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PREAMBLE

The intention of the Guyana Human Rights Association (GHRA) in producing *Ambivalent About Violence* is to encourage a wide-ranging national discussion on policing and civic security. The Report focuses attention on the excessive use of force over the past twenty years by members of the Guyana Police Force (GPF), because it represents most starkly the failure of policing by lawful methods.

By focusing on the past twenty years, the Report aim to demonstrate that use of excessive force is not a new phenomenon. Unacceptable levels of shooting and other forms of brutality have not attracted the priority they deserve from successive governments since the 1980s. *The Report* suggests a variety of internal and external factors must be recognised if the problem is to be successfully addressed. This is particularly true when the context in which police shootings occurs is taken into account, namely a culture of violent policing.

This *Report* will undoubtedly provoke the question why violent acts by members of the GPF should be the focus of attention in a society with high levels of violent crime, not to mention other types of violence. The feature that sets violence by the GPF apart, rendering it more worthy of concern and condemnation is that the GPF is an agency of the State. As the agency responsible for law and order, the routine use of excessive force (the technical description of ‘violence’) can never be acceptable. Apart from being a contradiction in itself, legitimizing violence by agencies of the State encourages the use of violence by non-State agencies and by individuals.

Ambivalent about Violence is not an indictment of the GPF as an institution. It is rather an indictment of certain individuals within the GPF, particularly members of special squads, their superiors who have tolerated excessive violence by these squads and political administrations that have found it convenient not to deal effectively with the problem.

The GHRA is conscious of and concerned about the violence perpetrated on victims of crime and on members of the GPF by criminal elements. The need for restitution and compensation to victims has never been given its due in our judicial traditions. Adequate attention to victims will continue to be postponed, as long as we foster the misguided notion that shooting criminals or suspects serves this purpose.

SECTION I

INTRODUCTION

Violence In Small Societies: The Context of Killings By The Police

Violence in various forms regularly attracts headlines in Guyana. Corporal punishment in schools, domestic violence, capital punishment, violent protests against social exclusion, criminal violence, violent industrial protest and violence by the police all periodically surface as issues of concern. While this is true in any part of the world, this phenomenon is particularly virulent in small societies. Unlike large societies where occurrences of violence are for the most part more remote and seen, if at all, on TV or in newspapers, in small societies everyone is aware of every armed robbery, every violent protest, every police shooting and of victims of domestic violence.

Violence generates a chain-reaction with violence of one form feeding and encouraging other forms. Violent social protest by persons with grievances against the State provokes violent reactions from the police; criminal violence and use of arms by criminals encourage the police in turn to shoot rather than detain. Capital punishment is a violent response to criminal violence. Different factions in the society can be found which tolerate, if not support, one or more of these violent forms of resolving conflicts, while simultaneously denouncing other forms of violence. The business sector, for example, is generally reluctant to condemn violent action to remove criminals; many people believe in corporal punishment; some political factions encourage violent social protest; people who might protest domestic violence may find capital punishment acceptable. While all factions will vigorously condemn *some* forms of violence, almost every faction finds some form of violence acceptable enough to deter us from categorically and unambiguously condemning *all* forms of violence. One conclusion to be drawn from the above is that, as a society, Guyanese are ambivalent about violence.

The problem of violent policing, the subject of this Report, has to be placed in the context of this larger ambivalence about violence. It is unreasonable and irresponsible to believe that a culture of violent policing is only generated by internal factors which can be expunged without simultaneous action to reduce acceptance of violence in the political, domestic, criminal, social and industrial arena. The proliferation of fire-arms in recent years and the greater use of fire-arms by criminals has undoubtedly contributed to the rising incidence of shooting by the police.

However, the ambivalence of the society towards violence in general, cannot be used to justify or defend violent policing. The more accurate conclusion concerning ambivalence is that until this attitude changes, moves to address violent policing as an isolated phenomenon are unlikely to be successful.

Use of Force in Policing

Use of force by the police is becoming a central human rights concern around the world. Public opinion has been outraged in recent years by revelations of systematic killing of

street children by the Rio de Janeiro Police Force in Brazil; excesses of the Los Angeles Police Department and the New York Police Department in the United States; and the use of dogs on Mozambique immigrants by the Johannesburg Metropolitan police. All have made international headlines, suggesting growing and widespread revulsion towards violent policing. Here in Guyana, successive Governments have failed to hold perpetrators to account.

The most authoritative reference to the use of force in policing is contained in the *UN Code of Conduct for Law Enforcement Officials*¹. Article 3 of the Code states “*Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty*”. Thus the use of force by the police is legitimate only when ‘*strictly necessary*’, ‘*to the extent required*’ by ‘*duty*’. The discretion an officer has to exercise in deciding whether these conditions apply has to be exercised immediately, without reference to a senior officer, and may lead to unintended excesses. However, Article 2 of the Code provides clear guidelines on how that discretion is to be interpreted. Article 2 states “*in the performance of their duty, law enforcement officials...shall maintain and uphold the human rights of all persons*”. It is clear that the use of force is to be used only in those exceptional circumstances in which someone’s human rights cannot be better protected by peaceful means.

The contradiction of using force to uphold human rights is underlined by Article 5 of the Code of Conduct which defines what is not acceptable use of force: “*no law enforcement official may inflict, instigate or tolerate **any** (emphasis added) act of torture or other cruel, inhuman or degrading treatment*’ . The absoluteness of the point is further driven home when Article 5 sets out some of the most frequent excuses used to justify use of force, “*nor may any law enforcement official invoke superior orders or exceptional circumstances such as war, a threat of war,...national security...internal political instability or **any** (emphasis added) other public emergency or justification of torture, cruel, inhuman or degrading treatment*”. It may be worth pointing out for the benefit of those who feel interpreting the ‘use of force’ as torture is courting sensationalism, that the accepted international definition of torture is any act by, or at the instigation of a public official “*by which intense pain, physical or mental, is intentionally inflicted on a person for the purpose of obtaininginformation or a confession, punishing... or intimidating or coercing..*”.² It does not include pain arising only from, inherent in, or incidental to lawful sanctions.

Use of Fire-arms

The use of fire-arms represents a special category of the use of force. The international position on the legitimate use of fire-arms against persons are set out in *The Basic Principles on the Use of Force and Fire-Arms by Law Enforcement Officials*.³ Article 9 refers to self-defense or defense of others against imminent threat of death or serious injury; prevention of serious crimes involving a threat to life; arresting or preventing the

¹ UN Code Of Conduct for Law Enforcement Officials 1979

² United Nations Convention Against Torture or any other Cruel, Inhuman or Degrading Treatment 1984

³ United Nations Basic Principles on the Use of Force and Fire-Arms By Law Enforcement Officials 1990

escape of a person who poses a threat to life. *Article 9* concludes, “*In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.*”

The *Basic Principles* go on to set out in great detail the provisions required in the regulation, control, storage and issue of firearms, along with recommendations on the guidelines, rules and regulations for the types of arms which law enforcement officials should carry and use and, finally, the requirement of reporting on every instance in which a firearm is discharged.⁴

The importance of restricting the use of force and firearms to circumstances in which they are absolutely necessary to protect rights and defend life is emphasized repeatedly in international instruments.

Methodology

Ambivalent About Violence has been prepared on the basis of interviews with victims and their families, professionals in the administration of justice and police officials, and documentary sources accumulated over the years by the GHRA which include:

- Cases reported to the GHRA by families of victims since 1980.
- Newspaper clippings by the GHRA since 1980.
- GHRA Annual Reports, theme Reports and press releases, 1980-2001.
- Reports of other organisations.

Factors to be borne in mind when evaluating the figures contained in this Briefing include the following:

1. The GHRA has always made clear that the annual figures for fatal police shootings in our publications may not constitute the total number of killings that actually occurred. The figures are the cases we know of from the sources indicated above.
2. Difficulty in accessing credible information during the decade of the ‘80s renders the GHRA numbers for that period particularly vulnerable to being lower than the real figures. Hostility of the State-owned media in the earlier period towards organizations and individuals who criticized the excesses of the GPF also deterred persons from providing information.
3. During the past decade numbers are more likely to be closer to the true figures since victims have had more open access to media houses, particularly television. However, even for this latter period, the GHRA makes no claims to total coverage.

⁴ *Ibid Art.11 (a) – (f)*

4. Access to information from rural as distinct from urban areas has always been, and remains, more difficult to access.
5. GHRA figures for 1987 and 1988 are severely affected by the loss of files for those years due to office re-locations. Having said that, the GHRA believes the figures for those years to have been relatively low.
6. The figure on how many persons died eventually from wounds sustained from shootings by the police is unknown.
7. Figures recorded do not include persons killed by other State agencies such as the Berbice Anti-Smuggling Squad (BASS).

SECTION II: CONCLUSIONS & RECOMMENDATIONS

Summary of Conclusions

- Fatal shootings by the police recorded during the period under review show numbers for 1980-85 and 1995-2001 to be equally high at 15 persons per annum, with the intervening decade experiencing considerably lower figures at an average of 6 deaths annually.
- Of the total of 239 deaths recorded by the GHRA during the period under review, 185 (78%) were of Afro-Guyanese origin and 10% of Indo-Guyanese.
- Of the 18 deaths in police custody over the period, 12 (66%) were of Indo-Guyanese origin while 22% were of Afro-Guyanese origin.
- The information available does not justify sufficiently charges of racial profiling of afro-Guyanese with respect to shootings or Indo-Guyanese with respect to deaths in custody.
- 105 deaths by shootings were recorded in the period 1995-2001.
- How many persons may have subsequently died from their wounds, following shootings by the police, is unknown.
- The failure to hold Coroner's Inquests constitutes the most important contributory factor to deaths by police shooting.
- Reports of systematic and extreme brutality in police-stations and outposts has reduced steadily over the past decade. However, isolated incidents of such brutality continue to occur too frequently.
- The vast majority of all shootings recorded in this *Report* were justified by the police on the grounds of: "wanted by the Police", "escaped from custody", "resisting arrest". "Self defence" is often invoked in reference to attacks with a cutlass, even in the most unlikely circumstances.
- Societal reaction to violence in general has been ambivalent and selective, sending mixed messages to successive political administrations.
- A high percentage of Extra-Judicial Executions (EJEs) are carried out by special squads in the GPF which have operated under various names over the past twenty years.
- A free media in the past decade has led to more complete public information on EJEs and police excesses in general.

