

**OBSERVATIONS ON OCCASION OF CONSIDERATION OF GUYANA'S FIRST
REPORT**

**TO THE
UN COMMITTEE ON THE CONVENTION AGAINST TORTURE**

GUYANA HUMAN RIGHTS ASSOCIATION

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The essential elements of the definition of torture are the intentional inflicting of pain or suffering, whether physical or mental, on a person for the purpose of either obtaining information or confession, punishment, or coercion. Torture to this extent is synonymous with violence.

Political violence intentionally induced by the State in Guyana is relatively rare. On the other hand high levels of violence by agents of the State occur against persons perceived to be involved in criminality. Such violence is tolerated and indeed approved by certain sections of the society. In a publication issued in 2002 the GHRA commented on this phenomenon in the following manner:

“Violence generates a chain-reaction, with violence of one form feeding and encouraging other forms. Violent protest by persons with grievances against the State provokes violent reaction from the police; criminal violence and the use of arms by criminals in turn encourage the police to shoot rather than to detain.

Different factions in the society condone one form of violence while denouncing others. The business sector, for example, is generally reluctant to condemn violent action to remove criminals; a wide cross-section believe in corporal punishment; some political factions encourage violent social protest while condemning domestic violence. While all factions vigorously condemn some form of violence, almost all equally find some form of violence acceptable. To this extent Guyanese society is ambivalent about violence.”

With respect to the issue of violence, Guyana is culturally identical with the rest of the English-speaking Caribbean, a factor often invoked as justification for sustaining violent practices. Eradicating violence i.e. torture, by State actors, particularly the police, must be assessed against the cultural values sketched above. This is not stated in any way as justification for violence and torture, but to underline the scale of the task required to eliminate it.

Reducing levels of violence by State actors is only likely to be achieved in the context of State action to discourage all forms of violence. In this respect the State has made some gains with respect to criminalizing domestic violence and has introduced a *de facto* moratorium on hanging condemned prisoners.

However, vigorous condemnation of the use of unnecessary force by individual police officers, or even institutionally approved violence is muted by the traumatic levels of criminal violence to which the society has been subject in recent years. Moreover, the proliferation of gun licenses in recent years has encouraged an influx of weapons into the society, many of which have found their way into unlicensed hands, resulting in an unparalleled availability of hand-guns at all levels of the society. Ineffectiveness of the GPF in curbing criminal activity has provoked forms of vigilantism which the Government has not discouraged vigorously enough. Indeed, well-founded allegations of official encouragement and even involvement in extra-judicial killings of suspected criminals have been made in recent years.

Nevertheless significant steps were taken by the recently retired Commissioner of Police to reform the culture of the Guyana Police Force in the direction of more modern, humane and law-abiding practices. Unfortunately his tenure was too brief to be certain the reforms he instituted took root and will flourish. His tenure also saw a higher profile developed for the Police Complaints Authority, a mechanism of redress for citizens against abuse of police authority.

While training, modern regulations and disciplinary mechanisms are more effective in the long-run, more efficient after-the-fact mechanisms are also required. The failure of the judiciary to assert itself in these matters contributed over time to a sense of impunity among offending officers. The back-log of inquests to be held is of the order of two hundred cases, and while not all involve police officers, delays of this magnitude vitiate the powers of inquests to act as an effective deterrent.

The situation with respect to torture, understood as intentionally inflicted pain and suffering, by the police in particular, is unlikely to improve without the application of modern concepts of governance to policing. In particular, the concept of the police being accountable to multiple audiences is critical. Moving from the current monolithic structure accountable only to the Minister of Home Affairs, a mechanism is required which allows accountability to a range of stake-holders. Operationalising accountability to multiple audiences can and does take many forms in different countries. These include civilian review Boards, oversight Committees or policy review mechanism. Key powers exercised by such mechanisms include appointments, policy review and investigating complaints.

Such forms of effective governance by civil society over the Guyana Police Force are a *sine qua non* for the development of a modern, professional police force dedicated to upholding the highest international norms and standards.