



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: DA/00830/2013

THE IMMIGRATION ACTS

Heard at Birmingham
On 20th May 2014

Determination Promulgated
On 19th June 2014

Before

UPPER TRIBUNAL JUDGE KING TD
UPPER TRIBUNAL JUDGE S M KEBEDE

Between

MR DELROY SAMUEL DENTON

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Davies of Counsel instructed by Mohammed & Co
Solicitors

For the Respondent: Mr Jarvis, Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant is a citizen of Jamaica born on 11th November 1960.
2. On 19th July 1996 at Inner London Crown Court he was convicted for murder and sentenced to life imprisonment, with a minimum tariff of fifteen years eleven months.

3. The respondent took a decision on 10th April 2013 refusing to grant him asylum and making a deportation order against him as a foreign national criminal under Section 32(5) UK Borders Act 2007. The appellant sought to appeal against that decision on the basis that he fell within a Section 33(2) exception to automatic deportation because such an order would breach the UK's obligations under the Refugee Convention and his own Convention rights under the European Convention on Human Rights, specifically Articles 2, 3 and 8.
4. The Secretary of State certified under Section 72(9)(b) of the 2002 Act that the presumption under Section 72(2) applied to the asylum claim, namely that a person presumed to have been convicted by final judgment of a particularly serious crime constituted a danger to the community in the UK and was excluded from protection under the Refugee Convention. The presumption is of course rebuttable on the balance of probabilities. The appellant by virtue of his having committed a "serious crime" is mandatorily excluded from a grant of humanitarian protection under paragraph 339C of the Immigration Rules.
5. The appellant's appeal against the decision came before Designated Judge of the First-tier Tribunal McCarthy and First-tier Tribunal Judge Cox sitting as a panel on 10th October 2013. The determination is a detailed one. The Tribunal considered the Parole Board decision of 3rd July 2013 which makes it perfectly clear that the appellant still constitutes a danger to the community posing a high risk of committing further sexual or other violent offences. The Tribunal therefore concluded that the presumption under Section 72(2) was not rebutted and accordingly the appellant remained excluded from protection under the Refugee Convention.
6. The Tribunal however went on to consider Article 3 of the ECHR together with Article 2. The case for the appellant, then as now, was that because of his profile in Jamaica and his activities both in Jamaica and in the UK, he was at risk of retribution, both from politicians and from police. The issue for the Tribunal was whether that fear as expressed was objectively well-founded.
7. The Tribunal expressed themselves satisfied that generally the appellant was a credible witness. It found in paragraph 25 that his profile in Jamaica was such as to constitute a real risk to his life and wellbeing were he to return. In the circumstances the appeal was allowed in respect of Article 3 of the ECHR.
8. The Secretary of State for the Home Department had sought to challenge that decision on the basis that the panel had failed properly to consider the content of some 189 folios attached to the Parole Board report. Had they done so it would have been readily apparent that the credibility of the appellant could not safely be regarded, particularly in the light of the comments made by many medical people who had examined him in the past. In essence it is contended that the appellant, far

from being a credible witness, was a “Walter Mitty” and that his experiences as claimed were in fact objectively ill-founded.