- No political administration has been able to successfully confront the issue of excessive use of force.
- Both the Police Complaints Authority (PCA) and the Office of Professional Responsibility (OPR) have failed to curb EJEs or the larger problem of police brutality.
- External factors contributing to the failure of the GPF to resolve the problem internally include include political interference and official ambivalence towards the problem, poor salaries and conditions, inadequate equipment and training, commercial inducements to resolve crime and inadequate support from the other arms of the administration of justice.
- The increase in police shootings in recent years parallels a proliferation of fire-arms in the society.
- Fear of violence being used against persons complained of may deter victims of domestic violence who normally want violence stopped, from making complaints and reports to police stations.

Recommendations

- The practice of holding of Coroner's inquests into every death by unnatural causes without delay should be re-instituted immediately.
- When the Director of Public Prosecutions (DPP) does not act promptly to implement the findings of inquests, victims should seek redress in international tribunals such as the Inter-American Human Rights Commission of the OAS and through the Optional Protocol of the UN Human Rights Committee.
- As a potential source of racial tension, the Government should act to eliminate extra-judicial executions and violence by the police.
- The Police Complaints Authority (PCA) should be scrapped.
- The licence of Special Squads in the GPF and other squads which operate outside of the normal command structures should be terminated immediately.
- The society in general needs to take unequivocal positions against all forms of violence as counter-productive and inter-related.
- A new and comprehensive civic security policy should be developed in a bi-partisan manner. Developing a new relationship between the police and the community should be a central priority in this policy.
- A National Police Oversight Committee should be established, comprising representatives of the GPF, agencies involved in the administration of justice and civic society, charged with:
 - implementing a civic security policy,
 - promoting terms and conditions of service to a level competitive with the private sector,
 - raising the professional standards of the GPF,
 - investigating complaints against the police.
 - Tracking inquests and their recommendations.
- Instruction on international standards pertaining to policing, especially International Rules with respect to the use of excessive force and firearms, must be incorporated into GPF Training programmes.
- Internal procedures of the GPF with respect to the discharge of fire-arms should be enforced.

- Conditions for obtaining a fire-arm licence should be more stringent.

SECTION III: A CULTURE OF VIOLENT POLICING

The persistence and frequency of fatal shootings in Guyana by the police suggest they are not isolated events in an otherwise disciplined environment. If that were the case, offenders would be disciplined more condignly, officers persistently cited would not be tolerated in the force and all citizens would be viewed as having equal civil rights. Rather, the case appears to be one in which shootings are the product of a violent policing environment. Within this culture of violent policing, attitudes run a gamut from hostility towards citizens in general to the belief that suspects have no claim to humane treatment, that detainees can be subjected to degrading and inhumane conditions and that ‘wanted’ persons can be shot. Varieties of brutality occur within these extremes.

Unlike incidents of shootings, no mitigating circumstances can be offered to justify the use of brutal methods which occurs in police lock-ups, in the homes of suspects or when persons are being arrested.

This *Review* does not attempt to demonstrate statistically how many persons experience some form of unacceptable behaviour at the hands of the police. The purpose is rather to demonstrate that a culture which accommodates wide-ranging forms of brutality, logically leads also to unacceptable numbers of persons being killed or wounded by police shootings.

While police shootings may be justified under certain conditions, there is no justification available for physical brutality, filthy, unhygienic lock-ups and inhumane treatment of families of wanted persons. Failure to effectively address these problems has given the GPF in general a bad name, which is unfair and a disservice to officers who try to carry out their job efficiently, treat people with respect and obey the rules.

Against the background of these general comments, it is important also to state that the GHRA believes the incidence of systematic and extreme brutality has fallen from the beginning to the end of the period under review. Isolated examples of extreme brutality do occur and occur too often, as indicated in some of the cases described later in this Section, notably the deaths in prison of Bonitus Winter in 1997 and Mohammed Shafeek in 2001. However, extreme violence is less systematic and predictable than was the case in the 1980s. Having said this, the general culture is still unacceptably violent.

This Section is arranged according to the circumstances in which most cases of brutality and non-fatal shootings have taken place.

Police Lock-Ups

The conditions of police lock-ups are a major contributory factor to a culture of police violence. Numerous statements from persons who have passed through the lock-ups attest to filthy and insanitary conditions; over-crowding; lack of adequate light and air; the

presence of minors; high levels of violence practised by some detainees exercise on others; and sexual assaults over the years. Control of the lock-ups often passed into the hands of hardened detainees who sustained a reign of terror over less experienced inmates. They assigned cells, commandeered food sent in to prisoners, stole clothes, forced others to fan them and used prisoners as footstools to look through the windows for long periods. One man with no criminal record who was committed erroneously had his nose fractured within fifteen minutes of entering the lock-ups.⁵ As early as 1982 the Bar Association protested *“the barbarity in police methods and warns the proper authorities that torture and the unjustified invasion and violation of the rights of all persons, at liberty in detention, are unconstitutional.”*⁶

After twenty years of complaints, the condition of the Brickdam lock-ups, an indescribable facility, was finally acknowledged in December 1999,⁷ although, even in 2002 a visiting jurist commented that time spent in the Brickdam lock-ups should be calculated in hours, not days or months.⁸ In short, it is difficult to find any Article of the *UN Standard Minimum Rules for the Treatment of Offenders* which has not been violated by the condition of Brickdam lock-ups. While Brickdam, as the largest such facility has attracted most attention, other lock-ups have been of a similar unacceptable standard.

Description of the Brickdam Lock-Ups

“..... At the Brickdam Police Station the jail cells are notoriously unhealthy and totally inhuman. There are fifteen cells in a u-shaped arrangement. In the middle of the u-structure there is a concrete passage-way about seven feet wide. The entire passage way is always covered with urine. Prisoners urinate through large round holes in the door-way of their cells, apparently specifically designed for the purpose. The urine flows into the passage-way and remain there so that the entire passage-way is always slimy and slippery and stinks of stale urine. This passage-way is also used as a rubbish dump where prisoners throw everything from remains of food, skin of fruit, to cigarette ends and waste paper. Despite the fact that two prisoners, who act as orderlies, sweep away the urine and refuse twice per day, and then wet the concrete with a hose, the place remains very stink and slimy, so much so that walking on it is a risk. In the middle of this arrangement of cells are four toilets, two on each side. These toilets, which each comprise a toilet bowl stuck in concrete, have no mechanism for flushing and are thus filled to the top with filth and paper. Thus, there is the additional stench of filth for the toilets have neither doors nor covers for the bowls.

The cells in which the prisoners are kept are exactly similar. Each consists of a room about nine feet long, seven feet wide and fourteen feet high (an estimation). The entire cell is built of concrete with a small window at the back near the roof. The cells have neither light nor beds and prisoners sleep on the concrete floor amidst bugs, cockroaches, ants and creeping insects. At the time I was there were as many as eleven prisoners in some cells.....

Signed X..... Y.....

GHRA Human Rights Report 1987 p.59

The awful experience of conditions of lock-ups is aggravated by the grindingly slow court procedures which are the norm today. Most Magistrates pay no attention to the degrading conditions to which suspects, appearing before them, are subject.

⁵ GHRA Human Rights Report 1987 p.3

⁶ Open Word 8.3. 82 p.6

⁷ GHRA Press release *“GHRA Welcomes Closure of Brickdam Lock-Ups”* 14.12. 99

⁸ Lord Brennan QC, Public Lecture, Meridien Pegasus 29.1. 02

Treatment of Juveniles

“Juvenile detainees are still incarcerated with adult offenders in the Brickdam lock-up. Homosexual rape is predictable in such cases. The situation in Brickdam has worsened since the officers in charge of the lock-up are removed during the evenings to the adjacent building which used to house the passport office, leaving the lock-up effectively under the control of the more violent inmates. Only when shouts and screams reach a pitch to bring policemen from the adjacent building is there any attempt to intervene. When two fifteen year-olds were sodomised in Brickdam recently, a police officer eventually investigated the screaming. He then removed the juveniles for fifteen minutes “to cool off” then returned them to the lock-ups.

Sexual assaults of female juveniles has been reported in the La Penitence Women’s lock-up. Juveniles there are kept in separated cells (which unlike Brickdam male lock-ups, have locks on the door) but adult females have been allowed to molest them. A fifteen year-old girl was detained there for three weeks and a ten year-old girl, arrested for vagrancy in Linden and allegedly raped in a police station there, was transferred to La Penitence and sexually molested while in the lock-ups.”

GHRA Human Rights Report 1987

The situation described above was addressed in 1999 when a separate juvenile holding facility was designated at the Ruimveldt Police Station.

Deaths/Disappearances in Police Custody

The varied locations of deaths in police custody reflect the fact that brutal behaviour by the police was not confined only to the Brickdam lock-ups (*Appendix 2*). Of the eighteen deaths recorded since 1980, only six took place in Brickdam. Other deaths allegedly occurred in the Beterverwagting Police Station, CID Headquarters, Kitty, Leonora, Number 51, Port Kaituma, Vigilance and Whim lock-ups. The deaths took place at regular intervals over the period of review.

Forced Confessions/Detained Persons/Incentives to Resolve Crimes

Over the years, beating a confession out of detained persons has been a routine form of police detection work. Certain categories of persons are more vulnerable than others. GHRA evidence, substantiated by lawyers, indicates that people who do not have lawyers are almost certain to be beaten, thus many poor people suffer disproportionately in this regard. Similarly, the first suspect in a case is always likely to end up being more brutalized than subsequent detainees.

The first of the following statements reflects treatment that was routine in an earlier period. The GHRA has not received persistent complaints of such extreme treatment of detainees for a long time. As the more recent cases illustrate, however, such treatment has not disappeared completely.

Brutality in Eve Leary

A.... B.... on Friday was arrested on suspicion of murder and taken to Eve Leary. After an initial period of questioning he was detained over the weekend. On the Monday he was taken back to Eve Leary and after denying any knowledge of the murder in question was told by the officer-in-charge that he was "a seasoned man and the only way to get something is by bloodshed". He and another police officer then took a length of flat electricity cable about four feet long and began to beat him. When the wire broke in two the other officer beat him with the other half. The beating lasted for about half-an-hour. He was released on Wednesday on \$500 bail and was taken to a doctor to be examined.

A week after the incident A.... B... still carried over 90 identifiable weals and bruises on his back, shoulder, arms and buttocks, many over 4"-6" long, and his head and face were slightly out of shape. He was not charged with any offence.

