



Cayman Islands Human Rights Commission

promoting, protecting and preserving human rights

David Legge
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By Email Only: editor@pinnaclemedialtd.com

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Sir,

In your editorial of Sunday 27 August you highlight many of the challenges being faced by Cuban migrants arriving in the Cayman Islands and those tasked with ensuring their safety and processing them. I commend you for reporting on this hugely important issue.

In your closing paragraphs you suggest that the Human Rights Commission has been “impolite” to you and claim: “the Human Rights Commission won’t get involved in what may be the most significant ongoing human rights issue in Cayman”.

Both allegations are demonstrably untrue. Ordinarily I would not trouble to respond to inaccurate stories in the press; however, on this occasion you have unfairly maligned the staff of the Commissions Secretariat and undermined the work of the Commission. The record should be set straight.

Questions posed to the Commissions Secretariat are forwarded to the Commission for responses. The responses are those of the Commission, and in this case me. We have repeatedly provided detailed responses to questions that we are able to, and directed your reporters to those who can answer the ones we can’t. Equally, your allegation that anyone has been impolite is simply untrue: I invite you to publish in full the correspondence in question if you feel otherwise.

Secondly, and more importantly, your allegation that the Commission “won’t get involved” would, were the issue not so serious, be laughable for the extent of its obvious and total inaccuracy. I again invite you to visit the Commission’s website to see what we have been doing about this issue. Allow me to summarise:

- On 24 April 2012 we wrote to Immigration regarding policies for handling Cuban migrants.
- On 24 January 2013 we wrote to the Attorney General and the Acting Governor about the issue.

- In February 2013 we met with the DPP and wrote to her about the issue; we met with Commissioner of the RCIPS and wrote to him about the issue; and met with the Chief Immigration Officer and wrote to her about the issue.
- On 5 August 2013 we published a comprehensive review of policy, legislation and practice relating to Cuban migrants.
- Our 2013 Annual Report addressed the issue.
- On 8 April 2014 we met with the UNCHR to discuss the issue.
- On 9 June 2014 and again on 1 September 2014 we wrote to the UNHCR about the issue.
- Our 2014 Annual Report addressed the issue.
- In May 2015 I met with the UNHCR to discuss the issue.
- On 21 May 2015 I wrote to the Chief Officer of the Ministry of Home Affairs about the issue.
- On 1 December 2015 I wrote to the Chief Immigration Officer about the issue.
- Our 2015 Annual Report addressed the issue.
- On 22 March 2016 we issued a press release about the issue.
- On 19 May 2016 I wrote to the Chief Immigration Officer, the Chief Officer of the Ministry of Home Affairs and the IAT about the issue.
- On 6 June 2016 I wrote to the Chief Officer of the Ministry of Home affairs about the issue.
- On 20 June 2016 we issued a press release about refugees generally.
- Our 2016 Annual Report addressed the issue.

In addition to the above which addressed the issues in great detail, we have had numerous meetings, phone calls and hundreds of emails with various government bodies about this issue. Members of the Commission’s Secretariat and I have repeatedly visited the Immigration Detention Centres.

In 2016 I met in London with representatives of the FCO and various other UK government agencies and raised the issue. Later that year I met with the Governor and the UK Minister for the Overseas Territories and raised the issue.

Your editorial suggests that it would be “unfair” to blame anyone from any of the CI government agencies tasked with ensuring the welfare of Cuban migrants, citing the lack of resources as a reasonable excuse. The Cayman Islands has a GDP of CI\$2,691,600,000 and recorded an annual surplus of CI\$101,000,000 last year; those agencies have extensive legal powers. Conversely, the Human Rights Commission is composed of volunteers and shares resources with 5 other commissions; it has no legal powers. Notwithstanding this disparity you regarded it as fair to criticise the Commission. Your allegation is not only factually inaccurate but misdirected.

Finally, and most irresponsibly of all, you decide, in a misguided and sententious editorial, to single out Ms Deborah Bodden for criticism. That smear cannot go uncorrected. Deborah Bodden has spent hundreds of hours of her own time, often late at night and on weekends, personally engaging with Cuban migrants. She has been instrumental in persuading local law firms to give their time for free to

represent Cuban migrants denied state assistance, achieving some spectacular successes in the IAT. She has been indefatigable in her pursuit of torpid government agencies and has even spent her own money buying food and toiletries for Cuban migrants when government has failed to step in. It is an irony that each of the issues about the Immigration Detention Centre that you highlight in your editorial was first identified by Ms Bodden during one of her many visits there. I do not exaggerate when I say that her actions in urgent cases and on an ongoing basis have saved lives. I can say without fear of contradiction (by anyone properly informed) that she has done more to safeguard the rights of Cuban migrants in the Cayman Islands than any other individual. In these circumstances your most recent personal attack on her is not only ill-informed; it is inexcusable. You owe her an apology.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'James Austin Smith', with a stylized flourish at the end.

James Austin Smith
Chairman