9. That challenge came before us on 12th March 2014 and our decision in respect thereof is dated 28th March 2014. It was our finding that there was a material error of law in that the panel did not properly consider the documents attached to the Parole Board report, in particular a number of reports as identified in our decision. Clearly, a proper assessment as to the profile of the appellant was vital in order to determine the safety of his removal. That to overlook material evidence was an error of law, such that the decision should be set aside.
10. Thus the matter comes before us to determine the live issues that remain in this case. We do not revisit the issue of certification. We are entirely satisfied from the documentation produced that the appellant indeed is still a very dangerous individual and constitutes a threat to the public. The approach of the First-tier Tribunal to the certification is adopted by us and the certificate upheld.
11. The real issue in this case, as indeed was identified by the First-tier Tribunal, is whether the return of the appellant to Jamaica would be in breach of his rights to life and safety as envisaged in Articles 2 and 3 of the ECHR.
12. In order to determine that matter we need to focus particularly upon the appellant’s profile in Jamaica. In particular we need to consider his profile before he left Jamaica to come to the United Kingdom and his current profile, taking into account, not only what he had done in the past but also the element of his acting as an informant in the United Kingdom. The extent to which that matter presents a risk to the appellant is to be considered within the overall context of the case.
13. A matter that was not highlighted with any particularity by Mr Davies, who represents the appellant, is however the issue of suicide. It is apparent from a number of reports that in the past the appellant has sought to commit suicide and therefore it behoves us in considering the safety of return to bear in mind the case of J v SSHD [2005] EWCA Civ 629 and the considerations that flow from it.
14. We note the documents that were before the First-tier Tribunal. We note the Parole Board report and the appendices to it. We note the appellant’s witness statement as originally submitted within the bundle and a statement also from Daphne Lloyd Cook. The Country of Origin Information Report for Jamaica dated 15th January 2013 has also been presented for our attention, although that was in the original bundle of documents. We note the submissions that have been made, particularly the written submissions submitted to us by Mr Jarvis in summary of his final submissions. The appellant adopted his witness statement and his asylum interview and gave evidence at considerable length before us.
15. He indicated that he joined the People’s National Party (PNP) in 1978. He became involved with the “Tel Aviv Gang” who were affiliated to that party. He worked in short-term jobs for politicians, cleaning or construction and made money from

stealing. He became in effect an enforcer using violence against those who opposed his political masters. In that connection he shot and killed and injured people.

16. Indeed he spoke of the fact that in 1978 he went to Cuba with other people for military training. He said that his employers were Government officials and members of the security forces in Jamaica. There was widespread corruption, indeed his party and his gang were funded by drug money. He named a number of people for whom he had worked during this period.
17. In particular he said that in 1978 he was part of a group that had killed a number of opposition reporters, taking them to a firing range and killing them. He spoke of a political war in 1980 in the central part of Kingston and a shooting incident in which many people fought together in Gold Street on 20th April 1980.
18. He was an area leader and began to be more and more influential in gang matters. He said he became a leader of the gang.
19. He spoke on a number of occasions about having been arrested and charged with offences, but because of the protection that he had from members of the security services and police, most of those were dropped. He spoke of spending some time on remand for various offences saying that the gang managed to frighten off the witnesses and so gradually no evidence was offered on the various charges that were proffered against him. He claimed that he had some degree of protection from his political masters in what he did.
20. In any event there came a time when he was convicted for two robberies and possession of a firearm and was sentenced to a term of imprisonment of eight years. The appellant was released from prison in 1991, according to his evidence. Apparently he had spent time in remand before his sentence.
21. It is not disputed that the appellant had such convictions in Jamaica.
22. Following his release in 1991 he began working for Colonel Leslie Lloyd, a PNP candidate in the central Kingston area. He became the campaigner for the politician and managed the media and PR for him. He would help arrange rallies and functions and meetings between the MP and the constituents. As he knew the area very well he knew what people wanted and how to get the politicians to deliver it.
23. When asked about his criminal activities the appellant indicated that while he was working for the MP he was still involved with the gang. He had increased status and he was no longer responsible for carrying out the murders and the killings, but entrusted other people to do that. In the interview the appellant had indicated that he worked at several jobs during this period. He said that those were in effect sham jobs and merely a front to have respectability. He stated that his status within the gang was greater after his release than before. Indeed, he said that at one stage he

worked for the current Prime Minister who then was a young MP helping her out, helping her to maintain stability and sorting out the gangs and violence.