Summary of Statement given to GHRA May 9 1986

"A 45 year-old Amerindian of Moruca was suspected by the police of having stolen a saw from his employer which he denied and which he himself had reported stolen at the police station. He was detained shortly afterwards at Aquero police station and was released after paying \$600 for which no receipt was given. Two months later A... B... was called from work after his house and premises had been searched by the police without a warrant. He and his wife presented themselves at the police station where he was detained and his wife sent home.

He was taken to a nearby building, stripped naked and beaten with a length of wood and electric wire. His mouth was stuffed with his briefs to stifle his screams. Afterwards he was taken to a toilet and ordered to eat the faeces lodged in the toilet which he refused. A pistol was then placed at his head and he was ordered to eat the faeces. A... B... again refused. Following this, he was laid on a table and attempts were made to burn his pubic hair; he was then made to touch his toes and threatened that a stick would be forced up his anus.

The policemen then tied his scrotum and penis with a length of wire and he was forcibly dragged on to the verandah while other policemen were called to view the proceedings. After this, he was dragged back inside and made to dress."

Statement taken from Community Leaders by the GHRA, January 1985

*Rohini Cacaress was traveling with her husband and 3 children, when a mini-bus collided with the family car and forced it into a ditch. Police investigating the matter allegedly verbally and physically abused Ms. Cacaress who was pulled by her hair into the Vigilance station. After being handcuffed, the arresting policewoman allegedly kicked Ms. Cacaress on her vagina, causing her to urinate on her clothing. The allegation was made that other police beat her about the body with batons. Her children and husband witnessed the brutality. The screaming children were told by policewoman "shut your f*** mouths". Her husband in the meantime was mugged by a group of men and he lost his watch, 3 bracelets and \$7000 cash. Ms. Cacaress was sent to BV station where she was denied phone calls to her family and lawyer. While sitting on bench, a policeman allegedly slammed his hand twice into her face. She fell backwards onto a nearby cycle, suffering injuries to her back and legs. She was not assisted up, but a group of police laughed. Ms. Cacaress was locked into cell until the following day, with nothing to sleep on, no light, no food. Her request to use the toilet was denied.*

Summary of Statement to GHRA June 1996

Denise Cumberbatch and Alexis Mentore allegedly assaulted by a Deputy Superintendent and other members of the Quick Reaction Squad who pounced upon one of the women and kicked her in the stomach. They then drove off, returned a few minutes later, saw the woman a short distance away from the corner and reportedly assaulted her again and threw her into the police vehicle where she was taken to the women's lock-up at La Penitence. At the intervention of an opposition leader who is also a lawyer, the two women were taken to the Public Hospital.

Summary of Stabroek News article March 4 1999

Shabeer Nabby

“At a hastily erected road-block at Vreed-en-Hoop, one of two the policemen approached Shabeer Nabby, the driver of a car stopped at the road-block and said “Cutter (his call name) you are under arrest”, then promptly shot him in the neck. Nabby was taken into the police station bleeding profusely. He was eventually taken to Best Hospital for treatment and then forced to walk back to the police-station.

The incident was prompted by an exchange between Shabeer Nabby and a woman who was verbally abusive to him which ended with Nabby slapping the woman. This occurred a short time before Nabby drove by the road-block. The woman left and complained to Vreed-en-Hoop police-station which then set up the road-block waiting for Nabby to pass.

Statement received from Nabby's lawyer July 1998

Roy & Dereck Rajman

“No action has been taken in the incident where two men were allegedly beaten by policemen after one of them refused to buy a round of Guinness for the law enforcement officers. Both were rushed to hospital early last week after they were reportedly beaten by the policemen stationed at the Providence Police station.

Roy, a schoolteacher said the police had taken no action, even though the matter was reported. Roy still has marks of violence on his face and has lost a tooth as a result of the beating. He is now having difficulty speaking as other teeth in his mouth are shaking. He was forced to do an extraction yesterday and is now off the job because of the problem. He said the police visited the hospital last week but they were unable to speak as they were ill. Efforts to get a comment from the police proved futile.”

Stabroek News January 14 2001

Brutality against Rastafarians/Harassment of Political Opponents

In the early 1980s campaigns against Rastafarians were not uncommon. The following examples indicate that cutting off of locks was a policy. In 1980 27 Rastafarians in five separate incidents were detained to allow locks to be shorn off.⁹ In 1982 members of the Special Squad tied a group of 15 Rastas by their necks to a long rope and dragged them through the streets of Linden to have their locks shorn off at the police-station.¹⁰

Brutal campaigns targeting specific social groups have not taken place for a number of years.

⁹ GHRA *Human Rights Report* 1980-1981 p.20

¹⁰ GHRA *Human Rights Report* 1982 p.24

Brutality against Rastafarians

“About 4.30 p.m. Friday afternoon I leave Russell Street walking into Camp Street turning into Bent Street going East to the baker shop to get two loaves of ita bread from my bretheren. He showed I the bread that was not finished. I came out on the bridge and stand there. While standing four fellows including my bretheren came out to I. As I start reasoning with my bretheren a man came up to I and asked what I man doing here. And then I turn to him and said, ‘watch, I man putting forward father works truthful and dreadful’ and he reply ‘when you said that what you mean’. I said, ‘I is a Rastafari, the Algardic light, pull all who in darkness into light’. He turn to I and said, ‘what you have in that bag’. I said ‘I have a bible in here’. Then he put his hands in his pocket and showed an ID card saying, ‘I’m a policeman. Let us go down the road’.

On Saturday about 4.30 p.m. a constable came to the cell and said, ‘You come out. The locks have to cut that you have on your head’. I turn to him and said, ‘You can’t cut my locks because it is my culture.’ He then turn and said, ‘The Commissioner of Police said that any rastaman pick up on the streets, charged nor charged not, they locks must be cut’. I then turn and said ‘You would have to brutalise I here, or you would have to put I to a stage of unconsciousness’. The police start beating I with chairs and baton. A superior officer was a passer-by at the said time. He turned to the corporal and asked, ‘what all this murderation about concerning this prisoner?’. The corporal said, ‘Sir, it is a rastaman. We cutting off his locks’. The senior said, ‘The other policemen are around and they should help cut off the locks’. They all rushed in and tied me and choked me under brutality and cut my locks. I was then throwed into a cell with six other rastamen, all the other brothers locks were cut off. I was released on Wednesday, November 28, at 7. 30 p.m. I was not charged.”

Signed X..... Y.....

Statement November 11, 1979

During the 1980s members of all opposition political parties were vulnerable to harassment and beatings by the police. While other parties suffered episodically, the Working Peoples Alliance (WPA) leadership and members were constantly and systematically targeted. Political meetings were violently broken up by the police; activists were beaten, kidnapped and harassed when leaving or travelling around the country; their cars and houses were searched and they were the subject of constant surveillance.

Treatment of WPA members following the break-up of a picket exercise

“.....Eventually the arrested group was separated out and one group sent off in a Tapir while others, including myself, were locked in an airtight vehicle. Eventually the Tapir returned and we were all crammed into it...As we travelled along the East Coast road one of them said he was going to ‘machine-gun us down’. As we approached LBI the vehicle turned into a desolate area close to a burial ground. We were ordered out and told to lie with our faces to the ground. This we refused to do. They threatened us with their guns and one of them took an axe-handle from the van and threatened to beat us to the ground. We refused to be intimidated. Finally they got into their vehicle and drove off. “

GHRA Human Rights Report 1980-81

“Jocelyn Dow, a member of the Friends Committee(a support committee for striking bauxite workers) and owner of car No. PZ 9900 was arrested and her car seized on the grounds of having been involved in an accident. This followed a previous arrest of Ms. Dow and the seizure of another of her vehicle PAA 69 for a fitness inspection. Both cars were kept by the police and Ms. Dow subsequently charged for possession of a defective vehicle. Ms. Dow alleged in court that sugar had been placed in the oil tanks of both cars while in police possession.”

GHRA Human Rights Report 1983

SECTION IV: Police Shootings 1980-2001

1980 17 Deaths

Complaints in 1980 drew attention to the fact that more people were shot dead than wounded by members of the GPF, suggesting that the police were shooting to kill rather than disable. It should also be borne in mind that a wave of gun-related crimes also occurred during this period, prompting the then Chancellor of the Judiciary, Victor Crane, in January 1980 to call for the creation of a Gun Court, similar to that in Jamaica, to address the problem of gun-related crimes.¹¹

During 1979, the first special squad - popularly known as the 'Death Squad' - surfaced, known to focus on eliminating persons suspected of crimes. An *Identification Manual* prepared for the use of security forces contained photographs and biographical details of all WPA leaders. The booklet was considered by the WPA leadership as an aid to assassination, particularly following the deaths of activists Ohene Koama and Edward Dublin.¹²

Incidents occurred which reveal a laxity over procedures surrounding the use of fire-arms by the police. This contention is supported by three incidents of shooting by police officers during the month of November 1980. Police officers shot and wounded three men, one in an argument in a cinema queue, a second in another argument and a third at a party. In the last incident, the police were unaware they had shot the person, having entered the party firing their guns in the air. Having discovered that the victim had been taken to the Public Hospital of Georgetown (PHG), the police party followed. Once satisfied that the victim could not identify who shot him, they left. In none of the three cases was action taken against the persons shot, nor anyone detained or charged.¹³

1981 14 deaths

The problem of killings by the police had generated sufficient public concern that on February 2nd 1981 a joint letter on the issue was sent to the Minister of Home Affairs signed by the Guyana Human Rights Association, the Guyana Bar Council, four trade unions (GAWU, CCWU, NAACIE, the UGSA) and Heads of the Roman Catholic, Anglican and Presbyterian churches. The letter called for action by the Police Commissioner on three dimensions of the problem :

- “ 1. *To ensure that inquests are held into unnatural deaths, including deaths by shootings.*
2. *To assert his authority to ensure that only responsible and suitably trained members of the Police Force have access to fire-arms; and*

¹¹ GHRA *Human Rights Report Jan.1980-June 1981* p.18

¹² *Idem* p.15

¹³ *Idem* p.19

3. *To curb the growing and apparently unnecessary use of fire-arms by the police.*¹⁴

Police versions of a great many incidents of shootings have justified the officer on the grounds of defending himself from being attacked by his cutlass-wielding victim. One of the more bizarre of many incidents, in which this rationale was recorded, concerned the death of Lennie Wong, a supervisor at Continental Agencies who was shot dead on his way to work at around 6 a.m. in the vicinity of the City Council compound. Wong was alleged to have whipped out a cutlass and attacked the police.¹⁵

