

PUBLIC

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EXTRA 92/02 Resumption of hanging

JAMAICA Over 20 prisoners on death row

Amnesty International is seriously concerned about the possible imminent resumption of hanging in Jamaica, following attempts by the Prime Minister to enlist the support of the opposition in drafting amendments to the law.

On 5 December, the Prime Minister formally invited the Jamaica Labour Party (JLP), Jamaica's main opposition, to collaborate in drafting constitutional amendments on hanging. The Prime Minister has stated that he intends to pass legislation as quickly as possible to expedite hanging. Amendments to the constitution require a two-thirds majority vote in both houses of parliament. On 12 December, specialist drafters were instructed to begin drafting the legislation.

If passed, it is believed that the legislation will reduce the level of legal protection afforded to death row prisoners, in breach of international law and standards. Those condemned to death could be executed irrespective of the length of time spent on death row and prison conditions would be unlawful grounds for appeal. If enacted into law, the provisions would invalidate previous court rulings currently binding on Jamaica.

These moves followed public claims by the government that the implementation of the death penalty would reduce violent crime, which is prevalent in Jamaica. On 1 December, the Prime Minister committed his government to "heeding the will of the people" by implementing the death penalty. At a post-cabinet meeting on 9 December, the Attorney General suggested that the resumption of hanging would prevent vigilante actions by Jamaican citizens.

BACKGROUND INFORMATION

The present People's National Party (PNP) government was returned to a fourth term in office in October 2002, after a campaign which highlighted the government's intention to expedite the process of hanging through legislative reforms and other measures.

These moves follow recent, similar moves in Barbados and Belize. These were initiated in part in response to rulings by the Judicial Committee of the Privy Council that the mandatory death penalty was unconstitutional and in violation of constitutional prohibitions on inhuman or degrading punishment or other treatment. The rulings upheld a previous decision from the Eastern Caribbean Court of Appeal.

The last execution in Jamaica was on 18 February 1988, when Nathan Foster was hanged. The Jamaica Labour Party was in power at the time.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the government and opposition party not to enact legislation with the purpose of eroding the protections afforded to those condemned to death, expediting executions and preventing examination of the issue by the courts in accordance with evolving standards of law and human rights practices;
- expressing concern at the arguments being promoted by the government that the death penalty is necessary to avoid vigilante action in Jamaica;

- noting that studies, such as that carried out by the United Nations (UN) in 1988 and updated in 1996, have consistently concluded that research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment;
- acknowledging the seriousness of the problem of violent crime in Jamaica and expressing support for the implementation of a package of other measures which are consistent with human rights obligations.

APPEALS TO:

The Rt Hon P. J. Patterson PC, QC, MP
Prime Minister
Office of the Prime Minister
Jamaica House
1 Devon Road
Kingston 10, Jamaica
Fax: + 1 876 929 0005
E-mail: jis@jis.gov.jm
Salutation: Dear Prime Minister

The Hon A. J. Nicholson
Attorney General &
Minister of Justice
Ministry of Justice
Mutual Life Building
North Tower
2 Oxford Road
Kingston 5, Jamaica
Fax: + 1 876 906 1724
Salutation: Dear Attorney General

The Hon. Edward Seaga, P.C., MP.
Leader of the Opposition
Premium Group
Mutual Security Bank Building
24-26 Grenada Crescent
Kingston 5, Jamaica
Fax: + 1 876 929 8039
Salutation: Dear Mr. Seaga

The Hon. Dorothy Lightbourne
Shadow Attorney General
66-68 Barry Street
Kingston, Jamaica
Fax: + 1 876 922 0058
Salutation: Dear Senator Lightbourne

The Hon. Delroy Chuck, M.P.
Shadow Minister of Justice
37 East Street
Kingston, Jamaica
Fax: + 1 876 967 1590
Salutation: Dear Mr Chuck

COPIES TO: to diplomatic representatives of Jamaica accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.