24. The appellant maintained that the party had considerable corruption in its midst and depended largely upon its funding for the illegal drug trade.
25. The appellant had indicated in his previous evidence before the First-tier Tribunal that whilst working for the PNP candidate he had sight of documents and information from the Prime Minister's office about budget allocations in the constituency. He realised that money was being creamed off by local politicians and as a gang leader he felt that he had a duty to look after his people. He went to see the General Secretary of the PNP, Dr Peter Phillips, and told him about the money. Dr Phillips made investigations and as a result the money began to be spent properly in the constituency. A number of politicians, including the Finance Secretary, started a campaign against him that he was an embarrassment to the party.
26. In March 1993 he had been invited to a local community meeting and whilst walking to that meeting of another gang member he was attacked by men firing machine guns. His companion, Junior Brown, was shot but he, the appellant, managed to pull out his gun, causing the men to run off. It was the account given to the First-tier Tribunal and in the evidence before us that he had noticed this particular document in the Prime Minister's office dealing with \$3,760,000. The politicians bore him ill-will for revealing that corruption. He said that three men attacked him with machine guns. He managed to run away by a zig-zag motion. He said that that happened about three to four weeks before he left Jamaica. There was no arrest warrant out for him otherwise he would have been stopped at the airport. He denied that he was running away to avoid prosecution. He agreed however that he entered the United Kingdom using his brother's passport and on a false identity.
27. On arrival he made contact with the Yardies who dealt with money and clothes who wanted him to get involved with drugs and gun-running. On one occasion when he had gone to a café to discuss the drugs business there was a raid by police. He was taken to Brixton Police Station and processed by immigration but not charged.
28. It was put to him that if he had been in danger from the gang members in Jamaica it made little sense for him to contact the Yardies in the United Kingdom. He said that the Yardies in the UK were different, although he accepted that some had a PNC connection.
29. In 1994 he was recruited as a police informer following his arrest and charged with possession of an offensive weapon. He was recruited by the Immigration Officer Brian Fotheringham and a Police Officer, Steve Barker. It was indicated that if he gave them information about Yardie activity they would let him claim asylum and stay in the United Kingdom. They offered him money on a regular basis with extra money for information.

30. According to him the police would get him to call gangsters and politicians in Jamaica and would record the conversations. The main politician who was implicated was Paul Burke, Founder of the PNP Youth Organisation. Mr Burke provided inside information for bank robberies in Jamaica.
31. The appellant worked as an informant until his arrest for murder in 1996. The case against him was discontinued and so he was re-registered as an informant, but in December 1995 he was re-arrested and de-registered. At this point his asylum claim was rejected.
32. Thereafter his activities as an informant were well-publicised and that angered local politicians and others in Jamaica. So much so that his daughter and her mother (Latoyah Denton and Cynthia Cork) were shot in 1996 in an incident organised by a local MP. He was told about the shooting in a letter from a friend of a friend and by other inmates in Her Majesty's Prison, Full Sutton. He believed that there was a "hit" out on him. He claimed that he had a pseudonym for his information.
33. His life work was recalled in a book called "Gangsta" written by John Davies and published in March 1997. He was interviewed by him and the book is about his life, he being referred to Michael throughout until at the end he is revealed to be who he is.
34. On 19th July 1996 he was convicted for the murder of Marcia Lawes and sentenced to life imprisonment. It is his claim that his former bosses in Jamaica know that he was working with Scotland Yard and would seek reprisals. It appeared that the appellant had a number of other children and partners whilst in Jamaica. He indicated that none of those to his knowledge had been harmed by the gang, although he had very little contact with his friends and had even less contact with his family and children in Jamaica. Following the shooting of his daughter he made no further enquiries as to the safety of his other children or relatives.
35. Indeed, he said that he only received information of that matter second-hand from a Jenny Streeter in a letter that was given to him at prison in 2002.
36. Reference is made to that shooting in his interview on 31st August 2011. He says that on that occasion that he was told in September 1996 by letter. He found out about the shooting of his daughter and her mother from other prisoners. He said it was Harry Douglas, an MP, who had ordered the hit on his daughter. There were three people who intercepted them whilst driving. He insisted that there was a hit out for him.
37. The respondent's letter of 29th December 1995 makes reference to an interview which the appellant had with an Immigration Officer on 15th May 1994. The account given in that interview is said to be that he was paroled in 1992 and was unable to live a peaceful life because the local people believed that he was an informer. The appellant indicated that the police had asked him to retrieve a stolen precious stone

from a politician's security guard. He claimed that he, with a Duncan Ainsworth, tried to retrieve the gem peacefully and a fight broke out. After that incident he realised that his past political activities would prevent him from leading a normal life and decided to leave the country. He arrived with a document in the name of his brother. Even when arrested during a drugs raid he was reluctant to give details of his true identity, claiming indeed to be Donovan Ainsworth.