Several times during 1981, Minister of Home Affairs Stanley Moore, called for the use of fire-arms as a last resort and also called for a return to baton-training in the GPF.¹⁶

1982 9 Deaths

In July 1982 attention was again drawn to the problem of special units perpetrating excessive force : *“the impunity with which officers of the Special Squad of the CID conduct themselves indicates they have no fear of reprimand or disciplinary action from within the Police Force...The record of the GPF in investigating complaints brought to their attention suggests they have grounds for their confidence.”*¹⁷

Police Commissioner Barker assured the public he would investigate any complaints brought to his attention. The credibility of this statement was challenged when notorious events, such as the Saymar death in the Brickdam police lock-ups, passed without any action. It was suggested that *“the only course of action which will regain respect for the police force is for charges to be brought against offending officers and for their dismissal from the force if found guilty. The process should be exemplary, swift and public.”*¹⁸

In response to the public outcry concerning police brutality of various kinds the *Chronicle* reported the creation of a Special Committee of the Police Force aimed at improving police standards.¹⁹

Holding of inquests during the 1981 /1982 period into cases of persons shot to death at the hands of the police continued to be problematic. Of the 23 deaths at the hands of the police during this two-year period, reportedly only 4 were the subject of an inquest.²⁰

¹⁴ Idem p.3

¹⁵ GHRA *Human Rights Report* 1980-81 p.17

¹⁶ idem p.18

¹⁷ Press Release GHRA “*Violence By CID Special Squad*” July 2 1982

¹⁸ Press release op.cit

¹⁹ Guyana Chronicle 11.6.82

²⁰ Idem p.16

1983 18 deaths

During 1983, 18 deaths were reported by police shootings. This figure was considered a conservative estimate since it was based largely on reports from Georgetown. *“According to a police prosecutor, 80% of the persons shot by the police are ‘wanted criminals’, suggesting.....an official attitude which condones the killing of criminals”*.²¹

A number of cases of non-fatal shootings by the police were reported. These included an unarmed woman market vendor, Gillian Luthers, who attempted to intervene to prevent a CID policeman extorting money from her brother. The CID man physically assaulted Luthers before drawing his revolver and shooting her. A GDF officer who followed the CID and another police officer to police headquarters was also assaulted by them when they realized they were being followed.²²

The GHRA *Annual Report* for that year noted that *“The plain-clothed section of the police force belonging to the CID are more frequently reported as involved in a wide range of violations than the uniformed branches of the force.”*²³

1984 18 deaths

Accurate figures of police shootings for this period were difficult to obtain. *“A number of allegations of police shootings in the interior areas have been omitted for lack of confirmation. We are also aware of other deaths which are currently engaging the attention of the courts.”*²⁴ One case illustrative of the difficulty of compiling accurate figures concerns an Amerindian, Patrick Fernandes, shot and paralysed by a policeman in Kamarang. After an eight- month period of paralysis, Fernandes died in the Public Hospital Georgetown. Information on this case did not come to light for over a year. The policeman involved was charged at a Preliminary Inquiry with manslaughter and the case was transferred to the High Court.

“A notable increase” in the number of cases involving members of the police force in criminal activities was noted that year. Some of these were reported in the State-owned newspaper. Criminal activities included house-breaking, violence against the person, extortion, armed robbery, theft, murder and manslaughter. There were signs that the senior police authorities were making an attempt to curb the level of criminal activities. In the past, the tendency was to treat these offences as breaches of discipline.²⁵

In February 1984 Justice Barnwell complained of police methods of investigation and the question of voluntary statements: *“A voluntary confession is the best evidence...but in every confession that has come before me something happens. I will not have it until rules*

²¹ GHRA *Human Rights Report* 1983 p.11

²² GHRA *Human Rights Report* 1983 p.11

²³ GHRA *Human Rights Report* 1983 p.14

²⁴ GHRA *Human Rights Report* 1984 p.15

²⁵ “ “ “ “ “ p.13

are complied with...The police must understand the meaning of investigation, no police station is going to be a court."²⁶

1985 13 Deaths

By 1985, revolted by the brutality of "kick-down-the-door" criminals, a besieged public was disposed to accept more violent solutions to crime, leading to the re-introduction of the death penalty. This development was criticized by the GHRA as a substitute for a serious investigation of the origins of violence in our society. Without such an investigation "*there will be many more innocent victims, non-apprehended criminals and sleepless nights to contend with*".²⁷ While sympathetic to public clamour for a solution to violence, the GHRA argued that:

- (2) "*.....Statistics compiled in Jamaica support the Guyanese experience of a low rate of apprehension in murder cases, especially 'gun killings', a factor which lowers the deterrent effect. To hang a person requires he first be apprehended.*
- (3) *The leaders of the society and their anxious-to-please publicists in the State-owned media should reflect on whether they are not now reaping the whirlwind they themselves have sown over the past decade by glorifying aggression; militarizing the society; giving weapons training and little else to thousands of young men and making 'every citizen a soldier'.*
- (4) *To state as the Guyana Chronicle of October 3 (1985) does that "every potential burglar and killer who is fatally shot rids us of one more of that obnoxious breed" calls to mind the words of the Jamaican Ombudsman on police shootings: "Today it is WANTED men; tomorrow it will be SUSPECTED men and the next day it will be DISLIKED men".*

While re-introduction of the death penalty was a dramatic gesture, the most effective deterrent to crime is to raise the detection rate. The obstacle to such improvement lay in the extensive police resources tied up in enforcing the repressive economic policies of the State. The Minister of Home Affairs announced a new 'incentives programme' to recognize those ranks who deal with "*matters such as black-marketing, contraband and smuggling activities, illegal sale of foreign exchange, praedial larceny and cattle rustling and the apprehension of criminals involved in violent crimes.*"²⁸ (the order of crimes reflects the priorities forced on the police). Shortly afterwards, the *Chronicle* reported the "*seizure of 400 bags of wheat flour, 100 bags of split peas and 14 outboard engines*".²⁹ Embroiling the GPF in the economic onslaught of the State against traders was not new. In April 1984, *New Nation*, the organ of the ruling party, had announced that a "*baton-wielding squad within the Guyana Police Force is being contemplated to rid the city of*

²⁶ " " " " " p.24

²⁷ GHRA Press release "Violent Crime and the Death Penalty" October 9 1985

²⁸ Guyana Chronicle 10.7.85 "Incentive Programme for Police"

²⁹ Guyana Chronicle 29.8.85

*the parasitic cigarette vendors who insist on retailing cigarettes at black-market prices...at any time now the squad will hit the road and the attack will be directed at the able-bodied. No appeals will be entertained from any quarter”, the newspaper announced.*³⁰

Diverting police resources was a matter of policy as well as practice.

*“On the 146th Anniversary of the Police Force, the Police Commissioner in his message noted that the Force would become involved in agriculture to enhance the environment and to assist the national economy. Earlier in the Conference, the Minister of Home Affairs had stated the Police Force must involve the community in their work and become involved in agriculture. ...”.*³¹

In November 1985 the *Guyana Chronicle* reported that the police shot two men ‘armed with pistols, screw-driver and knife’ who ‘had attacked a police patrol in Kitty’. Families reported that the two ‘men’ were a 14 year-old and a 16 year-old named Levi Hetimeyer and Warren Barrow. Furthermore, they were shot at the sea-wall by plain-clothes men who appeared to be in complete control of the situation. Calls for an inquest into the two deaths were deemed “irresponsible” by the Police Commissioner. He went on to say that any ‘responsible enquiry’ would vindicate his belief that the police had acted properly. Since a ‘responsible enquiry’ is another way of defining an inquest, this is precisely what concerned organizations would have liked to see happen.³² Police authorities resisted the notion that incidents of violence should be publicly investigated.

Despite a preference for internal procedures, the need for applying more formal sanctions was partially accepted. Former Commissioner of Police Lloyd Barker, addressing the Police Association, noted that a number of officers had been removed from the Force ‘in the public interest’, and a number of court proceedings had begun involving police officers on serious charges following public pressure and publicity. In August that year the new Police Commissioner Raghurir gave assurances that “*corrupt cops will be weeded out*”.³³ While welcoming these developments, it was pointed out that public confidence in the honesty and integrity of the Police Force was at a low ebb and greater assurance would be generated if attention to police indiscipline were a routine matter rather than as a result of public pressure.³⁴

1986 7 deaths

A wide-ranging submission to the Police Review Commission in 1986 under the chairmanship of the Hon. Victor Crane on the ‘Use of Excessive Force’ stated:

³⁰ New Nation April 1984 quoted in GHRA *Human Rights Report 1984* p20

³¹ idem p. 15

³² GHRA Press Release “Police Shootings” 4.11.85

“ “ “ “GHRA Re-state Call For Inquests” 13.11.85

³³ Guyana Chronicle “Corrupt Cops will be Weeded out” 14.9.85

³⁴ GHRA *Human Rights Report 1985* p15

“..... *The circumstances in which self-defence was offered to justify these shootings were repetitious and frequently lacked credibility. In addition, a number of cases of non-fatal shootings were listed, the details of which suggest that some police officers are resorting to the use of fire-arms without provocation. The law as it relates to this matter states that law enforcement officials may be authorized to use reasonable force, but nothing beyond that, when preventing crime or effecting an arrest.*”³⁵

GHRA Recommendations To Crane Commission (1986)

1. That the baton be restored to its previous status as the normal weapon of the police officer rather than fire-arm.
2. That baton-training be pursued more vigorously.
3. That greater importance be given to the submission of written reports each time a fire-arm is discharged.
4. That the clearest instruction be given at all levels of the Police Force to the fact that cruel, inhuman and degrading treatment will not be tolerated in the police force.
5. That no mitigating circumstances such as orders of a superior officer, political unrest or public emergency will be accepted to justify the use of excessive force by members of the GPF.
6. It should be clearly understood by all members of the Force that torture is a crime and will be treated as such.
7. Members of the Force, therefore, are obliged to refuse to obey any order to inflict torture.
8. That all physical detention facilities be maintained according to the Minimum Standard Rules for the Treatment of Offenders.
9. That all such facilities are regularly inspected to ensure conformity with these Standards.
10. That Law Enforcement Officers must respect the Law and when they fail to do so will be prosecuted in a court of law for the crime committed rather than for a lesser offence or by departmental procedures.
11. That the training of police prosecutors be up-graded.
12. That investigative methods used by the police force be reviewed with the intention of ensuring efficient prosecution and the elimination of forced confessions.

