

EXTRA 50/99

Death Pen

**JAMAICA Steve Shaw  
Desmond Taylor  
Beresford Whyte**

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Steve Shaw and Desmond Taylor have been scheduled to hang on 13 April 1999, Beresford Whyte on 15 April.

The Human Rights Committee (HRC) has concluded that the men's human rights, guaranteed under the International Covenant on Civil and Political Rights (ICCPR), have been violated and has recommended that their death sentences be commuted. The Jamaican government must take into account the recommendations of the HRC, a body of independent experts which monitors governments' implementation of the ICCPR, and provide an effective remedy to people whose rights under the ICCPR it adjudges to have been violated.

Steve Shaw and Desmond Taylor were sentenced to death on 25 July 1994 for the murder of a family of four. They both filed petitions with the HRC in June 1996 alleging that their human rights as guaranteed under the ICCPR had been violated in the course of the proceedings against them.

Steve Shaw, who was arrested in April 1992, was detained without charge for at least nine days, and only taken before a court three months later. He was imprisoned for more than two years before trial, in overcrowded and unsanitary conditions amounting to cruel, inhuman or degrading treatment, with no access to his family or a lawyer until late 1992. The HRC concluded that his right to be promptly notified of the charges against him, to be brought promptly brought before a court, to trial within a reasonable time and without undue delay, to respect for his inherent human dignity and to freedom from inhuman and degrading treatment had been violated. They also concluded that the failure to grant him legal aid to challenge the constitutionality of the proceedings against him and the conditions of his confinement on death row violated his rights under the ICCPR. The ICCPR prohibits the death sentence for people whose rights under its provisions have been violated, and accordingly the HRC recommended that the government commute Steve Shaw's death sentence.

The HRC ruled in April 1998 that the detention of Desmond Taylor for two years and three months between arrest and trial violated his right to be tried within a reasonable time or without undue delay. His right to a fair trial had also been violated, as he had been denied legal aid to file a constitutional motion, and the conditions of detention on death row, including lack of sanitation, light, ventilation or bedding, confinement for 23 hours a day and inadequate health care, violated his right to be treated with humanity and respect for the inherent dignity of his person. Based on these findings the HRC recommended that Desmond Taylor's death sentence be commuted.

Beresford Whyte was arrested in January 1992. He claims that police beat him after his arrest, knocking out three of his teeth, to try to make him sign a statement, which he refused to do. It was not until three weeks after his arrest that he was first brought to a court on charges of burglary, robbery and murder. He claimed that he was only assigned a lawyer to represent him at the preliminary hearings a year after his arrest. He was imprisoned for three years before trial, in conditions so poor and unsanitary that they were found by the HRC to have violated his right to be treated with humanity and respect for his inherent human dignity. Beresford Whyte alleged that he first

met the lawyers that represented him at trial on the day his trial began. The prosecution apparently presented its case within three and a half hours and that the jury deliberated for only 17 minutes before he was convicted of murder and sentenced to death in February 1995. Evidence discovered after his appeals were exhausted is alleged to cast doubt on the credibility of the prosecution's key witness and the strength of the identification evidence on which the case against him was based. Beresford Whyte also alleged that in March 1997, on death row in St Catherine's District Prison, he and several other inmates were beaten and had their personal property confiscated and burned. He alleges that he was beaten again a few days later after he identified the warder who had burned his property. Concluding that his rights to a fair trial and to humane treatment guaranteed under the ICCPR were violated, the HRC recommended that his death sentence be commuted and that he be paid compensation.

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

- expressing deep concern that Steve Shaw and Desmond Taylor are scheduled to be hanged on 13 April 1999 and Beresford Whyte on 15 April 1999;
- urging that their death sentences be commuted in accordance with the recommendations of the Human Rights Committee, and reminding the government that not to do so would violate Article 6 of the ICCPR;
- reminding the government that it is still obliged to provide an effective remedy to people whose rights under the ICCPR have been violated, and to take account of the Human Rights Committee's recommendations in individual cases;
- 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;
- stating the death penalty has never been shown to deter crime more effectively than other punishment and brutalises all involved in its application;
- stating that imposing the death penalty does not necessarily alleviate the suffering of the victims of violent crime;
- stating that execution is irrevocable and, despite the most stringent judicial safeguards, can be inflicted on the innocent.

**APPEALS TO:**

Prime Minister The Rt Hon P. J. Patterson, PC, QC, MP, Office of the Prime Minister, Jamaica House, 1 Devon Road, Kingston 6, Jamaica

**Telegrams: Prime Minister, Kingston, Jamaica**

**E-mails: jis@jamaica-info.com**

**Faxes: + 1 876 929 0005**

**Salutation: Dear Prime Minister**

Attorney General The Hon A. J. Nicholson, Attorney General's Department  
79-83 Barry St., PO Box 456, Kingston, Jamaica

**Telegrams: Attorney General, Kingston, Jamaica**

**Faxes: + 1 876 922 5109**

**Salutation: Dear Attorney General**

Governor General H E The Most Honourable Sir Howard Cooke, ON, GCMG, GCVD, CD, Office of the Governor General, King's House, Hope Road, Kingston 6  
Jamaica

**Telegrams: Governor General, Kingston, Jamaica**

**Faxes: + 1 876 927 4561**

**Salutation: Your Excellency**

**COPIES TO:** Minister of Foreign Affairs The Hon Seymour Mullings, Ministry of Foreign Affairs, 21 Dominica Drive, Kingston 5, Jamaica

**Faxes:** + 1 876 929 6733

and to the diplomatic representative of Jamaica in your country.

**PLEASE SEND APPEALS IMMEDIATELY.**