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DEATH PENALTY

19 November 1998

JAMAICA

Peter Blaine
Dalton Daley
Milton Montique

The government of Jamaica has scheduled Peter Blaine, Milton Montique and Dalton Daley to be hanged on 26 and 27 November 1998. These executions have been scheduled despite all three men having petitions pending before an international human rights body.

Peter Blaine was convicted of murder on 14 October 1994 and sentenced to death. Jamaica's Court of Appeal dismissed his appeal against this sentence on 31 July 1995 and on 2 May 1996 the Judicial Committee of the Privy Council (JCPC), Jamaica's highest appeal court, located in London, England, dismissed his request for a further appeal.

In May 1996 Peter Blaine filed a petition with the (United Nations) Human Rights Committee (HRC) claiming that his human rights, as guaranteed under the International Covenant on Civil and Political Rights had been violated. In July the following year the HRC ruled that his right as a detained person, to be treated with humanity and respect for the inherent dignity of the human person, had been violated.

On 29 September 1997, Peter Blaine filed a further petition, currently pending, to the Inter-American Commission on Human Rights (IACHR) in which he claims that his rights, as guaranteed under the American Convention on Human Rights, had been violated. The reasons included: that he had insufficient time in which to prepare for his trial, that legal representation provided him during his appeal had been inadequate, due to failure by his lawyer to consult him, and that his treatment whilst in detention had been inhumane, including being beaten by prison guards.

On 23 July 1998, the government stated that it would refuse to stay Peter Blaine's execution after 22 October 1998 even if the IACHR had not completed its consideration of his case. This statement followed the government's unilaterally imposed attempt to place time limits on petitions brought before the IACHR by persons under sentence of death.

Dalton Daley and Milton Montique were sentenced to death after being convicted of murder on 7 November 1994. Their appeals were dismissed by the Court of Appeal on 23 October 1995, and later by the JCPC on 8 December 1997.

Petitions filed by the two men to the IACHR (currently pending) have been declared admissible and a statement issued to the effect that their claim showed, *prima facie*, that their human rights, as recognized in the American Convention on Human Rights, had been violated. The petitions claim that the two men did not receive a fair trial because they were not allowed immediate access to counsel and did not have access to lawyers until after they had been in custody for two months. In addition, their right to a trial within a reasonable time was violated -- their case took nearly two and a half years to come to trial -- and that during the trial their lawyers failed to call alibi witnesses. They also claim that conditions on remand were inhuman.

On 11 September 1998, the government, however, announced that it would not stay their executions later than 24 September 1998 even if the IACHR had not completed its considerations of these cases.

BACKGROUND INFORMATION

Jamaica is a member of the Organisation of American States (OAS) and a state party to the American Convention on Human Rights and is therefore under obligation to cooperate with the IACHR. The functions of the IACHR include safeguarding the human rights of individuals, as enshrined in the American Declaration on the Rights and Duties of Man and the American Convention on Human Rights. Among other things, the IACHR considers complaints by individuals that an OAS member state has violated the individual's human rights.

In August 1997, the Jamaican Government unilaterally issued instructions purporting to set strict time limits for the IACHR to consider petitions brought by people under sentence of death. The validity of these time limits has been challenged in a petition currently pending before the IACHR.

Nathan Foster and Stanford Dinnal were the last people to be executed in Jamaica, in February 1988.

RECOMMENDED ACTION: Please send telegrams/E-mails/faxes/express/airmail letters in English or your own language:

- expressing deep concern that Peter Blaine, Dalton Daley and Milton Montique are scheduled to be hanged on 26 and 27 November 1998, particularly as all three men have petitions pending before the Inter-American Commission on Human Rights;
- urging that their death sentences and all others under sentence of death in Jamaica, be commuted;
- pointing out that to execute these three men, while their petitions to the IACHR are pending, would violate their fundamental human rights, undermine this regional mechanism for the protection of human rights and violate the Jamaican Government's obligations as a member of the Organisation of American States and a party to the American Convention on Human Rights;
- calling on Jamaica's government to repeal the time limits it has purportedly imposed on the IACHR when considering petitions from persons sentenced to death;
- expressing sympathy for the victims of violent crime and their relatives, but voicing opposition to the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, as proclaimed in Article 5 of the Universal Declaration of Human Rights;
- stating that the death penalty has never been shown to deter crime more effectively than other punishment and brutalizes all involved in its application and that it does not necessarily alleviate the suffering caused to the victims of violent crime;
- reminding the government that execution is irrevocable and, despite the most stringent judicial safeguards, can be inflicted on the innocent.

APPEALS TO:

Prime Minister

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Salutation : Dear Prime Minister

Attorney General

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Salutation: Dear Attorney General

Governor General

H E The Most Honourable, Sir Howard Cooke, ON, GCMG, GCVD, CD
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Salutation: Your Excellency

COPIES TO:

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and to diplomatic representatives of Jamaica accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.