June 15 1986

The submission also referred to the fact that *“The Police Force has been urged by President Hoyte on several occasions to treat all citizens equally and not to extend privileges to ‘big ones’ i.e. politically influential persons. This welcome statement should serve to remove any uncertainty to which police officers are subject in not knowing what repercussions may follow from carrying out their duties impartially.”*³⁶

1987 -numbers of deaths unavailable

Confronted with growing public concern over police brutality, Commissioner Raghubir was quoted as stating *“we are not encouraging it”*. *“The use of minimum force”* he added, *“varying with the situation, is stressed by the administration. Every allegation of brutality is investigated and appropriate action taken.”*³⁷ It is important to note how frequently similar assurances are provided by Police Commissioners over the period

³⁵ GHRA Annual Report 1986 p. 11

³⁶ “ “ “ “

³⁷ GHRA Annual Report 1986 p.12

under review. They are periodically accompanied by statistics of police officers who have been disciplined, placed before the courts and dismissed from the Force. Without questioning the sincerity of the police authorities in these efforts, nor their effectiveness in other areas of indiscipline, it is nevertheless striking how little they appear to have impacted on the culture of the Force with respect to the use of excessive force.³⁸

1988 3 deaths

Despite the low figures reported for police shootings during this period, levels of brutality were such that in 1988 *A Brief On Police Violence* by the GHRA noted that the facts of the situation as reported to the GHRA were firstly, that innocent people were more frequently being snared into the violent net cast by the police. Secondly, police methods had reached an unprecedented level of barbarity. Thirdly, conviction levels of violent criminals were low because forced confessions constituted the only evidence for the prosecution in too many cases. The Judiciary had complained publicly of this problem.³⁹

Commenting on contributory factors to police violence, the *Brief* noted that the failure of the Director of Public Prosecutions to bring charges against the police contributed to their sense of impunity and that selective and biased reporting by the State-owned media of police shootings contributed to a misplaced sense of public support for violent solutions.

The *Brief* attracted a number of libel suits from the office of the DPP, the Head and Deputy Head of the Quick Reaction Squad, and a class action by 20 members of the Quick Reaction Squad. *Stabroek News* and *The Mirror* were also served with libel writs from the DPP in connection with reports on the *Brief*. The cases were settled by the media and those against the GHRA were eventually abandoned. References to the fact that many young men were trained in the use of weapons by para-military services also drew a hostile response from the Youth arm of the ruling party.

Official police figures showed a dramatic fall in serious crime from 1987 to 1988.⁴⁰

Efforts to bring instances of excessive use of force to the attention of the police authorities were not well-received at this period, as illustrated by the following correspondence with Commissioner Raghubir.

³⁸ *Guyana Chronicle* 8.7.87

³⁹ GHRA *Brief on Police Violence* 1988 p.1

⁴⁰ *Guyana Chronicle* 5.1.90

Correspondence Between Police Commissioner Raghubir and the GHRA

In response to a statement in the *Chronicle* (18/7/88) attributed to Police Raghubir to the effect that “the GHRA has not offered me or the public a single piece of evidence to substantiate or justify completely irresponsible accusation of this kind”(with respect to the *Brief on Police Violence*),the GHRA released a summary of the protracted correspondence between the Association and the Commissioner’s office between November 1987-March 1988, attempting to secure an interview with the Commissioner. These efforts ended in complete failure. The release stated:

“November 17, 1987: A copy of a statement of violence perpetrated on Bernard De Santos while in Police custody was sent to the Commissioner with a covering letter requesting an investigation. No reply was received.

December 3,1987: A request was made for an interview with the Commissioner by a small delegation of the GHRA Executive. The letter stated the areas of concern as:

- 1. police brutality against detained persons*
- 2. conditions of police lock-ups.*

Two possible dates were suggested, 9th or 10th December.

December 11,1987: A reply from the Commissioner’s Personal Assistant, Supt. Fraser stated:

“The Commissioner would be grateful if, prior to any meeting you would let him have particulars of the matters you have referred to in your letter, together with:-

- 1) A copy of your Association’s Constitution;*
- 2) The names of your Association’s Executive or Committee of Management; and*
- 3) The names of the members of the proposed delegation.*

Subject to the above information being supplied the Commissioner would propose 18th December 1987 at 10:00 hours as a convenient date and time when your Association can make its representation at Police Headquarters, Eve Leary, Georgetown.”

December 16,1987: The information requested was supplied by the GHRA with a request to re-schedule the meeting for December 22, due to the absence of Bishop George.

December 18, 1987: A one-sentence letter from P.A Supt. Fraser said, “I refer to a previous correspondence ending with your letter dated December 16 1987, please list specific allegations giving date, time and facts, then we will decide on a date for the meeting.”

January 12, 1988: A detailed letter providing all the requested information was sent by the GHRA..

March 8, 1988: A further letter from Supt. Fraser stated that investigations had been carried out which

led the Commissioner to the conclusion that the charges were not justified or were “highly exaggerated”. The letter went on to state that the Commissioner “will make arrangements for you to make your representations on this matter at Police Headquarters, Eve Leary on Wednesday, March 16th 1988 at 10:00 hours, to Senior Superintendent G. Harris, the Public Relations and Welfare Officer of the Guyana

Police

Force.”

Snr. Supt. Harris is a clergyman of the Anglican church, which Bishop George heads.

GHRA Press Release 19 July 1988

On the issue of police brutality President Hoyte was quoted as warning the 36th Annual Meeting of the Police Association that “*he would not condone wrong-doing or irregularities by any member of the Force. These people will be dealt with properly and condignly*”. The President referred to organizations which for their own reasons seek to besmirch the good name of the Police Force. He described those persons as “*furthering their own ends and venting their spleen*”.⁴¹ Earlier in the year the President pledged support for Police Officers, once they “*discharge their duty honestly, conscientiously and fearlessly*.”⁴²

At the Annual General Meeting of the GHRA in 1988 it was resolved to take advantage of the recent legislation in the US House of Representatives on the Torture Victims Protection Act. The purpose of the Act was to “declare the United States off-limits as a safe haven for those who would torture their fellow man.” The legislation also required US Ambassadors to ‘examine allegations of torture and express concern in individual cases’. A decision was taken to provide names of Police Officers who were persistently associated with violence against members of the public.⁴³ The intention of the GHRA was to present names to the US Embassy of Police Officers who regularly indulged in the use of excessive force.

1989 6 deaths

Legislation creating the Police Complaints Authority (PCA) was approved in 1989.

In his address to the Annual Police Association, President Hoyte gave the lawmen a “*vote of confidence*”, telling them they “*met the challenge and blunted the efforts of the trouble-makers*”. He spoke about people who “*undermine the work of the force, while expecting to be protected from criminals and congratulated the leadership of the force for responding to attacks by setting out the facts for the public*”.⁴⁴

In the furore surrounding the death by shooting of Steve Lewis, the names of eye-witnesses, “*with their express permission*”, were provided by *Stabroek News* to Police Commissioner Raghubir at his request.⁴⁵ Information was also sent by *Stabroek News* to the Director of Public Prosecution. Despite this unusual level of cooperation, no prosecutions apparently resulted.

1990 7 deaths

The number of complaints about levels of brutality to the PCA in this first year of its existence (571) were the highest it was ever to receive.

⁴¹ Guyana Chronicle 13.12.88

⁴² Guyana Chronicle 15.03.88

⁴³ GHRA 6th. AGM October 1988

⁴⁴ Guyana Chronicle 13.12.89

⁴⁵ Stabroek News 14.1.89

A widespread practice of employing cops on the payroll of business places encouraged the use of excessive force, as illustrated in the following newspaper article of that year based on an interview with a sergeant of the GPF.

Many Cops on Business Payroll

“Some big businessmen are paying policemen to terrorize their employees whenever an irregularity is discovered, according to a source within the police force.

The sergeant says this has been a norm for several years now but it is only now that the public is “kicking-up a storm about it”.

He explained the \$1157 starting salary of an officer within the force is not enough and many of them are lured by fantastic sums offered by some businessmen to harass their employees whenever there is a fraud or theft at a business place. In most of these cases, he explained, police brutality is done in a secluded area within the building, housing the business. Beating is the most common form used and it is done until someone confesses to having committed a crime. The person or persons charged are then placed before the courts. Some others, although not charged, are normally dismissed from their jobs but sporadic police brutality sometimes follows.

Why brutalise a person who is not even a suspect in a crime? According to the police source, it has to be done to justify the large sums paid to policemen by the businessmen. He also said that many persons picked up on the streets and taken to police stations where they are terrorized, are normally suspects in crime committed on some business places.

The sergeant says that in many cases, “very senior police officers” are aware of the large sums businessmen pay to junior officers and are usually given a part of the payment. With this type of practice, after an individual is found innocent of a crime after being brutalized, he cannot get redress from senior ranks because they are aware of what took place and are really part of it since they were given some money, the source explained.”

Stabroek News 13th November 1990⁴⁶

1991 9 deaths

Commissioner of Police, Laurie Lewis, was quoted to the effect that *“In every case where I have doubts, or where policemen are involved, the matter will go to the DPP and to the PCA for action at their level”*.⁴⁷ Such assurances by successive Commissioners failed to halt *“the downward spiral of confidence”* as the situation would later be characterised. Indeed, confidence appeared to have been buried, judging by a *Stabroek News* editorial which referred to the need for the *“resurrection of the image of the force that complaints of wanton brutality be investigated”*.⁴⁸ Between mid-1991 and the end of the year many cases of police brutality were reported in the press.

⁴⁶ Stabroek News 13.11.90 *“Many Cops on Business Payroll”*

⁴⁷ Stabroek News 25.7.91 *“Errant Police will feel Full Force of the Law”*.

⁴⁸ Stabroek News 25.7.91 *“Police Brutality”*

In reporting on the first year of its activities the PCA noted that “of the 341 complaints forwarded to the police, (of 541 received) only 74 had been investigated”.⁴⁹

1992 5 deaths

A newspaper interview in September 1992 provided a detailed account of the operations of the Impact Undercover Unit whose members were to attract much notoriety in later years. This explanation of the *modus operandi* of the Impact Squad, which comprised about 60 members, quotes various informants within the Force and contained the following extracts from a newspaper article:

Impact Undercover Unit

“Practical experience is necessary and many officers have developed networks of underground informers . These informers are very important to us’, one cop said, ‘without them, many cases would go unsolved...sources are not revealed to anyone, not even the commanding officer, who must trust his operatives’ integrity. An agent’s indiscretion can result in maiming or worse for the informer..’

