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Jamaica: planned hangings in breach of international law

In a blatant show of contempt for international systems of human rights protection, the government of Jamaica is planning to hang three men this week, Amnesty International said today.

The organization joins the United Nations (UN) Human Rights Committee in calling on the Jamaican authorities to stop the executions of Patrick Taylor and Anthony McLeod, scheduled for 26 January and of Christopher Brown, scheduled for 28 January.

All three men had filed petitions with the UN Human Rights Committee alleging that their rights -- including the right to a fair trial -- as protected by the International Covenant on Civil and Political Rights (ICCPR) had been violated. The ICCPR does not prohibit the death penalty, but it does not permit its imposition if a person's rights guaranteed by the ICCPR have been violated in the course of capital proceedings.

In the cases of Patrick Taylor and Anthony McLeod the Committee concluded that their rights had been violated and recommended that the men should not be executed.

"Instead of redressing those violations by implementing the Committee's recommendations, the Jamaican government intends to hang Patrick Taylor and Anthony McLeod," Amnesty International said.

Christopher Brown's petition is still pending with the Committee and is scheduled to be considered at its next meeting in March - April 1999.

"To hang Christopher Brown before the Committee has had the opportunity to examine his allegations that his rights have been violated would mean denying him irremediably the right to seek redress for the injustice he claims to have suffered," Amnesty International added.

In response to the execution warrants, the Committee has written to the Jamaican government requesting the commutation of Christopher Brown's death sentence while his petition is pending and reminding the government of its obligation to implement the Committee's recommendations in the cases of Patrick Taylor and Anthony McLeod.

Amnesty International has the deepest sympathy for the victims of violent crime and their families and recognizes the government's duty to uphold law and order. However, the organization opposes the use of the death penalty as it constitutes the ultimate in cruel, inhuman and degrading punishments.

"There is no proof that this irreversible form of punishment acts as a deterrent on crime," Amnesty International said. "Executions achieve nothing but the further brutalization of society."

Background

The United Nations Human Rights Committee is a body of independent experts which monitors governments implementation of the ICCPR -- a UN treaty which codifies civil and political rights, of which Jamaica is a state party.

The Committee also considers petitions brought by individuals alleging that their rights under the ICCPR have been violated in the course of judicial proceedings by states which are a party to the (First) Optional Protocol to the ICCPR.

In October 1997, Jamaica became the first country ever to withdraw from the Optional Protocol. Although this withdrawal became effective in January 1998, the Committee still has the jurisdiction to consider those cases which were submitted to it before January 1998 (including those brought by Patrick Taylor, Anthony McLeod and Christopher Brown).

In these cases the government of Jamaica remains under an obligation to implement the recommendations of the Committee, to provide an effective remedy to violations of the ICCPR (Article 2 of the ICCPR) and not to execute a person whose rights under the ICCPR have been violated (Article 6 of the ICCPR) during the proceedings leading to a capital sentence.

The death penalty is the mandatory punishment in Jamaica for treason and some types of murder including: murder of security force members; murders of witnesses in trial proceedings; murder in the course or in furtherance of robbery, burglary, sexual offences, arson, or an act of terrorism.

There are currently more than 40 people on death row in Jamaica. The last executions took place on 18 February 1988 when Stanford Dinnal and Nathan Foster were hanged.

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