

**18 AUGUST 1998 – FOR IMMEDIATE RELEASE**

## **PUBLIC STATEMENT**

### **Jamaica: Government must honour its pledges to respect human rights**

If it hangs Neville Lewis on 27 August, Jamaica would violate international law and make a mockery of the government's pledges to respect internationally protected human rights, Amnesty International said today.

The government scheduled the hanging despite the fact that the Inter-American Commission on Human Rights (IACHR) said that it would be considering Neville Lewis' case in its upcoming session which starts in six weeks, and requested that the government stay the execution pending its consideration of the case.

Executing Neville Lewis while his petition to the IACHR is still pending would contravene the government's obligations as a state party to the American Convention on Human Rights. As a state party the government has undertaken to allow all people in its jurisdiction to file petitions with the IACHR asking it to examine if any of their Convention-protected rights have been violated. The Convention also obliges the Government not to execute a person while a petition for amnesty, pardon or commutation is pending.

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 and has not been shown to act as a deterrent, is irreversible and often used disproportionately against the poor or uneducated. Executions achieve nothing but the further brutalization of society.

The organization calls on the Jamaican government to:

- Stay the execution of Neville Lewis, in keeping with the requests by the Inter-American Commission on Human Rights, and to commute his death sentence.
- Repeal the time limits imposed unilaterally by Jamaica on the IACHR when considering petitions claiming that the rights of a person sentenced to death have been violated, so as to comply with the Government's obligation under the American Convention to provide a full and effective remedy for violations of Convention rights and permit the IACHR to fully consider petitions in accordance with the Commission's own procedures.
- Abide by its obligation to ensure that all people in Jamaica, including those sentenced to death, have full and effective recourse to petition the IACHR when they believe that their rights under the American Convention have been violated

- Implement the recommendations of the Human Rights Committee and the IACHR for systemic changes and in individual cases;
- Re-accede to the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), thus restoring to all people in Jamaica, the right to petition the Human Rights Committee to enforce their rights as guaranteed under the ICCPR.

## Background

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 about 43 people currently on death row in Jamaica. The last executions took place on 18 February 1988 when Stanford Dinnal and Nathan Foster were hanged.

Neville Lewis and Peter Blaine were sentenced to death on 14 October 1994 for the murder in 1992 of Victor Higgs. Neville Lewis' appeal to the Court of Appeal and his petition for special leave to appeal to the Judicial Committee of the Privy Council, (JCPC) as a poor person, were rejected on 31 July 1995 and on 2 May 1996, respectively. On 17 July 1997, the Human Rights Committee concluded that Neville Lewis' rights under the ICCPR had been violated and recommended that the Jamaican Government pay him compensation. To date, no such compensation has been paid. As permitted under national and international law, he filed a petition with the Inter-American Commission on Human Rights on 2 October 1997 seeking redress for violations of his rights under the American Convention. The Inter-American Commission on Human Rights has informed the Jamaican government that it will consider the case of Neville Lewis during its next session from 28 September - 16 October 1998 and requested that the government stay his execution until the case had been considered. On 14 August, however, the government informed Neville Lewis that he was to be hanged on 27 August 1998. He has been moved to a death cell adjacent to the gallows in St Catherine's prison.

In 1993, the JCPC, Jamaica's highest court located in London, ruled in the case of *Pratt and Morgan* that executing a person who has spent a prolonged period of time under sentence of death violates the constitutional prohibition against inhuman or degrading punishment or treatment. Following on from this ruling, the death sentences of people who have spent 5 years or more on death row in Jamaica and other countries in the English Speaking Caribbean which retain the JCPC as their highest court, have been commuted to terms of life imprisonment.

In August 1997, the Jamaican Government unilaterally issued instructions purporting to set strict time limits for the Human Rights Committee and the Inter-American Commission's consideration of petitions brought by people sentenced to death claiming that their international protected human rights have been violated. The government has justified these time limits as an effort to expedite international scrutiny by these two international bodies, so as to ensure that executions could be carried out within 5 years of conviction. The validity of these instructions has been challenged in a petition currently pending before the Inter-American Commission on Human Rights.

In October 1997, Jamaica became the first country ever to withdraw as a State Party to the Optional Protocol to the ICCPR. As a result of this unprecedented measure, as of January 1998 all people in Jamaica have been precluded from petitioning the Human Rights

Committee to redress violations of their rights guaranteed under the ICCPR. As Jamaica remains a party to the American Convention on Human Rights, recourse may still be had to the Inter-American Commission on Human Rights for claims of violations of the American Convention.

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