

**Report of the Special Rapporteur on torture, A/HRC/16/52/add.3, 11 October 2010: Jamaica**

*III. ASSESSMENT OF THE SITUATION*

C. Conditions of detention

3. Correctional centres

47. Homosexuals detained at St. Catherine and Tower Street correctional centres were held in the “vulnerable persons unit” as a protective measure. However, their separation led to a loss of privileges of a punitive character, such as work and recreation, including the use of the library and playing field. In the security section in the Tower Street centre, detainees were locked up in dark, solitary cells without a toilet or water, and had nobody to call for help.

*APPENDIX. PLACES OF DETENTION VISITED AND INTERVIEWS CONDUCTED*

*St. Catherine Adult Correctional Centre, Spanish Town Visited on 17 February 2010*

112. At the time of the Special Rapporteur’s visit, the prison’s occupancy rate was almost 50% over its maximum capacity. In addition to four main buildings (Blocks A, B, C, D) there were three special buildings: the Side Cells with four sections, also called VPU (Vulnerable Prisoners Unit), which held persons with mental disabilities, homosexuals and other vulnerable groups; Gibraltar (including six deathrow prisoners in Gibraltar 1 on the 1st floor); and the New Hall. Section 1 in Block A was called security section. The cells in the security sector had doors with no windows. Detainees serving a life sentence were not separated from others. The last execution had taken place in February 1988. The gallows were still there, but the officers could not find the keys to show them to the Special Rapporteur.

114. Mark Reid, aged 29, was detained in a solitary cell in the sector reserved for homosexuals; he had to serve a 25-year sentence. He had to be in a single cell for his own protection, because he was afraid of being killed if he had to share a cell. He was allowed to leave the cell from 6:00 to 11:30 a.m. and from 1:00 to 2:30 p.m. He could receive two visits per month. He added that there were no beatings in that sector, but complained that he did not receive enough food.

116. Ricardo Lee, aged 39, British national, had been detained at St. Catherine for five years. He had asked to be placed in the vulnerable persons unit for protection, as he had been attacked by other detainees. He expressed fear that everyone would know in which sector he was detained upon his release, and that his life would be threatened. He did not have a lawyer. There was a lot of violence among the prisoners and between the prisoners and the guards. He also complained about not being able to use the library because there was a common belief that if other prisoners touched any book that he had touched, they would become homosexuals. He was confronted with the same attitude with regard to the gym and the playing field. As a result, he could not associate with any other prisoners, and could only walk around in his unit. He also expressed fear about speaking to the authorities, as he did not trust them. He requested that stamps and envelopes be provided to those prisoners who could not afford them.

118. A detainee, aged approximately 50, HIV positive and homosexual, had been charged for a murder and sentenced to 20 years imprisonment. He always received his medicine but reported that because he complained that he was not getting the special diet he needed, he was beaten by a warder who broke one of his ribs. Warders would often enter his cell and insult him. He was also very scared of other detainees because of the heavy discrimination against homosexuals. In church they had a special section for homosexuals. If they sat on other benches, they were beaten by the others. Because of this stigma homosexuals were also prevented from doing many activities. Many detainees spent many more years in jail than what they were sentenced for because their parole hearings were constantly postponed.

122. Nicholas McIntosh and other detainees complained about discrimination of homosexuals, who were segregated and had no access to church, the gym, school and other common activities.

*Tower Street Adult Correctional Centre, "General Penitentiary", Kingston Visited on 18 February 2010*

174. The prison had a capacity of 900, but held 1,647 prisoners at the time of the visit, including one juvenile. The prison was comprised of eight blocks (A, B, C, D, E, F, G, H), divided into North and South Sections, a Hospital Ward and Security Cells (also called Jail Section), which were likely used as solitary punishment cells, although this was denied by the officers. Sections E, F, G and H South were reserved for homosexuals and other vulnerable prisoners. Sections H and F North were Security Sections. The George Davis Centre was originally for female prisoners and was later used for prisoners with mental disabilities. According to the officers, there were no major incidents and no complaints about any beatings since 2007. In 2009, five prisoners had died. During the debriefing, Superintendent Fairweather admitted that overcrowding was a serious problem, and that he had to use single cells for three prisoners.

*Individual Interviews*

*Special Location/ "Gay Section" (E, F, G, H South)*

177. Eustace Hanson, aged 38, had been sentenced to death in 1990 and had spent four years on death row in St. Catherine. In 1994 his sentence was commuted to life imprisonment, and he was transferred to Tower Street. He spent two years at the Security Section of F and H North, but he was later transferred to the gay section, where conditions were better. He had been beaten a long time before, but not in recent years. Prisoners could be placed in the "punishment cells" for up to three months.

178. A detainee had been sent to Tower Street in October 2008; he was sentenced to four years imprisonment. He felt discriminated by the other inmates because he was homosexual and had been beaten by officers with batons. He was a musician and would like to use the instruments in the prison, but the other inmates used them and they refused to let him join. He was not accepted in the Rasta choir either because he was a homosexual.

*Windsor Children's Home for Girls, St. Ann's Bay Visited on 20 February 2010*

205. J.A.F., aged 17, had to spend three years at Windsor for being "uncontrollable". She complained primarily about the food. The girls had to get up between 6 and 7 a.m. The new arrivals went to school at the compound; the others went to school outside. At 1 p.m. they came back, had lunch and usually spent the afternoon outside playing games or doing sports. They could also work on computers. She alleged that at St. Ann's Police Station she and her friend were discriminated and treated roughly (called "dogs") because they were lesbians. She also alleged that at Windsor girls were discriminated against because of their colour of skin: If one had a lighter colour, she would get a nicer room, a TV and other privileges.