



Cayman Islands Human Rights Commission

promoting, protecting and preserving human rights

Duncan Taylor, CBE
His Excellency the Governor
2nd Floor Smith Road Centre
Grand Cayman
CAYMAN ISLANDS KY1-9000

19 June, 2011

Via E-mail: penny.knight@fco.gov.uk

Your Excellency,

As you will be aware the Human Rights Commission (HRC) has been receiving complaints of alleged breaches or infringements of human rights for well over a year now. After reviewing several complaints made in relation to issues within the prison system, the HRC would now like to draw your attention to some of the concerns that we have.

In accordance with the Constitution, the Commission has the power to "receive and investigate complaints of breaches or infringements of any right or freedom contained in the Bill of Rights or international human rights treaties that have been extended to the Cayman Islands, and investigate such possible breaches or infringements on its own initiative." However, we are very aware that the Commission does not have the power to "act in a judicial capacity or make binding determinations as to whether any right or freedom contained in the Bill of Rights or any international human rights treaty or instrument has been breached."

The Commission does not have legal investigatory powers to act as a tribunal and subpoena records, summons witnesses, and take sworn testimony. In fact the Bill of Rights specifically states that HRC cannot "compel any person to do anything against his or her will". This places significant limitations on the manner in which the HRC conducts investigations and in consequence obtains information.

The Commission is extremely concerned primarily with two issues related to the prison. The first is the unwritten policies and procedures which govern strip searches of prisoners and the second is whether the prison's complaints procedure is adhered to in the strictest sense.

We have written to the Portfolio of Internal and External Affairs expressing our desire to have sight of the "comprehensive written procedures [being developed to] govern the way in which searches including strip searches are conducted..." referred to in a letter from the Portfolio to a member of the public. Further, we implored the Portfolio "to ensure these procedures are implemented in a timely manner."

Further, we have had additional complaints relating to the prison which we feel need to be investigated by an independent investigator such as Overseas Territory Prison Coordinator Stephen Fradley and we ask

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that you give serious consideration to commissioning such an independent review into the Cayman Islands Prisons System.

Kind regards,



Mr. Richard Coles
Chairman
Human Rights Commission

cc: Honourable Deputy Governor
Chief Officer, Portfolio of Internal and External Affairs

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