

22 March 2002

AI Index AMR 38/010/2002 - News Service Nr. 54

Jamaica: attorney general's brave stance against the death penalty must be turned into action

Amnesty International very much welcomes the recent public declaration by the Attorney General of Jamaica, A J Nicholson, that he is personally against the death penalty.

"Many political leaders in the Caribbean are privately against hanging, knowing it to be a violation of human rights and ineffective in preventing crime. The example of the Attorney General's brave personal statement that he is against capital punishment should be followed by others in government and opposition."

Amnesty International calls upon the Attorney General of Jamaica to provide leadership on this key human rights issue and to seek the abolition of the death penalty. "Rather than abdicating his responsibility for protecting human rights by simply stating that hanging is the law of the land, the Attorney General should sponsor its abolition via the repeal of laws allowing the death penalty," the organization said.

Mr Nicholson's statement came in the context of the debate over the recent decision by the Judicial Committee of the Privy Council (JCPC) ruling that the mandatory death penalty is unconstitutional. Mr Nicholson was highly critical of the rulings of the JCPC, alleging that the court was biased against the death penalty and using personal opinion, rather than interpretation of the law, on which to base its rulings.

"Amnesty International requests Mr Nicholson and other political leaders in the Caribbean to recognise that the JCPC is a lawfully constituted court of final appeal for their countries and to refrain from making public statements that the court is not independent and impartial. It is right and proper that the law allowing for the imposition of capital punishment is constantly reviewed and updated in line with international standards governing the use of the death penalty."

Noting that the Privy Council interprets the constitution of the country from which the case originates, and that in its recently criticized decision the court has upheld the decision of the courts of the islands concerned, Amnesty International considered very strange the current attacks upon the JCPC as 'foreign' or as influenced by 'European values'.

Background

In a decision announced on 11 March 2002, the JCPC upheld a ruling by the Eastern Caribbean Court of Appeal that the mandatory death penalty is in violation of the constitutions of seven island states. The ruling struck down the current laws allowing for the imposition of the death penalty in St Vincent and the Grenadines, St Lucia, Grenada, St Kitts Nevis, Dominica, Belize and Antigua and Barbuda.

The JCPC, citing numerous international standards and other court decisions pertaining to the imposition of the death penalty, unanimously ruled that:

"To deny the offender the opportunity, before sentence is passed, to seek to persuade the court that in all the circumstances to condemn him to death would be disproportionate and inappropriate is to treat him as no human being should be treated and thus to deny his basic humanity."

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