Commissioner Laurie Lewis is quoted as being confident his men can handle volatile situations ‘Our personnel are trained to respond quickly.’ Lewis denied the squad had a shoot-to-kill policy, but noted the policemen and women were ‘only human’ and entitled to defend themselves against potential killers...”We are determined to fight fire with fire, we are prepared to meet violence with firm measures....If criminals want trouble the police are ready for them..” ‘Sources say the unit is a highly specialized part of the force and a great deal of its work is secret.”

Stabroek News 2.9.92 “Impact Undercover Unit is Laurie’s Secret Weapon”

The considerable latitude allowed members of the Impact Squad goes some way towards explaining a number of the incidents detailed in this Report. A combination of secrecy, weak accountability to senior officers and considerable reliance on consorting with criminals requires high levels of self-discipline and maturity among members of the Squad. It is clear from the numerous incidents involving members of the Impact Squad that whatever its merits as a crime-fighting unit, the insulation of its members from normal oversight encouraged brutality and excessive use of force.

1993 7 deaths

A crime wave in the early part of the year led to the formation of a civic group, “Citizens Against Crime”, prompted by the high-profile murder of Monica Reece. The dramatic murder of this young woman, clearly linked to the drug underworld, attracted more publicity than any crime in years. Despite intense pressure and much information, no arrests were ever made, prompting intense criticism of the GPF for months.

⁴⁹ Stabroek News 2.12.91 “Police Complaints Authority reports lack of Follow-up”

In another much publicized incident, members of the GPF, who shot Rickey Samaroo and ‘Dingo’ Persaud outside of the Guyana Revenue Office on Smythe Street, were decorated two days after the event by the Commissioner of Police, before any investigation on the use of lethal force or discharging of a fire-arm could have been completed. Commenting on the incident, which had the hallmarks of a set-up, the GHRA noted that *“Before becoming too complacent about such killings, the society should reflect on the resentment generated by execution-style killings and the hostile retaliation they frequently provoke against ordinary citizens in the form of violent crimes”*.⁵⁰

The US State Department Human Rights Report for 1993 refers to *“credible allegations that the police are responsible for deliberate, illegal executions. In most instances there was a failure to investigate and prosecute the responsible police officers.”* The Report also lists the weaknesses of the Police Complaints Authority leaving *“the Police Force responsible for investigating itself and (it) failed to do so effectively”*.⁵¹

The GHRA called for a major administrative review of the GPF in August 1993, suggesting that poor levels of policing may be related to low levels of morale in the Force, lack of incentives, poor administration, or more likely a combination of all these factors.⁵²

1994 2 deaths

Community policing in 1994 had taken on the characteristics of vigilantism and was alleged to be *“out of control”*. The increased provision of arms to community policing groups, failure to investigate shootings, rewarding officers who had shot persons and offering special protection to selected businessmen, contributed to a climate in which community policing groups perceived themselves to be above the law.⁵³

The link between victims’ rights and extra-judicial killings was highlighted in a release which pointed out that shooting suspected criminals deprived victims of the satisfaction of knowing that their aggressors had been brought to justice and precluded the possibility of any restitution or compensation being ordered by the courts. The release proposed that *“where public officials, or quasi-officials create victims by violating the law, the State should provide restitution, even in circumstances where the Government may have changed.”*⁵⁴

Victims’ Rights

The following measures would protect rights of victims:

- i. *Keeping victims informed of progress in proceedings and disposition of their cases.*
- ii. *Allowing victims’ concerns, e.g. for personal safety or protection of witnesses to be considered at appropriate stages of the proceedings.*
- iii. *Taking measures to minimize inconvenience to victims, protect their privacy and safety from*

⁵⁰ GHRA Press Release *GHRA Calls for Action from DPP in Police Killings* 1.10.93

⁵¹ US State Department *Human Rights Report 1993* p.461

⁵² GHRA Press Release *“GHRA Calls For Major Administrative Review of the Police Force”* 3.8.93

⁵³ GHRA PR *“Police Encourage Shootings”* 3.2.94

⁵⁴ GHRA PR *“Victims’ Rights and Effective Justice”* 28.2.94

- iv. *intimidation or retaliation.*
Ensure the prompt and expeditious hearing of cases and avoid delays in the execution of judgements granting awards to redress to victims.

GHRA Summary (1994) of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

1995 10 deaths

In a release in 1995 the GHRA stated that *“a new level of creative thinking is needed since the GPF is beyond the point when it can be credibly expected to reform itself. The complete failure of the Police Complaints Authority underlined this conclusion.”*⁵⁵ The circumstances under which Wayne Bancroft was shot (see newspaper article below) can be repeated with changes in minor detail in a large number of cases of shootings by the police.

The Shooting Of Wayne Bancroft

“.....The police shot him with his hands in the air. He didn't have no knife. He didn't stand a chance. It looked like all of them shot him. It was gruesome. With all the people in the street looking on. There were women, teenagers, children and all in the street looking. It looked like about a 100 people. It was about 5. p.m. Then they throw him in a land-rover and went away”, according to one middle-aged resident.

... Another witness said, “I don't know if the guy commit an offence. But I was there. I see the man come down the landing, begging the police not to shoot him. This fine police run up and shoot him. I know these bandits don't have mercy on people, but what I am against is they (the police) did it in front of children”.

*...”He gave himself up. He was on his knees begging ‘don't shoot’. Three of them shot him. One shot him twice with a pump rifle. They shot him like a dog. And even when his body was on the ground fluttering, they shot him. They behaved like dogs. I am not against the police but when a man give himself up he should be taken into custody. One thin-boned policeman started the shooting.”*⁵⁶

Stabroek News 18.6.95

1996 17 deaths

A delegation from the GHRA met the Commissioner of Police, Laurie Lewis, in June 1996 to register its concern at the “upsurge of violent incidents involving police brutality, shootings and deaths in custody”. The delegation handed over a list of cases known to the GHRA containing 16 fatal shootings, 6 cases of non-fatal shootings, 4 deaths in police custody and 30 cases of assault or brutality which had taken place in 1995-96. The Police Commissioner gave assurances that the list of incidents presented to him would be examined and the results communicated. A subsequent statement by the GHRA referred to *“Public confidence in the police being lower than at any time since the GHRA came into existence.”*⁵⁷

⁵⁵ GHRA Press Release “Executive Committee of the GHRA Holds Quarterly Meeting” 4.4.95

⁵⁶ Stabroek News 18.6.95 “The Shooting Of Wayne Bancroft”

⁵⁷ GHRA Press Release “GHRA Presents Police Commissioner With Complaints” 7.6.96

The death by shooting of Jermaine Wilkinson at the hands of a member of the Impact Squad, Lance Corporal Robert Beresford, provoked public outrage and the formation of a citizens' group to promote "Justice for Jermaine". This death was one of a series which had the hall-mark of being cold-blooded killings by members of the Impact Squad. Beresford was initially charged with manslaughter and placed on \$40,000 bail. The Chief Magistrate recommended the charge be changed to murder, but the Full Court of the High Court rejected this. Beresford remains on \$40,000 bail, charged with manslaughter.

In response to a call for police salary increases from a minimum of \$9,000 to \$21,000, President Jagan responded that while he sympathized with the policemen, given the huge debt burden of \$17bn., the recommendation could not be contemplated.⁵⁸

In mid-1996 *Stabroek News* referred to "a flood of complaints against the police"⁵⁹. An insight into one of the seemingly inexplicable shootings was provided in the case of Garfield Christopher (also known as Todd). He was shot by a policeman on a motor-cycle while sitting on a bridge. It was alleged that this was a contract murder on behalf of someone with whom Christopher had trouble.⁶⁰

1997 28 deaths

While acknowledging the increase in prosecutions of police officers for various offences, it was noted that prosecutions for on-duty use of excessive force remained relatively rare. Recommendations in the *Update on Police, Prison & Deportees*, presented to the Minister of Home Affairs by the Amerindian Peoples Association, the Guyana Council of Churches and the Guyana Human Rights Association, called for an independent inquiry to be mounted into allegations of police brutality and the use of excessive force by the Police. It was recommended that the terms of reference for such an enquiry should be:

- *The extent to which excessive force is used by the GPF.*
- *Effectiveness of measures to prevent cruel, inhuman and degrading treatment.*
- *Review of deaths in police custody and other deaths from police shootings.*
- *The extent of extortion taking place in the GPF.*⁶¹

The figure of persons shot during this year was almost three times that of 1995. The unprovoked shooting of Adam Hescott by a member of the Impact Squad in August 1997 prompted another public outcry. Hescott's brother, Winston, had been shot to death the previous November, six bullets to the heart and three to the head.⁶² A GHRA release stated, "*This latest outrage by the police reinforces the conviction that the Force is harbouring criminal elements.*"⁶³ Five persons were shot in one incident in which a gang attempted robbery against a private dwelling. Like other cases of multiple deaths, the fact

⁵⁸ Stabroek News 28.1.96 p. 5

⁵⁹ Stabroek News Editorial 22.6.96

⁶⁰ Stabroek News 15.12.96

⁶¹ GHRA *Update on Police, Prison & Deportees* 11 September 1999

⁶² GHRA *Update on Police, Prisons & Deportees* 11.9.97 p.6

⁶³ " Press Release *GHRA Condemns Police Execution* 7.8.97

that all persons in this instance were killed and no one wounded, suggests an intention of shooting to kill.

In the joint publication, *Update on Police, Prison & Deportees*, a comparison was drawn with police violence in other countries to underline the seriousness of the situation in Guyana.

Comparison of Police Shootings: Guyana, New York, Toronto

“ In 1996 Amnesty international released a Report on New York Police Dept (NYPD) on the alleged use of excessive force. The Report covered the period 1989-96. The total number of complaints investigated was 90. The 90 cases covered the full range of excessive force – beating with fists, batons and other instruments, deaths in custody, excessive force and shootings. The NYPD has approximately 38,000 officers. The Guyana Police Force has a fraction of this number and has provoked as many allegations of excessive use of force in 1996 and 1997 as the NYPD attracted in a period three times as long.