38. Our attention was drawn to the Parole Board documents, particularly to a psychological category A report prepared on the appellant by a forensic psychologist, L Edmondson, dated 8th April 2009. That is to be found at page 63 onwards of that bundle. At paragraph 4.4 it was recorded according to the appellant that following his release in 1991 a "peace treaty" was signed with members of other gangs. The Jamaican Government was against the move and responded by paying two hit men to execute him. Because his life was in danger he left Jamaica and entered the United Kingdom.
40. Mr Jarvis, who represents the respondent, invites us to place considerable weight upon the documents that are attached to the parole report. They cover a considerable period in the life of the appellant. The assessments and interviews that have been conducted with him over the years show, he submits, a variation in account such as to undermine the appellant's credibility.
41. In particular our attention was drawn to page 69 of the bundle and the report of Mr Edmondson, to which reference has already been made, significantly at paragraph 6.2.2.4 where it is said that the appellant's profile on the assessment indicates an ability to manipulate and impression manage. The comment was made in that report that he has told highly convincing, yet untrue, stories in prison and is clearly intelligent and socially skilled. It was considered that his stable and pro-social behaviour, although seemingly far-reaching and consistent, may not necessarily be underpinned by a significant cognitive change. There was research, although limited, to suggest offenders with such a profile may convince staff that progress has been made, but in fact an individual might be providing "learnt responses" as the SARN writer notes, or be "faking good".
42. Our attention is also drawn to page 55 of that bundle to a progress in treatment report dated 19th May 2004 prepared by John Hartland. His report deals with a number of factors, particularly looking at attitudes and emotional and social functioning. Reference is made that there was information from other psychometric cub scales which suggest that the appellant may be to some extent deceiving himself as to the true nature of his attitudes, thoughts and emotions. We found at page 37 of the report and at page 39, looking at self-management the comment that the appellant has some capacity to deceive himself and this may have resulted in his psychometric profiles being less valid than they should.
43. Of more relevance is the comment at page 55 of that report that the appellant at times creates his own world, laws and interests.

44. We note the OASys assessment in relation to the appellant of 26th April 2013, in particular page 128 of the bundle which sets out something of the background of the appellant. He is the fourth child of eight children but has no contact with family members. He has nine children by eight different mothers in Jamaica. Two of his brothers have criminal records, having been involved with aggravated burglary. He has a long-term relationship with Daphne Cook. He spoke of his involvement with crime gangs and political activities as a way of life, indicating that he believed that he could run away from those problems by leaving Jamaica.
45. We note also the psychiatric court report prepared in relation to the appellant dated 4th June 1996. This was prepared at the request of the Central Criminal Court . In it the appellant describes intermitted periods of employment as a labourer, painter and decorator. In 1991 he became a security guard in a restaurant and spent much of his income on gambling and stole to maintain his habit. He came to the United Kingdom in April 1993 after he was attacked because of the Government corruption he was trying to expose.
46. It is this report in particular that reveals since his arrival at Belmarsh Prison he has made three suicidal gestures. There are documented mood swings from being happy go lucky to severely depressed .On one occasion he attempted to throw himself off the wing landing but was restrained by staff. He was also cut down from an attempted self-hanging. The report is of some age namely 1996. There are no more recent incidents of suicide or self harm documented.
47. It was noted in the report at 5.12 that the appellant can be very emotionally volatile, feeling calm and then becoming very tearful and animated. Certainly, that was our experience of him in the course of his giving evidence to us.
48. That the appellant was an informer for the authorities in UK is accepted, although the extent to which he was is less clear. At around his trial a local journalist made known to the wider public, the fact that he was an informer and there are a number of local newspaper cuttings from that period around 1996 which speak of that fact and are in the bundle. Mr Davies of course heavily relies upon those as creating an adverse profile for the appellant, both in the United Kingdom and in Jamaica.
49. The matter indeed came for hearing before the Court of Appeal in **R v Denton [2002] EWCA Crim 272**. This case came into being because it was alleged by the appellant and by those acting on his behalf that because of all the publicity concerning his being an informer he did not have a fair trial. That general proposition was rejected by the Court of Appeal who found there to be no danger to the fairness of the trial.
50. In the course of the judgment the Court of Appeal looked at the circumstances giving rise to the brutal murder of Marcia Lawes. Significantly, it was noted that the appellant had given various different accounts of his movements and of his relationship with Marcia. Thus it was clear that the appellant was able to lie about the circumstances of his behaviour with Marcia. A number of versions were given

and indeed he denied the offence up to and after his trial. The appellant later accepted the brutal stabbing and rape of his victim, speaking of the pleasure that it gave him. Thus clearly he is somebody who is quite capable of giving a false account of a matter were it to suit his purposes to do so.

