’.⁹⁴

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⁹² Jamaica Ministry of National Security, Justice Protection Unit, Undated, <http://www.mns.gov.jm/content/justice-protection-unit> date accessed 13 February 2017

⁹³ US State Department (USSD), Country Reports on Human Rights Practices for 2016 – Jamaica, Section 1. Respect for the Integrity of the Person, <https://www.state.gov/j/inl/rls/nrcrpt/2016/vol1/253277.htm>, accessed 9 March 2017

⁹⁴ Jamaica Information Service (Government of Jamaica), ‘Jamaicans Must Become Crime Informers’, 3 December 2014, <http://jis.gov.jm/jamaicans-must-become-crime-informers/>, accessed 6 February 2017

Version control and contacts

Contacts

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

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

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **February 2017**

Changes from last version of this note

Updated COI

No substantive changes to the guidance

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