A further comparison with the Toronto Metropolitan Police reveals less than 25 fatalities from police shootings in the 25 years between 1978 and 1997.”⁶⁴

Consistent criticism of the ineffectual Police Complaints Authority led to the formation of the Office of Police Responsibility (OPR) in 1997 to investigate complaints by the public against members of the Force. OPR departments were reportedly set up in all police divisions. Reports were to be investigated in the Divisions and submitted to Eve Leary for action. In this respect the OPR reinforced the weaknesses of the out-of-date procedures for investigating serious breaches of discipline set out in the Police Act. These investigative procedures are not only internal, but being the responsibility of the immediate superior, are *as internal as possible*.⁶⁵

1998 11 Deaths

A release of statistics by the police to show a 10% decline in crime was met with considerable skepticism by the general public. Eight out of nine persons interviewed by *Stabroek News* disagreed with this view.⁶⁶ An editorial comment noted that the figures were based on the number of crimes reported and speculated, *“it may well be that there are a host of thefts which are never reported to the police because the average citizen no longer has confidence that the strong arm of the law will do anything about them”*.⁶⁷

Extraordinary tension within the police service emerged in an exchange between Police Commissioner Laurie Lewis and Head of the Customs Anti-Narcotics Unit (CANU), Lambert Marks. Marks accused the GPF of “massive corruption” and called for the removal of the police from dealing with narcotic cases *“because of the known corruption in the police force relating to drug matters”*.⁶⁸ Lewis threatened legal action unless the

⁶⁴ idem p.2

⁶⁵ GHRA *“Use of Force and Professional Standards: A Brief Overview of policing in Guyana”* presented to the Guyana Bar Association Law Conference, Meridien Pegasus, Nov. 2000 p.3

⁶⁶ *Stabroek News* 11.5.98

⁶⁷ *Stabroek News* 7.6.98

⁶⁸ *Stabroek News* 18.6.98

remarks were proven or withdrawn. Without withdrawing his allegations Marks was pressured by the Prime Minister to recognize that there had to be a multi-agency approach to the war on crime.”⁶⁹

The PCA had turned out to be a disappointing gesture which has lost all credibility. The huge drop in the estimated number of complaints received in 1998 (21)⁷⁰ compared to 1990 (570), attested to a loss of public confidence in the PCA. Responding to opposition criticisms in Parliament in April 1997, the Minister of Home Affairs stated that the Police Complaints Authority was “*under active attention*”⁷¹ by his Ministry and revealed that the statutory body was being examined with a view to implementing changes to merge it with certain branches of the force to allow for expeditious investigations of complaints. Similar assurances provided at regular intervals have been unable to revive public confidence in the institution.

1999 9 deaths

The shooting to death of Fazil Narine in the vicinity of Enmore Police station introduced a new dimension into the problem of EJE's. Narine's wife had made a report about her husband's abusive behaviour and Narine was brought to the station in a drunken condition. He walked out of the station and was shot dead by a police officer in full view of his three children. Incidents of this nature and fear that the person complained about will be dealt with violently will deter many wives, partners and children from making complaints about domestic violence, thus frustrating the purpose of the law.

Credible allegations were made of involvement of police officers in organizing and benefitting from crimes. Involvement included instigating crimes by threatening persons with a criminal record to carry out robberies from which the police then collected a high percentage of the booty. Equally credible complaints were made of the use of police weapons by criminals to carry out crimes.⁷²

The GPF reported having received 144 complaints for the year 1998, of which 45 were received through the PCA. Of the 45, 31 had been processed and returned. The other 99 complaints were received via the OPR, of which 78 completed had resulted in criminal or departmental charges being laid against 40 members of the Force.⁷³ Both the increased rate of processing complaints and the actions taken on them indicated a serious effort on the part of the GPF to address problems of indiscipline. However, the over-all low numbers of complaints received, compared with the early years of the PCA, suggest the general public was not significantly more confident in the OPR mechanism than in the PCA. In view of this situation, without questioning the sincerity of internal efforts to assert discipline, the GHRA in an *Overview* of September 1999 renewed its call for the

⁶⁹ Guyana Chronicle 19.6.98

⁷⁰ GHRA *Overview of Police Conduct, Police Lock-Ups, Deportees and Prison Conditions* 11.9.99 p.5

⁷¹ idem p. 5

⁷² “ p. 6

⁷³ Guyana Chronicle 26.1.2001

creation of a Civilian Oversight Board for the Guyana Police Force. It was felt that the loss of public confidence in the PCA, in particular, and the failure of the Office of Professional Responsibility to curb the excessive use of force had exhausted the internal possibilities of the police disciplining themselves.

Figures provided to Parliament by the Minister of Home Affairs showed a doubling of annual licenses issued between 1992 (2,469) and 1998 (4,842). The Minister also announced the disturbing development of a Committee of citizens having been created to expedite the issuing of gun licenses.⁷⁴

A UK adviser on policing noted factors affecting the performance of the police force. Institutional factors he identified were that the Force :

- was 30% below strength.
- lacked modern equipment.
- had no systematic access to specialized training.
- needed to cover wide geographic area.
- had limited funding.
- had low academic standards.

Performance-related factors according to the expert included:

- Media concentration on individual acts of abuse.
- High profile cases in which police neglect leads to acquittal.
- Racial suspicion the GPF discriminates against Indo-Guyanese communities.
- Suspicion that the police can be corrupted because of low pay.
- Criticism from the business sector that they are inadequately protected.
- A series of unresolved sensational crimes.⁷⁵

The GHRA congratulated the GPF on the firm action taken against politically-motivated violence by a community policing group on West Bank Demerara.⁷⁶

2000 13 Deaths

Dissatisfaction over the way the GPF handled the unrest following the February national elections in 2000 led to calls for more vigorous action from the DPP.

Reactions across the society to the siege and massive shoot-out which ended in the death of the notorious criminal, Linden “Blackie” London, ran the gamut from uneasiness to profound revulsion. Expressions of support for the combined GDF/police operation were

⁷⁴ GHRA *Overview of Police Conduct* September 1999, p.4

⁷⁵ GHRA *Overview* op cit p.1

⁷⁶ GHRA Press Release *Community Policing Must be Politically Impartial* 19.2.99
GHRA Press Release *GHRA Congratulates Police on Firm Action* 24.2.99

few and far between. “*The total lack of concern for the safety of residents, private property, excessive use of force, glorification of violence and excessive cost is inexcusable and generated contempt for police operations*”.⁷⁷

A *Stabroek News* editorial commented “*the public has finally let its voice be heard about extra-judicial killings and they (the government) should listen to that voice. This is not a political issue; it is an issue of good governance. The Government, no less than the opposition, cannot be on the side of the execution squad within the police force. Let it demonstrate that by ordering an independent investigation into London’s death and by reining in those elements among the police who are operating in a way which no open society can tolerate*”.⁷⁸

Following the Linden London incident the GHRA re-iterated its call for the creation of a Civilian Police Oversight Board, to serve as a mechanism for bringing together the key players in the administration of justice. The mandate of such a Board could include the development of a comprehensive national policy on crime and security and the creation of an effective, properly resourced, politically impartial and professional Police Force.⁷⁹

The ludicrously light sentence of one year’s imprisonment handed to Nankumar Budhan on five charges related to gun smuggling, was widely criticized as a ‘wildly inappropriate’ sentence. A “Sentencing Policy and Guidelines” was called for which respected the principles of:

- justice and fairness in the results it delivers,
- consistency in its application,
- treatment of all litigants equally without discrimination on grounds of race, social status, gender, nationality or political persuasion”.⁸⁰

A private criminal prosecution was filed by Eusi Kwayana against police officer Ryon Gomes of the Impact squad, for the alleged murder of Shawn Nedd who was shot in an Impact vehicle. This initiative was taken in response to the number of such killings which never result in an Inquest or any known action against the perpetrators.⁸¹ The DPP caused this charge to be discontinued in July 2000.

In March 2000, the PRO of the GPF, reacting to criticism of the OPR, was quoted in *Stabroek News* as stating that twenty members of the Force had been placed before the courts and a further seventeen dealt with departmentally.⁸² While the OPR represented an improvement over the investigative procedure set out in the Police Act, it had revealed two major weaknesses: it is reactive and it is internal. There was no evidence that the OPR has powers to initiate policy or structural changes to render the Force more accountable or have a preventative influence on the issue of excessive use of force.

⁷⁷ GHRA Press Release “*Police Excesses Do Not Excuse Contempt for the Law*” 21.2.2000

⁷⁸ *Stabroek News* 20.2.2000

⁷⁹ GHRA Press Release 21.2.2000

⁸⁰ GHRA Press Release 25.1.2000

⁸¹ *Stabroek News* 1.7.2000

⁸² *Stabroek News* 19.3. 2000

The brutal death of Mohammed Shafeek in the Brickdam lock-ups was initially said by the Minister of Home Affairs to be the work of Rastafarians in the lock-ups, while the Police Commissioner suggested those responsible were from a Venezuelan vessel. Following a public uproar, an inquest was held which found the police to be criminally liable for his death. In early 2002 this verdict was quashed by a High Court order initiated by the Police, preventing the DPP from laying charges against them.

2001 15 deaths

President Jagdeo called for the re-introduction of inquests as the most effective procedure for addressing police shootings. *“I think that more often we should go back to the Coroner’s Inquest so that in the future (it) hopefully will deal with all of these calls that we have for an enquiry”*.⁸³

The Minister of Home Affairs commented to the media that for *“reasons best known to themselves”*, magistrates were reluctant to conduct inquests on cases of victims shot by the police. He informed reporters he had requested of the previous Chancellor of the Judiciary that a magistrate be assigned exclusively to this task, but was still awaiting a response.⁸⁴

Re-iterating its call for the creation of a National Oversight Committee, the GHRA commented that *“The GPF is overwhelmed by criminal and politically-induced lawlessness.”*⁸⁵ Members of the Berbice Anti-Smuggling Squad (BASS) were implicated in the deaths of five persons in mid-year. Reports of brutality in lock-ups rose sharply during 2001, notably in lock-ups in rural areas.

Public indignation once again erupted at the end of the year, following the death of Brian King, shot while being detained. King’s family alleged that the shooting was prompted by the fact that King had complained on a TV talk-show of being harassed by the police.