51. The Court of Appeal heard evidence from the appellant and from his handlers, namely DC Barker, DS Bayes and Brian Fortheringham.
52. It was the contention made by the appellant to the court that he had been threatened that if he failed to co-operate he would be returned to Jamaica and that his handlers and others had been instrumental in ensuring that the drugs charges and later the charge of rape were not proceeded with. In terms of whether or not he was instructed to avoid telling his solicitors that he was an informant, the court preferred the evidence of the police officers to that of the appellant.
53. Mr Davies relies upon the book "Gangsta" which is enclosed within the Home Office bundle. This was in effect a biography of the appellant referred to throughout as Michael. It details the life of a gang leader in Jamaica said to have emanated from what the appellant gave verbally to the author of the document. It spoke of the gang culture and particularly the importance of guns in and around the political scene. There is a stated link between the gangs and the politicians. Fund-raising gained some money but most came from crime and armed robberies that the MPs helped to set up and later from drugs. Reference is made to the Gold Street massacre in August 1980, with other violent events being described, particularly in the late 1970s, early 1980s.
54. The matters relied upon in the account are as follows:-

"It is a game he eventually grew tired of, he says, with its constant threat of death or violence. He saw many friends shot down or stabbed to death beside him and after a second stint in prison he decided that enough was enough and went to Britain to try and lead a normal life. He was speaking out he said because he wanted things to change in Jamaica."
55. This is relied upon by Mr Jarvis as being reflective of what the appellant as Michael was saying.
56. As indicated before, the appellant has a long-term relationship with Daphne who has visited him on at least 45 occasions whilst he has been in prison, but they have been together in a relationship since August 1994. On 22nd March 2013 in the sentence planning and review report found at page 164 of the parole documents it was recorded from the appellant that Daphne has been threatened due to his previous gangster lifestyle. This is not mentioned either in his statement, nor indeed in the statement to which Daphne has prepared of 5th October 2013. It is suggested that if there was any truth in the suggestion that the appellant was on the hit list and so

were his relatives and friends, it is perhaps surprising that nothing has been done so obviously to his long-term girlfriend.

57. A number of matters are noted from the evidence attached to the Parole Board report that the appellant claims to have raped dozens of women in Jamaica. He states that he was charged with eight counts of murder and fifteen counts of shooting in 1980 and with murder in 1984. It was noted that such matters emanated from the appellant himself and that no objective evidence would seem to be forthcoming to substantiate any of what is claimed. The evidence of the shooting of his daughter and her mother comes from what he has to say from the letter from Anthea Dawkins written to a friend dated 9th September 1996. He said that Cynthia and the daughter were murdered cold-bloodedly in their home in Brownstown. There was mention that another baby mother has also been murdered in Kingston two or three years before the date of the letter. There was also a letter seemingly from Denise dated 3rd November 1996 written to the appellant in prison. Such recounts an incident in which she overheard three or four men discussing the killing of the mother and baby in Jamaica, seemingly being the ones that had carried out the killings.
58. Mr Jarvis, in closing his case relies upon his written submissions. We were asked to find that little reliability can be placed upon the evidence of the appellant. It is undoubtedly right that he was the subject of publicity at his trial. Many years have elapsed since that time.
59. Those with whom he had dealings and with whom he claims to have an adverse interest, Winston Green, Ralph Brown, Clinton Davey and Colonel Leslie Lloyd, are all dead. There is little evidence about a Mr McLean or a Councillor Mussingham or a Greta Robinson. Dr Peter Phillips is a Minister. Paul Burke retired in 2008 and Harry Douglas has also retired.
60. We are asked to find that the power of corrupt police is not to be substantiated. It was submitted in the light of the COI Report which shows a substantial ongoing improvement in the identification and dismissal of corrupt police officers. There has been a significant decline in armed gangs. Our attention was drawn to the country guidance cases, particularly that of **AB (Protection - criminal gangs - internal relocation) Jamaica CG [2007] UKAIT 00018**. Mr Jarvis submits that it is clear from the background material that efforts are being made to improve the situation in Jamaica and there is no reason why the appellant could not return there too.
61. Mr Davies, on behalf of the appellant, invites us to find that he is a witness of truth and that his profile is considerable. Though many of the politicians are dead or retired there would seem to be a large number of politicians or police officers in power who would bear him ill will. The fact that he was notified as an informer many years ago does not prevent his punishment on that account were he to return.
62. To a large extent therefore our assessment of the evidence as to profile turns upon the credibility of the appellant himself. In that connection we note we should

consider the whole context of the case, seeking to put each and every factor into that context and to give such weight to those factors as would be appropriate. We remind ourselves in fairness to the appellant that there are certain areas of his evidence that have some support from the background material.

63. In the 1970s, 1980s it is clear from the background material that Jamaica was fairly lawless in its activities with much corruption among politicians and violence between the gangs. That the appellant was involved in a gang and was caught up in the cycle of violence has to us the ring of truth about it. The appellant indicated that he was in remand for a long period before release and then convicted of the robberies in 1984. We do not accept, however, that he was of the great influence at that time which he claims to be. We note that he has given an account of working in various jobs. Were he to be so steeped in the narcotics trade as a prominent organiser of the gangs as he claims it is surprising that he was doing the part-time working which he has described that he did. Although he claims that he did not face prosecution for serious matters because of his political protectors, it was also indicated that part of the reason why he did not always come to trial was because pressure was brought to bear upon witnesses.
64. In any event he received a long prison sentence and was out of the loop for a considerable period of time.
65. We concentrate our attention therefore upon the period following his release, either in 1991 or 1992. We bear in mind that thereafter he had but a short time in Jamaica. Whilst recognising, as we do, that the link between organised crime and the politicians may have been stronger in 1991 than now, we find it lacking in credibility that a politician, seeking to establish his credentials in an area would employ as his PR and media representative somebody with the criminal background and convictions of the appellant. So far as the appellant seeks to paint himself as having considerable power and influence within the gangland structure, upon his release, we place little weight upon that given his tendency to self-deception and self-aggrandisement and fantasy, as spoken of in the various reports attached to the Parole Board report.
66. We note that the reasons for the appellant leaving Jamaica have been variously stated by him and that they do not sit well one account with the other. There is the gemstone incident and the incident concerning the Prime Minister's office and the documents found therein. As we have indicated we would find it surprising and reasonably unlikely that the appellant would have access to such politicians given his profile in the past. It makes little sense for him to be concerned about corruption of politicians when, according to him, that was endemic throughout the party at that time, and indeed the party drew its funds from drug offences and other less savoury matters.
67. We note finally the contention that was made elsewhere that the appellant was simply fed up with the violence that was in Jamaica, and finding little way to

advance himself and that society, thought that he would come to the United Kingdom.

68. We note the various descriptions of the shooting incident that he relies upon and find it difficult to reconcile those incidents one with the other. We do not find it credible that the appellant, being the subject of gang violence at the behest of politicians would come to the United Kingdom and immediately associate himself with the Yardies, no doubt still in contact with Jamaica.
69. Notwithstanding the claimed attempted assassination of him there has been no evidence of any attempt upon his life, either before custody or during custody.
70. We note what is said in relation to the killing of his daughter and birth mother but place little reliance upon that evidence, it being certainly second or third-hand through correspondence. It is not entirely clear whether or not that was introduced as an attempt to bolster the claim for asylum. The appellant has, on his own account a number of children and their birth mothers. We find it lacking credibility that the appellant made no sustained effort to find out about them, given what he claims to have happened to one of them. We recognise of course there is a limitation upon the ability to obtain information in prison, but nevertheless the appellant was in contact with his girlfriend and no doubt she, through her friends, could have made further enquiries had that been necessary. Seemingly nothing seems to have been done since the receipt of the letters in 1996 to the present time.
71. We do not find, therefore, looking at the matter as a whole that the appellant is credible as to the profile which he claims to have made for himself in Jamaica.
72. We are aware that he was an informer in the United Kingdom and that that was revealed publicly in the various articles in or around his trial in 1996. There has been little more recent than that in terms of publicity. We are not persuaded that there would be any realistic likelihood of such being alive in the minds of those in Jamaica who might bear him ill-will. There is a paucity of information as to the extent to which he gave information. An article from Nick Davies dated 3rd February 1997 records the appellant as claiming that he provided information about other Jamaican gangsters in London, but gave no reference to giving information about anybody in Jamaica. The appellant included in his amended bundle dated 9th October 2013 at pages 521 to 522 a decision refusing permission to appeal decided by Special Adjudicator Allen which shows that at the previous hearing before Mr Justice Hodge, then Chief Adjudicator, a decision promulgated on 10th October 2001, it was not accepted that the appellant had given information about the Jamaican police to the UK authorities. Unfortunately that determination is no longer available. We cite it simply within the overall context of this case.
73. In terms of the up-to-date background evidence we pay regard, particularly to the Country of Origin Information Report of 15th January 2013, to the references to the various politicians that are claimed to have featured in the life of the appellant and