⁸³ Guyana Chronicle 4. 8. 01

⁸⁴ Stabroek News 4.11. 01

⁸⁵ Stabroek News 13.6. 01

Table 1 FATAL SHOOTINGS BY THE POLICE 1980-2001

Year	Total	Afro-	Indo-	Mixed	A/ind	Unknown	Urban	Rural	Unknown
1980	17	13	3	1	-	-	13	3	1
1981	14	11	3	-	-	-	11	2	1
1982	9 (1)*	7 (1)*	-	1	-	1	7(1)*	1	1
1983	18 (4)*	16 (3)*	1(1)*	-	2	1	10(4)*	5	3
1884	18	12	2	-	-	2	12	6	-
1985	13 (1)*	8(1)*	1	-	-	4	5(1)*	5	3
1986	7	3	3	-	-	1	6	1	-
1987	-	-	-	-	-	-	-	-	-
1988	3	3	-	-	-	-	3	-	-
1989	6	4	2	-	-	-	1	3	2
1990	7	3	4	-	-	-	3	3	1
1991	9	5	1	-	-	3	3	5	1
1992	5	3	1	1	-	-	3	2	-
1993	7	6	1	-	-	-	3	3	1
1994	2	2	-	-	-	-	1	1	-
1995	10	10	-	-	-	-	8	-	2
1996	17	15	-	1	-	1	12	2	3
1997	28	26	1	-	-	1	17	8	3
1998	11	9	2	-	-	-	5	6	-
1999	9	7	2	-	-	-	3	5	1
2000	13 (1)*	11(1)*	1	1	-	-	7(1)*	6	-
2001	16 (1)*	13(1)*	1	2	-	-	9	7(1)*	-
TOTA LS	239(8)*	187 (78%)	29 (12%)	7 (3%)	2 (1%)	14 (6%)	142 (59%)	74 (31%)	23 (10%)

(*)* Deaths of Women

Table 2 DEATHS IN POLICE CUSTODY

1980 - 85	7
1986 - 95	6
1996 - 2001	5
Total	18
Racial Division	
Afro-	4
Indo-	12
A/indian	2
Total	18
Urban	8
Rural	7
Unknown	2
Total	18

SECTION V

CONCLUSIONS

Statistical Conclusions

1. The numbers of persons shot to death by the police identified by the GHRA between 1980-2001 is 239, an average of almost 11 persons per year.

The figure of 28 for 1997 is by far the highest for the period as a whole. Although distorted somewhat by the 1997 figure, the results suggest a V-shaped curve for the overall period. Apart from internal explanations, explanatory factors for this curve may be found in other influences operating in the society, such as the rise in availability of handguns and political and racial tensions.

A division of the 20-year period into the following blocks is instructive:

- 1980-92 witnessed 53% (126) of all fatal shootings.
- 1993-01 saw 47% (113) of all fatal shootings.
- 1980-85 showed a total of 89 deaths, an average of 15 deaths per year.
- 1986-95 revealed a total of 56 deaths, an annual average of 6 deaths.
- 1996-2001 produced 94 deaths, averaging 16 deaths annually

The rise in numbers in the past six years should be a matter of serious concern to the authorities.

2. Of the 239 persons shot by the police, 187 (78%) were of Afro-Guyanese origin, 29(12%) were of Indo-Guyanese origin, 2 (1%) were Amerindians, 7 (3%) were of mixed race and a further 14 (6%) of unknown origins.

During the period 1980-92 of the 126 fatal shootings, 88 (70%) were Afro-Guyanese, 21(17%) were Indo-Guyanese and the remaining were of other racial or unknown origins. For the period 1993-2001, of the 113 fatal shootings, 99 (88%) were Afro-Guyanese, 8 (7%) were Indo-Guyanese and the remaining were of other racial or unknown origins.

3. 59% of the deaths took place in urban areas and 31% in rural areas.
4. 18 deaths in police custody occurred during the period under review. 12 of the deaths (66%) were of Indo-Guyanese, four of Afro-Guyanese and 2 of Amerindians.
5. 8 women were shot to death over the period of whom 6 were Afro-Guyanese, 1 was Indo-Guyanese and one of unknown ethnic origin.

6. Since EJES are a potential racial flash-point, the governing authorities, even though rejecting the allegation of racial motivation, remain obliged to act on the issue. Even legitimate policies, which produce racially imbalanced consequences need to be modified, much less practices such as EJE's and violence by the police which in themselves are illegal.

Climate of Impunity

The failure of the Judiciary, other arms of the administration of justice and successive governments in Guyana to hold perpetrators of police killings to account encourage the perpetrators of these deaths to believe they are beyond the reach of the law. Impunity appears to extend not only to killings, but also to violence in lock-ups, encouraging the belief that physical brutality short of death is an acceptable interrogation technique. A central strategy for addressing extra-judicial killings and brutality must, therefore, include dismantling the mechanisms and culture of impunity. Such mechanisms include the failure to hold inquests, delays in the Office of the Director of Public Prosecutions, institutional loyalties, poor training, weak leadership, the influence of wealthy patrons, protection and bribery.

The most effective deterrent to dissipate a sense of impunity among those inclined to the use of excessive force is the holding of a Coroner's inquest in every case of death by unnatural causes. Primary responsibility for inquests lies with the Office of the Director of Public Prosecutions.⁸⁶ The practice has fallen into abeyance and the failure to hold inquests is a major contributory factor to the sense of impunity among police officers.

All cases of persons shot dead by the police cannot be categorised as extra-judicial executions. A Coroner's inquest should determine whether factors such as self-defense or defense of others, constitute mitigating circumstances. The failure to hold inquests for many years renders impossible any accurate determination of how many of the cases referred to in this *Report* can safely be defined as deliberate executions by police officers. Eye-witness accounts suggest, however, that a high percentage are intentional.

Lack Of Confidence in The Courts

Execution-style killings identified in this Report suggest a policy among some sections of the GPF to ensure that persons they believe to be guilty of crimes do not escape the consequences. This attitude feeds on the inefficiencies in the Judiciary, whether these be delays, lost files, bribery or poor prosecution. While the limitations of the Judiciary may be a major source of frustration to the GPF, this cannot be used as justification for EJE's. It does, however, underline the urgency for reforms in the criminal justice system to ensure more efficient levels of prosecution. Without such reforms the temptation will remain for police officers to send suspected criminals to the cemetery rather than to the courts.

⁸⁶ Coroner's Act Laws Of Guyana Ch.4:3

Race-Based Analysis of Police Shootings

Racial profiling implies that certain assumptions and motives of a racial nature are the main cause of disproportionate numbers of persons from one racial grouping suffering a particular consequence. In determining whether the figures presented above represent racial profiling by the GPF against Afro-Guyanese with respect to shootings and Indo-Guyanese in terms of deaths in custody, several considerations must be taken into account.

Firstly, distribution of fatal shootings occurred almost equally (53% and 47%) over the two party political administrations covered in the *Report*, rendering difficult the conclusion that EJEs were used as a political tool, by one administration more than another, (if indeed they were so used by either), or as a racial strategy by either. Secondly, the predominantly Afro-Guyanese composition of the GPF makes racial bias within the Force difficult to sustain with respect to the shootings. Thirdly, since crime is predominantly an urban phenomenon world-wide, it is not surprising that, in Guyana, the majority of persons involved in criminality, and for this reason in conflict with the police, will be of urban and therefore, of Afro- origin. That Guyana is no exception in this respect is, in fact, borne out by a study on criminality in Georgetown which states that “Africans comprised 78.2% of the offenders, East Indians 11.6% and others 10.2%”.⁸⁷ These percentages are consistent with those for police shootings over the period under review. In view of these statistics, if the charge of racial profiling is pursued against the GPF, similar conclusions would also have to be drawn with respect to the Judiciary since prison populations going back many years reveal a similar racial disparity. For the above reasons, a firm conclusion cannot be drawn that the figures presented in this *Report* represent racial profiling.

However, having said this, two features of fatal shootings need more analysis before the charge of racial profiling of Afro-Guyanese is dismissed completely. Firstly, unless the majority of crime in rural areas is also committed by Afro-Guyanese, the number of Afro-Guyanese deaths in rural areas needs explaining. Secondly, the majority of innocent persons shot by the police, to whom criminality explanations do not apply, are also of Afro- origin.

Moreover, a troubling charge of racial profiling of Indo-Guyanese with respect to deaths in custody, needs investigation. Firstly, the over-all percentage of Indo-Guyanese in detention is significantly smaller than that of Afro-Guyanese. Secondly, the proportion of Indo-Guyanese deaths in custody is two-thirds higher than that of Afro-Guyanese deaths. Finally, the overwhelming majority of deaths in custody took place during the decade of the 80s when both the political administration and the GPF were dominated by Afro-Guyanese. Whether or not these factors make a case for profiling of Indo-Guyanese in custody, or Afro-Guyanese by fatal shooting, both racial communities do have specific reasons to be concerned about the consequences of excessive use of force.

⁸⁷ Dodd D & Parris M, *Crime & Delinquency in Georgetown, Guyana* ISER UWI Jamaica 1976 p.9

Influence of Politically-motivated Violence

Relations between citizens and the GPF have been poisoned in recent years by politically-motivated violence, particularly following elections. Political disturbances, often incited by inflammatory talk-shows, have provoked arson, destruction of property and personal assaults. These incidents, in some cases, led to over-reaction by the GPF. Unfortunately such confrontations cannot be switched off as readily as they can be incited. Police experience of politically-motivated violence undoubtedly contributes to confrontational tactics being employed by the police in circumstances in which they may be unwarranted.

National Police Oversight Committee

Evidence contained in this *Report* makes a strong case for a new mechanism to address problems of policing. Over the years a number of calls have been made by the GHRA, other organizations and the political parties for a mechanism of this nature. Responsibility for problematic policing issues, currently fragmented over various agencies, needs to be brought under one authority.

The GHRA believes a national body, modeled generally on the Toronto Metropolitan Police Board would suit our circumstances. The Toronto mechanism comprises representatives from three sectors, the police force, other legal agencies (Bar, Prosecutors office, etc) and civil society. The Chairperson of the Commission is drawn from civil society.

Such a Board should be mandated to exercise the following functions:

- Supervise development and implementation of a national policy on civic security.
- Promote international human rights standards in policing.
- Support competitive levels of salary and career opportunities in the GPF.
- Receive and investigate complaints.
- Track inquests and implementation of recommendations.
- Monitor impact of policing on vulnerable sectors e.g. children, youth, women, indigenous, HIV-positives, and persons with disabilities.
- Developing guidelines to avoid racial profiling.
- Advocating for effective forms of compensation and restitution for victims of crime.