note comments made by Mr Jarvis as supported in that report as to their retirement or demise.

74. Perhaps of more relevance is to note the efforts that have been taken to deal with corruption and to reduce the power of gangs. We note particularly paragraph 9.03, a quotation of the USSD Report 2011, noting of the community policing initiative to address the longstanding apathy between the security forces and many poor neighbourhoods, and also at 9.11 the actions taken to address corruption within the police force. Many police were arrested on corruption. There were voluntary lie detector tests introduced and it is clear that their initiative of retraining police officers to restore respect and responsibility.
75. We note the issue of witness protection. Whether or not the appellant would fall within that is not entirely clear. What is clear however is that steps are being taken to address corruption and to reduce the power of the gangs.
76. In all the circumstances we do not find there to be any credible evidence that we can accept that the appellant is any more than a convicted criminal in Jamaica and a murderer in the United Kingdom. We find there to be no reasonable likelihood in such circumstances that he would be the target for retribution if returned. We find that he may safely be returned to Jamaica to resume his life there.
77. We bear in mind his children and family connections in that regard.
78. We note the statement of Daphne Lloyd Cook and of her physical condition. Her statement is however to persuade us that the appellant will face ill-treatment in Jamaica rather than she cannot go there.
79. In any event, it is entirely clear to us, given the danger which the appellant presents to the public in the United Kingdom that it would not be in any sense in the public interest for him to remain in the United Kingdom. We see no reason why any relationship that he may have with Daphne could not be continued elsewhere.
80. The other matter of course which we must bear in mind is the risk of suicide in the light of the reports that have been cited. We bear in mind the structured approach that is to be taken and set out in the case of *J*. There was no evidence that the appellant is disorientated in mind such as to present a risk to his health. We note that the suicide attempts were made in custody in 1996 whilst on remand for the Murder. There are mood swings but it is not suggested they themselves generally create any danger to the appellant in his taking of his life.
81. The suicide risk therefore is a small one coming into prominence many years ago when in detention awaiting his trial. There is little indication in the folios attached to the parole report that the appellant has attempted any self-harm or suicide since. Clearly, we recognise that were he to be in detention with a view to imminent removal that that might precipitate another suicide attempt.

82. We note however that the authorities were able to monitor the appellant and to prevent that which he had attempted to do to himself. We see no reason why he cannot be monitored and protected from himself during the period of his removal to Jamaica.
83. We note that there are supportive agencies in Jamaica and the appellant himself on his own account has family members there to assist him should he chose to seek their support. We do not find that the applicant's fear of ill- treatment in the receiving state is objectively well-founded or that there is any real risk of suicide outside the immediate process of his removal.
84. We do not find therefore that the appellant is at risk of harm, either from politicians, police, gang members or himself were he to return. As to Article 8, we adopt the reasoning of the Tribunal set out in paragraphs 36 to 39 in relation to that matter.
85. Thus, in remaking the decision the appeal on asylum grounds is dismissed.
86. The appellant is not entitled to humanitarian protection. The appeal on human rights grounds in relation to Articles 2 and 3 is dismissed.

Signed

Date

Upper Tribunal Judge King TD